

**IV. HOUSING CONSTRAINTS AND RESOURCES**

This section of the Housing Element examines the constraints that could hinder the City's achievement of its objectives and the resources that are available to assist in the production, maintenance and improvement of housing.

**A. CONSTRAINTS**

Governmental constraints are policies, standards, requirements or actions imposed by the various levels of government upon land and housing ownership and development. Although federal and state agencies play a role in the imposition of governmental constraints, these agencies are beyond the influence of local government and are therefore not addressed in this document.

**1. Governmental Constraints**

**a. General Plan**

Every City must have a General Plan which establishes policy guidelines for all development within the City. The General Plan is the foundation of all land use controls in a jurisdiction. The Land Use Element identifies the location, distribution and density of land uses in the City. In implementing the General Plan, the City of Upland utilizes a number of planning tools including the Specific Plan, Zoning Regulations, and Subdivision Ordinance. General Plan densities are expressed as dwelling units per acre. The Upland General Plan provides for eight residential land use designations in the City, as shown in Table 34.

**TABLE 34  
RESIDENTIAL LAND USE CATEGORIES  
UPLAND GENERAL PLAN**

<i>Designation</i>	<i>Density Range <sup>1</sup></i>	<i>Description</i>	<i>Acreage<sup>2</sup></i>	<i>Maximum DU'S<sup>3</sup></i>
SFR	0-2, 2-3, 3-4	Low-density single family residential uses	2,423.6	8,072
SFR	4-6	Low-density single family residential uses	1,103.4	6,620
SFR	7-10	Medium-density single family residential uses	76.9	769
SFR-Mobile Home	8-14	Mobile homes	112.7	1,578
MFR Condominium	7-12	Medium-density multi-family condominiums	147.9	1,775
MFR Condominium	12-20	Medium-density multi-family condominiums	34.2	684
MFR	7-12	Medium-density multi-family residential uses	12.6	151
MFR	12-20	Medium-density multi-family residential uses	328.5	6,570
<b>TOTAL</b>			<b>4,239.8</b>	<b>26,219</b>

Notes.

1 Density range expressed in dwelling units per gross acre.

2 Total acreage including both developed and vacant land.

3 Assumes build-out at the maximum allowable density.

Source: City of Upland General Plan.

According to Table 34, a total of 26,219 dwelling units can be accommodated within residentially designated areas of the city. The State of California Department of Finance (DOF) reported 25,204 dwelling units in the city as of January 1999, resulting in a theoretical capacity of 1,015 additional units.

The actual amount of housing within the City will be greater than this figure, however, due to two factors: first, some areas have existing development at greater densities than allowed under the current General Plan; and second, the estimated build-out totals in Table 34 do not include areas with non-residential base designations where residential uses may be allowed (e.g., the Central Trading Area, Industrial/Artist Loft, Institutional/Institutional (with Specific Plan Overlay), and Neighborhood Business Specialty designations. Residential development may be accommodated in these land use designations based on land use compatibility, traffic and service provision capacity, and other factors. Additional residential potential exists within the Town Center Redevelopment Area and Upland Community Redevelopment Project Area. When this additional potential is considered, it is estimated that the current General Plan land use designations would allow a total of approximately 32,000 residential units.

Density is a critical factor in the development of affordable housing. In theory, maintaining low densities typically increases the cost of construction per unit while higher density lowers the per unit land cost and facilitates efficient construction. In addition to potential for density bonus provisions, more intense residential development is achieved through a number of mechanisms, including clustering of residential development and zero lot line/small lot development, subject to the development standards of the Development Code. Clustering of housing can produce higher densities on a portion of a project while retaining the overall density of the entire property. This method is effective when portions of the property not utilized for residential development can be developed with compatible uses, such as open space/recreation, parks, schools, public facilities and support commercial. The City's RPUD and PRD zoning, as well as the use of the specific plan to implement large tract developments within the Residential/Commercial General Plan designation, accommodates the clustering concept and a diversity of housing types, allowing for higher density uses within areas where the overall gross density typically would not accommodate housing products which may be affordable to low- and moderate-income households.

Affordability is affected by the permitted density of development. The State Housing and Community Development Department has established the following affordability guidelines based on density:

- Very Low income - minimum 25 units per acre
- Low income - minimum 18 units per acre
- Moderate income - minimum 8 units per acre

The availability of developable acreage in higher density ranges allows for development of certain types of housing that might be affordable to very-low and low-income households. For example, stacked flat apartments which may be affordable to lower- and moderate-income households typically require densities of above 16 dwelling units per acre, depending on land costs, to be feasible. The Multi-Family Condominium (12-20 dwelling units/acre) and Multi-Family Residential (12-20 dwelling units/acre) designations provide for such densities. Application of the City's Density Bonus provisions would achieve densities that could accommodate very-low-income affordability limitations.

