

**INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

WEST FOOTHILL DEVELOPMENT PROJECT

UPLAND, SAN BERNARDINO COUNTY, CALIFORNIA

**DPR-22-0002; CUP-22-0001; TPM-22-0002; ALUC-22-0001; AND EAR-22-
0002**



January 2024

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0002**



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January 2024

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TABLE OF CONTENTS

TABLE OF CONTENTS	i
LIST OF ABBREVIATIONS AND ACRONYMS	iii
1.0 INTRODUCTION AND PURPOSE OF THE INITIAL STUDY	1-1
1.1 Introduction	1-1
1.2 Purpose of the Initial Study.....	1-2
1.3 Intended Use of This Initial Study	1-2
1.4 Public Review of the Initial Study.....	1-3
2.0 PROJECT DESCRIPTION	2-1
2.1 Project Location	2-1
2.2 Existing Setting	2-1
2.3 Existing Land Use.....	2-2
2.4 Proposed Project.....	2-2
2.5 Project Approvals	2-6
3.0 INITIAL STUDY CHECKLIST	3-1
4.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED.....	4-1
4.1 Determination (to be Completed by the Lead Agency)	4-1
5.0 CEQA ENVIRONMENTAL CHECKLIST	5-1
5.1 Aesthetics	5-1
5.2 Agriculture and Forestry Resources	5-5
5.3 Air Quality	5-7
5.4 Biological Resources.....	5-16
5.5 Cultural Resources	5-23
5.6 Energy.....	5-28
5.7 Geology and Soils	5-33
5.8 Greenhouse Gas Emissions	5-42
5.9 Hazards and Hazardous Materials	5-48
5.10 Hydrology and Water Quality	5-58
5.11 Land Use and Planning	5-69
5.12 Mineral Resources.....	5-72
5.13 Noise.....	5-74
5.14 Population and Housing	5-93
5.15 Public Services.....	5-96
5.16 Recreation	5-100
5.17 Transportation	5-102
5.18 Tribal Cultural Resources	5-109
5.19 Utilities and Service Systems.....	5-113
5.20 Wildfire.....	5-118
5.21 Mandatory Findings of Significance	5-121
6.0 LIST OF PREPARERS	6-1

7.0 REFERENCES 7-1

FIGURES

Figure 1: Project Location and Vicinity	2-8
Figure 2: Existing Setting	2-10
Figure 3a: Site Photographs	2-12
Figure 3b: Site Photographs	2-14
Figure 4: Conceptual Site Plan	2-16
Figure 5a: Conceptual Architectural Elevations (Industrial Building 1)	2-18
Figure 5b: Conceptual Architectural Elevations (Industrial Building 2)	2-20
Figure 6: Conceptual Landscape Plan	2-22

TABLES

Table 2.3.A: Project Site and Surrounding Land Uses	2-2
Table 5.3.A: SCAQMD Construction and Operation Thresholds of Significance (lbs/day)	5-8
Table 5.3.B: SCAQMD Localized Significance Thresholds	5-9
Table 5.3.C: Short-Term Regional Construction Emissions	5-12
Table 5.3.D: Project Operation Emissions (lbs/day)	5-13
Table 5.3.E: Construction Localized Impacts Analysis	5-15
Table 5.3.F: Long-Term Operational Localized Impacts Analysis	5-15
Table 5.6.A: Estimated Annual Energy Use of the Proposed Project	5-31
Table 5.8.A: Construction Greenhouse Gas Emissions	5-44
Table 5.8.B: Long-Term Operational Greenhouse Gas Emissions	5-45
Table 5.13.A: Exterior Noise Compatibility Standards	5-75
Table 5.13.B: City of Upland Maximum Noise Level Standards	5-75
Table 5.13.C: Long-Term Ambient Noise Monitoring Results	5-76
Table 5.13.D: Typical Construction Equipment Noise Levels	5-78
Table 5.13.E: Summary of Construction Phase, Equipment, and Noise Levels	5-79
Table 5.13.F: Existing Traffic Noise Levels Without and With Project	5-81
Table 5.13.G: Opening Year (2024) Traffic Noise Levels Without and With Project	5-81
Table 5.13.H: Cumulative Year (2045) Traffic Noise Levels Without and With Project	5-82
Table 5.13.I: Daytime and Nighttime Stationary Noise Levels	5-85
Table 5.13.J: Interpretation of Vibration Criteria for Detailed Analysis	5-87
Table 5.13.K: Construction Vibration Damage Criteria	5-88
Table 5.13.L: Vibration Source Amplitudes for Construction Equipment	5-88
Table 5.13.M: Potential Construction Vibration Annoyance	5-89
Table 5.13.N: Potential Construction Vibration Damage	5-90
Table 5.17.A: Project Trip Generation	5-104

APPENDICES

- A: AIR QUALITY AND GREENHOUSE GAS ANALYSIS
- B: BIOLOGICAL RESOURCES ASSESSMENT
- C: CULTURAL RESOURCES ASSESSMENT
- D: GEOTECHNICAL INVESTIGATION
- E: PHASE I ENVIRONMENTAL SITE ASSESSMENT
- F: WATER QUALITY MANAGEMENT PLAN
- G: NOISE AND VIBRATION ANALYSIS
- H: TRAFFIC IMPACT ANALYSIS
- I: MITIGATION MONITORING AND REPORTING PROGRAM
- J: PUBLIC COMMENT LETTERS AND RESPONSES TO PUBLIC COMMENTS
- K: ERRATA CHANGES TO THE ADMINISTRATIVE DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION DATED NOVEMBER 2023

LIST OF ABBREVIATIONS AND ACRONYMS

AAQS	ambient air quality standards
ACM	asbestos-containing material
ADA	Americans with Disabilities Act
ADT	average daily traffic
ALUCP	Airport Land Use Compatibility Plan
APN	Assessor's Parcel Number
AQMP	Air Quality Management Plan
Bcf	billion cubic feet
BMP	Best Management Practice
CalEEMod	California Emissions Estimator Model
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Code
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CIP	Capital Improvement Program
City	City of Fontana
CNEL	Community Noise Equivalent Level
CO ₂ e	carbon dioxide equivalent
CWA	Federal Clean Water Act
dBA	A-weighted decibels
DCV	Design Capture Volume
DR	Design Review
DTSC	California Department of Toxic Substances Control
EIR	Environmental Impact Report
EPA	United States Environmental Protection Agency
ESA	Environmental Site Assessment
EV	electric vehicle

FMMP	Farmland Mapping and Monitoring Program
FUSD	Fontana Unified School District
GHG	greenhouse gas
GPA	General Plan Amendment
HCP	Habitat Conservation Plan
HMBEP	Hazardous Materials Business Emergency Plan
HMMA	Hazardous Materials Management Act
HVAC	heating, ventilation, and air conditioning
IEUA	Inland Empire Utilities Agency
IS	Initial Study
ITE	Institute of Transportation Engineers
kBTU	thousand British thermal units
LBP	lead-based paint
L_{eq}	equivalent continuous sound level
LID	Low Impact Development
L_{max}	maximum instantaneous noise level
LOS	level of service
LRA	Local Responsibility Area
LST	localized significance threshold
MEI	maximally exposed individual
mgd	million gallons per day
MMRP	Mitigation Monitoring and Reporting Program
MND	Mitigated Negative Declaration
mpg	miles per gallon
MRF	Materials Recycling Facility
MT	metric ton
NCCP	Natural Community Conservation Plan
ND	Negative Declaration
NHTSA	National Highway Traffic and Safety Administration
NPDES	National Pollutant Discharge Elimination System
OIA	Ontario International Airport

PCE	passenger car equivalent
POTWs	Publicly Owned Treatment Works
PRC	Public Resources Code
REC	Recognized Environmental Condition
RHNA	Regional Housing Needs Assessment
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SBCTA	San Bernardino County Transportation Authority
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCS	Sustainable Communities Strategy
SO ₂	sulfur dioxide
STC	Sound Transmission Class
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminants
TPM	Tentative Parcel Map
USACE	United States Army Corps of Engineers
USGS	United States Geological Survey
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	vehicle miles traveled
VOC	volatile organic compounds
WDR	Waste Discharge Requirement
WQMP	Water Quality Management Plan

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1.0 INTRODUCTION AND PURPOSE OF THE INITIAL STUDY

1.1 INTRODUCTION

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to evaluate the potential environmental effects of the West Foothill Development Project (project or proposed project) proposed by Magellan Value Partners (Project Applicant) in the City of Upland, in southwestern San Bernardino County, California. The proposed project involves the redevelopment of the 6.05-acre project site, including the demolition of existing structures and associated improvements and development of a restaurant with drive-through, two warehouse buildings with office space, loading docks, parking, and landscaping.

Chapter 1.0 of this Initial Study describes the purpose, environmental authorization, the intended uses of the Initial Study, documents incorporated by reference, and the processes and procedures governing the preparation of the environmental document. Pursuant to Section 15367 of the State of California Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines), the City of Upland (City) is the Lead Agency under the California Environmental Quality Act (CEQA). The City has primary responsibility for compliance with CEQA and consideration of the proposed project.

The Initial Study is organized as follows:

- **Chapter 1.0, Introduction** provides a discussion of the Initial Study's purpose, intended uses, and public review process.
- **Chapter 2.0, Project Description** provides a detailed description of the existing site conditions and proposed project, including requested approvals and entitlements.
- **Chapter 3.0, Initial Study Checklist** includes CEQA Appendix G, Environmental Checklist Form.
- **Chapter 4.0, Environmental Factors Potentially Affected** identifies the potential environmental factors that would be affected by the project and provides a determination that an IS/MND will be prepared pursuant to CEQA.
- **Chapter 5.0, CEQA Environmental Checklist** includes a checklist and accompanying analyses of the project's potential effect on the environment. For each environmental issue, the analysis identifies the level of the proposed project's environmental impact.
- **Chapter 6.0, List of Preparers** includes the list of preparers.
- **Chapter 7.0, References** details the references cited throughout the document.
- **Appendices** Include the technical material prepared to support the analyses contained in the Initial Study.

1.2 PURPOSE OF THE INITIAL STUDY

CEQA requires that the proposed project be reviewed to determine the environmental effects that would result if the project were approved and implemented. The City, as the Lead Agency, has the responsibility for preparing and adopting the associated environmental document prior to consideration of the proposed project. The City has the authority to approve discretionary actions relating to implementation of the proposed project.

This Initial Study has been prepared in accordance with the relevant provisions of CEQA (California Public Resources Code Section 21000 et seq.); the CEQA Guidelines,¹ and the rules, regulations, and procedures for implementing CEQA as adopted by the City. The objective of the Initial Study is to inform City decision-makers, representatives of other affected/responsible agencies, the public, and interested parties of the potential environmental consequences of the project.

As established in CEQA Guidelines Section 15063(c), the purposes of an Initial Study are to:

- Provide the Lead Agency (City of Upland) with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR), Negative Declaration (ND), or Mitigated Negative Declaration (MND);
- Enable an applicant or Lead Agency to modify a project, thus mitigating significant impacts before an EIR is prepared, and thereby enabling the project to qualify for an ND or MND;
- Assist in the preparation of an EIR, if one is required;
- Facilitate environmental assessment early in the design of a project;
- Provide a factual basis for finding in an ND or MND that a project will not have a significant effect on the environment;
- Eliminate unnecessary EIRs; and
- Determine whether a previously prepared EIR could be used to evaluate environmental impacts associated with the project.

1.3 INTENDED USE OF THIS INITIAL STUDY

The analysis in this IS/MND provides an environmental review of the project pursuant to CEQA. The details of this proposed project and associated actions have been characterized in this section and are also addressed in detail throughout Chapter 5.0 of this IS/MND. If the project is approved, the proposed development would be allowed without further discretionary approval, under the condition that the development complies with the City's regulations and project-specific Mitigation Measures and Conditions of Approval.

¹ California Code of Regulations. Title 14, Chapter 3, Sections 15000 through 15387.

The City formally initiated the environmental review process for the proposed project with receipt of the project application and preparation of this Initial Study. The Initial Study screens out those impacts that would be less than significant and do not warrant mitigation, while identifying those issues that require mitigation to reduce impacts to less than significant levels. As identified in the following analyses, project impacts related to various environmental issues either do not occur, are less than significant (when measured against established significance thresholds), or have been rendered less than significant through implementation of mitigation measures. Based on these analytical conclusions, this Initial Study supports adoption of an MND for the proposed project.

CEQA² permits the incorporation by reference of all or portions of other documents that are generally available to the public. The Initial Study has been prepared utilizing information from City planning and environmental documents, technical studies specifically prepared for the project, and other publicly available data. The documents utilized in the Initial Study are identified in Chapter 7.0 and are hereby incorporated by reference. These documents are available for review at the City of Upland Development Services Department, Planning Division.

1.4 PUBLIC REVIEW OF THE INITIAL STUDY

The Initial Study and a Notice of Intent (NOI) to adopt an MND will be distributed to responsible and trustee agencies, other affected agencies, and other parties for a 20-day public review period. Written comments regarding this Initial Study should be addressed to:

Joshua Winter, Senior Planner
City of Upland
Development Services Department, Planning Division
460 N. Euclid Avenue
Upland, CA 91786
(909) 931-4143/ jwinter@uplandca.org

Comments raised during the 20-day public review period will be considered and addressed prior to adoption of the MND by the City of Upland Planning Commission.

² CEQA Guidelines Section 15150.

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2.0 PROJECT DESCRIPTION

The proposed project includes redevelopment of a 6.05-acre project site, in the City of Upland. The project would result in the demolition of three existing buildings (totaling approximately 19,000 square feet) and associated improvements and development of an approximately 3,570-square-foot restaurant with drive-through in the northern portion of the site, an approximately 42,476-square-foot warehouse building with office space and 6 loading docks in the central portion of the site, and an approximately 51,959-square-foot warehouse building with office space and 6 loading docks in the southern portion of the site.³

2.1 PROJECT LOCATION

The project site is located at 1780 West Foothill Boulevard in the City of Upland, in southwestern San Bernardino County, California. The project site is located in Section 11 of Township 1 South, Range 8 West of the San Bernardino Baseline and Meridian, as depicted on the U.S. Geological Survey (USGS) 7.5-minute series Ontario, California quadrangle.⁴ Specifically, the center of the project site is at latitude 34°06'21.18" N and longitude -117°41'05.07" W at an elevation of approximately 1,337 feet above mean sea level and consists of three parcels (Assessor's Parcel Numbers [APNs] 1007-091-01; 1007-091-02; and 1007-091-03). Figure 1: Project Location and Vicinity depicts the location of the project site on a regional scale (all figures are located at the end of this chapter).

2.2 EXISTING SETTING

The project site is located between Central Avenue to the west and North Benson Avenue to the east and is bounded by Foothill Boulevard to the north. Cable Airport, residential development, commercial uses, and industrial uses are located to the north across Foothill Boulevard, the Upland Sports Arena is located immediately south, and industrial and commercial uses are immediately west, south, and east of the project site. Figure 2: Existing Setting depicts the project site and surrounding development.

The project site is predominately flat and lacks significant slopes. The western portion of the project site consists of three buildings, including a two-story office building, a production and storage building divided into 6 rooms, and a storage building; a shade structure for parking; and pavement. A septic system is located in the southwestern portion of the site. The project site also contains ornamental trees along the western boundary of the site, including two native coast live oak trees in the northwestern portion of the site. Additionally, the project site includes a billboard in the northeastern corner of the site. The remainder of the site is vacant.

³ This Initial Study and supporting technical studies evaluate the proposed warehouse buildings with a combined 101,092 square feet of space, while the current plans dated February 9, 2023 indicate the proposed warehouse space totals approximately 94,435 square feet. Accordingly, the environmental analysis assumes a greater square footage than proposed and therefore discloses potentially greater environmental effects than would occur under the proposed project.

⁴ United States Geological Survey. 2015. *Ontario, California 7.5-minute series topographic quadrangle map*.

The project site is surrounded by fencing, and access consists of one ingress/egress asphalt driveway off Foothill Boulevard, which is blocked by a chain linked fence. Figures 3a and 3b include photographs of the project site and land uses adjacent to the site. Photo locations are depicted on Figure 2.

2.3 EXISTING LAND USE

Table 2.3.A summarizes the project site and surrounding land uses, General Plan designations, and zoning designations.

Table 2.3.A: Project Site and Surrounding Land Uses

Direction	Existing Land Use	General Plan Designation	Zoning Designation
Project Site	Mountain Avenue Bees, Inc. facility, containing three buildings and pavement; undeveloped land.	(C/I-MU) Commercial/Industrial Mixed-Use	(C/I-MU) Commercial/Industrial Mixed-Use; Airport Safety Overlay Zones
North	Foothill Boulevard, Cable Airport, commercial and industrial uses, residential development.	(HC) Highway Commercial; (C/I-MU) Commercial/Industrial Mixed-Use; and (CA) Cable Airport.	(HC) Highway Commercial; C/I-MU) Commercial/Industrial Mixed-Use; (CA) Cable Airport; and Airport Safety Overlay Zones
East	Commercial and industrial uses.	(C/I-MU) Commercial/Industrial Mixed-Use	(C/I-MU) Commercial/Industrial Mixed-Use; Airport Safety Overlay Zones
South	Upland Sports Arena; commercial and industrial uses.	(IN) Industrial	(GI) General Industrial; Airport Safety Overlay Zones
West	Commercial and industrial uses.	(C/I-MU) Commercial/Industrial Mixed-Use	(C/I-MU) Commercial/Industrial Mixed-Use; Airport Safety Overlay Zones

Sources: City of Upland. *General Plan Land Use Map*, adopted September 2015, and *Zoning Map*, adopted September 2015.

