

**RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UPLAND, CALIFORNIA RECOMMENDING THE CITY COUNCIL APPROVE TENTATIVE TRACT MAP NO. TT-23-0001 (TT-20245) TO SUBDIVIDE ONE (1) PARCEL INTO 65 NUMBERED LOTS AND 12 LETTERED LOTS AND DEVELOPMENT PLAN REVIEW NO. 23-0002 A GATED RESIDENTIAL COMMUNITY THAT CONSISTS OF 65 SINGLE-FAMILY DETACHED RESIDENTIAL UNITS AT A DENSITY OF 7.1 DWELLING UNITS PER ACRE AND ON-SITE ACTIVE AND PASSIVE RECREATIONAL AMENITIES TO BE PROVIDED WITHIN THE COMMON AREA OPEN SPACE ON AN EXISTING 9.2-ACRE PORTION OF THE 15<sup>TH</sup> STREET FLOOD CONTROL DETENTION BASIN INCLUDING MODIFICATIONS TO THE REMAINDER DETENTION BASIN LOCATED AT ASSESSOR'S PARCEL NUMBER (APN) 1045-121-04, 1045-151-35.**

**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, Approval of General Plan Amendment No. 23-0002, Zone Change No. 23-0002, Specific Plan No. 23-0002 results in the project site having a General Plan land use designation of Villa Serena Specific Plan (SP) and Zoning District Villa Serena Specific Plan (SP), which permits the proposed land use; and

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, Upland Municipal Code Section 17.44 provides that the Planning Commission, before it may recommend the Tentative Parcel Map 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; 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 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 development is considered a project as defined by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq.; 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 recommendation of 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 various goals and policies of the General Plan Land Use Element, Focus Areas Element, Community Character and Urban Design Element, Circulation Element, Open Space and Conservation Element, Healthy Community Element and Safety Element as detailed within the Villa Serena Specific Plan, Section 6.
- C. The Project is consistent with the following Housing Element Goals and Policies:
  - 1. Policy HE-2.2 Housing Diversity. Provide high-quality housing in a range of types, densities, and unit sizes that meet the housing needs of residents of all income levels and household types. This includes single- and multiple-family housing, senior developments, mixed-use projects, and transit-oriented developments.

Fact: The project provides 65 new market-rate single-family homes generally consistent with the surrounding neighborhood, meeting the housing needs of many in the community. The Project is consistent with this policy.

- 2. Policy HE-2.3 Housing Design. Require adherence to design standards with respect to site planning, materials and colors, building treatments, landscaping, open space, parking, and environmentally sustainable design practices that adhere to standards set in general plan and design guidelines.

Fact: Development standards contained in the Specific Plan require uniform and high quality design of residential dwellings, the installation of infrastructure adequate to serve the community, comprehensive and cohesive landscaping for the community to include shade trees, shrubs, and groundcover, requirements that a master sign program be approved by the City, and lighting regulations to ensure uniformity of fixture design and placement along streets and within common area open space. In addition, the project provides ample parking for future residential use. The Project is consistent with this policy.

- D. Per Upland Municipal Code Section 17.44.080(F), the review and decision-making authority may approve an application for a parcel or tract map only if the proposed project complies with applicable standards in the Zoning Ordinance, other City ordinances, the General Plan, Subdivision Map Act, and any other applicable community or specific plan, and as supported by all of the following findings:

1. Finding: No Lots shall be created without frontage on a public street, except lots created in conjunction with approved private access easements.

Evidence: All lots on site will be served by the development of private streets that connect to the public street system; therefore all lots will have adequate access to the public street.

2. Finding: The side lines of the lots shall run at right angles or radially to the street upon which the lot fronts, except where impractical by reason of unusual topography.

Evidence: The side lines of all lots run at right angles or radially to the street upon which the lot fronts, excepting the private street system in the project, or where impractical by reason of unusual topography.

3. Finding: Lots shall be equal or larger in measure than the prevalent size of existing lots in the surrounding area except where a deliberate change in the character of the area has been initiated by the adoption of a specific plan, a change in zone or general plan designation.

Evidence: While the project is being initiated by a Specific Plan, the creation 65 single-family residential lots that are a minimum of 3,325 square feet which is consistent with surrounding development to the north and west which consist of residential development of approximately the same density and similar lot sizes, including the neighboring "Mountain View" development, and Upland Hills Golf Course Development. Furthermore, while lots are small than lots within the RS-10 zone to the south, the project implements the Villa Serena Specific Plan which is a deliberate change in the character and therefore lots are smaller than the existing neighborhood to the south.

4. Finding: The site is physically suitable for the proposed type and density of development.

Evidence: The site is physically suitable for the proposed type and density of development in that, at the proposed density of 7.1 dwelling units to the acre; the site contains adequate common open space amenities and parking for the project, the site also provides each lot adequate space for the construction of detached single-family

residential dwellings between 2,062 SF and 2,690 SF and the site maintains adequate space for needed infrastructure improvements.

5. Finding: The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Evidence: An EIR was prepared to determine the environmental effects generated by the project. Based on the findings contained in the EIR, the implementation of multiple mitigation measures applicable to biological resources were included to ensure the project does not result in any significant impacts to biological resources.

6. Finding: The design of the subdivision or type of improvements is not likely to cause problems to the public health, safety, or welfare.

Evidence: The design of the subdivision provides for complete site improvements that provide for adequate emergency vehicle access, vehicle and pedestrian circulation, and conditions of approval are included requiring adequate lighting and security measures. Therefore, the design of the subdivision or type of improvements is not likely to cause problems to the public health, safety, or welfare.

7. Finding: The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the review authority may approve a map if it finds that alternative easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.

Evidence: The Land Development Division has reviewed the proposed design of the subdivision and has determined there are no conflicts with existing easements. In addition, the project includes the creation of multiple easements needed for storm drain infrastructure, which have been reviewed and accepted and conditioned by the Land Development Division.

8. Finding: The design of the subdivision provides to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Evidence: The project provides adequate space between buildings to allow for natural airflow. The subdivision provides adequate space for trees in the project which will provide some natural shading. Buildings will include eaves that provide additional shade on building walls and all roofs will be solar ready. Buildings are also required to comply with Title 24 energy requirements.

E. Per Upland Municipal Code Section 17.44.030(H), the review and decision-making authority may approve an application for a development 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 of the project includes the construction of private streets and street improvements, private and public open space, recreation areas and meets the requirements within the Specific Plan and is consistent with the General Plan. The project directs traffic through a private access on the existing undeveloped 15<sup>th</sup> Street right-of-way onto Campus Avenue thereby avoiding conflicts with the existing neighborhood to the south. The project provides access to the basin trail, increasing recreational opportunities for surrounding residents. The project includes new attractive frontage landscaping that increases use and enjoyment of existing and future neighboring properties and structures. Therefore, the proposed project will not interfere with the use and enjoyment of existing and future neighboring properties and structures.

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

Evidence: The project, as conditioned, uses high quality materials and design, includes enhanced elevations in areas in public view and uses multiple colors and design styles. Conditions of approval are in place to ensure future maintenance of the project. The proposed architectural design makes use of appropriate materials, texture, and color. The project specifically identifies 3 architectural designs for the proposed 65 units that make use of varied siding, roofing, and other design elements. The project will remain aesthetically appealing and appropriately maintained because the project includes conditions of approval requiring the project be maintained, and the project will have established CC&R's that establish maintenance requirements and a Homeowners Association will be in place to maintain the common areas of the project site.

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: The proposed preliminary landscape plan demonstrates that the design will meet the requirements of the Specific Plan. Landscaping shown on Open Space exhibits, including color, location, size, texture, type, and coverage of plant materials, as well as provisions for irrigation, maintenance, and protection of landscaping elements, will complement structures and provide an attractive environment. The project includes a variety of both native plants and trees that contribute to the local natural environment. Future maintenance will be provided by the HOA and future home owners consistent with the CC&Rs, ensuring the project remains apparently maintained. Conditions of Approval are included requiring the applicant submit final landscape construction drawings to ensure compliance with water use regulations, as well as design requirements of the Specific Plan.