The General Plan land use designations, augmented with the provisions for higher-density residential uses associated with the Town Center and mixed-use areas, allow for a wide range of development at densities supporting the construction of units affordable to lower-income households, and are therefore not considered a constraint to housing. However, as the City approaches build-out, the distribution and

amount of land in the higher-density designations may not be sufficient to accommodate need. This indicates the necessity to seek out housing opportunities in areas currently designated for non-residential or mixed-use development. In addition, it may be appropriate to encourage redevelopment in areas where the density of existing development is significantly lower than allowed by the General Plan and zoning. Incentives and techniques such as lot consolidation, "fastrack" processing or development standard waivers should be considered to encourage development in these situations.

**b. Zoning Code**

Zoning regulations serve as a key General Plan implementation tool. The City's Planning and Zoning Code (Upland Municipal Code Article IX) contains two types of regulations: allowable uses and property development standards. The Code also describes procedures the City will follow in processing development plans and permit applications.

Land use regulations provide more detail than found in the General Plan. For example, the General Plan may designate areas for commercial development, while the Development Code identifies specific uses such as restaurant, office or regional shopping center.

Property development standards include height, density, lot area, yard setbacks, and minimum parking spaces.

The City of Upland's Development Code contains 12 residential classifications that accommodate a range of densities from two units to 45 units per acre, as shown in Table 35. The Development Code also allows for residential development in two agricultural zones at one unit per acre. Additionally, the Development Code recognizes six residential zones within the San Antonio Lakes Specific Plan area, including five single-family residential designations ranging from minimum 4,500-square-foot lots to 10,000-square-foot lots, and one multi-family designation.

The Development Code also establishes overlay district regulations for Residential Planned Unit Developments (RPUD) and Planned Residential Developments (PRD) which are intended to be used to:

- Foster and encourage innovative design, variety and flexibility in housing types which would not otherwise be allowed in other zoning districts;
- Ensure the provision of open space and/or other public or quasi-public facilities as part of a development;
- Provide a greater diversity in housing choices.

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*City of Upland*  
**HOUSING ELEMENT UPDATE**

**TABLE 35  
SUMMARY OF RESIDENTIAL ZONING REGULATIONS**

Zone	Permitted Uses*	Minimum Lot Area	Permitted DUs	Width/Depth Interior + Thru	Width/Depth Corner/Reverse	Front	Interior Side	Rear Thru	Building Height
AG-40	Single-family dwellings	40,000	1 unit per acre	Width: 130 ft. Depth: 150 ft.		30 ft.	10 ft.	20 ft.	35 ft. (2 1/2 stories)
AG-C-40	Single-family dwellings	40,000	1 unit per acre	Width: 130 ft. Depth: 150 ft.		30 ft.	10 ft.	20 ft.	35 ft. (2 1/2 stories)
RS-20	--Single-family dwellings	20,000	2 units per acre	Width: 100 ft., 120 ft. <sup>1</sup> Depth: 120 ft. <sup>2</sup> , 150 ft. <sup>3</sup>	Width: 110 ft. Depth: 120 ft. <sup>2</sup> , 150 ft. <sup>3</sup>	40 ft., 50 ft. <sup>4</sup>	10 ft.	20 ft.	35 ft. (2 1/2 stories)
RS-15	--Single-family dwellings	15,000	3 units per acre	Width: 85 ft., 110 ft. <sup>1</sup> Depth: 110 ft. <sup>2</sup> , 130 ft. <sup>3</sup>	Width: 95 ft. Depth: 110 ft. <sup>2</sup> , 130 ft. <sup>3</sup>	30 ft., 50 ft. <sup>4</sup>	10 ft.	20 ft.	35 ft. (2 1/2 stories)
RS-10	--Single-family dwellings	10,000	4 units per acre	Width: 75 ft., 90 ft. <sup>1</sup> Depth: 110 ft. <sup>2</sup> , 120 ft. <sup>3</sup>	Width: 80 ft. Depth: 110 ft. <sup>2</sup> , 130 ft. <sup>3</sup>	25 ft.	5 ft. <sup>5</sup>	20 ft.	35 ft. (2 1/2 stories)
RS-7.5	--Single-family dwellings	7,500	6 units per acre	Width: 60 ft., 80 ft. <sup>1</sup> Depth: 100 ft. <sup>2</sup> , 110 ft. <sup>3</sup>	Width: 65 ft. Depth: 100 ft. <sup>2</sup> , 110 ft. <sup>3</sup>	25 ft.	5 ft. <sup>5</sup>	20 ft.	35 ft. (2 1/2 stories)
RS-6	--Single-family dwellings	6,000	6 units per acre	Width: 60 ft. Depth: iv/r	Width: 65 ft. Depth: iv/r	20 ft.	5 ft.	15 ft.	35 ft. (2 1/2 stories)
RS-4.3	--Single-family dwellings	4,000 (4,356 sq. ft. avg.)	10 units per acre	Width: 40 ft., 65 ft. <sup>1</sup> Depth: 90 ft., 100 ft. <sup>1</sup>	Width: 55 ft. Depth: 100 ft.	20 & 25 ft.	5 ft.	20 ft.	35 ft. (2 1/2 stories)
RM-4.4 (MH)	--Mobile homes	10-acre park, MH pad 3,564 sq. ft.	8 units per acre	Width: 42 ft. Depth: 72 ft.		10 ft.	5 ft.	5 ft.	