The City's General Plan Land Use Element states that the C/I-MU land use category is intended to "accommodate a variety of industrial and regional retail uses and to support commercial activities to satisfy a range of shopping needs for residents of the community...and to maximize the potential for job generation."⁵ The C/I-MU land category allows a range of industrial and commercial uses, including but not limited to warehousing, light industrial uses, professional offices, and food and institutional uses.⁶

2.4 PROPOSED PROJECT

The proposed project includes total demolition of three existing structures located in the southwestern portion of the site, including the two-story office building, the production and storage building, and a storage building, totaling 19,000 square feet. The project also includes demolition of

⁵ City of Upland, State of California. *General Plan. Chapter 1: Land Use Element*. Pages LU-5. Adopted September 2015.

⁶ *Ibid.*

the on-site septic tank, pavement/asphalt, and fencing, and removal of all vegetation. The existing billboard located in the northeastern portion of the project site would remain on-site.

The project would result in development of an approximately 3,570-square-foot restaurant with drive-through an approximately 42,476-square-foot warehouse building (Building 1); and an approximately 51,959-square-foot warehouse building (Building 2), totaling 98,005 square feet of building area. Additionally, the project would include parking, landscaping, lighting, and improvements along the northern frontage of the site adjacent to Foothill Boulevard. The conceptual site plan is presented as Figure 4.

2.4.1 Facility Design and Site Operations

The proposed 3,570-square-foot restaurant with drive-through building would be located in the northern portion of the site. Building 1 would consist of a 42,476-square-foot warehouse building, including 4,800 square feet of office space and mezzanine and 6 loading docks in the central portion of the site, and Building 2 would consist of an approximately 51,959-square-foot warehouse building, including 5,200 square feet of office space and mezzanine and 6 loading docks in the southern portion of the site.⁷ The proposed buildings are speculative; however, the warehouse buildings would not include cold storage during operation.

The height of the restaurant building would not exceed 150 feet in accordance with the Cable Airport Land Use Compatibility Plan (CALUCP). The heights of industrial buildings 1 and 2 would be approximately 38-feet with the parapets reaching 42-feet feet.

Buildings 1 and 2 would be concrete tilt-up buildings with a contemporary architectural design, consisting of various exterior materials including split face concrete masonry unit (CMU), spandrel glass, and metal accents. Building design would use vertical and horizontal lines and color and material changes to provide visual relief and varied massing. The proposed restaurant building would also feature contemporary architectural design elements and consist of materials and colors similar to the warehouse buildings to create a cohesive design theme throughout the project site (Figures 5a and 5b detail the industrial building elevations). Additionally, the project includes a 6-foot-high metal fence along the eastern boundary of the site and wall along the southern boundary of the site in accordance with Chapter 17.13 (Fences and Walls) of the City Municipal Code.

Light poles would be installed throughout the surface parking lot and along on-site pedestrian pathways. The proposed buildings would have security lighting located on the building façades. All lighting on the project site would be subject to the City's final plan check process to ensure on-site lighting complies with Chapter 17.14 (Outdoor Lighting) of the City Municipal Code, which requires light shielding, functional and aesthetic design, and compatibility with surrounding uses. Additionally, the project would interconnect to existing, water, electric, gas, and

⁷ This Initial Study and supporting technical studies evaluate the proposed warehouse buildings with a combined 101,092 square feet of space, while the current plans dated February 9, 2023 indicate the proposed warehouse space totals approximately 94,435 square feet. Accordingly, the environmental analysis assumes a greater square footage than proposed and therefore discloses potentially greater environmental effects than would occur under the proposed project.

telecommunications utilities within the Foothill Boulevard right-of-way and existing sewer in the 11th Street right-of-way.

The proposed project is anticipated to generate approximately 64 employees, with approximately 29 employees generated by the restaurant use,⁸ and approximately 35 employees generated by the warehousing uses.⁹ The proposed restaurant with drive-through and warehouse buildings are speculative, therefore this analysis assumes the proposed uses could operate up to 24 hours per day, seven days a week.

2.4.2 Site Access

Proposed vehicle and pedestrian access to the project site would be provided by two ingress/egress driveways off Foothill Boulevard and associated frontage improvements, which include the installation of curb, gutter, sidewalk, landscaping, streetlights, and trees. The existing driveway near the northwestern boundary of the project site would be demolished, and the proposed driveways would be constructed 40 feet wide near the northwestern and northeastern boundaries of the project site.

A network of internal drive aisles ranging in width from approximately 20 to 30 feet would facilitate internal access to the proposed buildings and parking areas located throughout the site. Additionally, proposed driveways and on-site drive aisles would ensure adequate access throughout the site for first responders to an emergency.

Entrances and exits to and from parking and loading facilities would be marked with appropriate directional signage, and all site access points and driveway aprons are designed and would be constructed to adequate widths for public safety pursuant to local requirements and confirmed during final plan check.

2.4.3 Parking

Parking at the project site would comply with the City's minimum parking requirements as codified in Chapter 17.11 (Parking and Loading) of the City Municipal Code. The project site (refer to Figure 4) would include a total of 213 passenger vehicle parking stalls. Consistent with the Americans with Disabilities Act (ADA) and CALGreen parking standards, 10 parking spaces would be ADA spaces and 25 parking spaces would be clean air vehicle (CAV) spaces. The project would also include 6 loading dock parking spaces along the southern frontage of Building 1 and 6 loading dock parking spaces along the northern frontage of Building 2. Finally, the project site would also include 48 bicycle parking spaces, 2 motorcycle parking spaces, 2 loading parking spaces, and 6 designated parking spaces for restaurant patrons ordering "curbside" service.

⁸ Southern California Association of Governments. *Employment Density Study Summary Report*. Table 8A. October 31, 2001; 3,570 square feet of commercial uses ÷ 124 square feet per employee = 28.79 employees.

⁹ ITE Trip Generation (11th Edition) rates for Land Use 150 – "Warehousing". Average 1.71 daily vehicle trips per 1,000 square feet gross floor area and average 5.05 daily vehicle trips per employee. $1.71 \div 5.05 = 0.34$ employees per 1,000 square feet gross floor area. $0.34 \times 101.092 = 34.37$ employees.

2.4.4 Pedestrian and Bicycle Connectivity

There are no public bus stops that provide immediate access to the project site. The closest public bus stop is located approximately 0.25-mile west of the site at the intersection of Central Avenue and Foothill Boulevard. There are no existing bicycle facilities that provide immediate access to the site along Foothill Boulevard. However, Class II (striped/marked with signage) and Class III (not striped/marked with signage) bike routes are planned on Foothill Boulevard along the project's frontage as part of the City's Bikeway Network. Pedestrian access to the project site would occur via curb and sidewalk along the project frontage of Foothill Boulevard.

2.4.5 Landscaping

Design elements of the proposed project include landscaped setbacks along the perimeter of the site, street trees along the northern frontage of the site, and on-site trees and landscaped strips around the perimeter of the proposed buildings and throughout the proposed parking areas. The City requires a minimum 5 percent of the site to be landscaped, of which 50 percent of the landscaping is required to be distributed around the perimeter of the site and 50 percent of the landscaping is required to be distributed within the parking area pursuant to Chapters 17.12.080 (Parking Area Landscape) and 17.11.100(I) (Parking Location and Design Standards, Landscaping) of the City Municipal Code. The project includes approximately 39,469 square feet of landscaping, which equates to approximately 15 percent of the site. The project would incorporate landscape through a combination of accent plantings/groundcovers, hedges, and trees along the perimeter of the site and include additional trees and landscape strips along the perimeter of the proposed buildings and throughout the proposed parking areas. Proposed landscaping would be drought-tolerant and complement existing natural and manmade features, including the dominant landscaping of surrounding areas in accordance with Chapter 17.12 (Landscaping) of the City Municipal Code. Figure 6 details the project landscape design.

2.4.6 Drainage

Currently, the project site consists of 2.7 acres of impervious surface area. Stormwater generally surface flows in a southerly direction, which drains into a gutter located in the southeastern corner of the project site and discharges onto the property immediately south of the project site. The proposed project is expected to maintain the existing drainage pattern. Upon redevelopment of the site, all on-site stormwater would be captured on the project site in accordance with Santa Ana Regional Water Quality Control Board Order Number R8-2010-0036, National Pollutant Discharge Elimination System Permit No. CAS618036, also known as the San Bernardino County MS4 Permit. Runoff from the site would flow to multiple on-site catch basins and curb inlets and be pretreated before draining to the underground infiltration system. Discharged stormwater would be conveyed off-site via the existing gutter in accordance with the San Bernardino County MS4 Permit.

2.4.7 Construction

Demolition activities include demolition of three existing structures (totaling 19,000 square feet), an on-site septic tank, pavement, and fencing, and removal of all existing vegetation. Construction would include excavation to depths of at least 3 feet below grade or 3 feet below proposed grading pads (whichever is greater), grading, paving, and construction of the proposed buildings, parking

areas, and the installation of lighting, fencing, landscaping, and utility connections. Construction would also include the installation of curb, gutter, sidewalk, landscaping, streetlights, and trees along the project site's northern frontage on Foothill Boulevard. During grading, on-site soils would be excavated and recompacted in accordance with the California Building Code (CBC) to accommodate the proposed buildings and parking areas.

Construction parking and staging would occur on the project site. However, it is possible there would be temporary lane closures and/or detours necessary along Foothill Boulevard during project construction. Construction hours would conform to City standards and be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday pursuant to Section 9.40.100(M) of the City Municipal Code. Additionally, construction hours for improvements along Foothill Boulevard would be limited to 6:00 p.m. to 7:00 a.m. pursuant to Section 9.40.100(M) of the City Municipal Code. According to the project conceptual grading plans, approximately 48,755 cubic yards of imported soil (fill) would be required for excavation, compaction, and rough grading.

Construction of the project is anticipated to commence in late 2023 and be completed in late 2024, resulting in a total construction duration of approximately 12 months.

2.5 PROJECT APPROVALS

The City of Upland is the Lead Agency as set forth in CEQA Guidelines Section 21067 and is expected to use this IS/MND in consideration of the proposed West Foothill Development Project and associated actions. These actions may include, but are not limited to, the following:

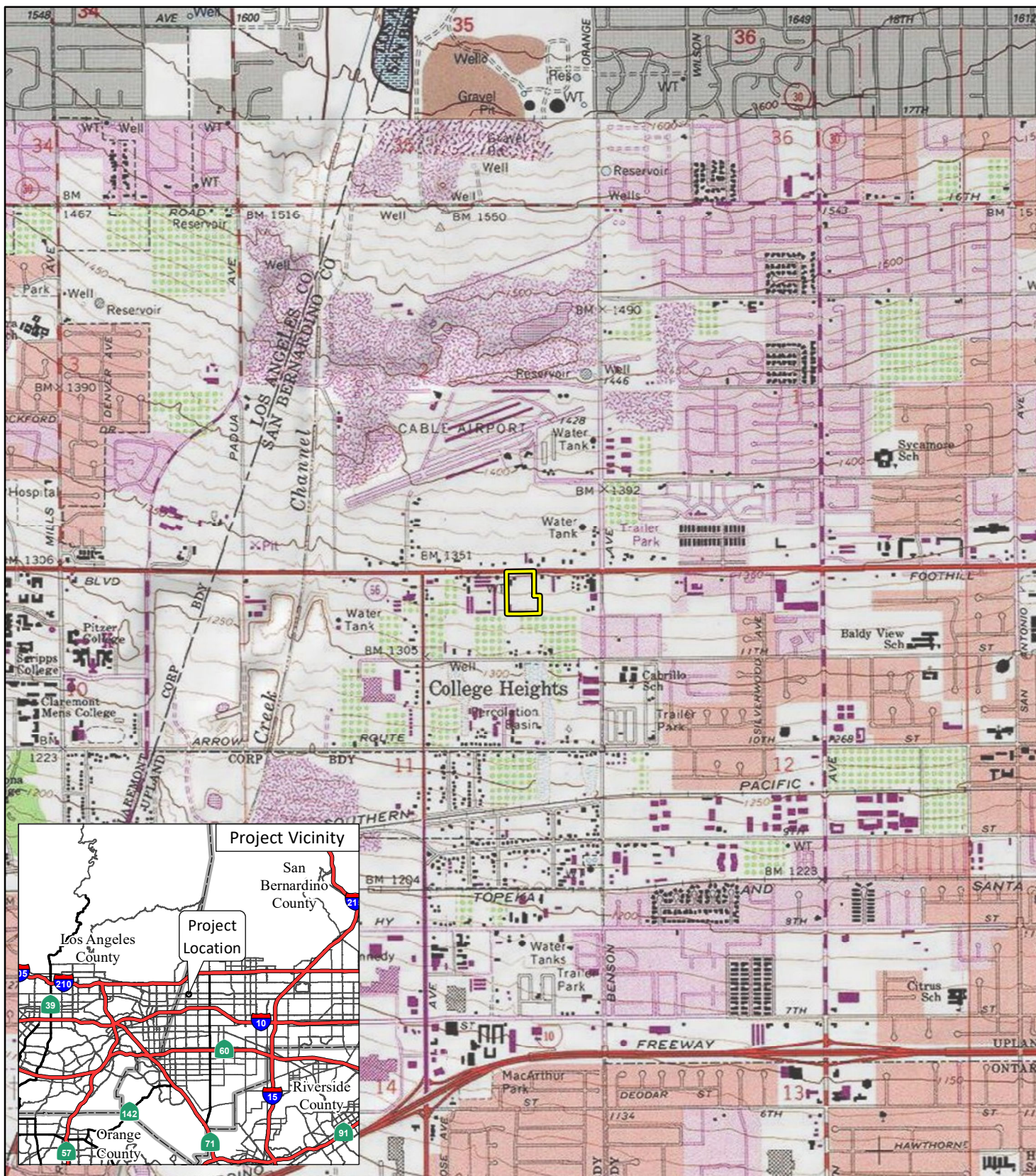
- Development Plan Review (DPR)-22-0002;
- Conditional Use Permit (CUP)-22-0001;
- Tentative Parcel Map (TPM)-22-0002;
- Airport Land Use Commission (ALUC)-22-0001;
- Environmental Assessment Review (EAR)-22-0002;
- Construction Permits,
- Demolition Permit; and
- Grading Permit.

The project may require approvals from other regulatory agencies as follows:

- **State Water Resources Control Board:** The Project Applicant must submit a Notice of Intent to comply with the General Construction Activity National Pollutant Discharge Elimination (NPDES) Permit;¹⁰
- **Santa Ana Regional Water Quality Control Board:** The Project Applicant must submit a Stormwater Pollution Prevention Plan (SWPPP); and
- **Utility Providers:** Connection permits.

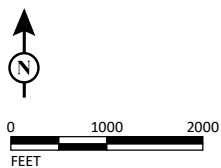
¹⁰ Construction General Permit requirements are transferred to local agencies by way of the NPDES program. Since the City of Upland (lead agency) complies with the NPDES program guidelines, the State Water Resources Control Board is not a responsible agency or trustee agency with jurisdiction over the proposed project.

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LEGEND

Project Location



SOURCE: USGS 7.5' Quad - Ontario(1981), Mt. Baldy(1988), CA
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FIGURE 1

West Foothill Development Project
 Project Location and Vicinity

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FIGURE 2

LSA

LEGEND

- Project Site
- ↻ Photo Locations

*Photos are provided in
Figure 3a and Figure 3b.*



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SOURCE: Google (2021)

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West Foothill Development Project
Existing Setting

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Picture 1 View looking southeast at ruderal/barren project site. August 26, 2022.



Picture 2 View looking southwest at two native coast live oaks on the western boundary of the project site. August 26, 2022.



Picture 3 View looking south at abandoned warehouses on project site, with ornamental trees. August 26, 2022.



Picture 4 View looking east along Foothill Blvd, Upland. August 26, 2022.

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Picture 5 View looking west within abandoned warehouse complex on the project site, looking at adjacent ornamental trees. August 26, 2022.



Picture 6 View looking south at southern project boundary. August 26, 2022.

