

**Lois Sicking Dieter**  
**Upland Resident**



Mr. Mike Poland  
Contract Planning Manager  
Development Services Department/Planning Division  
City of Upland  
460 N. Euclid Avenue  
Upland, CA 91786

June 9, 2021

Subject: Upland Memorial Park Revitalization Master Plan

Dear Mr. Poland:

I am writing to comment on the draft Initial Study (IS) and Mitigated Negative Declaration (MND) for the proposed Upland Memorial Park Revitalization Master Plan project released for public review on May 21, 2021 by the City of Upland, CA (City) that is the Lead Agency. I have reviewed specific elements of the documents and the following are my comments and conclusions regarding the construction of a new Tiny Tots Building:

Part 1 - MND, Section 2.8 Proposed Upgrades and Improvements, 21 proposed elements are indicated, where number 21 is listed as "The demolition and construction of a "tiny new tots" building, located south of the YMCA building;'

The construction of a day care center to include the Tiny Tots Day Care Center is in violation of the Park Preservation Act of 1971 and No. 95-107 Legal Opinion of June 8, 1995 by California Attorney General Mr. Daniel E. Lungren. See the attached Appendices 1 and 2.

Public Resources Code Section 5400-5409, Chapter 2.5. Preservation of Public Parks, also known as the California Public Park Preservation Act Of 1971 requires a public agency that acquires public parkland for non-park use must either pay compensation that is sufficient to acquire substantially equivalent substitute parkland or provide substitute parkland of comparable characteristics.

The No. 95-107 Legal Opinion requires that a day care must be part of a community center to be legal. This legal opinion also discusses how a school in a park would be illegal. Tiny Tots must be part of a community center so building a separate Tiny Tots building south of the YMCA is unacceptable. However, the previous 2019 park plans showed expansion of Landacena Community Center to include the Tiny Tots day care center, which is acceptable.

Part 2- California Environmental Quality Act (CEQA) requires a project description be a definite finite description, not open ended. What is the cumulative project under proposal? That is unknown from the documents for public and decision makers review. We cannot provide detailed comments since we do not have those details and data to make and informed decision.

The IS and MND do not adequately describe the Tiny Tots Day Care project, does not include a description, drawing before and after description, no before and after specific dimensions, and does not include a "worse case" environmental scenario, knowing that refurbishment and expansion allows in some scenarios up to 50% increase in square feet without requiring additional public review under the law.

In addition, the other 20 of 21 elements do not include any such details. What are the dimensions of each element footprint before and after project completion? What is the net loss/gain of open green space? What is the total present and future impermeable surface area? What is the net loss/gain of impermeable surface space? In addition, I request a copy of the current Memorial Park tree inventory. How many trees, type, and dimensions of the trees that are proposed to be removed? I request a copy of the current Memorial Park tree inventory and the proposed project completion tree inventory, type and dimensions.

Furthermore the Notice of Intent indicates a project description that is open ended. Specifically, the proposed improvements include, **but not limited to**, ... In addition, this phase is used several individual project descriptions in the MND. This is unacceptable.

*Upland Memorial Park comprises 40 acres and currently offers baseball/softball fields, basketball court, picnic tables/shelters, a skate park, barbeque facilities, a day care center, band shell, a playground and parking. Proposed improvements include, but are not limited to, a new children's playground area, new central greenbelt and outdoor amphitheater, new splash pad, new open turf grass play area, new picnic areas, multi-use recreational facility, new multi-sport playfield, new expanded parking area, new landscaping, renovation of existing features and facilities, and supporting infrastructure upgrades.*

As the Lead Agency, the City should either withdraw the draft IS and MND for the proposed development from further consideration, or the City Council should deny approval when the documents are submitted for consideration and formal decision.

If the project and supporting documents were revised and resubmitted under separate cover, a full environmental impact study and report in accordance with the California Environmental Quality Act should be a condition for future consideration by the City. This would allow time for detailed review by all interested parties.

Sincerely:

s/ Lois Sicking Dieter  
Lois Sicking Dieter  
Upland Resident