# IV. Housing Constraints and Resources

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Zone	Permitted Uses*	Minimum Lot Area	Permitted DUs	Width/Depth Interior + Thru	Width/Depth Corner/Reverse	Front	Interior Side	Rear Thru	Building Height
RM-4.4	-Multi-family units, incl. detached and attached apartments, town houses, condominiums	30,000	9.9 units per acre	Width: 150 ft. Depth: 150 ft.		25 ft. (30 ft. for 2-story bldg.)	½ bldg. height (5 ft. minimum)	15 ft.	
RM-3.6 (C)	-Multi-family units, incl. detached and attached apartments, town houses, condominiums	30,000	12 units per acre	Width: 150 ft. Depth: 150 ft.		25 ft. (30 ft. for 2-story bldg.)	½ bldg. height (5 ft. minimum)	15 ft.	
RM-3.6	-Multi-family units, incl. detached and attached apartments, town houses, condominiums	30,000	12 units per acre	Width: 150 ft. Depth: 150 ft.		25 ft. (30 ft. for 2-story bldg.)	½ bldg. height (5 ft. minimum)	15 ft.	30 ft. (2 stories), added height by Conditional Use Permit
RM-2.0	-Multi-family units, incl. detached and attached apartments, town houses, condominiums	16,000	20 units per acre	Width: 100 ft. Depth: 150 ft.		25 ft. (30 ft. for 2-story bldg.)	½ bldg. height (5 ft. minimum)	15 ft.	
RM-1.5	-Multi-family units, incl. detached and attached apartments, town houses, condominiums	16,000	30 units per acre	Width: 100 ft. Depth: 150 ft.		25 ft. (30 ft. for 2-story bldg.)	½ bldg. height (5 ft. minimum)	15 ft.	
TC	-Residential units shall not occupy ground floor of any structure (may only be a secondary use), requires Conditional Use Permit.	None	30 units per acre (45 units/acre for senior housing). Allows for 25% density bonus (max. 55 units/acre)	N/R		0-5 ft. maximum	0 ft.	10 ft.	45 ft.

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**HOUSING ELEMENT UPDATE**

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Zone	Permitted Uses*	Minimum Lot Area	Permitted DUs	Width/Depth Interior + Thru	Width/Depth Corner/Reverse	Front	Interior Side	Rear Thru	Building Height
PRD	Single-family detached or attached (up to 4 units); mobile homes	1 acre	Based on underlying zone when in any RS zone, RM-4.4 or RM 3.6; In any RM zone w/ more than 12 du/ac, no more than 15 du/ac	Based on underlying zone, or may vary	Based on underlying zone, or may vary	Based on underlying zone, or may vary	Based on underlying zone, or may vary	Based on underlying zone, or may vary	35 ft.
RPUD	Any use permitted in the underlying zone (i.e. single-family and/or two-family units, multi-family units, mobile homes.	Based on underlying zone	Based on underlying zone	Based on underlying zone		Based on underlying zone	Based on underlying zone	Based on underlying zone	35 ft. (2 stories)
MU	Residential units combined with commercial, service, retail, public parking and/or office uses.	15,000 square feet for multi-family residential	Multi-family units: 15 units/ per acre. Mixed Use: 35 units/acre Senior Housing: 45 units/acre. Density Bonus: Up to 25% for a max. of 55 units/acre.	None		For multi-family uses: 25 ft. (30 ft. for 2 stories) For mixed use: 10 ft.	For multi-family uses: 1/2 bldg. height (5 ft. minimum) For mixed use: 0-10 ft.	For mixed use: 0-10 ft.	For mixed use: 45-60 ft.
IM	Combined living/working spaces occupied by artists, artisans, misc. professionals	None	4 units per acre	Width: None Depth: 100 ft.		30-100 ft.	10-100 ft.		55 ft. (4 stories)