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: The proposed design includes adequate Emergency Vehicle Access, has been conditioned by the Upland Police Department with multiple safety requirements, and will include complete plan check reviews by the City of Upland's Building Division and San Bernardino County Fire Department thereby protecting safety and welfare. The project includes modifications to the remainder basin and adequately re-routes storm drain infrastructure ensuring the basin continues to operate. Furthermore, the implementation of the project includes multiple mitigation measures to ensure the project will not result in any significant impacts to the environment and ensure the project will not be injurious to the property or improvements in the vicinity of the proposed project.

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 to recommend 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 tract maps and development plans shall be subject to plan check with the Planning Division, Building

Division, Engineering Division, Public Works Department and Fire Department.

- 10.4 No construction or grading shall commence until the applicable final grading and improvement plans have been approved.
- 10.5 No building permits shall be issued until rough grading has been certified by the Engineer of Record, and a building permit has been issued by the Building Division.
- 10.6 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.
- 10.7 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 (TT-23-0001 (TT-20245) and DPR-23-0002 ("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.

- 10.8 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)
- 10.9 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.
- 10.10 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.
- 10.11 The developer shall not engage in any construction activities 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 or as otherwise approved by the Development Services Director.
- 10.12 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 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 Prior to recordation of the final map, all organizational documents for the project including Conditions, Covenants, and Restrictions (CC&R's) shall be submitted to and approved by the Development Services Director and the City Attorney. The applicant/developer is responsible for costs associated with the review of these documents. The approved CC&Rs shall be recorded concurrently with the recordation of the final map and a copy of the recorded documents shall be submitted to the Development Services Department within five (5) days after recordation. These documents shall include, but not be limited to, the following:
- a. No lot in the development shall be sold unless a Home Owner's Association has been legally formed with the right to assess all those properties which are jointly owned or benefited to operate and maintain all other mutually available features of the development;
  - b. The City shall be included as a party to the CC&Rs for enforcement purposes of those CC&R provisions in which the City has an interest. However, the City shall not be obligated to enforce the CC&Rs;
  - c. Association by laws must be established;
  - d. Provisions for the effective establishment, operation, management, use, repair, and maintenance of all common areas and improvements by the Home Owner's Association;
  - e. Membership in the Home Owner's Association shall be inseparable from ownership of individual and lettered lots;
  - f. Architectural controls shall be provided and shall include, but not be limited to, establishing the requirement to obtain design review approval from the Home Owner's Association and the City of Upland to construct any additions, accessory buildings, and establishing minimum design guidelines to ensure compatible development;
  - g. Provisions shall prohibit owners from modifying drainage facilities or flow patterns, without first obtaining permission from the City;
  - h. Provisions to implement the approved Water Quality Control Plan within the Tract boundaries. Maintenance of all common area water quality measures shall be the responsibility of the Home Owner's Association;

- i. The Home Owner's Association shall be responsible for establishing and following procedures for providing access to public utilities for maintenance of their facilities within the project area;
- j. The Home Owner's Association shall be responsible for filing the most current name, address, and phone number of at least one member of the association board with the City of Upland; and
- k. The Home Owner's Association shall be responsible for establishing and enforcing procedures for the maintenance and management of parking facilities, and the storage of vehicles on-site.

20.2 As part of the buildings permit process and prior to the issuance of Building Permits, the applicant shall submit the following:

- a. On the plans submitted for plan check the applicant shall submit a final project site plan showing all project details, including but not limited to, all access points, setbacks, red curb locations and showing each lots compliance with the development standards outlined in the Specific Plan.
- b. The site plan shall show the location of all enhanced elevations. The applicant is required to provide enhanced elevations for the rear elevations of homes facing Upland Hills Golf Course and 15th Street, to the satisfaction of the Development Services Director.
- c. A wall and fence plan is required prior to the issuance of building permits. A 6' block wall shall be provided around the entire perimeter of the project site, including the project boundary between the open space area/ walking path and the existing residences to the south-east. The perimeter wall is required to be a split face block wall with a decorative cap. Columns shall be provided at a distance determined appropriate by the Development Services Director. Split face block walls are also required in all places in public view within the Tract boundaries, including adjacent to open space areas and street side yards. A two (2) sided split face block is required if both sides are in public view, walls may be single sided split face where private yards are on the other side (excepting the project boundary between the open space area/ walking path and the existing residences to the south-east, where both sides of the wall shall be split face.) The northern boundary of the property, adjacent to the Upland Hills Country Club, is required to include a combination block wall and view fence with 6 foot split face block columns at the corner of each lot.
- d. The applicant is required to submit a final landscape and open space plan for the project. Landscape and open space plans will

include all open space areas, common landscaped area, right-of-way landscaping and typical front yard landscaping.

- e. The applicant shall submit a final lighting and photometric plan for review and approval by the Planning Division. The plans shall be compliant with all "Dark Sky" provisions outlined within UMC 17.14.
- f. Street improvements plans shall include the proposed private access road within the 15<sup>th</sup> street right-of-way connected to Campus Avenue. The street shall be gated for controlled ingress/egress for residences and be a two lane road 26-feet in width and contain curb & gutter, sidewalk on one side of the road, storm drain facilities and street lights as approved by the Land Development and Transportation Division. The plan shall also include the gate, call box facilities required for access.
- g. The main driveway entrance into the project at the easterly end of the subdivision on 15<sup>th</sup> Street shall be gated and be designed for exit only traffic. These improvements shall be shown on the wall and fence plan and site plan.
- h. A trail consisting of decomposed granite shall be constructed on the south side of the remainder basin, starting at the east end of the subdivision and ending at the starting point, as shown in the project conceptual open space plan. A fence similar to the Colonies Project shall be included around the basin, along the south side. The trail on the project site shall be maintained by the HOA. Signs indicating the trail is only open from sunrise to sundown shall be posted at the entry. If fencing is needed for future security, the HOA shall work with the city to establish the fencing type, and how and when the trail can be accessed by the public. These improvements shall be shown on the landscape plans, wall and fence plan and site plan.
- i. A six foot high fence and a 12-foot wide gate along 15<sup>th</sup> Street shall be constructed to secure access to the open space area between the Dry Dock Deport and the residences on the west side on Fernando Avenue. The fence and gate shall contain green vinyl coating and 1-inch mesh. These improvements shall be shown on the landscape plans, wall and fence plan and site plan.

20.3 The applicant and HOA shall allow the City access to the existing probes and flair facility for mandatory inspections, testing and maintenance as needed by the City.

20.4 If implementation of TRC-6 Is required, the applicant shall provide the City with a deposit to cover any expenses related to implementation of TCR-6.

20.5 All driveways shall be a minimum 18 feet wide.

20.6 In accordance with Mitigation Measure BIO-8, a Habitat Mitigation Monitoring Plan (HMMP) shall be implemented within 3 months of project completion, and implementation shall include the following:

- a. The applicant shall obtain the services of a qualified consultant to provide a scope of work and cost estimate to implement the HMMP for the required duration.
- b. Prior to receiving final building inspection approval of the last unit within the development, the applicant and City shall enter into a funding agreement and the applicant shall provide a deposit to the City to fund the entire scope of work in the contract.
- c. The City, with the consultant, will schedule services and the City will utilize the deposit to pay the consultant for the contract services.
- d. If any additional monies necessary for the implementation of the HMMP, the applicant shall provide the City with additional deposit funding as needed.
- e. The installation of any improvements, including any irrigation improvements, necessary to implement the HMMP shall be installed by the applicant or developer at their expense.
- f. The applicant shall use the 15th street road extension for all construction-related traffic.

20.7 The HOA shall comply with a maintenance requirement in Upland Municipal Code Section 17.16. Structures or paved areas displaying any, but not limited to, evidence of the following shall be considered substandard and in violation of this Condition:

- a. Broken or missing foundation.
- b. Warping, bowing, or sagging of headers, sills, beams, eaves, doorways, doorjamb, or other similar structural members.
- c. Inadequate site drainage and/or standing water adjacent to building foundations.
- d. Broken or inoperable sanitary and plumbing facilities and/or fixtures.
- e. Faulty, sagging, or leaking roof or rain gutter.
- f. Missing roof tiles or other visible roofing material(s).
- g. Broken or missing windows.
- h. Holes in siding.
- i. Peeling or cracking paint.