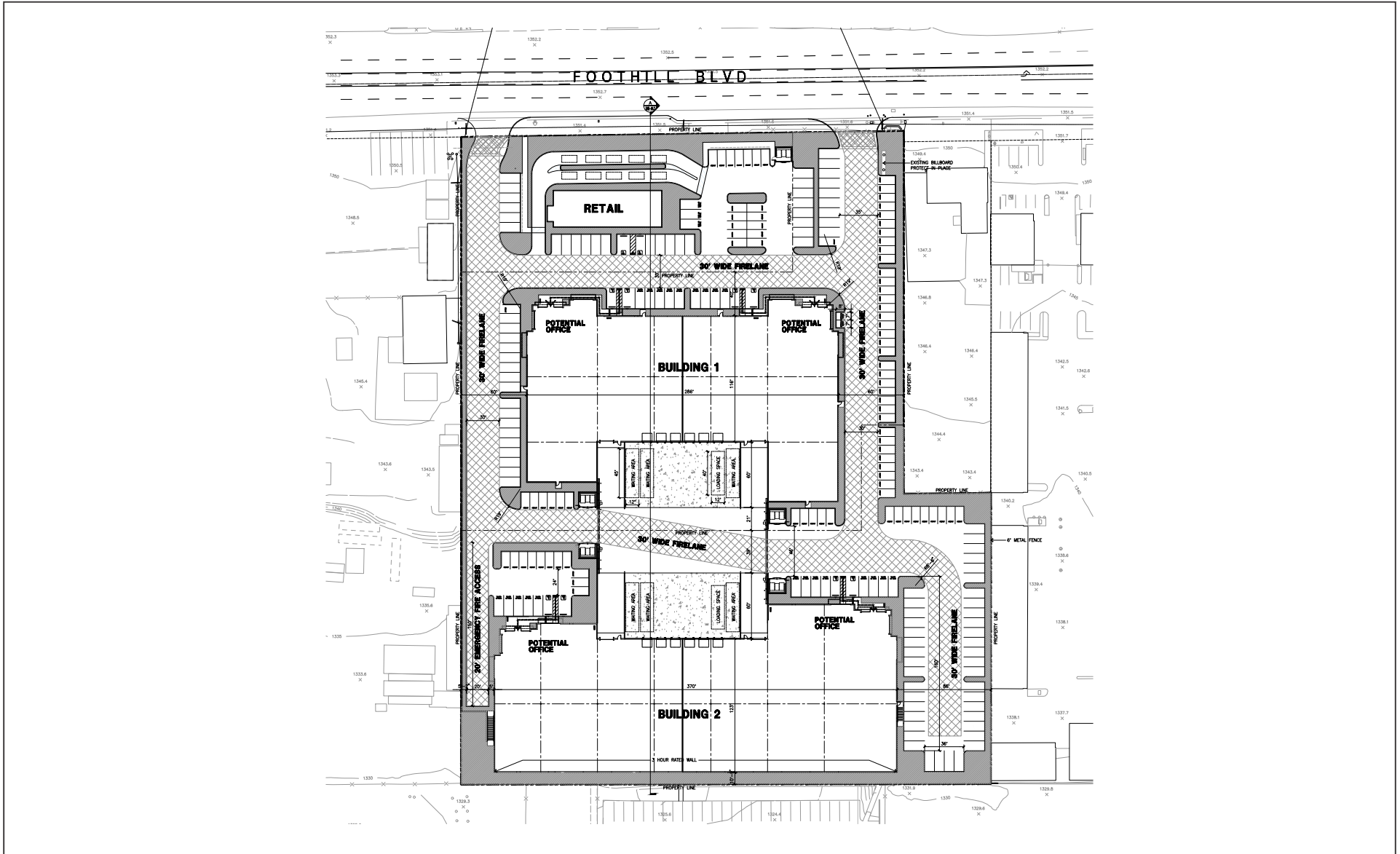


Picture 7 View looking south at ruderal vegetation within the southern portion of the project site, taken from southern boundary of project site. August 26, 2022.



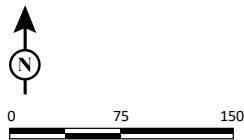
Picture 8 View looking northeast at ruderal/barren project site and adjacent industrial buildings. August 26, 2022.

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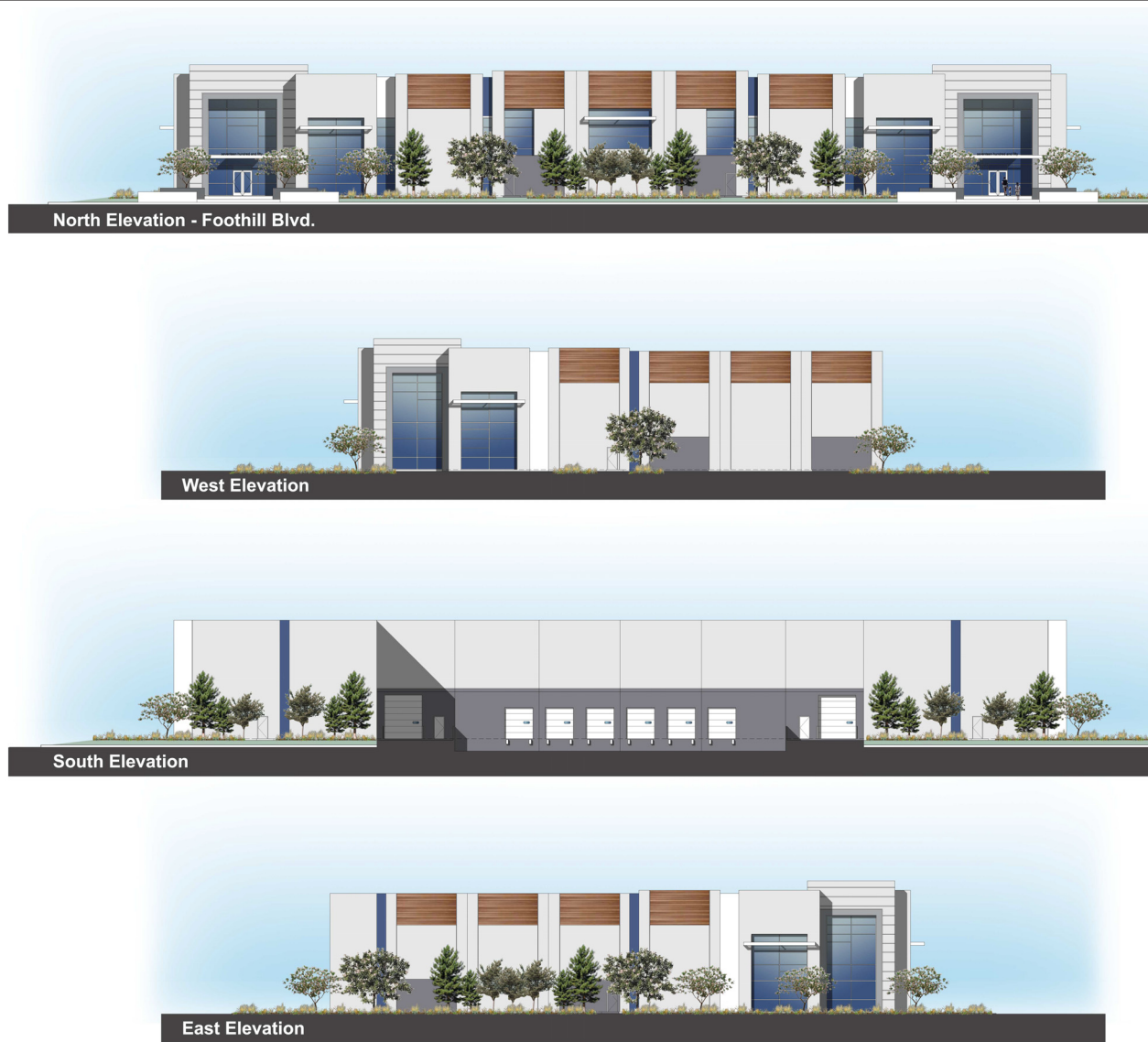
FIGURE 4



SOURCE: HPA Architecture

West Foothill Development Project
Conceptual Site Plan

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Conceptual Elevations – 32' clear – Building One

FIGURE 5a

LSA



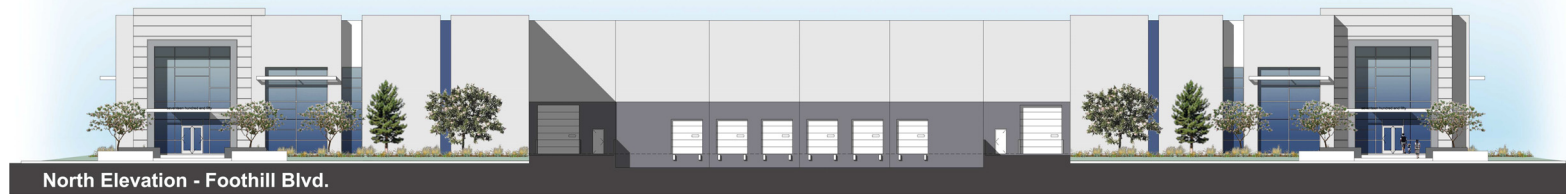
NOT TO SCALE

SOURCE: HPA Architecture

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West Foothill Development Project
Building 1 Elevations

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Conceptual Elevations – 32' clear – Building Two

FIGURE 5b

LSA



NOT TO SCALE

SOURCE: HPA Architecture

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West Foothill Development Project
Building 2 Elevations

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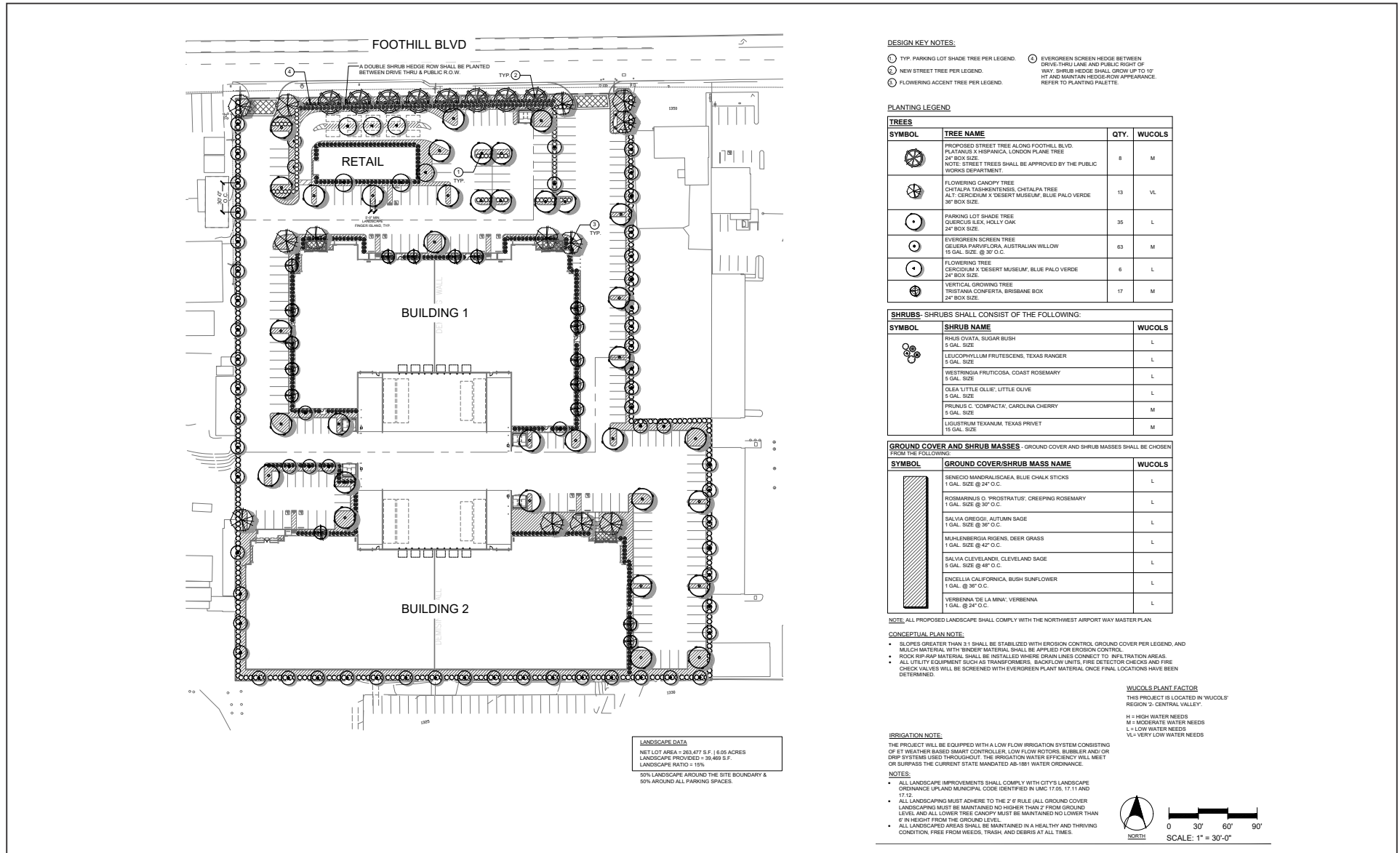
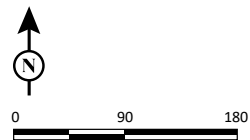


FIGURE 6

LSA



SOURCE: HPA Architecture

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West Foothill Development Project
 Conceptual Landscape Plan

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3.0 INITIAL STUDY CHECKLIST

1. Project Title:

West Foothill Development Project

2. Lead Agency Name and Address:

City of Upland
Development Services Department, Planning Division
460 N. Euclid Avenue
Upland, CA 91786

3. Contact Person and Phone Number:

Joshua Winter, Senior Planner
(909) 931-4143
jwinter@uplandca.org

4. Project Location:

The project site is located at 1780 West Foothill Boulevard in the City of Upland, in southwestern San Bernardino County, California. The project site is located in Section 11 of Township 1 South, Range 8 West of the San Bernardino Baseline and Meridian, as depicted on the U.S. Geological Survey (USGS) 7.5-minute series Ontario, California quadrangle.¹¹ Specifically, the center of the project site is at latitude 34°06'21.18" N and longitude - 117°41'05.07" W at an elevation of approximately 1,337 feet above mean sea level and consists of three parcels (Assessor's Parcel Numbers [APNs] 1007-091-01; 1007-091-02; and 1007-091-03). Figure 1: Project Location and Vicinity depicts the location of the project site on a regional scale (refer to Chapter 2.0 for figures).

5. Project Sponsor's Name and Address:

Magellan Value Partners
1900 Avenue of the Stars, Suite 2470
Los Angeles, CA 90067

6. General Plan Designation:

(C/I-MU) Commercial/Industrial Mixed-Use

7. Zoning:

(C/I-MU) Commercial/Industrial Mixed-Use; Airport Safety Overlay Zones C3 and D

¹¹ United States Geological Survey. 2015. *Ontario, California* 7.5-minute series topographic quadrangle map.

8. Description of Project:

The project includes total demolition of three existing structures located in the southwestern portion of the site, including the two-story office building, the production and storage building, and a storage building, totaling 19,000 square feet. The project also includes demolition of an on-site septic tank, pavement/asphalt, fencing, and vegetation. The existing billboard located in the northeastern portion of the project site would remain on-site. The project would result in development of an approximately 3,570-square-foot restaurant with drive-through, which would not exceed 35 feet in height, in the northern portion of the site; an approximately 42,476-square-foot warehouse building, including 4,800 square feet of office space and mezzanine and 6 loading docks, approximately 36 feet in height, in the central portion of the site (Building 1); and an approximately 51,959-square-foot warehouse building, including 5,200 square feet of office space and mezzanine and 6 loading docks, approximately 36 feet in height, in the southern portion of the site (Building 2), totaling 98,005 square feet of building area.¹² Additionally, the project would include parking, landscaping, lighting, and improvements along the northern frontage of the site adjacent to Foothill Boulevard. The conceptual site plan is presented as Figure 4.

9. Surrounding Land Uses and Setting:

The project site is located between Central Avenue to the west and North Benson Avenue to the east and is bounded by Foothill Boulevard to the north. The Cable Airport, residential development, commercial uses, and industrial uses occur to the north across Foothill Boulevard, the Upland Sports Arena are located immediately south, and industrial and commercial uses are immediately west, south, and east of the project site. The nearest single-family homes are located approximately 125 feet northeast of the project site. Figure 2: Existing Setting depicts the project site and surrounding development.

10. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resource Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Yes. Please refer to Section 5.18, Tribal Cultural Resources.

¹² This Initial Study and supporting technical studies evaluate the proposed warehouse buildings with a combined 101,092 square feet of space, while the current plans dated February 9, 2023 indicate the proposed warehouse space totals approximately 94,435 square feet. Accordingly, the environmental analysis assumes a greater square footage than proposed and therefore discloses potentially greater environmental effects than would occur under the proposed project.

4.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

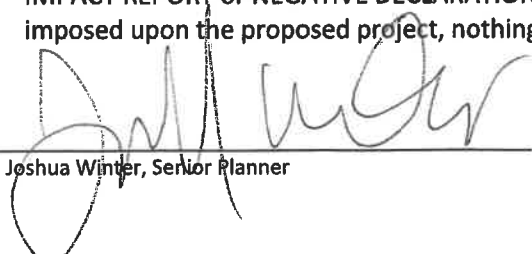
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist in Chapter 3.0.