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Second Dwelling Unit in SF Residential Zone	A second, accessory residential unit is allowed in the following zones: "Cp", "PUCC", and all "RM" zones except "RM-4.4 MH"			Based on zone where unit is located					

Source: City of Upland Planning & Zoning Code

The PRD Overlay may be applied to any parcel of 1 acre or more within any residentially zoned district, subject to approval of a conditional use permit (CUP). This overlay stipulates a specified maximum number of units per building and requires that each unit have access to private and/or common open space or recreational/leisure areas. Densities for PRD overlay areas are limited to that of the underlying single-family or multi-family zone. Exceptions to this include those multi-family residential zones permitting more than 12 dwelling units per acre, in which case the maximum density is 15 dwelling units per acre, and density bonus areas in single-family zones or in RM-4.4 or RM-3.6 zones.

The Residential Planned Unit Development (RPUD) Overlay is similar to a PRD in that it emphasizes a unified planning approach to large-scale residential developments. Developments in an RPUD zone, though also required to provide access to public/private open space areas, may include a small number of nonresidential uses such as schools, churches and recreational facilities intended for use by the occupants of the proposed project. The RPUD Overlay may be applied to any parcel or group of parcels with a minimum of 20 gross acres within any residentially zoned district, with CUP approval. This overlay specifies a maximum number of units per building, and limits densities to those of the underlying zone.

The Development Code permits multi-family and senior residential uses in the Town Center (TC) and Mixed Use (MU) districts with a CUP. Dwelling units may be constructed on upper floors within either zone, or behind office/commercial uses if the residential is part of a mixed-use development. This type of zoning is especially suited for residential mixed-use projects due to the concentration of historic buildings which had originally been built with commercial uses on the ground floor and residential above. Over the years the residential uses on the upper floors were transitioned to office, storage, and other non-residential uses. The City's interest in the revitalization of the Town Center area and emphasis on pedestrian orientation supports the objective for integrating residential uses into the fabric of the downtown. Additionally, the MU zone also allows stand-alone multi-family dwellings, including senior citizen complexes, with CUP approval.

The maximum density within the TC district is 12 dwelling units per acre for mixed-use development and 50 dwelling units per acre for senior housing; the permitted density within the MU district is 15 dwelling units per acre for multi-family housing, 35 dwelling units per acre for mixed-use development, and 45 dwelling units per acre for senior housing. The option of using a density bonus is available in both zones, thus increasing the maximum density up to 55 dwelling units per acre. Height limits are especially accommodating for the adaptive reuse of upper floors in existing structures, new construction above the first or second floor of existing structures, or as structures attached at ground level to the rear of an existing structure, with a four-story limitation in the TC district and a four- to five-story height limit in the MU district.

The Industrial/Loft Joint Live/Work Artists Units (IM) overlay district specifies development standards allowing for combined working and living spaces for artists, artisans, professionals and similarly situated individuals. Live/work units are permitted in light industrial (ML) zones, with the residential component serving as the secondary use to the primary work area. Maximum residential density for the IM district is four dwelling units per acre.

Nonprofit housing developments for seniors with low to moderate incomes are allowed in all multi-family residential zones, subject to CUP approval. The Development Code specifies project and site development criteria for this overlay district. Densities for multi-family senior projects may increase as much as 20% over that of the underlying zone, but not more than those densities specified in the General Plan. The TC and MU districts allow senior housing developments at 45 dwelling units per acre.

The City allows transitional shelters and emergency housing for less than six persons in any residential district without requiring a Conditional Use Permit, and facilities for more than six persons may be

approved with a Conditional Use Permit. An 8-unit, 56-bed emergency center with transitional support services is located in Upland. A shelter voucher program is administered by St. Marks Church, which provides for emergency stays of one to three days. Additional emergency shelter facilities are located at the Armstrong Apartments providing two, two-bedroom units. Transitional housing is defined as temporary housing that may be wholly or partially subsidized by operators of the facility or other resources.