- j. Damaged or deteriorating structures shall be repaired immediately.
- 20.8 During construction, 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.
- 20.9 During construction, the applicant shall comply with the following Best Management Practices for air quality management during construction. Prior to issuance of any Grading Permit, the Development Services Director and the Engineering/Land Development Division shall confirm that the

Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD's Rule and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance offsite. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:

- a. All active portions of the construction site shall be watered twice daily to prevent excessive amounts of dust;
- b. Non-toxic soil stabilizers shall be applied to all inactive construction areas (previously graded areas inactive for 20 days or more, assuming no rain), according to manufacturers' specifications;
- c. All excavating and grading operations shall be suspended when wind gusts (as instantaneous gust) exceed 25 miles per hour;
- d. On-site vehicle speed shall be limited to 15 miles per hour; on-site roads shall be paved as soon as feasible, watered twice daily, or chemically stabilized;
- e. Visible dust shall not cross the property line;
- f. All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site;
- g. Track-out devices shall be used at all construction site access points;
- h. All delivery truck tires shall be watered down and/or scraped down prior to departing the job site;
- i. A construction relations officer shall be appointed to act as a community liaison concerning on-site construction activity including resolution of issues related to fugitive dust generation;
- j. Streets shall be swept at the end of the day if visible soil material is carried onto adjacent paved public roads and use of SCAQMD Rule 1186 and 1186.1 certified street sweepers or roadway; and
- k. Replace ground cover in disturbed areas as quickly as possible.

### 30.0 Public Works Conditions

The Public Works Department Land Development & Transportation Division has the following conditions pertaining to the subject project. The basis of these conditions is

Madole And Associates Consultant, Inc. exhibits stamped received July 06, 2021 by the City of Upland Development Services Department. Those exhibits are a SITE PLAN for Tentative Tract 20245, TENTATIVE TRACT MAP 20245 (NOT FOR CONSTRUCTION).

#### I SUBDIVISION MAPS (EASEMENTS-MONUMENTS-BONDS)

##### Map

- 30.1 The approval of this project is subject to, and contingent upon, the recordation of a Final Map. Said Final Map shall have adequate reservations of public and/or private utility easements and abandonment of existing utility easements to the satisfaction of the Public Works Director.
- 30.2 The submittal, approval, and recordation of a subdivision map shall be in accordance with the provisions of the State Subdivision Map Act, state and federal laws, and Upland Municipal Code.
- 30.3 The applicant shall have encroachment permit from the City before issuance of a permit for the City to allow encroachment of the projects entry into part of City's right of way.
- 30.4 Prior to grading permit issuance, the developer shall provide to the City of Upland letters from easement holders consenting to the proposed construction, as applicable.

##### Right-of-Way Dedication and Easements

- 30.5 Access and utility easement(s) shall be dedicated to the City of Upland for all-public sewer and water systems not located within the public right-of-way. Minimum width shall be 25 feet along the long side of which must be located only on one parcel.
- 30.6 Relocation of any public water or sewer lines shall be subject to approval by the Public Works Director.

##### Monuments

- 30.7 The Owner/Developer shall comply with Assembly Bill 1414, which was enacted into law and effective January 1, 1995. This bill amended Section 8771 of the Business and Professions Code (of the Land Surveyors Act). The County Surveyor requires that two corner records be filed; they are when:
  - a. Monuments exist that controls the location of subdivisions or tracts, streets or highways or provides survey control. The monuments are located and referenced by a licensed Land Surveyor before any streets or highways are reconstructed or relocated. The corner record(s) of the references are filed with the County Surveyor.



b. Monuments are reset in the surface of the new construction and a corner record is filed with the County Surveyor before recording of a Certificate (Notice) of Completion for the project.

30.8 Permanent survey monuments shall be set at the intersection of street centerlines, beginning, and end of curves in centerlines, and at other locations designated by the Director of Public Works/City Engineer. All other centerline monuments shall be in accordance with standard survey practice. A complete set of all street centerline ties (a minimum of three per monument) shall be submitted prior to final project acceptance.

#### Bonds

30.9 Before the recordation of the Tentative Tract Map or the issuance of a permit, a surety shall be posted in a form acceptable to the City. Also accompanying the surety shall be an agreement executed to the satisfaction of the Public Works Director and the City Attorney, guaranteeing completion of all improvements, public and private.

## II STREET IMPROVEMENTS

30.10 All deficient public improvements at 15<sup>th</sup> Street shall be upgraded to current City Standards and to the satisfaction of the Public Works Director.

30.11 Developer shall submit plan for the construction of 15<sup>th</sup> Street as depicted on the exhibit, including gated entrance, walls and appurtenances. Handicap ramps conforming to current state and federal standards shall also be constructed at street/alley intersections.

30.12 Existing improvements damaged during the construction shall be replaced to the City's satisfaction.

30.13 Landscaping and irrigation plans shall be submitted for City review and approval. Drought tolerant and water efficient irrigation system shall be required. Parkway landscaping shall be maintained by the Owner/Developer.

Furthermore, developer shall submit "declaration of Covenant for Parkway Landscape Maintenance prior to or at map recordation. City will provide necessary agreement form.

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

### III UTILITY (WATER – SEWER – ENVIRONMENTAL)

#### Utility General

- 30.15 All utility companies (for non-City owned utilities) shall be contacted to establish appropriate easements to provide services to each parcel.
- 30.16 If Phasing, each phase shall be served by utilities, allowing each phase/lot to function separately and independent from one another.
- 30.17 The Owner/Developer is responsible for research on private utility lines (Gas, Edison, Telephone, Cable, Irrigation, etc.) to ensure there are no conflicts with the site.
- 30.18 All existing on-site utility lines, if any, that conflict with this project shall be relocated, removed to the satisfaction of the Public Works Director.
- 30.19 Composite Utility Plans shall be submitted before the issuance of a Grading Permit. Any easements will be dedicated to the appropriate Utility Company as required to accommodate the location and maintenance of each facility.
- 30.20 Developer shall comply with latest State Health Code regulating minimum clear separations among water and sewer lines.

#### Undergrounding

- 30.21 All utility plans (Edison, Telephone, and Cable TV, among others) shall be submitted to the Public Works Department for review and approval prior to the issuance of any permits for utility work within public right-of-way or public easements.

#### Environmental

- 30.22 This project is subject to the General Construction Permit for Storm Water Discharges. The Owner/Developer is required to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) for construction activities. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and be available at the job site at all times. A copy of the Waste Discharger's Identification Number (WDID) from the SWRCB shall be provided to the City before the issuance of grading permit.
- 30.23 This project is required to submit Project Specific Water Quality Management Plan (WQMP) (reference City of Upland "Construction Stormwater Guidelines" and the County of San Bernardino "Guidelines for New Development and Redevelopment") for review and approval by the City of Upland, Public Works Department, Environmental Division. The

WQMP shall include a description and map of the project along with an outline of structural and non-structural Best Management Practices (BMPs), which apply to the project pursuant to the "New Development and Redevelopment Guidelines."

- 30.24 Prior to issuance of any permit, the developer shall have completed the Site Specific Water Quality Management Plan (WQMP) and executed the WQMP Maintenance Agreement with the City

Sewer

- 30.25 Sanitary sewer system(s) shall be constructed pursuant to the City's Master Plan and subsequent studies applicable to the project site, to the satisfaction of the Public Works Director.
- 30.26 All proposed off-site sewer mains shall be maintained by the City. All proposed off-site storm drain mains shall be maintained by the City. On-site lot drainage facilities shall be maintained by the owner/ property owners association.
- 30.27 City staff will inspect all newly installed sewer mains with the TV camera before acceptance of the line for public improvements.
- 30.28 Extend any sanitary sewer and water line facilities as necessary to serve the entire development, including the payment of any sewer and water connection fees as determined by the Public Works Director.
- 30.29 The Owner/Developer shall provide the necessary Sewer Service Backflow Prevention Device as required by the City.