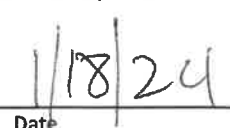
- | | | |
|--|---|---|
| ☐ Aesthetics | ☐ Agriculture and Forestry Resources | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Energy |
| ☐ Geology/Soils | ☐ Greenhouse Gas Emissions | ☐ Hazards & Hazardous Materials |
| ☐ Hydrology/Water Quality | ☐ Land Use/Planning | ☐ Mineral Resources |
| ☐ Noise | ☐ Population/Housing | ☐ Public Services |
| ☐ Recreation | ☐ Transportation | ☐ Tribal Cultural Resources |
| ☐ Utilities/Service Systems | ☐ Wildfire | ☐ Mandatory Findings of Significance |

4.1 DETERMINATION (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Joshua Winter, Senior Planner


Date

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5.0 CEQA ENVIRONMENTAL CHECKLIST

5.1 AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	☐	☐	☐	☒
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

5.1.1 Impact Analysis

a. *Would the project have a substantial effect on a scenic vista?*

Less than Significant Impact. According to the City General Plan EIR, there are no designated scenic views or vistas within the City.¹³ However, as specified in Policy CC-1.6 of the City's General Plan, the City considers views of the San Gabriel Mountains to be an integral part of the City's geography, and directs private development to enhance public view corridors of the San Gabriel Mountains, where feasible.¹⁴ Therefore, the project's impacts on the views of the San Gabriel Mountains from public view corridors (e.g. Foothill Boulevard) is discussed below.

The foothills of the San Gabriel Mountains are located approximately 3.41 miles north of the project site. Views of the San Gabriel Mountains are available as one looks north while traveling along Foothill Boulevard (adjacent to the northern frontage of the project site). However, these views are currently mostly obstructed from commercial development, mature trees, and transmission poles located across Foothill Boulevard. The project site is located south of Foothill Boulevard; therefore, implementation of the proposed project would not substantially affect the availability of existing views of the San Gabriel Mountains to the north from public view corridors (e.g. Foothill Boulevard). The proposed project would therefore not have a substantial effect on a scenic vista, and impacts would be **less than significant**. Mitigation is not required.

¹³ City of Upland, State of California. *Final Program EIR, General Plan Update, SCH No. 2012041006*. Page 5.3-6. Certified September 28, 2015.

¹⁴ City of Upland, State of California. *General Plan, Community Character Element*. Page CC-2. June 2012.

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. The California Department of Transportation (Caltrans) Scenic Highway Program does not identify any State-designated scenic highways near the project site.¹⁵ The nearest Scenic Highway is a portion of State Route 39 (north of Interstate 210), approximately 12 miles west of the project site.¹⁶ The project site is not visible from this highway. Therefore, the project would not affect any scenic resources within a State scenic highway. **No impact** would occur, and no mitigation is required.

c. In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less than Significant Impact. As of July 21, 2021, the United States Census Bureau estimated the City's population to be 79,274 persons and the City's land area to be approximately 15.58 square miles, which is approximately 5,072 persons per square mile.¹⁷ Therefore, the project is located in an area with at least 1,000 persons per square mile and meets the definition of Urbanized Area under Section 15387 of the CEQA Guidelines.

During construction, the presence of construction vehicles and equipment could temporarily degrade the visual quality of the project site due to the presence of visible construction activity. In the existing condition, the western portion of the project site is developed with vacant structures and pavement and the eastern portion of the project site consists of disturbed vegetation. The presence of construction equipment and vehicles would be temporary and would cease once construction is complete. Additionally, construction equipment and vehicles would be primarily located on-site or within Foothill Boulevard, immediately north of the project site. Therefore, construction of the project would not substantially interfere with views or visual character of the surrounding area. Due to the temporary nature of construction activities, impacts to visual character of the site and its surroundings would be **less than significant** during construction.

As discussed in Section 2.3, Existing Land Use, the project site is located within the City's Commercial/Industrial-Mixed Use (C/I-MU) land use and zoning designation. The City's Land Use General Plan Element states that the C/I-MU land use category is intended to "accommodate a variety of industrial and regional retail uses and to support commercial activities to satisfy a range of shopping needs for residents of the community...and to maximize the potential for job

¹⁵ California Department of Transportation. *California State Scenic Highway System Map*. 2018. Website: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa> (accessed March 8, 2023).

¹⁶ *Ibid.*

¹⁷ United States Census Bureau. *QuickFacts, Upland City, California*. Website: <https://www.census.gov/quickfacts/fact/table/uplandcitycalifornia/PST045221> (accessed March 6, 2023).

generation.”¹⁸ Additionally, the C/I-MU land category allows a range of industrial and commercial uses, including but not limited to warehousing, professional offices, and food and institutional uses.¹⁹ Therefore, the proposed land uses on the project site (e.g. restaurant with drive through and two warehouse buildings with office space) would be consistent with the land use designation of the project site.

Chapter 17.05 (Mixed-Use Zones) of the City Municipal Code identifies development standards and design guidelines for the C/I-MU zoning designation, including but not limited to Floor Area Ratio (FAR), setback distances, height limits, and site and building design requirements. For example, buildings within the C/I-MU zoning designation shall not exceed 40 feet in height, and building setback distances from the property line shall be 5 feet from the front and side, and 10 feet from the rear. As discussed in Section 2.4, Proposed Project, the proposed restaurant building would not exceed 35 feet and the proposed warehouse buildings would be approximately 38 feet tall with up to 42-foot parapets. Additionally, as shown in Figure 4, the proposed project would include a front setback of 60 feet, a side setback of 30 feet, and a rear setback of 10 feet.

Landscaping requirements applicable to the proposed project are identified in Chapters 17.05 (Mixed-Use Zones), Chapter 17.12 (Landscaping) and Chapter 17.11 (Parking and Loading), the City’s Municipal Code. Specifically, the City requires 15 percent of the site’s parking area to be landscaped. Additionally, all setback areas are required to be landscaped except where need for access to the project site, and 50 percent of the of the landscaping within the project site is required to be distributed within parking areas and 50 percent of landscaping is required to be distributed around the perimeter of the site in accordance with Chapters 17.12.080 (Parking Area Landscape) of the City Municipal Code. Finally, the project would be required to incorporate drought-tolerant landscaping through a combination of accent plantings/groundcovers, hedges, and trees in accordance with Chapter 17.12 (Landscaping) of the City Municipal Code. As shown on Figure 6, the project would provide approximately 39,469 square feet of landscaping (15 percent), including a combination of shrubs, groundcover, flowering plants, and trees, of which 50 percent would be distributed throughout the proposed parking areas and 50 percent would be distributed around the perimeter of the site.

Given the above discussion, the proposed project would be developed in accordance with the existing land use and zoning designation of the site and would comply with the applicable provisions of the City’s General Plan and Municipal Code. Additionally, the City, at final plan check, would ensure that all improvements associated with the project are consistent with City standards and requirements. Since the proposed project would be consistent with the development standards and design guidelines set forth by the City’s Municipal Code, the proposed project would not conflict with applicable zoning or other regulations governing scenic quality. Impacts would be **less than significant**, and mitigation is not required.

¹⁸ City of Upland, State of California. *General Plan. Chapter 1: Land Use Element*. Pages LU-5. Adopted September 2015.

¹⁹ *Ibid.*

d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than Significant Impact. The existing structures on the project site are vacant; therefore, on-site light and glare sources are minimal. Sources of light and glare in the project area include street lighting and vehicle lighting on Foothill Boulevard to the north, which is heavily lit and well-traveled by vehicles. There are also commercial/industrial light sources adjacent to the east, south, and west of the project site, and light from commercial/industrial and airport uses is visible across Foothill Boulevard to the north. Light-sensitive uses within proximity to the project site include residential uses approximately 125 feet northeast of the project site.

Development of the project site would introduce new sources of light into the project area through the development of the three proposed buildings (totaling 98,005 square feet) with security on the building façades, installation of light poles throughout the surface parking area and along on-site pedestrian pathways, and installation of streetlights along the project frontage of Foothill Boulevard. Additionally, trucks accessing the warehouses would include head, tail, and auxiliary lights during nighttime operations. As shown on Figure 4, Building 1 would include 6 loading dock spaces located along the southern boundary of the building and Building 2 would include 6 loading dock spaces located along the northern boundary of the building. Therefore, lighting within the loading dock areas during nighttime operations would be limited to the area south of Building 1 and north of Building 2, which would reduce light and glare impacts to surrounding properties to the west, south, and east.

All lighting on the project site would be installed in accordance with Chapter 17.14 (Outdoor Lighting) of the City Municipal Code, which requires light shielding, functional and aesthetic design, and compatibility with surrounding uses, including the residential uses northeast of the project site. Additionally, as discussed under Section 5.1.1.c above, the project would be subject to the City's plan check process, which would ensure compliance with all applicable lighting standards. The purpose of these lighting standards is to minimize light pollution, glare, and spillover; conserve energy; and reduce adverse effects on the nighttime views in the project vicinity. Therefore, the project would not adversely affect nighttime views in the project vicinity and impacts would be **less than significant**. Mitigation is not required.

5.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

5.2.1 Impact Analysis

- a. *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

No Impact. The State's Farmland Mapping and Monitoring Program (FMMP)²⁰ designates the project site as "Urban and Built-Up Land." Neither the site nor adjacent properties are designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, **no impact** to farmland would occur, and no mitigation is required.

²⁰ California Department of Conservation. *California Important Farmland Finder*. Website: <https://maps.conservation.ca.gov/DLRP/CIFF/> (accessed June 30, 2022).

b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The City does not maintain any agricultural zones. No Williamson Act contracts are in effect in the City.²¹ Therefore, there would be **no impact** related to conflicts with existing agricultural zoning designations or Williamson Act contracts, and no mitigation is required.

c. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

No Impact. As detailed in Table 2.3.A, neither the project site nor adjacent lands are zoned for forest land or Timberland Production. Therefore, there is no potential for the project to conflict with existing zoning for forest land or land zoned for Timberland Production. **No impact** would occur, and no mitigation is required.

d. Would the project result in the loss of forest land or conversion of forestland to non-forest use?

No Impact. The project site and adjacent land are not occupied by forest resources. Implementation of the proposed project would not result in the loss or conversion of forest land to non-forest land. **No impact** would occur to forest land, and no mitigation is required.

e. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. No farmland or forest land occur on the project site or on adjacent land. Therefore, implementation of the proposed project would not involve other changes in the existing environment which could result in the conversion of farmland to non-agricultural use, or conversion of forest land to non-forest use. **No impact** would occur and no mitigation is required.

²¹ City of Upland, State of California. *Final Program EIR, General Plan Update, SCH No. 2012041006*. Page 5.11-5. Adopted September 28, 2015.

5.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☒	☐	☐
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

The following discussion is based on the Air Quality and Greenhouse Gas Emissions Impact Analysis Memorandum provided in Appendix A of this Initial Study.²²

The project site is within the South Coast Air Basin (Basin). The South Coast Air Quality Management District (SCAQMD) is the regional government agency that monitors and regulates air pollution within the Basin. The federal Clean Air Act and the California Clean Air Act mandate the control and reduction of specific air pollutants. Under these acts, the United States Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) have established ambient air quality standards for specific "criteria" pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), volatile organic compounds (VOC), nitrogen oxides (NO_x), particulate matter less than 10 microns in size (PM₁₀), sulfur dioxide (SO₂), and lead (Pb). Secondary criteria pollutants include ozone (O₃), and particulate matter less than 2.5 microns in size (PM_{2.5}). The ambient air quality standard for each criteria pollutant represents the level that is considered safe to the public and avoids specific adverse health effects associated with each criteria pollutant.

The Basin is in nonattainment for the federal and State standards for O₃ and PM_{2.5}, and nonattainment for the State PM₁₀ standard. In addition, the Basin is in attainment/maintenance for the federal PM₁₀, CO, SO₂, and nitrogen dioxide (NO₂) standards. The SCAQMD has established project-level thresholds for VOC, NO_x, CO, SO₂, PM₁₀, and PM_{2.5} shown in Table 5.3.A. The SCAQMD considers any project in the Basin with construction- or operation-related emissions that exceed any of the emission thresholds below to have potentially significant impacts.

²² LSA. *Air Quality and Greenhouse Gas Emissions Impact Analysis Memorandum for the proposed West Foothill Development Project in Upland, California*. July 2023. Appendix A.

Table 5.3.A: SCAQMD Construction and Operation Thresholds of Significance (lbs/day)

Emission Source	Pollutant Emissions Threshold (lbs/day)					
	VOCs	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Construction Thresholds	75	100	550	150	150	55
Operation Thresholds	55	55	550	150	150	55

Source: LSA. *Air Quality and Greenhouse Gas Emissions Impact Analysis Memorandum for the Proposed West Foothill Development Project in Upland, California*. July 2023. Table F. Appendix A

CO = carbon monoxide

lbs/day = pounds per day

NO_x = nitrogen oxides

PM_{2.5} = particulate matter less than 2.5 microns in size

PM₁₀ = particulate matter less than 10 microns in size

SCAQMD = South Coast Air Quality Management District

SO₂ = sulfur dioxide

VOC = volatile organic compounds

In addition, the SCAQMD published its Final Localized Significance Threshold Methodology in June 2003 (updated July 2008), recommending that all air quality analyses include an assessment of air quality impacts to nearby sensitive receptors.²³ This guidance was used to analyze potential localized air quality impacts associated with construction of the proposed project. Localized significance thresholds (LSTs) are developed based on the size or total area of the emission source, the ambient air quality in the source receptor area, and the distance between the project and the nearest sensitive receptor. The SCAQMD defines structures that house persons (e.g., children, the elderly, persons with pre-existing respiratory or cardiovascular illness, and athletes and others who engage in frequent exercise) or places where they gather as sensitive receptors (i.e., residences, schools, playgrounds, child-care centers, convalescent centers, retirement homes, and athletic fields). The nearest sensitive receptor in proximity to the project site is a single-family residence located approximately 125 feet to the northeast across Foothill Boulevard. (All distances are from the project site boundary to the identified building).

LSTs are based on the ambient concentrations of that pollutant within the project Source Receptor Area (SRA) and the distance to the nearest sensitive receptor. For the proposed project, the appropriate SRA for the LST is the Northwest San Bernardino Valley (SRA 32). SCAQMD provides LST screening tables for 25-, 50-, 100-, 200-, and 500-meter source-receptor distances. As described above, the closest sensitive receptors to the project site are residential uses including the single-family homes located approximately 125 feet (38 meters) to the northeast across Foothill Boulevard. The LST screening tables provide for 1-acre, 2-acre, and 5-acre construction sites. The proposed project site is 6.05 acres; however, the construction activities would only take place on portions of the project site on any single day. Approximately 4 acres would be disturbed in any single day; therefore, the LSTs for a 4-acre site at 125 feet (38 meters) were derived by interpolation. Table 5.3.B shows the emissions thresholds that would apply based on the project size and distance to nearby receptors during project construction and operation, respectively.

²³ South Coast Air Quality Management District (SCAQMD). 2008. *Final Localized Significance Threshold Methodology*. July. Website: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf> (accessed February 2023).

Table 5.3.B: SCAQMD Localized Significance Thresholds

Emissions Source	Pollutant Emissions Threshold (lbs/day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Construction	253	2,257	27	9
Operations	270	2,429	7	2

Source: LSA. *Air Quality and Greenhouse Gas Emissions Impact Analysis Memorandum for the Proposed West Foothill Development Project in Upland, California*. July 2023. Table G. Appendix A.

CO = carbon monoxide

PM₁₀ = particulate matter less than 10 microns in size

lbs/day = pounds per day

PM_{2.5} = particulate matter less than 2.5 microns in size

NO_x = nitrogen oxides

SCAQMD = South Coast Air Quality Management District

5.3.1 Impact Analysis

a. *Would the project conflict with or obstruct implementation of the applicable air quality plan?*

Less than Significant Impact. A consistency determination plays an essential role in local agency project review by linking local planning and unique individual projects to the air quality plans. A consistency determination fulfills the CEQA goal of fully informing local agency decision-makers of the environmental costs of the project under consideration at a stage early enough to ensure that air quality concerns are addressed. Only new or amended General Plan elements, Specific Plans, and significantly unique projects need to undergo a consistency review due to the air quality plan strategy being based on projections from local General Plans.

The proposed project would include a 3,570-square-foot restaurant with drive-through and up to 94,435 square feet of warehouse space.²⁴ Therefore, the proposed project is not considered a project of Statewide, regional, or area-wide significance (e.g., large-scale projects such as airports, electrical generating facilities, petroleum and gas refineries, residential development of more than 500 dwelling units, shopping centers or business establishments employing more than 1,000 persons or encompassing more than 500,000 square feet of floor space) as defined in the California Code of Regulations (Title 14, Division 6, Chapter 3, Article 13, Section 15206(b)). Because the proposed project would not be defined as a regionally significant project under CEQA, it does not meet the SCAG Intergovernmental Review criteria.

The City's General Plan is consistent with the SCAG Regional Comprehensive Plan Guidelines and the SCAQMD 2022 Air Quality Management Plan. Pursuant to the methodology provided in the SCAQMD CEQA Air Quality Handbook, consistency with the Basin 2022 AQMP is affirmed when a project (1) would not increase the frequency or severity of an air quality standards violation or cause a new violation, and (2) is consistent with the growth assumptions in the AQMP. Consistency review is presented as follows:

²⁴ This Initial Study and supporting technical studies evaluate the proposed warehouse buildings with a combined 101,092 sf of space, while the latest plans dated February 9, 2023 and submitted to the City indicate the proposed warehouse space totals approximately 94,435 sf. Accordingly, the environmental analysis assumes a greater square footage than proposed and therefore discloses potentially greater environmental effects than would occur under the proposed project.