Site development standards are comparable to other community requirements and ensure a quality living environment for all household groups in the City including special groups such as low- and moderate-income households and senior citizens.

**c. Parking Requirements**

Parking requirements in Upland are shown in Table 36. These characteristics do not constrain the development of housing directly. However, the requirement for 2 parking spaces for each studio and one-bedroom unit in multiple family projects may be more than needed, particularly in projects catering to lower-income households, which may be more transit dependent than other groups. It has been documented (The Case for Multi-family Housing, ULI 1991) that "residents of multi-family housing tend to own fewer cars and to use them less often." The Development Code has accounted for reduced parking requirements for seniors' developments in the Senior Citizens Housing Development overlay zones as well as in the Town Center and Mixed Use districts. Parking standards for residential uses within the mixed-use areas of the Town Center and Mixed Use districts allow for a reduction in parking spaces for studios and one-bedroom units. Within the Mixed Use zone, most residential parking is required in a secure parking structure or private garage. Shared parking provisions with adjacent commercial uses are not implemented, which may result in higher construction costs.

**TABLE 36  
RESIDENTIAL PARKING REQUIREMENTS**

<i>Type of Residential Development</i>	<i>Required Parking Spaces</i>	<i>Comments</i>
Single Family Residential	2 spaces per Unit + ½ space per guest	
Multiple Dwellings Studio One Bedroom Two Bedroom Three + Bedroom	2 spaces per Unit + ½ space per guest	
Senior Citizen Housing (60 years +)	May be reduced not more than 25% from the required minimum number of spaces in underlying zone.	May be reduced to 1 space per 2 units in mixed use areas.
Accessory Rental Units	1 space per unit	In addition to spaces required for primary residence.
Mixed Use	<ul style="list-style-type: none"> <li>• Bachelor/efficiency: 1 resident space + ¼ guest space</li> <li>• 1-Bedroom: 1 ¼ resident spaces + ½ guest space</li> <li>• 2-Bedroom or more: 2 resident spaces + ½ guest space</li> </ul>	

Source: City of Upland Planning & Zoning Code

**d. Other Regulatory Mechanisms**

In response to State mandated requirements and local needs, the City has adopted ordinances/regulatory mechanisms allowing for the development of accessory rental units and density bonus provisions. While the intent of these land use controls has been to provide affordable housing, the ordinances do not specifically regulate or address the issue of qualifications for affordability, nor the continuation of affordability resulting once created as such, with the exception of density bonuses. The monitoring of affordability resulting from such ordinance provisions has been programmed into the Upland Redevelopment Agency's administrative functions

**e. Density Bonus**

Beyond local requirements, state law allows for a developer to increase the density of a residential development by at least 25% if provisions are made to provide 20% of the units for lower- and moderate-income housing. As well, one additional incentive or financial equivalent (such as modified development standard or waiver/reduction of application or development fees) is granted to all residential development meeting the 20% density bonus requirement for lower- and moderate-income housing. The City of Upland complies with the density bonus provisions required by State law in Planned Residential Development zones when requested by the project applicant. The density bonus would also be applicable in conjunction with residential development in the Town Center and Mixed Use districts and Senior Citizens Housing Development Overlay projects.

**f. Accessory Units and Manufactured Housing Requirements**

In response to state-mandated requirements and local needs, the City of Upland allows for the development of an accessory or second dwelling unit. These units or "granny flats" are intended primarily for the elderly or for members of the family of the owner-occupant of the primary residential unit. Accessory rental units primarily serve to augment resources for senior housing, though they may serve the needs of other segments of the population. Accessory dwelling units are permitted by right within the RM-3.6, RM-3.6 (C), RM-2.0 and RM-1.5 zones only, and are permitted by right in SFR-10 and SFR-7.5 zones in the San Antonio Lakes Specific Plan area. Within all single-family residential zones, accessory dwelling units are permitted with CUP approval. Within in the San Antonio Lakes Specific Plan area, second dwelling units are allowed by right only in SFR-10 and SFR-7.5 zones, and are prohibited in all other zones. Conditions in the Development Code require:

- The maximum floor area of the unit does not exceed 700 square feet, exclusive of garage;
- The lot currently contains an existing single family dwelling;
- The unit may be rented but not sold separately from the primary unit on the lot;
- All required setbacks must be met - an attached or detached unit may not encroach into any required yard setback;
- The unit shall have its own entrance;
- The unit shall be located to the rear of the primary unit;
- The recorded property owner or family member of any lot developed with the second dwelling unit shall be required to maintain residency of either the primary or second dwelling unit located on such lot or parcel.