Water

- 30.30 All proposed on-site water mains shall be private and shall be maintained by the Home Owner's Association (HOA).
- 30.31 Developer/Engineer shall submit water/fire plans to the San Bernardino County Fire Department for review and approval.
- 30.32 A separate water meter shall be provided for each unit (including any necessary easements to provide such services, or a master meter shall be provided for the project to the satisfaction of the Public Works Director.
- 30.33 All new and upgraded developments shall meet the requirements of Chapter 7 "Municipal Water System," Article VII, of the Upland Municipal Code. This Code pertains to water system connection fees, water additive fees, and the transfer of water stock to the City of Upland.

- 30.34 Underground utilities shall maintain a minimum seven-foot setback from the backside of the curb and shall not encroach into the water utility easement, excepting as may be authorized by the Public Works Director subject to special construction methods. As-built plans of all underground utilities, including water facilities, shall be submitted for approval prior to final approval of the development.
- 30.35 The provision of fire protection water systems, hydrants, and appropriate easements shall be in conformance with the San Bernardino County Fire and Public Works Department Standards.
- 30.36 Public on-site protection hydrant(s) and water systems shall be installed in accordance with the San Bernardino County Fire and Public Works Department Standards.
- 30.37 All landscape meter(s) and approved Backflow Device(s) shall be installed and inspected, in accordance with the Public Works Department Standards.
- 30.38 All water facilities shall be installed outside any driveways and drive approaches, and shall be in accordance with the Public Works Department Standards.

#### IV GRADING - STORM DRAIN - EROSION CONTROL

- 30.39 The first permit that will be issued to this project is for the construction and grading of the basin. The project developer shall remove and reconstruct existing storm water basin berms (approximately 4230 linear feet) as an engineered berm, unless project developer's registered professional engineers test, inspect, analyze and certify in a report that the berm is structurally stable in saturated condition.
- 30.40 The new basin shall have emergency spillway as shown on the tentative map exhibit. The final design shall be submitted for approval by the developer's civil engineer. Said spillway shall be designed and constructed in a manner that all the water passing thru said spillway will be in a controlled condition to avoid and/or minimize damage to downstream properties.
- 30.41 Developer shall have the City inspect the subject new basin as certified by developer's engineering consultants.
- 30.42 During basin construction, subject to issuance of necessary permits, developer shall commence construction/realignment of the 12' x 9' reinforced concrete box (RCB) from project's westerly boundary to the new basin and construct 84-inch reinforced concrete pipe (RCP) from the

new basin to connect to existing discharge point on 15th Street to the satisfaction of the Public Works Director.

- 30.43 Storm drain system(s) shall be constructed in accordance with the City's Master Plan applicable to the project site and to the satisfaction of the Public Works Director.
- 30.44 A hydrology/hydraulics analysis is required to the satisfaction of the Public Works Director. Any offsite drainage, which may impact this development, or additional drainage created by this development, shall be addressed in accordance with the mitigation measures required in the hydrology report before issuance of any permits.
- 30.45 Each parcel/lot shall drain to the street or other approved drainage facility. Cross lot drainage is not allowed.
- 30.46 All drainage shall be directed on-site at the points so indicated upon the subject map/plan (any deviation will require resubmittal to the Technical Review Committee for approval).
- 30.47 Location, direction, and devices for conveying site drainage directed to a street shall be subject to review and approval by the Public Works Director.
- 30.48 Temporary drainage controls may be required during construction phases as directed by the Public Works Director.
- 30.49 All catch basins and Storm Drain Inlet Facilities shall be stenciled with the appropriate "No Dumping" message.
- 30.50 Grading plan shall be prepared and shall conform to the requirements of California Building Code (CBC), latest edition. Said grading plan shall propose all recommendations contained in the project's geotechnical report.
- 30.51 An erosion control plan shall be required as directed by the Public Works Director.
- 30.52 No permanent building construction shall commence until the final grading and improvement plans have been approved, rough grading certified and a building permit issued by the Building Division.
- 30.53 Owner/Developer shall submit design and calculations and obtain permit and inspection for all development perimeter and retaining walls from the Building Division.
- 30.54 Owner/Developer is required to prepare Water Conservation Plan for its grading and construction operations in compliance to water conservation

mandate by the State of California. Use of reclaimed water is highly encouraged.

- 30.55 Dust Control operations shall be performed by the Contractor at the time, location and in the amount required and as often as necessary to prevent the excavation or fill work, demolition operation, or other activities from producing dust in amounts harmful to people or causing a nuisance to persons living nearby or occupying buildings in the vicinity of the work. The Contractor is responsible for compliance with Fugitive Dust Regulations issued by the Air Quality Management District (AQMD).
- 30.56 Control of dust shall be by sprinkling of water, use of approved dust preventatives, modifications of operations or any other means acceptable to the Engineer, City of Upland, the Regional Water Quality Control Board (RWQCB), the AQMD, and any Health or Environmental Control Agency having jurisdiction over the facility. The Engineer shall have the authority to suspend all construction operations if, in their opinion, the Contractor fails to adequately provide for dust control.
- 30.57 In compliance to water conservation mandate of the State of California, before or at submission of grading plans, Owner/Developer shall submit/develop Water Conservation Plan. Among others, said plan encourages the use of reclaimed water and use of any/all water conservation measures during construction.
- 30.58 All storm drain catch basins must be in accordance with the Trash Amendments, per Water Code Section 13383, complete with Maintenance Agreement. Please see attached/link for approved list of full capture devices. Developer shall provide for regular maintenance of all catch basins.

Please check all approved devices from the following website.

[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/trash\\_implementation/a1\\_certified\\_fcd\\_rev04aug17.pdf](https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/trash_implementation/a1_certified_fcd_rev04aug17.pdf)

## V LANDSCAPING

- 30.59 Any landscaping proposed within a City utility easement or right of way is subject to approval by the Public Works Director and Development Services Director. Developer shall enter into covenant with the City for landscape installation and maintenance of parkway landscaping.
- 30.60 All landscape and irrigation systems, located in the public parkways, shall be connected to a water supply system that is metered to the property owner.

30.61 All developments require a tree-planting scheme. Residential developments require one tree per forty feet of residential street frontage with a minimum on one tree per lot.

- a. If planting in an area without sidewalk, plant the trees four feet to six feet from the existing or planned curb or street
- b. Plant trees a minimum of five feet from other utilities, a minimum of ten feet from driveways, water meters, water lines, sewer lines, traffic and directional signs, and fire hydrants, a minimum of fifteen feet from street lights, and a minimum of thirty feet from street corners.

30.62 The project frontage shall be fully landscaped, including an automatic irrigation system in accordance with a plan subject to review and approval by the Community Development Director and the Public Works Director. Drought tolerant and water efficient irrigation system shall be required. Parkway landscaping shall be maintained by the Owner/Developer.

30.63 Before the final approval of streetscape plans (landscaping, irrigation systems, walls and/or fences, etc.), the hardscape portion of the plan(s) shall be designed by a registered engineer, and submitted to the Community Services Director for review and approval.

30.64 After City approval of the landscaping plan, the Owner/Developer shall provide 180-day maintenance during the plant establishment period.

30.65 The Owner/Developer shall also:

- a. Include in the CC&Rs, provisions for the perpetual maintenance of said parkway(s) by the Property Owners' Association (POA). POA's maintenance responsibility shall commence at the completion of the plant establishment period.
- b. Provide for the maintenance of the open space area(s) and/or detention/desiltation basin.

## VI OTHER AGENCY

30.66 Approval and/or permits may be required from the following agencies among others:

- a. San Bernardino County:
- b. Inland Empire Utilities Agency
- c. San Antonio Water Company

- d. California Regional Water Quality Control Board, Santa Ana Region for an NPDES Permit or Clearance Letter.

