

## SECTION 5. IMPLEMENTATION

The City of Upland will adopt the Wyeth Cove Specific Plan by ordinance. Following approval by the City, the Wyeth Cove Specific Plan will serve as the implementation tool for the General Plan as well as the zoning for the Project Site. The Specific Plan addresses general provisions, permitted uses, development standards, and community design guidelines. Concurrently with or pursuant to the adoption of the Specific Plan, the City Planning Commission will also approve a tentative tract map establishing legal development lots within the Project Site.

### 5.1 METHODS AND INTERPRETATION

Development within the Wyeth Cove Specific Plan shall be implemented through the approval by the City of a tentative and final tract map and through development plans approved through the Development Review process as established in the City of Upland Zoning Code. The implementation process described below provides for the mechanisms for review and approval of the development project proposed within the Wyeth Cove Specific Plan.

### 5.2 APPLICABILITY

All development proposals within the Wyeth Cove Specific Plan shall be subject to the implementation procedures established herein. Whenever the provisions and development standards contained herein conflict with those contained in the City of Upland Zoning Code, the provisions of the Wyeth Cove Specific Plan shall take precedence.

### 5.3 INTERPRETATION

Unless otherwise provided, any ambiguity concerning the content or application of the Wyeth Cove Specific Plan shall be resolved by the City of Upland Planning Director (Director) or his/her designee in a manner consistent with the goals, policies, purpose and intent established in this Specific Plan.

### 5.4 IMPLEMENTATION OF DESIGN GUIDELINES

Adoption of the Wyeth Cove Specific Plan by the City includes adoption of the design guidelines contained herein, which shall be the design criteria by which the development project within the Wyeth Cove Specific Plan area will be reviewed during Development Review. The design guidelines are intended to be flexible in nature while establishing basic evaluation criteria for the review by the City of the applicant's development project during Development Review.

Any major deviation from the design guidelines within the Wyeth Cove Specific Plan shall require approval by the Planning Commission. The determination of a major deviation from the design guidelines shall be made by the Director. A variation of up to 20% of any quantifiable design criteria is considered minor and may be approved by staff.

### 5.5 DEVELOPMENT REVIEW

#### 5.5.1 Subdivision Maps

Approval of a tentative tract map will occur concurrently with the adoption of the Wyeth Cove Specific Plan. The tentative and final tract map will be reviewed and approved pursuant to applicable provisions of the City of Upland Subdivision Ordinance and consistent with the applicable provisions of Land Use, Infrastructure, Design Guidelines, and Development Regulations contained within the Wyeth Cove Specific Plan.

### 5.5.2 Site Plan and Architectural Review

The specific development project proposed for the Wyeth Cove Specific Plan shall be subject to the Development Review process as established in Section 9404.100 of the City's Zoning Code. Pursuant to these provisions, the Development Review process constitutes a design review of project architecture, site plans, and landscape plans. Adoption of the Wyeth Cove Specific Plan by the City includes adoption of the design guidelines contained within the Specific Plan and which provide direction for the design of the development project within the Project Site. Where the development regulations and design guidelines are silent, the applicable development regulations and design guidelines contained within the City's Zoning Code shall apply.

The Development Review application shall include a landscape and irrigation plan describing plant materials and their growth habits, plant size and spacing, methods of irrigation and landscaping maintenance, site plans, architectural elevations, floor plans, grading plans and other requirements as specified by the City.

## 5.6 SPECIFIC PLAN MODIFICATIONS AND AMENDMENTS

### 5.6.1 Minor Modifications

The following constitute minor modifications to the Specific Plan, not requiring a Specific Plan Amendment, and are subject to review and approval by the Director. The Director shall have the discretion to refer any such request for modification to the Planning Commission or the City Council.

- a. Change in utility and/or public service provider.
- b. Minor changes to landscape materials, wall materials, wall alignment, entry design, and streetscape design which are consistent with the

conceptual design set forth in the design guidelines contained within the Specific Plan.

- c. Minor changes to the design guidelines, which are intended to be conceptual in nature only, and are intended to be flexible in implementation.
- d. Other modifications of a similar nature to those listed above, which are deemed minor by the Director, which are in keeping with the purpose and intent of the approved Wyeth Cove Specific Plan and which are in conformance with the General Plan.

### 5.6.2 Specific Plan Amendments

Amendments to the Wyeth Cove Specific Plan may be requested by the applicant or by the City at any time pursuant to Section 65453(a) of the Government Code. Amendments shall be processed pursuant to the provisions of the Government Code for Specific Plan Amendments. In the event the proposed amendment requires supplemental environmental analysis pursuant to the California Environmental Quality Act (CEQA), the applicant(s) are responsible for preparing the necessary CEQA documentation.

## 5.7 APPEALS

Appeals from any determination of the Director shall be made to the Planning Commission. The applicant(s) or any other entity shall have the right to appeal the decision of the Planning Commission on any determination by filing an application on forms provided by the City of Upland. Appeals shall be processed consistent with the provisions of the City of Upland Zoning Code.

## 5.8 COMPLIANCE WITH MITIGATION MEASURES

The City of Upland will adopt a mitigated negative declaration (MND) prepared for the Wyeth Cove Specific Plan concurrently with the adoption of the Specific Plan. Development within the Project Site

shall comply with all approved mitigation measures as described in the MND.

### 5.9 PROJECT FINANCING

Construction of public improvements to serve the Wyeth Cove Specific Plan will be financed through private funding mechanisms.

### 5.10 PROJECT PHASING

Phasing of the Wyeth Cove Specific Plan will meet the following objectives:

- Orderly build-out of the community based upon market and economic conditions.
- Provision of adequate infrastructure and public facilities.
- Protection of public health, safety and welfare.

The phasing of residential development areas will be determined by the developer. The development of residential uses will be implemented through the approval of a tentative and final tract map and permits pursuant to the Development Review process. Three main phases of site development will be implemented as described below.

Phase 1 - Rough grading and installation of improvements to Benson Avenue and 15th Street, connections to off-site backbone infrastructure, and on-site infrastructure.

Phase 2 - Construction of Recreation /Sales facility and residential model home units.

Phase 3 - Construction of residential units, open space, landscape, and irrigation systems.

### 5.11 MAINTENANCE

- a. All curb, gutter, sidewalk and landscape improvements constructed for Benson Avenue and 15th Street as part of the project will be dedicated to the City of Upland and will be maintained by the City.
- b. All driveways within the Project Site shall be private and maintained by the project Homeowner Association.
- c. Front yard and common area landscape improvements within the Project Site shall be maintained by the project Homeowner Association.
- d. Recreational areas and parks within the Project Site will be maintained by the project Homeowner Association.
- e. All on-site water, sewer, and storm drains within the Project Site shall be privately constructed and maintained by the Homeowner Association.
- f. Off-site infrastructure improvements such as water, sewer, and storm drain facilities will be dedicated to and maintained by the appropriate responsible agency.