- The unit must be served by its own parking space.

Prefabricated dwelling units such as mobile homes, modular and manufactured units may be permitted, with a CUP, as secondary units only in the RS-7.5 and RS-6 zones. Mobile home units may be used as accessory rental units subject to the following provisions:

- The mobile home unit shall be certified under the National Mobile Home Construction and Safety Standards Act of 1974;

Accessory living quarters, defined as: living quarters having no kitchen facilities within an accessory structure for the sole use of persons employed on the premises or for temporary use by guests of the occupants of the premises, which is not rented or otherwise used as a separate dwelling, are permitted accessory uses in all single-family zones and in zones for multi-family use.

Accessory living units can be a valuable housing resource for the city. Although the City permits accessory living unit construction, it is not anticipated to be a major focus of activity. The City could offer a reduction of application fees as an incentive to promote the development of accessory units, or other incentives such as reduced development standards in order to make this option attractive to property owners.

### **g. Building Codes**

The City of Upland has adopted the most recent edition of the Uniform Building, Plumbing, Mechanical and Electrical Codes, with amendments, which establish construction standards as applied to all residential buildings. The Building Code is used as a set of rules to guide new construction, adaptive reuse, and renovation. The City's building codes are based on regulations necessary to protect the public health, safety and welfare. These minimum standards cannot be revised to be less stringent without sacrificing basic safety considerations and amenities. The City's Building Code is updated, as necessary, to reflect pertinent changes in the UBC and State legislation. As well, the City reviews and updates the building codes used to reflect conditions which are unique to the City. The UBC contains minimum building requirements for such issues as insulation and installation of devices/fixtures that reduce energy consumption. While the City is required to enforce the UBC, compliance may sometimes increase the cost of housing production.

Building and zoning codes help to preserve the housing stock by requiring owners to maintain their properties in sound condition. Historically, this has been achieved by City staff in response to specific complaints. If a problem has been found on investigation, a demand for compliance is issued. During the previous housing element period, the City established a program to identify, inspect and improve blighted rental units. A Community Improvement Task Force was created as part of this program. The Task Force set up guidelines for inspection and two new part-time positions were created to implement the program and investigate complaints, resulting in over 2,300 code enforcement actions. The City is not using its building code enforcement powers in a manner that constrains housing development or improvement. Rather, the City's housing officials are using the authority as indicated in state law to defer the effective date of orders of abatement in cases of extreme hardship.

### **h. Americans with Disabilities Act**

The City's building codes require that new residential construction comply with the Federal American with Disabilities Act (ADA). ADA provisions include requirements for a minimum percentage of units in new developments to be fully accessible to the physically disabled. Provisions of fully accessible units

may also increase the overall project development costs. However, unlike the UBC, enforcement of ADA requirements is not at the discretion of the City, but is mandated under federal law.

Compliance with building codes and the ADA may increase the cost of housing production and can also impact the viability of rehabilitation of older properties required to be brought up to current code standards. However, these regulations provide minimum standards that must be complied with in order to ensure the development of safe and accessible housing.

**i. Development Fees**

A formal fee study was completed in house by City staff in 1990/91. At that time, fees were set at approximately 50% of full cost recovery. At that time the City Council made a formal decision as a matter of City policy that the City would not charge developers the full cost of processing development projects. The Council felt that recouping the total development processing cost would be onerous and discourage development in the community. No fee increases have been adopted since 1990/91 although staff and overhead costs of processing development applications have increased during that time. Consequently, it is reasonable to conclude that planning fees do not present an impediment to housing development.

The Building Department in 1990/91 completed a formal fee study. Fees were set in accordance with the fee guidelines recommended in the 1991 Uniform Building Code. Approximately 60% of the cost of processing development projects is recovered under the current fee system. In 1999 staff recommended that the City's fee schedule be updated based on the 1997 Uniform Building Code guidelines. The City Council did not support the recommendation because it felt that fee increases would create a problem for the development community. The City Council has adopted a policy with respect to the Building Department not to recover the full cost of processing projects. As a result, no fee increases have been adopted since 1990/91 although the costs of processing building permits have increased. Based on these facts it is clear that building fees do not unreasonably restrict housing development in the city.

**j. Local Processing and Permit Procedures**

Holding costs associated with delays in processing have been estimated to add between 1.1% to 1.8% to the cost of a dwelling unit for each month of delay. The City of Upland's development approval process is designed to accommodate, not hinder development. Upland has three review bodies for all residential projects: The Administrative Committee; the Design Review Board; and the Environmental Review Board.