1. The project would result in short-term construction and long-term operational pollutant emissions that are all less than the CEQA significance emissions thresholds established by SCAQMD, as demonstrated below in Section 5.3.1.b. Therefore, the project would not result in an increase in the frequency or severity of an air quality standards violation or cause a new air quality standard violation.
2. The CEQA Air Quality Handbook indicates that consistency with AQMP growth assumptions must be analyzed for new or amended General Plan elements, Specific Plans, and significant projects. Significant projects include airports, electrical generating facilities, petroleum and gas refineries, designation of oil drilling districts, water ports, solid waste disposal sites, and offshore drilling facilities. Therefore, the proposed project is not defined as significant. In addition, the proposed project would not require a change to the General Plan land use designation or the current zoning and would be consistent with the City's General Plan and Zoning Ordinance.

Based on the consistency analysis presented above, the proposed project would be consistent with the regional AQMP. Impacts would be **less than significant**, and no mitigation is required.

b. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less than Significant with Mitigation Incorporated. As identified above, the Basin is designated as nonattainment for O₃ and PM_{2.5} for federal standards and nonattainment for O₃, PM₁₀, and PM_{2.5} for State standards. The SCAQMD's nonattainment status is attributed to the region's development history. Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of AAQS. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant.

In developing thresholds of significance for air pollutants, SCAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions.

Construction Emissions. During construction, short-term degradation of air quality may occur due to the release of particulate matter emissions (i.e., fugitive dust) generated by demolition, site preparation, and grading activities. Emissions from construction equipment are also anticipated and would include CO, NO_x, VOC, directly emitted PM_{2.5} or PM₁₀, and toxic air contaminants such as diesel exhaust particulate matter. Project construction activities would include demolition, site preparation, grading, building construction, architectural coating, and paving activities. Construction-related effects on air quality from the proposed project would be greatest during the site preparation phase due to the disturbance of soils. If not properly controlled, these activities would temporarily generate particulate emissions. Sources of fugitive dust would include disturbed

soils at the construction site. Unless properly controlled, vehicles leaving the site would deposit dirt and mud on local streets, which could be an additional source of airborne dust after it dries. PM₁₀ emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. PM₁₀ emissions would depend on soil moisture, silt content of soil, wind speed, and amount of operating equipment. Larger dust particles would settle near the source, whereas fine particles would be dispersed over greater distances from the construction site.

Water or other soil stabilizers can be used to control dust, resulting in emission reductions of 50 percent or more. SCAQMD has established Rule 403: Fugitive Dust, which would require the Project Applicant to implement measures that would reduce the amount of particulate matter generated during the construction period, as prescribed in **Mitigation Measure AQ-1**.

Mitigation Measure. The following mitigation measure is required to minimize the amount of particulate matter generated during the construction period.

- Mitigation Measure AQ-1:** In accordance with South Coast Air Quality Management District Rule 403: Fugitive Dust, the project applicant shall show evidence to the City that the project construction contractor(s) implement the following fugitive dust reduction measures during construction:
- Water active sites at least twice daily (locations where grading is to occur shall be thoroughly watered prior to earthmoving).
 - Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least 2 feet (0.6 meter) of freeboard (vertical space between the top of the load and the top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114.
 - Reduce traffic speeds on all unpaved roads to 15 miles per hour or less.

Implementation of **Mitigation Measure AQ-1** would ensure fugitive dust is minimized during construction activities, and emissions of particulate matter (PM₁₀ and PM_{2.5}) would not exceed SCAQMD daily maximum emissions thresholds, as shown in Table 5.3.C below.

In addition to dust-related PM₁₀ emissions, heavy trucks and construction equipment powered by gasoline and diesel engines would generate CO, sulfur oxides (SO_x), NO_x, VOCs, and some soot particulate (PM_{2.5} and PM₁₀) in exhaust emissions. If construction activities were to increase traffic congestion in the area, CO and other emissions from traffic would increase slightly while those vehicles idle in traffic. These emissions would be temporary in nature and limited to the immediate area surrounding the construction site.

Construction emissions were estimated for the proposed project using the California Emissions Estimator Model version 2022.1 (CalEEMod). Construction of the proposed project would start no earlier than the fourth quarter of 2023, which was included in CalEEMod. In addition, the proposed

project would include the export of approximately 12,403 cubic yards (cy) of soil and the import of 61,158 cy of soil, which was also included in CalEEMod. This analysis assumes compliance with SCAQMD Rule 403 measures. All other construction details are not yet known; therefore, default assumptions (e.g., construction worker and truck trips and fleet activities) from CalEEMod were used. Construction emissions are summarized in Table 5.3.C below. Attachment D of Appendix J provides CalEEMod output sheets.

As shown in Table 5.3.C, with implementation of **Mitigation Measure AQ-1**, construction emissions associated with the proposed project would not exceed SCAQMD thresholds for VOC, NO_x, CO, SO_x, PM_{2.5}, and PM₁₀. Therefore, construction of the proposed project would not result in a cumulatively considerable increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State AAQS. Impacts would be **less than significant with mitigation incorporated**.

Table 5.3.C: Short-Term Regional Construction Emissions

Construction Phase	Total Regional Pollutant Emissions (lbs/day)							
	VOCs	NO _x	CO	SO _x	PM ₁₀		PM _{2.5}	
					Fugitive	Exhaust	Fugitive	Exhaust
Demolition	3	29	25	<1	1	1	<1	1
Site Preparation	4	40	37	<1	5	2	3	2
Grading	3	56	40	<1	9	1	3	1
Building Construction	1	13	17	<1	1	1	<1	1
Architectural Coating	8	<1	2	<1	<1	<1	<1	<1
Paving	1	8	11	<1	<1	<1	<1	<1
Peak Daily	9	56	40	<1	10		5	
SCAQMD Threshold	75	100	550	150	150		55	
Exceeds Threshold?	No	No	No	No	No		No	

Source: Attachment D of Appendix J.

Note: It was assumed that the architectural coatings were applied during the building construction and paving phases.

CO = carbon monoxide

PM₁₀ = particulate matter less than 10 microns in size

lbs/day = pounds per day

SCAQMD = South Coast Air Quality Management District

NO_x = nitrogen oxides

SO_x = sulfur oxides

PM_{2.5} = particulate matter less than 2.5 microns in size

VOCs = volatile organic compounds

Operational Emissions. Long-term air pollutant emission impacts are those associated with mobile sources (e.g., vehicle trips), energy sources (e.g., natural gas), and area sources (e.g., architectural coatings and the use of landscape maintenance equipment) related to the proposed project. Mobile source emissions are generated by the vehicle trips associated with project operations. The proposed project would generate emissions from daily operations that would include heavy-duty truck trips from warehouse operations. It is assumed that standard warehouse equipment would be utilized during project operations, and to analyze the worst case, it is assumed that all equipment would be diesel-powered. The project would include two warehouses with a total of 10,000 square feet of office space and mezzanine, a 3,570-square-foot restaurant, and a large parking area. Trip generation rates used in CalEEMod for the project were based on West Foothill Development

Project Traffic Impact Analysis (Appendix H),²⁵ which determined that the two proposed industrial buildings would generate 120 car, 12 two-axle truck, 10 three-axle truck, and 33 four-plus axle truck trips daily, and the restaurant would generate 793 total vehicle trips daily. Because the distance that the warehouse haul trucks would travel is unknown, it was conservatively assumed the average trip length would be 40 miles. PM₁₀ emissions result from running exhaust, tire and brake wear, and the entrainment of dust into the atmosphere from vehicles traveling on paved roadways. Entrainment of PM₁₀ occurs when vehicle tires pulverize small rocks and pavement and the vehicle wakes generate airborne dust. The contribution of tire and brake wear is small compared to the other PM emission processes. Gasoline-powered engines have small rates of particulate matter emissions compared with diesel-powered vehicles.

Energy source emissions result from activities in buildings for which electricity and natural gas are used. The quantity of emissions is the product of usage intensity (i.e., the amount of electricity or natural gas) and the emission factor of the fuel source. Major sources of energy demand include building mechanical systems (e.g., heating and air conditioning, lighting) and plug-in electronics (e.g., computers). Greater building or appliance efficiency reduces the amount of energy for a given activity and thus lowers the resultant emissions. The emission factor is determined by the fuel source, with cleaner energy sources (e.g., renewable energy) producing fewer emissions than conventional sources.

Typically, area source emissions consist of direct sources of air emissions located at the project site, including architectural coatings and the use of landscape maintenance equipment. Area source emissions associated with the proposed project would include emissions from the use of landscaping equipment and the use of consumer products.

Emission estimates for operation of the proposed project were calculated using CalEEMod and are shown in Table 5.3.D below. Attachment D of Appendix J provides CalEEMod output sheets.

As shown in Table 5.3.D, the proposed project would not exceed the significance criteria for daily VOC, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} emissions; therefore, operation of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State AAQS. Impacts would be **less than significant**, and no mitigation is required.

Table 5.3.D: Project Operation Emissions (lbs/day)

Source Category	VOCs	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area Source Emissions	3	<1	5	<1	<1	<1
Energy Source Emissions	<1	1	1	<1	<1	<1
Mobile Source Emissions	4	8	45	<1	10	3
Warehouse Equipment Emissions	<1	5	9	<1	<1	<1
Total Project Emissions	7	14	59	<1	10	3
SCAQMD Significance Threshold	55	55	550	150	150	55
Exceed Threshold?	No	No	No	No	No	No

²⁵ LSA. *Traffic Impact Analysis, West Foothill Development Project, City of Upland, San Bernardino County, California*. February 2023. Appendix H.

Table 5.3.D: Project Operation Emissions (lbs/day)

Source Category	VOCs	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Source: Attachment D of Appendix J.						
CO = carbon monoxide		PM ₁₀ = particulate matter less than 10 microns in size				
lbs/day = pounds per day		SCAQMD = South Coast Air Quality Management District				
NO _x = nitrogen oxides		SO _x = sulfur oxides				
PM _{2.5} = particulate matter less than 2.5 microns in size		VOCs = volatile organic compounds				

Long Term- Microscale (CO Hot Spot Analysis). Vehicular trips associated with the proposed project would contribute to congestion at intersections and along roadway segments in the project vicinity. Localized air quality impacts would occur when emissions from vehicular traffic increase as a result of the proposed project. The primary mobile-source pollutant of local concern is CO, a direct function of vehicle idling time and, thus, of traffic flow conditions. CO transport is extremely limited. Under normal meteorological conditions, CO disperses rapidly with distance from the source. However, under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels, affecting local sensitive receptors (e.g., residents, schoolchildren, the elderly, and hospital patients). Typically, high CO concentrations are associated with roadways or intersections operating at unacceptable levels of service (LOS) or with extremely high traffic volumes. In areas with high ambient background CO concentrations, modeling is recommended to determine a project's effect on local CO levels.

An assessment of project-related impacts on localized ambient air quality requires that future ambient air quality levels be projected. Existing CO concentrations in the immediate project vicinity are not available. Ambient CO levels monitored at Upland station, the closest station to the project site, showed a highest recorded 1-hour concentration of 1.5 ppm (the State standard is 20 ppm) and a highest 8-hour concentration of 1.1 ppm (the State standard is 9 ppm) during the past 3 years. The highest CO concentrations would normally occur during peak traffic hours; hence, CO impacts calculated under peak traffic conditions represent a worst-case analysis.

As described in the West Foothill Development Project Traffic Impact Analysis (Appendix H), the proposed project would generate 67 a.m. peak-hour trips and 72 p.m. peak-hour trips. Because the proposed project would not generate 100 or more a.m. or p.m. peak-hour trips, the proposed project would not meet the criteria for an evaluation of study area intersection or roadway segment LOS. Therefore, it is concluded that the addition of the proposed project traffic would not create any significant adverse impacts to nearby intersections.

Therefore, given the extremely low level of CO concentrations in the project area and lack of traffic impacts at any intersections, project-related vehicles are not expected to contribute significantly to CO concentrations exceeding the State or federal CO standards. Impacts during project operation would be **less than significant**. Mitigation is not required.

c. Would the project expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact. Sensitive receptors are people who have an increased sensitivity to air pollution or environmental contaminants. The SCAQMD defines structures that house persons (e.g., children, the elderly, persons with pre-existing respiratory or cardiovascular illness, and athletes and

others who engage in frequent exercise) or places where they gather (i.e., residences, schools, playgrounds, child-care centers, convalescent centers, retirement homes, and athletic fields) as sensitive receptors.

As previously discussed, LSTs are based on the ambient concentrations of that pollutant within the project SRA and the distance to the nearest sensitive receptor. The nearest sensitive receptors in proximity to the project site are single-family residential units located approximately 125 feet (38 meters) to the northeast across Foothill Avenue. For the proposed project, the appropriate SRA for the LST is the Northwest San Bernardino Valley (SRA 32). While the project site is approximately 6.05 acres, it is assumed that the maximum daily disturbed area for the proposed project would be 4.0 acres.

The results of the LST analysis for both construction and operation of the proposed project are summarized in Tables 5.3.E and 5.3.F below. As shown in Tables 5.3.E and 5.3.F, the proposed project would not result in an exceedance of a SCAQMD LST during project construction or operation. Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations and impacts would be **less than significant**. Mitigation is not required.

Table 5.3.E: Construction Localized Impacts Analysis

Emissions Sources	Pollutant Emissions (lbs/day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
On-Site Emissions	40	36	7	4
Localized Significance Threshold	253	2,257	27	9
Exceeds Threshold?	No	No	No	No

Source: LSA. *Air Quality and Greenhouse Gas Emissions Impact Analysis Memorandum for the Proposed West Foothill Development Project in Upland, California*. July 2023. Table L. Appendix A.

Note: The SRA is Northwest San Bernardino Valley, 4 ac, receptors at 125 feet.

ac = acre

PM_{2.5} = particulate matter less than 2.5 microns in size

CO = carbon monoxide

PM₁₀ = particulate matter less than 10 microns in size

lbs/day = pounds per day

SRA = Source Receptor Area

NO_x = nitrogen oxides

Table 5.3.F: Long-Term Operational Localized Impacts Analysis

Emissions Sources	Pollutant Emissions (lbs/day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
On-Site Emissions	6	16	<1	<1
Localized Significance Threshold	270	2,429	7	2
Exceeds Threshold?	No	No	No	No

Source: LSA. *Air Quality and Greenhouse Gas Emissions Impact Analysis Memorandum for the Proposed West Foothill Development Project in Upland, California*. July 2023. Table M. Appendix A.

Note: The SRA is Northwest San Bernardino Valley, 4.5 ac, receptors at 125 feet. It was assumed that 5% of vehicle VMT would occur on site.

ac = acre

PM_{2.5} = particulate matter less than 2.5 microns in size

CO = carbon monoxide

PM₁₀ = particulate matter less than 10 microns in size

lbs/day = pounds per day

SRA = Source Receptor Area

NO_x = nitrogen oxides

VMT = vehicle miles traveled

d. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less than Significant Impact. Heavy-duty equipment on the project site during construction would emit odors, primarily from equipment exhaust. However, the construction activity would cease after individual construction is completed. The fast-food restaurant may cause cooking odors; however, no other sources of objectionable odors have been identified for the proposed project, and no mitigation measures are required.

SCAQMD Rule 402 regarding nuisances states: “A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.” The proposed uses are not anticipated to emit any objectionable odors. Therefore, the proposed project would not result in other emissions (e.g., those leading to odors) adversely affecting a substantial number of people. Impacts would be **less than significant**, and no mitigation is required.

5.4 BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

5.4.1 Impact Analysis

- a. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Less than Significant with Mitigation Incorporated. The project site is bounded by Foothill Boulevard and commercial, industrial, residential, and airport uses to the north and commercial and industrial uses to the west, south, and east. Figure 2: Existing Setting depicts the project site and surrounding area. As discussed in Section 2.2, the project site is vacant and includes developed land in the western portion of the site, consisting of three structures and pavement/asphalt. Additionally, ornamental trees are present along the western boundary of the site, including two native coast live oak trees in the northwestern portion of the site. The eastern portion of the site contains ruderal vegetation.²⁶ Figures 3a and 3b include photographs of the project site and surrounding land uses.

A Biological Resources Assessment for the project site was prepared to evaluate the biological resources on the project site (Appendix B).²⁷ The report included a literature review and field survey to determine the existence or potential occurrence of threatened, endangered, or candidate plant and animal species and critical habitats on the project site and in the project vicinity.

A reconnaissance field survey of the project site was conducted by a qualified LSA Biologist on August 26, 2022. The field survey determined that none of the species identified in the literature review are expected to occur on-site due to historic disturbances and the lack of suitable habitat.²⁸ However, the field survey determined there is a low to moderate probability of occurrence for burrowing owl (*Athene cunicularia*), a Species of Special Concern (SSC) in California, on the project site due to the site's disturbed soils, which are considered suitable habitat for burrowing owl.²⁹

Although the project site did not contain burrowing owl or burrows when the field survey was conducted, the presence of disturbed soils on-site indicates there is potential for this species to emigrate onto the site to nest.³⁰ Therefore, the project would have the potential to adversely affect burrowing owl during construction and mitigation is required.