#### VII STUDIES – REPORTS – CC&Rs

- 30.67 Conditions, Covenants, and Restrictions (CC&Rs) shall be recorded requiring the provision of the following special features, and maintenance thereof in perpetuity, in conjunction with the approval of this project.
  - a. Prior to recordation of the Tract/Parcel Map
  - b. Prior to Occupancy Release
- 30.68 Geotechnical Report, hydrology and hydraulic studies, traffic impact analysis, and other supporting reports/studies shall be submitted for review together with grading plans and other construction plans submitted for review and approval.
- 30.69 An Encroachment License Agreement shall be required for all private facilities, such as 15<sup>th</sup> Street Park, gate or any other relevant facilities, located within the public right-of-way, to the satisfaction of the Public Works Director and the Development Services Director. The private facilities shall be operated and maintained by the owner/developer.

#### VIII GENERAL ENGINEERING

- 30.70 Owner/Developer is required to arrange for a PRE-CONSTRUCTION MEETING with the Public Works Department 72 hours in advance before any permitted work can commence.
- 30.71 Public improvement plans and grading plans shall be submitted for plan check to the Public Works Department as a complete package. A complete package includes street; sewer, water, grading, drainage, and any appropriate reports and back up documents. Incomplete submittals shall be rejected.
- 30.72 All plans (including Landscaping Plans) depicting any work to be plan checked by Public Works shall be prepared on 24"x36" on City Standard title block. This includes street, sewer, water grading, storm drain, grading, erosion control, private street design, and landscape plans. "Cut and paste," "sticky-backs," "zip-a-tone," "Kroy lettering," or other tape will not be permitted on mylars.
- 30.73 As-built plans (including street, sewer, water, and storm drain and grading plans) shall be submitted. Electronic drawing files on flash drive shall be submitted to the City for file in the format acceptable by the City.



30.74 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.

30.75 No certificate of occupancy, or any other final clearance needed prior to occupancy, shall be given until all other conditions are met.

#### IX MISCELLANEOUS CONDITIONS

Other Agency and/or Project

Phases

30.76 In the event that developer/owner performs the works in phases, a phasing plan shall be submitted for City's approval prior to implementation. Each phase must be fully independent and functional from each phase of the development especially considering onsite utility connections such as sewer, water, electric power, gas, drainage, handicap access ramps and communications utilities, among others. Each phase shall have at least two points of access and construction traffic shall not be mixed with residents' traffic.

30.77 The requirements for undergrounding overhead utility lines shall be implemented prior to occupancy.

30.78 All phases shall comply with the conditions set forth for the Tentative Map.

30.79 Adequate drainage/erosion control shall be provided at all times during each phase of the development (including model/sales trailer sites). Submit appropriate erosion control plans to the Public Works Director for approval.

30.80 The location of the temporary access road each phase shall be approved by the Public Works Director and it shall be paved to the satisfaction of the Public Works Director and County Fire Chief.

30.81 Prior to occupancy in each phase, Owner/Developer shall complete the following minimum improvements:

- a. Complete finish grading of all parcel/lots including submittal of grading certification to the Public Works Department.
- b. Complete all underground utilities and their service lines for each unit.
- c. Complete curb and gutter, sidewalk, street lighting, and street paving.
- d. Provide "as-built" plans.

#### 40.0 Police Department

- 40.1 The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Upland Police Department, and City Planning.
- 40.2 A 6-month inspection shall be conducted to ensure permittee's compliance with all operating conditions.
- 40.3 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, a sign shall be posted at the entrance of the property educating everyone entering as to the authorized construction times and failure to comply with such requirements will result in an immediate citation for violating the aforementioned UMC section.
- 40.4 Prior to the issuance of building permits, the project must be enclosed with a 6-FT. high chain link fencing to prevent access to construction areas by the public and to minimize theft of building materials and equipment. All fencing and gates shall meet the approval of the Fire Department and Police Department.
- 40.5 Units with front and rear drive access shall affix or paint address numbering/lettering in a conspicuous location, free from plant obstruction, and readily visible to emergency services personnel on both front and rear accesses.
- 40.6 Prior to occupancy all private streets, parking areas, parking lots, and driveways shall be dedicated for off-road traffic, fire lane, soliciting, handicap, and loitering enforcement. The applicant must submit a written request to the City Clerk asking that a resolution from the City Council allow Police Enforcement of the above violations on the property. Once the resolution has been obtained, a sign shall be erected/posted at all access points stating the above listed locations and violations have been dedicated for enforcement by the Upland Police Department.
- 40.7 Prior to occupancy, the Police Department will conduct an on-site inspection of the property, checking proper lighting has been installed throughout the property, proper locks on exterior doors and doors leading to the interior are in place and functioning properly. In addition, the Police Department will check that proper addressing/lettering has been installed.
- 40.8 If security gates are desired at any access points to the project, the Police Department and Fire Department will be provided access by the Knox Submaster System. If gates are not electronically operated, a "KNOX" padlock may be substituted for electrically operated override systems.

- 40.9 The applicant shall submit for review by the Police Department the design and specifications for all proposed lighting fixtures proposed for the buildings, drive aisles, parkways, parking areas, pathways, and surrounding areas within the development. The fixtures shall be reviewed for quality, aesthetics, illumination values, sustainability values such as LED and shall be decoratively and architecturally consistent with the building design. The number, location, height, style, and design shall be reviewed and approved by the Police Department prior to issuance of building permits.
- 40.10 All units built shall that have exterior lighting lower than 12 feet from the ground level shall be enclosed in vandal-resistant covers.
- 40.11 Lighting shall be required in all areas of public access.
- 40.12 Public parking areas and access thereto shall be provided with a maintained minimum of 2-foot candle power of light on the parking surface, from dusk to dawn, or as modified by the Chief of Police, based on documented proof that meeting the 2-foot candle power standard is impractical. Lighting shall be provided through the use of photo cells; use of low pressure sodium fixtures and bulbs is prohibited.
- 40.13 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 construction area.
- 40.14 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.
- 40.15 Provide UPD with contact information of the Project Manager and Superintendent in charge of the project.
- 40.16 All landscaping must adhere to the 2' 6' rule (all ground cover landscaping must be maintained no higher than 2' from ground level and all lower tree canopy must be maintained no lower than 6' in height from the ground level).
- 40.17 Graffiti abatement by the business owner/licensee shall be immediate and ongoing on the licensed premises, but in no event shall graffiti be allowed unabated on the premises for more than 48 hours. Abatement shall take the form of removal or shall be covered/painted over with a color

reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee shall notify the City within 24 hours of any graffiti elsewhere on the property not under the business owner/licensee's control so that it may be abated by the property owner.

40.18 Any vehicles not parked legally may be cited and/or towed if it is in violation of the California Vehicle Code and/or Upland Municipal Code.

40.19 If thefts or other crimes occur at the construction site, the applicant may be required by the Chief of Police to hire a security officer(s).

## 50.0 Building and Safety

50.1 The applicant shall submit a soils report prior to the issuance of building permits.

50.2 Plans submitted after December 31, 2022 shall be in compliance shall be in compliance with the 2022 California Building Codes.

## 60.0 San Bernardino County Fire Protection District (SBCo FD)

60.1 F01 Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein "Fire Department". Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department..

60.2 F02 Fire Fee. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.

60.3 F03 Fire Condition Letter Expiration. Fire Condition Letters shall expire on the date determined by the Planning Division or Building and Safety.

60.4 F04 Fire Permit Expiration. Construction permits shall automatically expire and become invalid unless the work authorized such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment

has not exceeded one year. A request to extend the permit may be made in writing PRIOR TO the expiration date justifying the reason that the permit should be extended.