Processing times vary with the complexity of the project. A project usually takes from 60 days to 90 days under a fast track schedule to receive approval from all three review bodies if no EIR, tentative tract map or CUP are required. Most residential zones in the City do not require discretionary review other than the three review body process. Accessory living rental units (granny flats), Residential Planned Unit Developments (RPUD), mixed use developments and Planned Residential Developments (PRD) require a Conditional Use Permit in all applicable residential zones, which typically adds about 30 days to the review process as a Planning Commission hearing is required. If a tentative tract map is required for a project, the review period is typically extended one month, again for a Planning Commission hearing. If an EIR is required, the schedule is extended by a minimum of 120 days (four months) due to CEQA noticing and review requirements. Table 37 provides a list of the average processing times for various procedures from formal application to final approval of a project.

**TABLE 37  
LOCAL DEVELOPMENT PROCESSING TIME LIMITS**

<b>Action</b>	<b>Approximate Length of Time from Submittal to Public Hearing</b>
Conditional Use Permit	30-60 days
Site Plan Review	30-60 days
Tentative Tract Map/Parcel Map/Subdivision	30-60 days
Variance	30-60 days
Zoning Amendments or Zone Change	6-9 months
General Plan Amendment	6-9 months
Environmental Documentation	6-9 months

Expedited processing of particular projects with affordability conditions is a concession the City implements as an incentive to developers/property owners. Permit processing is expedited by running various applications concurrently when feasible. The City has a highly streamlined process for implementing its property rehabilitation programs funded with Redevelopment Set-Aside funds, CDBG funds, and Rental Rehabilitation funds. A Housing and Community Development Specialist oversees all such activities with much of the day to day loan processing, borrower and contractor negotiation, and contract management delegated to an outside consultant. The City's processing and permit procedures do not appear to constrain the development of housing.

**2. Non-Governmental Constraints**

**a. Environmental Constraints**

Environmental hazards affecting housing units include geologic and seismic conditions which provide the greatest threat to the built environment. The City has identified areas where land development should be carefully controlled. The following hazards may impact future development of residential units in the City.

- **Seismic Hazards:** Like the entire Southern California region, the City of Upland is located within an area of high seismic activity. Although no active fault traces cross the City, Upland's close proximity to five major fault zones subjects the area to surface rupture, ground shaking, and ground failure. The greatest potential dangers are the collapse of older residential units constructed from unreinforced masonry and explosions of petroleum and fuel lines. Some of Upland's historic and culturally significant buildings are among the most hazardous in case of earthquakes. The conflict exists between landmark preservation and the elimination of public danger from seismic damage.
- **Flooding:** There are no designated flood hazard areas within the City.
- **Dust and High Wind Hazards:** This condition results in property damage from high winds, wind tunneling and channeling effects of buildings, soil erosion, and unpleasant living conditions.
- **Toxic and Hazardous Wastes:** In Upland, air pollution is the main area of concern relative to toxic substances. Major point sources of air pollution come from the variety of industrial uses throughout the region. The primary source, however, is automobile traffic.
- **Fire Hazards:** The most serious fire threat within the City is man. Brush fires have been significantly reduced as a major hazard due to the increased development of open land. The

critical problem areas in residential buildings include structural fires due to aged or faulty electrical wiring, lack of separations in highly combustible structures, toxic materials contained within buildings, building design, and poor maintenance.

- **Noise:** Residential land uses are considered the most sensitive to loud noise. The principal noise sources in Upland are the major transportation systems: railroad lines (Southern Pacific, Union Pacific, and Santa Fe), and the freeway (Interstate 10). Of these two principal noise sources, railroad noise poses the greatest potential for creating a significant adverse impact. As urbanization within Upland and the surrounding region continues, the intensity and duration of noise generated by transportation facilities serving the area is anticipated to increase.

**b. Infrastructure Constraints**

While Upland is mostly developed with its primary infrastructure systems in place, upgrading of these systems is sometimes necessary to accommodate new development or as a redevelopment improvement. The cost of these new or upgraded facilities is borne by developers, and is typically added to the cost of the new housing units, and is eventually passed on to the homebuyer, property owner, or tenant. If these improvements are maintained through Homeowner Associations, the cost of such maintenance is typically assessed to the homeowners on a monthly basis. For the most part, the improvements are dedicated to the City, which is then responsible for the maintenance.