Accordingly, **Mitigation Measure BIO-1** requires a qualified biologist to conduct a pre-construction survey for burrowing owl to ensure that burrowing owl is not present on the project site during project construction. If the pre-construction survey reveals that burrowing owl is present on the project site, **Mitigation Measure BIO-2** is prescribed to ensure that appropriate actions are implemented to protect burrowing owl during project construction activities. With implementation

²⁶ Ruderal vegetation consists of species (often invasive) that are first to colonize disturbed lands.

²⁷ LSA. *Biological Resources Assessment for 1780 West Foothill Boulevard Warehouse Project, Upland, San Bernardino County, California*. July 2023. Appendix B.

²⁸ *Ibid.* Page 6; Table C.

²⁹ *Ibid.*

³⁰ *Ibid.* Page 12.

of **Mitigation Measures BIO-1** and **BIO-2**, burrowing owls, if present, would be protected during project construction. Therefore, impacts to candidate, sensitive, or special status species, including burrowing owl, would be reduced to **less than significant with mitigation incorporated**.

Mitigation Measures. The following mitigation measure is required to reduce potentially significant impacts to burrowing owl to less-than-significant levels.

Mitigation Measure BIO-1: Prior to the issuance of a grading permit, a pre-construction burrowing owl clearance survey shall be conducted by a qualified biologist within 14 days prior to the beginning of project construction to determine if the project site contains suitable burrowing owl habitat and to avoid any potential impacts to the species. The survey shall include 100 percent coverage of the project site, plus 150-meter buffer to ensure no owls have emigrated onto the site. If the burrowing owl survey reveals no burrowing owls are present, no additional actions related to this measure are required. If occupied burrows are found within the development footprint during the pre-construction clearance survey, **Mitigation Measure BIO-2** shall apply.

Mitigation Measure BIO-2: If occupied burrows are found within the development footprint during the pre-construction burrowing owl survey, site-specific buffer zones shall be established by the qualified biologist through consultation with the California Department of Fish and Wildlife (CDFW). The buffer zones may vary depending on burrow location and burrowing owl sensitivity to human activity, and no construction activity shall occur within a buffer zone(s) until appropriate avoidance and minimization measures are determined through consultation with the CDFW.

As part of the consultation process, the CDFW may require some or all of the following avoidance and minimization measures:

- Preparation of a burrowing owl relocation/translocation plan describing the methodology for passive and active relocation of burrowing owls from the project site, a monitoring strategy, and long-term conservation of relocated owls for submittal to the CDFW for approval prior to ground-disturbing activities.
- Replacement of burrowing owl habitat acreage in accordance with the guidelines provided in Appendix A of the Staff Report on Burrowing Owl Mitigation, State of California Natural Resource Agency, Department of Fish and Game, May 7, 2012.
- Establishment of permanent conservation lands comprised of similar vegetation communities to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during

breeding and non-breeding seasons) comparable to or better than that of the impact area. Such conservation lands must be of sufficiently large acreage and be occupied by fossorial mammals. Conservation lands may require habitat enhancements including enhancement or expansion of burrows for breeding, shelter and dispersal opportunity, and removal or control of population stressors as determined by the CDFW. If the conservation lands are located adjacent to the impacted burrow site, the nearest neighbor artificial or natural burrow clusters must be at least within 210 meters of the impacted burrow site.

- Development and implementation of a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls.
- Funding of maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.
- Restoration of any temporarily disturbed areas to the pre-project condition, including decompacting soil and revegetating.

This measure shall be implemented to the satisfaction of the City's Planning Division and the CDFW.

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No Impact. As stated previously, the project site is partially developed, and undeveloped portions of the project site consist of ruderal vegetation in the eastern portion of the site. There are no riparian or other sensitive natural communities located within the project site.³¹ Therefore, **no impact** to riparian habitat or other sensitive natural communities would occur, and no mitigation is required.

c. Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. As stated previously, the project site is partially developed, and undeveloped portions of the project site consist of ruderal vegetation in the eastern portion of the site. The project site does not include any federally protected wetlands or any drainage features, ponded areas, wetlands, or riparian habitat subject to jurisdiction by the California Department of Fish and Wildlife (CDFW), U.S.

³¹ *Ibid.* Page 6.

Army Corps of Engineers (USACE), and/or Regional Water Quality Control Board (RWQCB).³² Therefore, neither Clean Water Act (CWA) Section 404 and 401 permits nor a CDFW streambed alteration agreement are required for the project. **No impact** on federally protected wetlands would occur, and no mitigation is required.

- d. *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

Less than Significant with Mitigation Incorporated. Habitat fragmentation occurs when a single, contiguous habitat area is divided into two or more areas, or where an action isolates two or more new areas from each other. Isolation of habitat occurs when wildlife cannot move freely from one portion of the habitat to another or to/from one habitat type to another. Habitat fragmentation may occur when a portion of one or more habitats is converted into another habitat, as when scrub habitats are converted into annual grassland habitat because of frequent burning. Wildlife movement includes seasonal migration along corridors, as well as daily movements for foraging. Examples of migration corridors may include areas of unobstructed open space for deer, riparian corridors providing cover for migrating birds, routes between breeding waters and upland habitat for amphibians, and between roosting and feeding areas for birds.

As previously discussed, the western portion of the project site is developed and the project site is surrounded by developed landscapes. The project site is not within a wildlife corridor and does not contain nursery sites.³³ However, the western portion of the project site contains ornamental trees that provide suitable nesting habitat for common bird species.³⁴ Since the project would include the removal of on-site trees that may contain nesting birds, the project would have the potential to interfere with wildlife movement of nesting birds. Additionally, as discussed in Section 5.4.1.a, burrowing owl was determined to have a low to moderate probability for occurring on the project site due to disturbed soils on-site. As such, the project would have the potential to interfere with wildlife movement of burrowing owl. Therefore, mitigation is required to protect nesting birds and burrowing owl during project construction.

As specified in Section 5.4.1.a above, **Mitigation Measures BIO-1** and **BIO-2** are prescribed to ensure a qualified biologist conducts a pre-construction survey for burrowing owl and that impacts to burrowing owl are avoided if burrowing owl is present on-site within 14 days prior to project construction activities. Additionally, **Mitigation Measure BIO-3** is prescribed to ensure impacts to nesting birds are avoided if construction activities occur during nesting bird season, in accordance with Sections 3503–3801 of the California Fish and Game Code. With implementation of **Mitigation Measures BIO-1** through **BIO-3**, burrowing owl and nesting birds would be protected during project construction activities. Therefore, impacts to wildlife movement opportunities, including burrowing owl and nesting birds, would be reduced to **less than significant with mitigation incorporated**.

³² *Ibid.*

³³ *Ibid.* Page 6.

³⁴ *Ibid.* Page 12.

Mitigation Measures. The following mitigation measure is required to reduce potentially significant impacts to burrowing owl (refer to **Mitigation Measures BIO-1** and **BIO-2** above) and nesting birds to less-than-significant levels.

Mitigation Measure BIO-3

If demolition or ground disturbance is proposed during nesting bird season (February 15 to August 31), a pre-construction nesting survey shall be conducted by a qualified biologist (Project Biologist) within 72 hours prior to start of work pursuant to Sections 3503–3801 of the California Fish and Game Code. If the survey indicates nesting birds are present, an appropriate buffer to be established by the Project Biologist shall be marked off around the nest(s), and no demolition or construction activity shall occur in that area during nesting activities. Demolition and/or construction may resume within the established buffer when the Project Biologist determines the nest is no longer occupied and all juveniles have left the nest.

To the greatest extent feasible, tree trimming/removal activities shall be performed outside of the nesting season for birds (February 1–August 31). If trimming or removal of trees during the nesting bird season cannot be avoided, a qualified biologist shall monitor tree trimming and removal activities.

If possible, night work shall be avoided during the nesting bird season (February 1–August 31). If night work (i.e., between dusk and dawn) is anticipated within 100 feet of an active bird nest and/or nest exclusionary buffer, night lighting shall be used only in areas of active work and focused on the direct area(s) of work and away from nesting locations to the greatest extent practicable. The qualified biologist shall adjust the exclusionary buffer size to decrease the possibility of disturbance by night work, if warranted. This measure would minimize disturbance and prevent nest failure. If birds are showing signs of distress, such as flushing from their nests, work activities shall be modified to prevent the nest from being abandoned.

This measure shall be implemented to the satisfaction of the City of Upland Development Services Director or designee.

- e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

No Impact. The project site contains two native live oak trees that would be removed with implementation of the proposed project. The City of Upland has no specific tree ordinance for the removal, protection, or replacement of oak trees located within private property. Therefore, the removal of the on-site oak trees during project construction would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or

ordinance. In addition, the applicant has proposed the inclusion of replacement oak trees. **No impact** would occur, and no mitigation is required.

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The project site does not lie within an area covered by any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Therefore, the project would not conflict with a conservation plan and **no impact** would occur. Mitigation is not required.

5.5 CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☒	☐
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Cultural resources are broadly defined as any physical manifestations of human activity that are at least 50 years of age and may include archaeological resources as well as historic-era buildings and structures.

Archaeological resources include both precontact remains and remains dating to the historical period. Precontact (or Native American) archaeological resources are physical manifestations of human activities that predate written records and may include village sites, temporary camps, lithic (stone tool) scatters, rock art, roasting pits/hearths, milling features, rock features, and burials. Historic archaeological resources can include refuse heaps, bottle dumps, ceramic scatters, privies, foundations, and burials and are generally associated in California with the Spanish Mission Period (1769 through 1833) through the mid-late 20th century (1970).

Archaeological resources that are eligible for listing in the National Register of Historic Places (National Register), California Register of Historical Resources (California Register), or a local register are considered historical resources pursuant to CEQA Guidelines Section 15064.5. CEQA Guidelines Section 15064.5 defines the term “historical resource” as:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code Section 5024.1, Title 14 CCR, Section 4850 et seq.).
2. A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be

considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code, Section 5024.1, Title 14 CCR, Section 4852) including the following:

- a. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
- b. Is associated with the lives of persons important in our past.
- c. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- d. Has yielded, or may be likely to yield, information important in prehistory or history.

A “substantial adverse change” to a historical resource, according to Public Resources Code (PRC) Section 5020.1(q), “means demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired.”

5.5.1 Impact Analysis

- a. *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

Less than Significant Impact. A Cultural Resources Assessment was prepared for the project site and included an archaeological and historical records search, an intensive pedestrian survey of the project site, and additional research (Appendix C).³⁵

The records search of the project site was completed on September 6, 2022, at the South Central Coastal Information Center (SCCIC) and included a 1-mile radius search index. The records search identified 25 previously conducted cultural resources studies within 1 mile of the site; however, none of these previous studies encompassed the project site.³⁶ Additionally, the records search did not identify any precontact archaeological resources on the project site or within 1-mile of the project site. However, 18 historic period built environment resources were documented within 1 mile of the project site, including the segment of Route 66 (Foothill Boulevard) that fronts the project site. The portion of Route 66 (Foothill Boulevard) that fronts the northern boundary of the project site has been previously evaluated as a “historical resource” under CEQA and was determined to not contribute to the overall eligibility of the resource for either the California Register of historical Resources or National Register of Historic Places.³⁷ Therefore, the segment of Route 66 (Foothill Boulevard) that fronts the project site is not considered a historical resource under CEQA.

³⁵ LSA. *Cultural Resources Assessment, West Foothill Development Project, City of Upland, San Bernardino County, California*. July 2023. Appendix C.

³⁶ *Ibid.* Page 5.

³⁷ *Ibid.* Page 6.

Additional research included review of online historic period maps and aerial photographs of the project site. The research determined that the project site and vicinity consisted of agricultural land until the 1960s, and development of the project area occurred after 1972.³⁸

The pedestrian survey conducted on July 21, 2022, did not result in the identification of any historic or precontact archaeological resources on the project site.³⁹ Additionally, the survey results determined that the undeveloped eastern portion of the site consists of dry vegetation and imported gravel and rocks and is substantially disturbed by construction and landscape dumping and weed-abatement activities.

Based on the results of the records search, pedestrian survey, and additional research identified in the Cultural Resources Assessment, the project site does not contain any “historical resources” as defined under CEQA Guidelines Section 15064.5. Therefore, impacts to historical resources from project development would be **less than significant**. Mitigation is not required.

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less than Significant with Mitigation Incorporated. As discussed in Section 5.5.1.a above, the records search, pedestrian survey, and additional research conducted as part of the Cultural Resources Assessment prepared for the project (Appendix C) did not identify any archeological resources as defined under CEQA Guidelines Section 15064.5 on the project site or within 1 mile of the project site. Additionally, the Cultural Resources Assessment determined that the potential for encountering subsurface archeological resources during construction is low.⁴⁰ Nevertheless, the proposed project must comply with all applicable regulations protecting archaeological resources, including Title 14, California Code of Regulations (CCR) Section 15064.5 and [California] Public Resources Code (PRC) Section 21083.2 California Environmental Quality Act-Archeological Resources, which enable the City to require the Project Applicant to make reasonable effort to preserve or mitigate impacts to any affected significant or unique archaeological resource.

City staff consulted with Native American Tribes pursuant to California Public Resources Code Section 21080.3.1 (refer to Section 5.18 below). The Yuhaaviatam of San Manuel Nation requested **Mitigation Measures CUL-1** and **CUL-2** be prescribed to ensure that archaeological resources are protected if they are encountered during project construction.

Mitigation Measures. The following mitigation measures are required to reduce potentially significant impacts to archaeological resources to less-than-significant levels.

Mitigation Measure CUL-1	In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find.
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³⁸ *Ibid.*

³⁹ *Ibid.* Page 6.

⁴⁰ *Ibid.* Page 10.

Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within **TCR-1**, regarding any pre-contact and/or historic-era finds 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 regards to significance and treatment.

Mitigation Measure CUL-2

If significant pre-contact and/or historic-era cultural 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 YSMN for review and comment, as detailed within **TCR-1**. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

Implementation of **Mitigation Measures CUL-1** and **CUL-2** would ensure unanticipated encounters with archaeological resources result in appropriate treatment of these resources in accordance with applicable regulatory policies and through consultation with interested Native American Tribes. Through implementation of **Mitigation Measures CUL-1** and **CUL-2**, impacts to archaeological resources would be reduced to **less than significant with mitigation incorporated**.

c. Would the project disturb any humans remains, including those interred outside of formal cemeteries?

Less than Significant with Mitigation Incorporated. Considering the extensive ground disturbances that have occurred on the project site (refer to Section 2.2, Existing Setting), the likelihood of encountering human remains is low.

However, Section 7050.5 of the California Health and Safety Code requires that excavation be stopped in the vicinity of the discovered human remains while the coroner determines whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the Project Applicant shall comply with the State relating to the disposition of Native American burials that fall within the jurisdiction of the Native American Heritage Commission (NAHC) (PRC Section 5097). Additionally, Section 7052 of the California Health and Safety Code states that disturbance of Native American cemeteries is a felony.

City staff consulted with Native American Tribes pursuant to California Public Resources Code Section 21080.3.1 (refer to Section 5.18 below). The Yuhaaviatam of San Manuel Nation requested **Mitigation Measure CUL-3** be prescribed to ensure that any human remain or funerary objects are managed in accordance with applicable regulatory policies.

Mitigation Measure. The following mitigation measure is required to reduce potentially significant impacts to human remains to less-than-significant levels.

Mitigation Measure CUL-3

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 §7050.5 and that code enforced for the duration of the project.

With implementation of **Mitigation Measure CUL-3**, human remains, including Native American human remains and associated funerary objects, would be protected if discovered during project construction through compliance with applicable regulatory requirements. Therefore, impacts to human remains and associated funerary objects would be reduced to **less than significant with mitigation incorporated**.

5.6 ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?	☐	☐	☒	☐
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

The project-specific information is based on the modeling conducted as part of the Air Quality and Greenhouse Gas Emissions Impact Analysis Memorandum provided in Appendix A of this Initial Study.⁴¹

The project site is within the service territory of Southern California Edison (SCE). SCE provides electricity to more than 15 million people in a 50,000-square-mile area of Central, Coastal, and Southern California.⁴² According to the California Energy Commission (CEC), total electricity consumption in the SCE service area in 2021 was 103,045 gigawatt hours (GWh) (36,375 GWh for the residential sector and 51,057 GWh for the non-residential sector). Total electricity consumption in San Bernardino County in 2021 was 16,180.8 GWh (16,180,811,158 kilowatt-hours [kWh]).⁴³

The Southern California Gas Company (SoCalGas) is the natural gas service provider for the project site. SoCalGas provides natural gas to approximately 21.8 million people in a 24,000 sq mi service area throughout Central and Southern California, from Visalia to the Mexican border.⁴⁴ According to the CEC, total natural gas consumption in the SoCalGas service area in 2021 was 6,755 million therms (2,308 million therms for the residential sector). Total natural gas consumption in San Bernardino County in 2021 was 561 million therms (561,360,617 therms).⁴⁵

Gasoline is the most used transportation fuel in California, with 97 percent of all gasoline being consumed by light-duty cars, pickup trucks, and sport utility vehicles. According to the most recent data available, total gasoline consumption in California was 289,918 thousand barrels or 1,464.7

⁴¹ LSA. *Air Quality and Greenhouse Gas Emissions Impact Analysis Memorandum for the proposed West Foothill Development Project in Upland, California*. July 2023. Appendix A.