- 60.5 F06 Inspection by Fire Department. Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for "fire final".
- 60.6 F09 Building Plans. Building Plans shall be submitted to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
- 60.7 F10 Combustible Protection. Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.
- 60.8 F11 Combustible Vegetation. Combustible vegetation shall be removed as follows: a. Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less. b. Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less. County Ordinance #3586
- 60.9 F14 Private Road Maintenance. The applicant shall construct and maintain all such roads. In addition, the applicant shall provide to the Fire Department a signed maintenance agreement as detailed in the General Requirement conditions for ongoing road maintenance and snow removal (where applicable). This shall include all primary and secondary access routes that are not otherwise maintained by a public agency.
- 60.10 F16 Access. The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. b. Multi-Story Road Access Width. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.
- 60.11 F17 Access Road Grade. Fire access roadways shall not exceed a maximum of twelve (12%) percent grade at any point. Fire access

roadways or driveways may be increased to fourteen (14%) percent grade for a distance not to exceed five hundred (500) feet. Fire access roadways providing access to no more than two (2) one or two-family dwellings may be increased to a maximum of sixteen (16%) percent grade not to exceed five hundred (500) feet. Grades across the width of a fire access roadways shall not exceed five (5%) percent. In order to accommodate proper angles of approach and departure, gradient shall not exceed five (5%) percent change along any ten (10) foot section.

- 60.12 F19 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85% compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds.
- 60.13 F20 Access – 150+ feet. Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. Roadways shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building.
- 60.14 F21 Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty-five (45) foot radius for all turns. In the Fire Safety Overlay District cul-de-sac length shall not exceed three hundred fifty (350) feet.
- 60.15 F22 Primary Access Paved. Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions including width, vertical clearance and turnouts.
- 60.16 F23 Secondary Access Paved. Prior to building permits being issued to any new structure, the secondary access road shall be paved or an all weather surface and shall be installed as specified in the General Requirement conditions including width, vertical clearance and turnouts.
- 60.17 F24 Fire Lanes. The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan.
- 60.18 F26 Fire Flow Test. Please provide a fire flow test report from your water purveyor that has been completed in the last six months demonstrating that the fire flow demand is satisfied.

- 60.19 F30 Water System Residential. A water system approved by the Fire Department is required. The system shall be operational prior to any combustibles being stored on the site. Detached single family residential developments may increase the spacing between hydrants to be no more than six hundred (600) feet and no more than three hundred (300) feet (as measured along vehicular travel-ways) from the driveway on the address side of the proposed single-family structure.
- 60.20 F35 Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs, or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road.
- 60.21 F39 Fire Sprinkler NFPA 13D. An automatic life safety fire sprinkler system complying with NFPA Pamphlet #13D and Fire Department standards is required. The applicant shall hire a licensed fire sprinkler contractor or be an approved owner/builder. The fire sprinkler contractor/installer shall submit plans with hydraulic calculations and manufacture's specification sheets to the Fire Department for approval. The required fees shall be paid at the time of plan submittal. Minimum water supply shall be in accordance with current fire department standards. The applicant or contractor shall contact their local water purveyor to obtain specifications on installing a residential fire sprinkler system within the jurisdiction of the water purveyor. The applicant shall attach a letter from the water purveyor indicating the types of systems allowed in that jurisdiction.
- 60.22 F53 Residential Addressing. The street address shall be installed on the building with numbers that are a minimum of four (4) inches in height and with a one half ( $\frac{1}{2}$ ) inch stroke. The address shall be visible from the street. During the hours of darkness, the numbers shall be internally and electrically illuminated with a low voltage power source. Numbers shall contrast with their background and be legible from the street. Where the building is one hundred (100) feet or more from the roadway, the street address shall be displayed at the property entrances with numbers that are a minimum of four (4) inches in height and one half ( $\frac{1}{2}$ ) inch stroke.
- 60.23 F56 Override Switch. Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required.
- 60.24 F57 Spark Arrestor. An approved spark arrestor is required. Every chimney that is used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel are used, shall have an approved spark arrestor visible from the ground that is maintained in conformance with the California Fire Code.

60.25 F70 Additional Requirements. In addition to the Fire requirements stated herein, other onsite and off-site improvements may be required which cannot be determined at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

60.26 F71 Proposal Changes Any changes to this proposal shall require new Fire Department condition letter.

## 70.0 Trash Services

70.1 Trash Service shall be conducted in compliance with the trash service plan approved by the City of Upland's trash service provider.

## 80.0 Mitigation Measures

80.1 Mitigation Measure BIO-1 Designated Biologist(s). At least 30 days prior to the commencement of any project activities, the applicant shall provide evidence to the City of Upland (City) that a designated and qualified biologist (or biologists) has been approved by the California Department of Fish and Wildlife (CDFW) and has been retained to perform surveys, prepare and implement mitigation plans, and/or conduct monitoring activities. The applicant shall provide evidence to the City that the responsibilities and authority of the designated biologist as established in the approved Streambed Alteration Agreement EPIMS-SBR-24938-R6 between the CDFW and the applicant (CDFW Permittee) are maintained throughout project activities.

80.2 Mitigation Measure BIO-2 Movement Out of Harm's Way. To reduce injury and mortality for the coastal whiptail, other special-status species, or wildlife not specifically referenced in the mitigation measures included in the Draft Environmental Impact Report (EIR), the designated biologist shall be present on site prior to and during all ground-disturbance and habitat-disturbing activities. The designated biologist shall be authorized and equipped to move out of harm's way any special-status species or other wildlife that would be injured or killed during project activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety.

80.3 Mitigation Measure BIO-3 Nesting Birds. A pre-construction nesting survey shall be conducted by a CDFW-approved designated biologist at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of project activities. Surveys shall encompass all suitable areas, including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration



shall take into consideration the size of the property, the density and complexity of the habitat, the number of survey participants, the survey techniques employed, and shall be sufficient to ensure that the data collected are complete and accurate. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nest building, removal of fecal sacks, flushing suddenly from atypically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors). If a nest is suspected but not confirmed, the qualified biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. The qualified biologist shall not risk failure of the nest to determine the exact location or status and will make every effort to limit the potential for nest predation as a result of the survey/monitoring efforts nest, scan the site for potential nest predators before approaching, immediately depart nest area if indicators of stress or agitation are displayed). If a nest is observed but thought to be inactive, the qualified biologist shall monitor the nest for 1 hour (4 hours for raptors during the non breeding season) prior to approaching the nest to determine its status. The designated biologist shall use their best professional judgment regarding the monitoring period and whether approaching the nest is appropriate. In the event an active nest is confirmed, the designated biologist shall immediately establish a conservative buffer surrounding the nest based on their best professional judgment and experience. The buffer shall be delineated to ensure that its location is known by all persons working within the vicinity but shall not be marked in such a manner that it attracts predators. Once the buffer is established, the designated biologist shall document baseline behavior, stage of reproduction, and existing site conditions, including vertical and horizontal distances from proposed work areas, visual or acoustic barriers, and existing level of disturbance. Following documentation of the baseline conditions, the designated biologist may choose to adjust the buffer based on site characteristics, stage of reproduction, and types of project activities proposed at/near that location. The designated biologist shall monitor the nest at the onset of project activities and at the onset of any changes in project activities (e.g., increase in number or type of equipment, change in equipment usage) to determine the efficacy of the buffer. If the designated biologist determines that project activities may be causing an adverse reaction, the designated biologist shall be empowered to adjust the buffer accordingly. The designated biologist shall be on site daily to monitor all existing nests, the efficacy of the established buffers, and to document any new nesting occurrences. The designated biologist shall document the status of all existing nests, including the stage of reproduction and the expected fledge date. If a nest is suspected to have been abandoned or failed, the designated biologist shall monitor the nest for a minimum of 1 hour (4 hours for raptors), uninterrupted, during favorable field conditions. If no activity is observed during that

time, the designated biologist may approach the nest to assess the status. Daily on-site monitoring shall continue until there is no evidence of on-site nesting activity. Under the direction of the designated biologist, activities to discourage nesting on the project site (including moving equipment and materials daily, covering material with tarps or fabric, and securing all open pipes and construction materials) shall be permitted. The designated biologist shall ensure that none of the materials used pose an entanglement risk to birds or other species. The designated biologist shall prepare and submit to the CDFW and the City weekly summary reports regarding active nesting species identified on site, the discovery of any new nests, the status/outcome of any previously identified nest, the buffer distances established for each nest, and any adjustments made to the established buffers. Weekly summary reports shall be submitted by the designated biologist until there is no evidence of on-site nesting activity. The CDFW shall be notified within 24 hours if project activities result in the abandonment of or damage to a nest. The designated biologist shall submit the results of the preconstruction nesting bird survey to the CDFW and the City prior to the commencement of project activities.