The passage of Proposition 13 in 1978 had the effect of substantially reducing the amount of public funds available for infrastructure. As part of the development approval process, the City can require the provision of on-site and off-site improvements necessitated by the development, such as improvements to curbs and gutters, alleys, streets, sidewalks and street lights, and utility undergrounding. The cost of such improvements may increase the cost of development, which would ultimately be passed through to future tenants or owners. While these costs may not render a project infeasible, they contribute to the range of factors which affect the affordability of a project. Expenditure of CDBG funds on community improvements such as upgrading or expanding of streets, drainage system, water system or sewer system may be used as an incentive to infill or mixed-use development. However, these CDBG-funded improvements may only be used in income-eligible and/or blight areas.

The deficiencies that presently exist as well as those projected in the future are primarily a result of recent growth and development pressures within the City, although increased consumption by existing customers is also a factor. Areas of infrastructure limitations may be corrected by the installation of new systems or upgrading existing services. There are no permanent infrastructure constraints at this time. A brief summary of the principal infrastructure systems serving the City follows:

- **Water:** The present source of water for Upland is a municipally-owned system operated by the Public Works Department. The Inland Empire Utilities Agency (formerly the CBMWD) supplements the City's water needs with local groundwater. The Inland Empire Utilities Agency also serves as the region's watermaster, providing wastewater treatment services and monitoring the pumping of groundwater.

The City's Water Master Plan was adopted in 1992 and identifies water system improvements needed for both existing and future residents in the City. Anticipated water system improvements consist of a combination of main line repairs and updating of facilities, particularly in the Southeast portion of the City where infrastructure is older and in many cases undersized. Recent improvements to the water system include: the construction of a new well in the Southeast Quadrant to replace an old well and increase supply; the construction of booster

stations to increase water system delivery; and additional water storage capacity. Additional reservoir capacity is proposed but not yet constructed.

Improvements are typically funded by grants, developers, and revenues from fees (which include, either individually or in combination; connection fees, additive fees, and frontage fees). For larger residential developments, the developers are required to build the necessary backbone infrastructure and guarantee that water can be supplied. Infill projects are considered on a case by case basis whereby the existing infrastructure is evaluated to meet fire flow requirements. If fire flow requirements cannot be met, the project proponent would be required to upgrade facilities.

- **Wastewater:** Wastewater in Upland is collected primarily by lines owned and operated by the Public Works Department. It is then treated by the Inland Empire Utilities Agency. At present, these facilities are adequate for the needs of the region, having recently increased capacity to a total of 52 MGD.

The improvements called for in the City's Master Plan have been completed. A Master Plan was recently commissioned in the Southwest Quadrant of the City, within the Sphere of Influence area, to accommodate the needs generated by the residents and businesses of this area. Capacity is not an issue - the primary problems are root intrusion and maintenance. New development projects, including the Colonies Specific Plan area, are required to upgrade the appropriate sections of the system which are impacted by the additional growth. Whenever the General Plan is changed, the system's capacity is analyzed. The project proponent requesting the General Plan amendment would be required to upgrade the system as needed if the proposed development would exceed the system's capacity.

- **Flood Control:** Flood control facilities are maintained by the Public Works Department. The Public Works Department prepares long-term capital improvement programs (CIP) to identify required improvements, estimate improvement costs for each component, and identify potential funding sources. CIP improvements are typically funded with the City's Storm Drain Development Fund, and supplemented by CDBG funds if the improvements are located within an eligible area. Budget requests through the year 2000 have been accommodated by the available Storm Drain Development funds.

Storm drain deficiencies are considered the most significant infrastructure issue in the City, particularly in the Southeast Quadrant where development tends to be older, and hence, the storm drainage system is in greater need of maintenance or replacement. Since the City is nearly built out, provision of storm drain facilities to new, undeveloped areas is not as prevalent an issue as the condition and capacity of existing facilities.

The San Bernardino County Flood Control District (SBCFCD) operates a network of interceptor storm drains, including the South Upland Stormwater Interceptor, which recently was completed through Upland. This project was funded jointly by the City (18%) and the SBCFCD to relieve major peak storm flows from the southern part of Upland. The construction of this storm drain provides the underground conduit for future north-south storm drain laterals to handle both existing flow and any future increase in flow due to infill and redevelopment.

The foregoing analysis indicates that the City is not located in an area in which residential development is seriously constrained by environmental conditions or safety hazards. Any restrictions posed on development in response to environmental conditions is done so for the protection of the health, safety and welfare of the city's residents.