⁴² Southern California Edison. 2020. *About Us*. Website: <https://www.sce.com/about-us/who-we-are> (accessed December 2022).

⁴³ California Energy Commission. 2020. *Electricity Consumption by County and Entity*. Websites: <http://www.ecdms.energy.ca.gov/elecbycounty.aspx> and <http://www.ecdms.energy.ca.gov/elecbyutil.aspx> (accessed December 2022).

⁴⁴ Southern California Gas Company. 2020. *About SoCalGas*. Website: <https://www3.socalgas.com/about-us/company-profile> (accessed January 2023).

⁴⁵ California Energy Commission. 2020. *Gas Consumption by County and Entity*. Website: <http://www.ecdms.energy.ca.gov/gasbycounty.aspx> and <http://www.ecdms.energy.ca.gov/gasbyutil.aspx> (accessed January 2023).

trillion British Thermal Units (BTU) in 2020.⁴⁶ Of the total gasoline consumption, 273,289 thousand barrels or 1,380.7 trillion BTU were consumed for transportation.⁴⁷ Based on fuel consumption obtained from CARB's California Emissions Factor Model, Version 2021 (EMFAC2021), approximately 907.3 million gallons of gasoline and approximately 325.0 million gallons of diesel will be consumed from vehicle trips in San Bernardino County in 2023.

5.6.1 Impact Analysis

- a. Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?*

Less than Significant Impact. The proposed project would increase the demand for electricity, natural gas, and gasoline when compared to existing site conditions. The discussion and analysis provided below is based on the data included in the CalEEMod output, which is included in Appendix A.

Construction-Period Energy Use. The anticipated construction schedule assumes that the proposed project would be built over approximately 14 months. The proposed project would include demolition, site preparation, grading, building construction, paving, and architectural coating activities during construction. Construction of the proposed project would require energy for the manufacture and transportation of building materials and for preparation of the site for grading activities and building construction. Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for these activities.

Construction activities are not anticipated to result in an inefficient use of energy because gasoline and diesel fuel would be supplied by construction contractors who would conserve the use of their supplies to minimize their costs on the proposed project. Energy usage on the project site during construction would be temporary in nature and would be relatively small in comparison to the State's available energy sources. Therefore, construction energy impacts would be **less than significant**, and no mitigation would be required.

Operational Energy Use. Operational energy use is typically associated with natural gas use, electricity consumption, and fuel used for vehicle trips associated with a project. Electricity consumption was estimated for the proposed Project using default energy intensities by land use type in CalEEMod. CalEEMod divides building electricity and natural gas use into uses that are subject to Title 24 standards and those that are not. For electricity, Title 24 uses include the major building envelope systems covered by Part 6 (California Energy Code) of Title 24 (e.g., space heating, space cooling, water heating, and ventilation). Non-Title 24 uses include all other end uses (e.g., appliances, electronics, and other miscellaneous plug-in uses). Because some lighting is not

⁴⁶ A British thermal unit is defined as the amount of heat required to raise the temperature of 1 pound of water by 1° Fahrenheit.

⁴⁷ United States Department of Energy, EIA. 2021. *California State Profile and Energy Estimates*. Table F3: Motor gasoline consumption, price, and expenditure estimates, 2020. Website: eia.gov/state/seds/data.php?infile=/state/seds/sep_fuel/html/fuel_mg.html&sid=CA (accessed December 2022).

considered as part of the building envelope energy budget, CalEEMod considers lighting as a separate electricity use category. For natural gas, uses are likewise categorized as Title 24 or Non-Title 24, with Title 24 uses including building heating and hot water end uses. Non-Title 24 natural gas uses include cooking and appliances (including pool/spa heaters).

Table 5.6.A shows the estimated potential increased electricity, natural gas, gasoline, and diesel demand associated with the proposed project. The electricity and natural gas rates are from the CalEEMod analysis, while the gasoline and diesel rates are based on the traffic analysis in conjunction with United States Department of Transportation (DOT) fuel efficiency data.

Table 5.6.A: Estimated Annual Energy Use of the Proposed Project

	Electricity Use (kWh/yr)	Natural Gas Use (therms/yr)	Gasoline (gal/yr)	Diesel (gal/yr)
Proposed Project	731,381	23,298	146,989	199,000

Source: LSA. *Air Quality and Greenhouse Gas Emissions Impact Analysis Memorandum for the Proposed West Foothill Development Project in Upland, California*. July 2023. Attachment B. Appendix A.

gal/yr = gallons per year

kBTU = thousand British thermal units

kWh = kilowatt-hours

As shown in Table 5.6.A, the estimated potential increase in electricity demand associated with the proposed project is 731,381 kWh per year. As discussed above, total electricity consumption in the SCE service area in 2021 was 103,045 GWh. Of this total, San Bernardino County consumed 16,180.8 GWh or 16,180,811,158 kWh.⁴⁸ Therefore, electricity demand associated with the proposed project would be approximately less than 0.01 percent of San Bernardino County's total electricity demand.

As shown in Table 5.6.A, the estimated potential increase in natural gas associated with the proposed project is 23,298 therms per year. Total natural gas consumption in San Bernardino County in 2021 was 561 million therms (561,360,617 therms). Therefore, natural gas demand associated with the proposed project would be approximately less than 0.01 percent of San Bernardino County's total natural gas demand.

Furthermore, the proposed project would result in energy usage associated with gasoline and diesel to fuel project-related trips. The average fuel economy for light-duty vehicles (automobiles, pickups, vans, and sport utility vehicles) in the United States has steadily increased, from about 14.9 mpg in 1980 to 22.9 mpg in 2020.⁴⁹ The average fuel economy for heavy-duty trucks in the United States has also steadily increased, from 5.7 mpg in 2013 to a projected 8.0 mpg in 2021.⁵⁰

Using the USEPA gasoline fuel economy estimates for 2019, the California diesel fuel economy estimates for 2021, and the traffic data from the project traffic analyses, the proposed project would result in the annual consumption of 146,989 gallons of gasoline and 199,000 gallons of diesel fuel. In 2019, vehicles in California consumed approximately 15.6 billion gallons of gasoline and 3.8 billion gallons of diesel fuel.⁵¹ Therefore, gasoline and diesel demand generated by vehicle trips

⁴⁸ California Energy Commission. 2020. *Electricity Consumption by County*. Website: www.ecdms.energy.ca.gov/elecbycounty.aspx (accessed January 2023).

⁴⁹ United States Department of Transportation. 2021. Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles. Website: www.bts.gov/content/average-fuel-efficiency-us-light-duty-vehicles (accessed January 2023).

⁵⁰ California Energy Commission. 2015. *Medium and Heavy-Duty Truck Prices and Fuel Economy 2013–2026*. Website: efiling.energy.ca.gov/getdocument.aspx?tn=206180 (accessed January 2023).

⁵¹ California Energy Commission. n.d. *California Gasoline Data, Facts, and Statistics*. Website: www.energy.ca.gov/data-reports/energy-almanac/transportation-energy/california-gasoline-data-facts-and-statistics (accessed January 2023).

associated with the proposed project would be a minimal fraction of gasoline and diesel fuel consumption in California and, by extension, in San Bernardino County.

In addition, vehicles associated with trips to and from the project site would be subject to fuel economy and efficiency standards, which are applicable throughout the State. As such, the fuel efficiency of vehicles associated with project operations would increase throughout the life of the proposed project. Therefore, implementation of the proposed project would not result in a substantial increase in transportation-related energy uses.

The proposed project would not result in the wasteful, inefficient, or unnecessary consumption of fuel or energy and would incorporate renewable energy or energy efficiency measures into building design, equipment uses, and transportation. Impacts would be **less than significant**, and no mitigation measures would be necessary.

b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less than Significant Impact. As indicated above, energy usage on the project site during construction would be temporary in nature. In addition, energy usage associated with operation of the proposed project would be relatively small in comparison to the State's available energy sources and energy impacts would be negligible at the regional level. Because California's energy conservation planning actions are conducted at a regional level, and because the project's total impacts to regional energy supplies would be minor, the proposed project would not conflict with California's energy conservation plans as described in the CEC's 2021 Integrated Energy Policy Report and 2022 Integrated Energy Policy Report Update. In addition, the proposed project would comply with Title 24 and CALGreen standards. Thus, as shown above, the proposed project would avoid or reduce the inefficient, wasteful, and unnecessary consumption of energy and would not result in any irreversible or irretrievable commitments of energy. Therefore, the proposed project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Impacts would be **less than significant**, and no mitigation measures would be necessary.

5.7 GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii. Strong seismic ground shaking?	☐	☒	☐	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv. Landslides?	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☒	☐	☐
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☒	☐	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

5.7.1 Impact Analysis

a. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

No Impact. The project site is not located within an Earthquake Fault Zone as defined by the State of California in the Alquist-Priolo Earthquake Fault Zone Act of 1972.⁵² In addition, there is no evidence of any faults or faulting activity on the project site.⁵³ The risk of ground rupture due to fault

⁵² Southern California Geotechnical. *Geotechnical Investigation, Proposed Commercial/Industrial Development, 1750-1780 West Foothill Boulevard, Upland, California, for Magellan Value Partners, LLC.* Page 11. February 12, 2021. Appendix D.

⁵³ *Ibid.*

displacement beneath the site is low. **No impact** related to fault rupture would result from the implementation of the project. Mitigation is not required.

ii. Strong seismic ground shaking?

Less Than Significant with Mitigation Incorporated. The project site is located within a seismically active region, with a number of faults traversing or in proximity to the City, including the San Jose Fault located approximately 1.93 miles southwest of the project site.⁵⁴

Due to the presence of active and inferred faults in proximity to the project site, the project site is expected to be subject to occasionally moderate to severe ground-shaking, as well as some background shaking from other seismically active areas of the Southern California region. The extent of ground-shaking associated with an earthquake is dependent upon the size of the earthquake and the geologic material of the underlying area. Therefore, the project would have the potential to directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death from seismic ground-shaking.

However, construction and development of the project would be required to comply with applicable provisions of the California Building Code (CBC). State law requires the design and construction of new structures to comply with current CBC requirements, which address general geologic, seismic (including ground shaking), and soil constraints for new buildings. Additionally, the Geotechnical Report prepared for the proposed project (Appendix D)⁵⁵ provided recommendations for the project's design and construction in conformance with the CBC requirements as codified in Chapter 15.08 (California Building Code) of the City Municipal Code. The project-specific Geotechnical Report determined that implementation of the report's recommendations would ensure that post-construction differential movements of shallow foundations would occur within CBC tolerable limits of post-construction static and differential settlements of 1.0 and 0.5 inches, respectively.⁵⁶

Mitigation Measure GEO-1 is prescribed to ensure that the project is constructed in conformance with the current CBC, applicable City standards, and recommendations identified in the project-specific geotechnical report to ensure that project development would be safeguarded against the effects of seismic related activity that may occur on-site. Therefore, impacts from seismic ground-shaking would be reduced to **less than significant with mitigation incorporated**.

Mitigation Measures. The following mitigation measure is required to reduce potentially significant impacts from seismic ground-shaking to less than significant levels.

Mitigation Measure GEO-1 Prior to issuance of grading and/or building permits, the Project Applicant shall provide evidence to the City of Upland (City) for

⁵⁴ City of Upland, State of California. *General Plan, Safety Element*. Figure SAF-1: Faults and Fault Zones. June 2012.

⁵⁵ Southern California Geotechnical. *Geotechnical Investigation, Proposed Commercial/Industrial Development, 1750-1780 West Foothill Boulevard, Upland, California, for Magellan Value Partners, LLC*. February 12, 2021. Appendix D.

⁵⁶ *Ibid.* Pages 20 and 21.

review and approval that proposed structures, features, and facilities have been designed and would be constructed in conformance with applicable provisions of the 2022 edition of the California Building Code (CBC) or the most current edition of the CBC in effect at the time the Project Applicant's development application is deemed complete by the City.

Additionally, the Project Applicant shall prepare a site-specific geotechnical report for the project and provide evidence to the City that the recommendations cited in the geotechnical report are incorporated into project plans and/or implemented as deemed appropriate by the City. Geotechnical recommendations may include, but are not limited to, removal of existing vegetation, structural foundations, floor slabs, utilities, septic systems, and any other surface and subsurface improvements that would not remain in place for use with the new development. Remedial earthwork, overexcavation, and ground improvement shall occur to depths specified in the geotechnical report 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. Fill soils shall consist of very low expansive soils. Construction of concrete structures in contact with subgrade soils determined to be corrosive shall include measures to protect concrete, steel, and other metals. Verification testing must be performed upon completion of ground improvements to confirm that the compressible soils have been sufficiently densified. The structural engineer must determine the ultimate thickness and reinforcement of the building floor slabs based on the imposed slab loading.

As necessary, the City may require additional studies and/or engineering protocols to meet its requirements. This measure shall be implemented to the satisfaction of the City Director of Building and Safety or designee.

iii. Seismic-related ground failure, including liquefaction?

No Impact. Liquefaction occurs when loose, unconsolidated, water-laden soils are subject to shaking, causing the soils to lose cohesion. The primary factors that influence the potential for liquefaction include groundwater table elevation, soil type and plasticity characteristics, relative density of the soil, initial confining pressure, and intensity and duration of ground shaking. The depth within which the occurrence of liquefaction may impact surface improvements is generally identified as the upper 50 feet below the existing ground surface.

The project site is not located within an area identified by the County of San Bernardino as having a potential for liquefaction.⁵⁷ Additionally, groundwater was not encountered during the subsurface field exploration conducted on the project site, which drilled to a maximum depth of 13 feet below ground surface (bgs),⁵⁸ and groundwater levels were determined to be at least 203 feet bgs near the project site.⁵⁹ Based on the substantial groundwater depth near the project site, the site is not located in an area susceptible to liquefaction. Therefore, the likelihood of liquefaction occurring on the project site is low and there would be **no impact** associated with liquefaction. Mitigation is not required.

iv. Landslides?

No Impact. Factors that contribute to slope failure include slope height and steepness, shear strength and orientation of weak layers in the underlying geologic units, and pore water pressures. The project site is characterized by flat to gently sloping topography and is not within an area identified by the City as being subject to earthquake-induced landslides.⁶⁰ Therefore, the likelihood of a landslide on the project site is low and there would be **no impact** associated with landslides. Mitigation is not required.

b. Would the project result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. The project site is substantially disturbed and consists of 2.7 acres of impervious surface area in the western portion of the site. Development of the proposed project would increase the impervious surface on the site by 2.5 acres. Therefore, the potential for soil erosion from the site is low during project operation. However, earthwork activities as part of the construction process would expose soils to the potential for soil erosion or loss of topsoil.

Potential erosion impacts from project construction would be reduced through the implementation of a Stormwater Pollution Prevention Plan (SWPPP) and incorporation of best management practices (BMPs) intended to reduce soil erosion pursuant to **Standard Conditions HYD-1 and HYD-2**, as identified in Section 5.10, Hydrology and Water Quality.⁶¹ As discussed above, the potential for soil erosion from the site would be low once the proposed project is developed. Additionally, potential erosion impacts from project operation would be reduced through implementation of the project-specific Water Quality Management Plan (WQMP) and compliance with City Municipal Code requirements, which incorporate measures to capture excess stormwater runoff and prevent soil erosion to downstream water courses from new development and significant redevelopment of the site pursuant to **Standard Conditions HYD-3 and HYD-4**. Refer to Section 5.10,

⁵⁷ *Ibid.* Page 13.

⁵⁸ *Ibid.* Pages 7 and 8.

⁵⁹ *Ibid.*

⁶⁰ City of Upland, State of California. *Final Program EIR, General Plan Update, SCH No. 2012041006*. Page 5.8-14. Certified September 28, 2015.

⁶¹ Pursuant to the National Pollutant Discharge Elimination System (NPDES) program and Chapter 13.32.470 (Construction Activity Requirements) of the City Municipal Code.

Hydrology and Water Quality, for additional information regarding the project's compliance with regulations to reduce potential erosion impacts during project construction and operation.

The SWPPP and WQMP would identify BMP measures to treat and/or limit the entry of contaminants into the storm drain system during project construction and operation. Adherence to the BMPs contained in the SWPPP and WQMP would ensure appropriate measures are taken to prevent the substantial loss of topsoil and erosion from occurring during project construction and operation. Therefore, impacts related to soil erosion would be **less than significant** and no mitigation is required.

- c. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Less than Significant with Mitigation Incorporated. The project site is mostly flat and surrounded by urban development. There is no evidence of landslides and/or slope instabilities on the project site. As detailed in Section 5.7.1.a(iii) and (iv) above, the project site is not located in an area considered susceptible to liquefaction or landslides. Lateral spreading is a type of liquefaction-induced ground failure associated with the lateral displacement of surficial blocks of sediment resulting from liquefaction in a subsurface layer. Since liquefaction would not occur on the project site, lateral spreading would also not occur. Therefore, there would be **no impact** associated with on- or off-site liquefaction, lateral spreading, or landslides.