- 80.4 Mitigation Measure BIO-4 Crotch's Bumble Bee. The designated biologist shall conduct focused surveys within 1 year prior to vegetation removal and/or grading for the presence/absence of Crotch's bumble bee. Surveys shall be conducted during flying season (between March 1 and September 1) when the species is most likely to be detected aboveground by an approved designated biologist familiar with Crotch's bumble bee behavior and life history. Surveys shall be conducted within the project site and areas adjacent to the project site where suitable habitat exists. Survey results including negative findings shall be submitted to the City and CDFW at least 30 days prior to project-related vegetation removal and/or ground-disturbing activities. If the species is identified on site, the applicant shall provide evidence to the City that "take" coverage has been obtained from the CDFW prior to the initiation of project activities.
- 80.5 Mitigation Measure BIO-5 Burrowing Owl. A burrowing owl pre-construction survey shall be conducted by a CDFW-approved designated biologist at the appropriate time of day/dawn, during appropriate weather conditions, and no more than 14 calendar days prior to the initiation of project construction activities. The survey shall include inspection of all burrows that exhibit typical characteristics of owl activity such as owls themselves, burrows, and owl sign at burrow entrances, including pellets, feces, or other "ornamentation", feathers, prey remains, whitewash, etc. Survey duration shall take into consideration the size of the property, the density and complexity of the habitat, the number of survey participants, the survey techniques employed, and shall be sufficient to ensure the data collected are complete and accurate. In the event an active or occupied burrow is

confirmed, the designated biologist shall immediately establish a conservative buffer surrounding the burrow based on their best professional judgment and experience. The buffer shall be delineated to ensure that its location is known by all persons working within the vicinity but shall not be marked in such a manner that it attracts predators. Once the buffer is established, the designated biologist shall document baseline behavior, stage of reproduction, and existing site conditions, including vertical and horizontal distances from proposed work areas, visual or acoustic barriers, and existing level of disturbance. Following documentation of baseline conditions, the designated biologist may choose to make adjustments to the buffer based on site characteristics, stage of reproduction, and types of project activities proposed at/near that location. The designated biologist shall monitor the burrow at the onset of project activities and at the onset of any changes in project activities (e.g., increase in number or type of equipment, change in equipment usage) to determine the efficacy of the buffer. If the designated biologist determines that project activities may be causing an adverse reaction, the designated biologist shall be empowered to adjust the buffer accordingly. In the event burrowing owls are detected on or adjacent to the project site and cannot be completely avoided, a Burrowing Owl Mitigation and Monitoring Plan shall be submitted to the CDFW for review and approval prior to disturbance of the owl(s). The Burrowing Owl Mitigation and Monitoring Plan shall include the number and location of occupied burrow sites that will be disturbed by the project; the proposed relocation, monitoring, and minimization actions; and details on adjacent or nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the creation of artificial burrows (numbers, locations, and types of burrows) shall be identified in the Burrowing Owl Mitigation and Monitoring Plan. The Burrowing Owl Mitigation and Monitoring Plan shall also include an impact analysis consistent with the 2012 *Staff Report on Burrowing Owl Mitigation* and shall identify mitigation, including acquisition, permanent protection, and funding of mitigation lands for the loss of burrowing owl habitat. The applicant shall implement the Burrowing Owl Mitigation and Monitoring Plan following CDFW review and approval.

- 80.6 Mitigation Measure BIO-6 Pre-Construction Survey/Sweeps. In addition to the surveys detailed in Mitigation Measures BIO-3 (nesting birds), BIO-4 (Crotch's bumble bee), and BIO-5 (burrowing owl), the designated biologist(s) shall conduct pre-project surveys within the project site, access route(s) and staging area(s), and an appropriate buffer surrounding those areas no more than 3 days prior to initiating project activities. The surveys shall be conducted to identify and map special status species or listed species with the potential to occur on site, and any dens, burrows, nests, etc. capable of harboring a special-status or listed species. The designated biologist shall ensure that the methods used to locate, identify, map, avoid and buffer individuals or

dens, burrows, or nests of individuals are appropriate and effective, including the assurance that the surveyor has attained 100 percent visual coverage of the entirety of the project impact areas and access routes, and an appropriate buffer surrounding those areas. If any listed species (or sign of presence) is discovered, all project activities that could affect the listed species shall be halted. Notification shall be provided to the CDFW within 24 hours of the discovery. The designated biologist(s) shall also conduct pre-activity sweeps within the project site (including access routes) and a 500-foot buffer surrounding the project site within 2 hours of initiating project activities. The pre-activity sweeps shall confirm and mark/map for avoidance the locations of any known nesting bird(s) and/or special-status species and shall verify that no additional/new nesting bird(s) and/or special status species have occupied the project areas or adjacent habitats. If any additional/new nesting bird(s) and/or special-status species (or sign of presence) are identified within or adjacent to the project areas during the pre-activity sweep, the applicant (CDFW Permittee) shall determine whether the proposed avoidance measures will be effective in fully avoiding impacts of the project on the identified resource(s) prior to initiating project activities. If full avoidance of listed species cannot be accomplished, the applicant (CDFW Permittee) shall postpone the project and seek appropriate authorization for those impacts.

80.7 Mitigation Measure BIO-7 Streambed Alteration Agreement. Prior to the commencement of ground disturbance, the project applicant (the CDFW Permittee) shall provide evidence to the City and the CDFW that applicable provisions outlined in the final Streambed Alteration Agreement that are not specifically included as mitigation measures in the Draft EIR have been appropriately satisfied.

80.8 Mitigation Measure BIO-8 Habitat Mitigation and Monitoring Plan. Within 3 months of project completion, the applicant or the City (as determined by the CDFW) shall implement the CDFW approved Habitat Mitigation and Monitoring Program (HMMP) to create 1.2 acres of mule fat scrub and to enhance 0.3 acre of wetland within 1.5 acres at the far eastern portion of the basin (the "conservation area" or "mitigation area"). This area shall be maintained and managed to improve habitat quality and shall meet the success criteria established in the CDFW-approved HMMP. As designated by the CDFW, the City, or the applicant (CDFW Permittee) shall report on the results of the maintenance and monitoring of the mitigation area pursuant to the terms of the Streambed Alteration Agreement.

OR

80.9 Mitigation Measure BIO-9 Purchase of Mitigation Bank Credits. The applicant (CDFW Permittee) shall purchase 1.5 acres of streambed enhancement credits from CDFW-approved mitigation bank(s). The

applicant (CDFW Permittee) shall obtain CDFW approval regarding the choice of the mitigation bank prior to credit purchase. The applicant shall provide evidence of purchase of the required credits to the City and CDFW

- 80.10 Mitigation Measure CUL-1 In the event that pre-contact cultural resources are discovered during project activities, all work in the immediate vicinity of the of the find (within a 100-foot buffer) shall cease and a qualified archaeologist meeting Secretary of the Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians (SMBMI) Cultural Resource Department shall be contacted as detailed within Mitigation Measure TCR-1, if any such find occurs and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regard to significance and treatment. If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to the SMBMI for review and comment, as detailed in Mitigation Measure TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5 and that code enforced for the duration of the project.
- 80.11 Standard Condition G-1 Prior to the approval of grading and/or building permits, the Applicant shall provide evidence to the City for review and approval that on-site structures, features, and facilities have been designed and will be constructed in conformance with applicable provisions of the most current edition of the CBC at the time of construction and the recommendations cited in Section 5 of the project-specific Geotechnical and Infiltration Evaluation. Geotechnical recommendations include, but are not limited to, remedial earthwork and/or ground improvement to provide a sufficient layer of engineered fill or densified soil beneath the structural footings/foundations, as well as proper surface drainage devices and erosion control. Verification testing must be performed upon completion of ground improvements to confirm that the compressible soils have been sufficiently
- 80.12 Mitigation Measure GEO-1 Prior to the issuance of grading permits, the maximum depth of ground-disturbing activities shall be provided to the City. If ground disturbance in excess of 15 feet is required, the Applicant shall provide evidence to the City that a qualified paleontologist has been retained. Upon review of Project materials, the qualified

paleontologist shall identify those areas of the Site that require monitoring. In the event that paleontological resources are unearthed during ground-disturbing activities, the qualified paleontologist shall halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated. A buffer area shall be established around densified. This condition shall be implemented to the satisfaction of the City Building and Safety Division. the find within which construction activities shall not be allowed to continue. The buffer area parameters will be determined by the project paleontologist in consultation with the City and project proponent, but shall not be less than 100 feet. Work shall be allowed to continue outside the buffer area. The paleontologist shall determine the need for paleontological construction monitoring in the vicinity of the find thereafter. All paleontological resources unearthed by project construction activities shall be evaluated by a qualified paleontologist. At the paleontologist's discretion, and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing and evaluation of the find. The project proponent shall coordinate with the paleontologist and the City to develop an appropriate treatment plan for the resources. Preservation in place (i.e., avoidance) shall be considered the preferred treatment measure. If preservation in place is not feasible, treatment may include the implementation of paleontological data recovery/salvage excavations to remove the resource from the project site along with subsequent laboratory processing and analysis of the fossil specimens. Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated for final repository. Any fossils collected shall be curated at a public, non-profit institution with a research interest in the materials, such as the San Bernardino County Museum, if such an institution agrees to accept the fossils. If no institution accepts the fossil collection, they shall be donated to a local school in the area for educational purposes. Accompanying notes, maps, and photographs shall also be filed at the repository and/or school. Following the completion of the above measures, the paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the project proponent to the City, the San Bernardino County Museum, the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures. This measure shall be implemented to the satisfaction of the City Planning Division.

- 80.13 Mitigation Measure NOI-1 Temporary Sound Barrier. Prior to the initiation of ground disturbance or construction activities, the applicant shall provide evidence to the City that required temporary sound barrier(s) have been installed. The temporary noise barrier(s) shall be

sized and located as identified in Figure 4.6-3 of the Draft EIR (or Exhibit G of the Noise Assessment). The following apply to any temporary sound barrier(s) installed:

- The noise barrier(s) shall have a solid face from top to bottom.
- The temporary noise barrier(s) shall provide a minimum transmission loss of 20 dBA (Federal Highway Administration, Noise Barrier Design Handbook). The noise barrier(s) shall be constructed using an acoustical blanket (e.g., vinyl acoustic curtain or quilted blankets) attached to the construction site perimeter fence or equivalent temporary fence posts.
- The temporary noise barrier(s) shall be maintained throughout grading and construction activity and any damage shall be promptly repaired. Gaps, holes, or weaknesses in the barrier(s) or openings between the barrier(s) shall be promptly repaired.
- The temporary noise barrier(s) and associated elements shall be completely removed, and the area of installation shall be restored to pre-installation condition upon the conclusion of grading and construction activity.

- 80.14 Mitigation Measure NOI-2 All construction activities shall comply with Section 09.40.100(M) of the Upland Municipal Code limiting construction activity to the hours between 7:00 a.m. and 6:00 p.m. on weekdays.
- 80.15 Mitigation Measure NOI-3 Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer's standards.
- 80.16 Mitigation Measure NOI-4 All stationary construction equipment shall be placed in such a manner so that emitted noise is directed away from the nearest sensitive receiver.
- 80.17 Mitigation Measure NOI-5 Construction equipment staging areas shall located in a manner so that emitted noise is directed away from the nearest sensitive receiver.
- 80.18 Mitigation Measure NOI-6 The Construction Contractor shall limit equipment and material deliveries to the hours specified in Section 09.40.100(M) of the Upland Municipal Code.
- 80.19 Mitigation Measure NOI-7 Electrically powered air compressors and similar power tools shall be used, when feasible, in place of diesel equipment.

- 80.20 Mitigation Measure NOI-8 No music or electronically reinforced speech from construction staff shall be permitted.
- 80.21 Mitigation Measure NOI-9 Vibration Reduction. During all construction-related activities, the project applicant shall not use large, loaded trucks or heavy mobile equipment greater than 80,000 pounds within 50 feet of occupied residences. Instead, small rubber-tired or alternative equipment, as well as soil compaction equipment shall be used during project construction to reduce vibration effects on nearby structures and their occupants. The City of Upland Community Development Services Director, of their designee, shall ensure this prohibition has been included in the plan set prior to the issuance of any construction-related permits.
- 80.22 Mitigation Measure TCR-1 Retain a Native American Monitor Prior to Commencement of Ground Disturbance Activities. a. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. b. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground disturbing activity. c. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe. d. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.



- 80.23 Mitigation Measure TCR-2 Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial). Upon discovery of any Tribal Cultural Resource, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. In the event the material is determined be significant, Mitigation Measure TCR-6 shall apply.
- 80.24 Mitigation Measure TCR-3 Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects a. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute. b. If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed. c. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). d. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. e. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance. The following measures have been identified to address consultation with the Yuhaaviatam of San Manuel Nation (YSMN):
- 80.25 Mitigation Measure TCR-4. The Yuhaaviatam of San Manuel Nation (YSMN) Cultural Resources Department shall be contacted, as detailed in Mitigation Measure CUL-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide tribal input with regards to significance and treatment. In the event the material is determined be significant, Mitigation Measure TCR-6 shall apply.
- 80.26 Mitigation Measure TCR-5 Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.
- 80.27 Mitigation Measure TCR-6 In the event of any inadvertent discovery of any tribal cultural material, or pre-contact/historic-era resource, determined to be significant, the City shall require the preparation of a Monitoring and Treatment Plan. The monitoring and treatment plan shall be prepared by a qualified archeologist in consultation with and subject

to the approval of the City and the consulting Native American tribes. The City and consulting Native American tribes shall engage in mutual good faith efforts to develop the Monitoring and Treatment Plan. The monitoring and treatment plan shall identify the manner and process in which any suspected tribal cultural material is evaluated, recorded, removed, or curated, including the final disposition of any such material. In the event the manner and process of evaluation, recordation, removal, and/or disposition of tribal cultural material cannot be resolved between consulting Native American parties, the City shall, in good faith, identify and approve the necessary actions in the Monitoring and Treatment Plan.

- 80.28 Mitigation Measure HYD-3 Prior to the issuance of a grading permit, the Applicant shall submit a Final Water Quality Management Plan (WQMP) to the City of Upland for review and approval. Prior to grading permit approval, the project shall provide evidence that the Project design features identified in the Final WQMP have been fully incorporated into the project plans. In accordance with the *Technical Guidance Document for Water Quality Management Plans* prepared for the County of San Bernardino Areawide Stormwater Program, National Pollutant Discharge Elimination System Permit Number CAS618036, Order Number R8-2010-0036, the Final WQMP shall confirm performance standard calculations for each of the project site's drainage areas. Specifically, the Final WQMP shall detail low impact development (LID) best management practices (BMPs) designed to retain the project Site's minimum storm water treatment capacity and design capture volume to ensure post-development storm water runoff volume or time of concentration for the 2-year frequency storm shall not exceed that of the pre-development condition by more than five percent. The proposed LID BMPs specified in the Final WQMP shall be incorporated into the grading and development plans submitted to the City for review and approval. Periodic maintenance of any required BMPs, including landscaped areas, during project occupancy and operation shall be in accordance with the schedule outlined in the WQMP. This measure shall be implemented to the satisfaction of the City Public Works Department and Planning Division as appropriate.

Section 4. 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 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 immediately.

PASSED, APPROVED and ADOPTED this 23<sup>rd</sup> 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 23<sup>rd</sup> day of April, 2025, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

---

Robert D. Dalquest, SECRETARY