The soils underlying the project site consist of artificial fill soils extending to depths of 2 to 7.5 feet bgs and may be susceptible to subsidence, consolidation, and/or hydrocollapse when additional loads are imposed on those soils by construction equipment and proposed on-site structures.⁶² Shrinkage, bulking, and subsidence are primarily dependent upon the degree of soil compaction achieved during construction. Variations in the in-situ density of existing soils and the degree to which fill soils are compacted would influence earth volume changes.

As discussed in Section 5.7.1.a, the project would be required to comply with all applicable CBC, City standards, and recommendations of the project-specific geotechnical report pursuant to **Mitigation Measure GEO-1**. Specifically, implementation of **Mitigation Measure GEO-1** would ensure overexcavation and establishment of a sufficient layer of engineered fill or densified soil is prepared beneath any proposed structural footings/foundations and pavement and verification testing be performed upon completion of ground improvements to confirm that compressible soils have been sufficiently densified. With implementation of **Mitigation Measure GEO-1**, soils would be sufficiently compacted and densified during construction to bear the weight of proposed on-site structures, which would stabilize soils and prevent subsidence and/or collapse from occurring on-site. Therefore, impacts from subsidence and/or collapse would be reduced to **less than significant with mitigation incorporated**.

⁶² Southern California Geotechnical. *Geotechnical Investigation, Proposed Commercial/Industrial Development, 1750-1780 West Foothill Boulevard, Upland, California, for Magellan Value Partners, LLC*. Page 13. February 12, 2021. Appendix D.

d. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less than Significant with Mitigation Incorporated. Expansive soils generally have a substantial amount of clay particles, which can give up water (shrink) or absorb water (swell). The change in the volume exerts stress on buildings and other loads placed on these soils. The amount and types of clay present in the soil influence the extent or range of the shrink/swell. The occurrence of clayey soils is often associated with geologic units having marginal stability. Expansive soils can be widely dispersed, and they can occur along hillside areas as well as low-lying alluvial basins.

The soils underlying the project site consist of artificial fill soils up to 7.5 feet bgs, which consists of loose to dense silty fine to coarse sands. Soils extending beyond 7.5 feet bgs consisted of and are underlain by native alluvium soils consisting of dense to very gravelly fine to coarse sands and fine to coarse sands.⁶³

The site is underlain by artificial fill soils extending to depths of 2 to 7.5 feet bgs, which consist of loose to dense silty fine to coarse sands.⁶⁴ Soils encountered beyond 7.5 feet bgs consisted of native alluvium soils consisting of dense to very gravelly fine to coarse sands and fine to coarse sands.⁶⁵ Therefore, the project-specific geotechnical report determined that sub-surface soils are non-expansive.⁶⁶

As discussed in Section 5.7.1.a, the project would be required to comply with all applicable CBC, City standards, and recommendations of the project-specific geotechnical report pursuant to **Mitigation Measure GEO-1**. Specifically, implementation of **Mitigation Measure GEO-1** would ensure that fill soils used during project construction would consist of very low expansive soils.⁶⁷ Additionally, **Mitigation Measure GEO-1** would ensure overexcavation and establishment of a sufficient layer of engineered fill or densified soil is prepared beneath any proposed structural footings/foundations and pavement and verification testing be performed upon completion of ground improvements to confirm that compressible soils have been sufficiently densified. Therefore, implementation of **Mitigation Measure GEO-1** would ensure that impacts from expansive soils would not occur, and the project would not create substantial direct or indirect risks to life or property. As such, impacts would be **less than significant with mitigation incorporated**.

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact. The project site contains a septic system in the southwestern portion of the site. However, the septic system would be removed during project construction. The project would connect to the municipal wastewater collection system along Foothill Boulevard, and no septic

⁶³ *Ibid.* Page 7.

⁶⁴ *Ibid.* Page 5.

⁶⁵ *Ibid.* Page 7.

⁶⁶ *Ibid.* Page 14.

⁶⁷ *Ibid.* Page 18.

systems are proposed. Therefore, **no impact** related to the septic system or alternative wastewater disposal systems would occur. Mitigation is not required.

f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant Impact. The City and the project site are underlain by young alluvial-fan deposits of the San Antonio Creek and Cucamonga Creek ranging in age from Holocene (less than 10,000 years) to late Pleistocene (126,000 years ago).⁶⁸ Generally, Holocene sediments are too young to yield paleontological resources, but they are likely underlain by Pleistocene sediments, which have yielded significant paleontological resources elsewhere in San Bernardino, Riverside, Los Angeles, and Orange counties.

As discussed in Section 2.2, Existing Setting, the western portion of the project site is developed and the eastern portion is undeveloped, consisting of disturbed vegetation. Excavations during construction would extend approximately 3 feet below existing grade or 3 feet below proposed pad grades, whichever is greater.⁶⁹ Additionally, fill soils were encountered during the project-specific geotechnical report to depths up to 7.5 feet bgs, and are underlain by native soils.⁷⁰ As discussed above, native soils on the project site are generally considered too young to yield paleontological resources; however, these soils may be underlain with sediments that contain paleontological resources. Since excavation depths would most likely uncover fill soils and would not uncover the native soils that are present 7.5 feet bgs, it is unlikely that paleontological resources would be discovered during project construction. Nevertheless, there is the potential to encounter paleontological resources during project construction.

Accordingly, **Standard Conditions GEO-1 and GEO-2** are prescribed to ensure project compliance with applicable provisions protecting paleontological resources, including California Administrative Code, Title 14, Section 4307, which states that no person shall remove, injure, deface or destroy any object of paleontological, archaeological, or historical interest or value. Implementation of **Standard Conditions GEO-1 and GEO-2** would ensure that paleontological resources, if encountered during project construction, would be protected. Therefore, impacts to paleontological resources would be **less than significant**, and no mitigation is required.

Standard Conditions. No mitigation is required; however, the following Standard Conditions are regulatory requirements that would be implemented to ensure impacts related to paleontological resources remain less than significant.

⁶⁸ City of Upland, State of California. *Final Program EIR, General Plan Update, SCH No. 2012041006*. Page 5.9-16. Certified September 28, 2015.

⁶⁹ Southern California Geotechnical. *Geotechnical Investigation, Proposed Commercial/Industrial Development, 1750-1780 West Foothill Boulevard, Upland, California, for Magellan Value Partners, LLC*. Page 1. February 12, 2021. Appendix D.

⁷⁰ *Ibid.*

Standard Condition GEO-1

Prior to issuance of grading permits, the City of Upland (City) shall verify that the following note is included on all grading plans:

"If paleontological resources are encountered during the course of ground disturbance, work within 60 feet of the find shall be halted, and an exclusionary buffer shall be established. A qualified paleontologist (defined as an individual with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least one year) shall be contacted to assess the find for scientific significance. Construction personnel shall not collect or move any suspected paleontological materials or further disturb any soils within the exclusionary buffer without the consent of the paleontologist and the City Development Services Director, but construction activity may continue unimpeded on other portions of the project site. If the paleontologist determines the find is not a paleontological resource, no further evaluation shall be required within the exclusionary buffer, and construction activity shall be allowed to resume therein. However, if the paleontologist determines the find is a paleontological resource, construction activity shall not resume within the exclusionary buffer, and Standard Condition GEO-2 shall apply."

This measure shall be implemented to the satisfaction of the City Development Services Director or designee.

Standard Condition GEO-2

If the qualified paleontologist determines paleontological resources are encountered on the project site, the paleontologist shall prepare a Paleontological Resource Impact Mitigation Plan (PRIMP) to be implemented during the balance of ground-disturbing activities. Implementation of the PRIMP shall include (but not be limited to) the following:

- Review of project-specific geotechnical report data, with particular regard to location and depth of earthmoving and the rock unit(s) encountered;
- Development of a formal agreement between the Project Applicant and the San Bernardino County Museum, Natural History Museum of Los Angeles County, Western Science Center, San Diego Natural History Museum, Riverside Municipal Museum, or other accredited museum repository for the final disposition, permanent storage, and maintenance of any fossil collections and associated data;

- The construction schedule, term/schedule of on-site paleontological monitor(s) and the extent of areas and activities to be monitored;
- Authority of paleontological monitor(s) to temporarily redirect construction activity in the vicinity of any paleontological discovery;
- Procedures for the evaluation and option to recover large fossil specimens and for the evaluation, recovery, and processing of small fossil specimens;
- Fossil specimen preparation, identification to the lowest taxonomic level possible, curation, and cataloging; and
- A report of findings.

The paleontologist shall monitor remaining ground-disturbing activities in native soils at the project site and shall be equipped to record and salvage fossil resources that may be unearthed during construction. The paleontologist shall temporarily halt or divert construction equipment to allow recording and removal of the unearthed resources. Significant fossils shall be offered for curation at an accredited museum repository in accordance with the PRIMP. A report of findings, including, when appropriate, an itemized inventory of recovered specimens and a discussion of their significance, shall be prepared upon completion of the steps outlined above. The report and inventory, when submitted to and approved by the City of Upland (City), would signify completion of the program. This measure shall be implemented to the satisfaction of the City Development Services Director or designee.

5.8 GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

The following discussion is based on the Air Quality and Greenhouse Gas Emissions Impact Analysis Memorandum prepared by LSA is provided in Appendix A of this Initial Study.⁷¹

Greenhouse gases (GHGs) are present in the atmosphere naturally, are released by natural sources, or are formed from secondary reactions taking place in the atmosphere. The gases that are widely seen as the principal contributors to human-induced global climate change are:

- Carbon dioxide (CO₂);
- Methane (CH₄);
- Nitrous oxide (N₂O);
- Hydrofluorocarbons (HFCs);
- Perfluorocarbons (PFCs); and
- Sulfur hexafluoride (SF₆).

Over the last 200 years, humans have caused substantial quantities of GHGs to be released into the atmosphere. These extra emissions are increasing GHG concentrations in the atmosphere and enhancing the natural greenhouse effect, believed to be causing global warming. While manmade GHGs include naturally occurring GHGs such as CO₂, methane, and N₂O, some gases, like HFCs, PFCs, and SF₆ are completely new to the atmosphere.

Certain gases, such as water vapor, are short-lived in the atmosphere. Others remain in the atmosphere for significant periods of time, contributing to climate change in the long term. Water vapor is excluded from the list of GHGs above because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation.

These gases vary considerably in terms of Global Warming Potential (GWP), which is a concept developed to compare the ability of each GHG to trap heat in the atmosphere relative to another gas. The GWP is based on several factors, including the relative effectiveness of a gas to absorb infrared radiation and length of time that the gas remains in the atmosphere (“atmospheric

⁷¹ LSA. *Air Quality and Greenhouse Gas Emissions Impact Analysis Memorandum for the proposed West Foothill Development Project in Upland, California*. July 2023. Appendix A.

lifetime”). The GWP of each gas is measured relative to CO₂, the most abundant GHG; the definition of GWP for a particular GHG is the ratio of heat trapped by one unit mass of the GHG to the ratio of heat trapped by one unit mass of CO₂ over a specified time period. GHG emissions are typically measured in terms of pounds or tons of “CO₂ equivalents” (CO₂e).

5.8.1 Impact Analysis

- a. *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Less than Significant Impact. State CEQA Guidelines Section 15064(b) provides that the “determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data,” and further states that an “ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting.”

Appendix G of the State CEQA Guidelines includes significance thresholds for GHG emissions. A project would normally have a significant effect on the environment if it would do either of the following:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

Currently, there is no Statewide GHG emissions threshold that has been used to determine the potential GHG emissions impacts of a project. Threshold methodology and thresholds are still being developed and revised by air districts in California.

Upland is one of the cities in a consortium that has adopted San Bernardino Council of Government’s Regional Greenhouse Gas Reduction Plan⁷² in 2021 and the Greenhouse Gas Emissions Development Review Processes (DRP)⁷³ in 2016. The DRP procedures need to be followed to evaluate GHG impacts and determine significance for CEQA purposes. All projects need to apply the GHG performance standards identified in the DRP and comply with State requirements. For projects exceeding the review standard of 3,000 MT CO₂e per year, the use of screening tables or a project-specific technical analysis to quantify and mitigate project emissions is required. If the GHG emissions from the project are less than 3,000 MT CO₂e per year and the project would apply GHG performance standards and State requirements, project-level and cumulative GHG emissions would be less than significant.

⁷² County of San Bernardino. 2021. *Regional Greenhouse Gas Reduction Plan Update*. Website: www.gosbcta.com/plan/regional-greenhouse-gas-reduction-plan/ (accessed January 2023).

⁷³ County of San Bernardino. 2015. *GHG Development Review Processes*. March. Website: www.sbcounty.gov/Uploads/lus/GreenhouseGas/FinalGHGUpdate.pdf (accessed January 2023).

This section discusses the project's impacts related to the release of GHG emissions for the construction and operational phases of the project. Construction and operational GHG emissions were estimated using CalEEMod using the same methodology for the criteria pollutants described in Section 5.3, Air Quality.

Construction Greenhouse Gas Emissions. Construction activities associated with the proposed project would produce combustion emissions from various sources. During construction, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically use fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as CO₂, CH₄, and N₂O. Furthermore, CH₄ is emitted during the fueling of heavy equipment. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change. Neither the City nor the SCAQMD provide a separate GHG significance threshold for construction emissions. Rather, the SCAQMD provides guidance specifying that construction emissions should be amortized over 30 years (considered a typical project lifetime), added to the project operational emissions, and that total compared to the GHG significance threshold. As shown in Table 5.8.A, the amortized construction emissions would be approximately 24 MT CO₂e per year (see the CalEEMod output in Attachment D of Appendix J for details). In accordance with SCAQMD's guidance, Table 5.8.A below shows the amortized construction emissions added to the project operational emissions and the total emissions compared to the GHG significance threshold to evaluate the project's operational emissions impact, as discussed below.

Since there is no separate GHG significance threshold for construction emissions, project-level and cumulative GHG emissions during construction activities alone would be **less than significant**, and no mitigation is required.

Table 5.8.A: Construction Greenhouse Gas Emissions

Construction Phase	Total Emissions per Phase (MT)			Total Emissions per Phase (MT CO ₂ e)
	CO ₂	CH ₄	N ₂ O	
Demolition	40	<1	<1	41
Site Preparation	25	<1	<1	25
Grading	277	<1	<1	289
Building Construction	347	<1	<1	351
Architectural Coating	7	<1	<1	7
Paving	16	<1	<1	16
Total Emissions for the Entire Construction Process				730
Total Construction Emissions Amortized over 30 Years				24

Source: Attachment D of Appendix J.

CH₄ = methane

MT CO₂e = metric tons of carbon dioxide equivalent

CO₂ = carbon dioxide

N₂O = nitrous oxide

MT = metric tons

Operational GHG Emissions. Long-term GHG emissions are typically generated from mobile sources (e.g., cars, trucks, and buses), area sources (e.g., maintenance activities and landscaping), indirect emissions from sources associated with energy consumption, waste sources (land filling and waste disposal), and water sources (water supply and conveyance, treatment, and distribution). Mobile-source GHG emissions would include project-generated car and truck trips to and from the project

site. Area-source emissions would be associated with activities such as landscaping and maintenance on the project site. Waste source emissions generated by the proposed project include energy generated by landfilling and other methods of disposal related to transporting and managing project-generated waste. GHG emissions were estimated using CalEEMod. Table 5.8.B shows the calculated GHG emissions for the proposed project. As shown in Table 5.8.B, the project would generate 2,802 MT CO₂e per year. This is less than San Bernardino County's Review threshold of 3,000 MT CO₂e per year. As the project would apply the applicable San Bernardino County's Greenhouse Gas Emissions Reduction Plan Update performance standards and adhere to State requirements, project-level and cumulative GHG emissions would be **less than significant**. Mitigation is not required.

Table 5.8.B: Long-Term Operational Greenhouse Gas Emissions

Source	Pollutant Emissions per Year (MT)					
	Bio-CO ₂	Nbio-CO ₂	Total CO ₂	CH ₄	N ₂ O	CO ₂ e
Construction Emissions Amortized over 30 Years						24
Operational Emissions						
Area	0	0	0	0	0	0
Energy	0	300	300	<1	<1	301
Mobile	0	2,167	2,167	<1	<1	2,220
Offroad	0	164	164	<1	<1	164
Waste	12	0	12	1	<1	43
Water	8	41	49	<1	<1	74
Total Project Emissions	20	2,671	2,691	2	<1	2,802
San Bernardino County Review Threshold						3,000
Emissions Exceed Threshold?						No

Source: Attachment D of Appendix J.

Bio-CO₂ = biologically generated carbon dioxide

CH₄ = methane

CO₂ = carbon dioxide

CO₂e = carbon dioxide equivalent

MT = metric tons

N₂O = nitrous oxide

Nbio-CO₂ = non-biologically generated carbon dioxide

b. Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact. Because the project would apply the San Bernardino County's Greenhouse Gas Emissions Development Review Processes performance standards and adhere to State requirements, project-level and cumulative GHG emissions would be **less than significant**.

The following discussion evaluates the proposed project for consistency with the goals of the 2022 Scoping Plan and the 2020-2045 RTP/SCS.

Scoping Plan. Executive Order (EO) B-30-15 added the immediate target of reducing GHG emissions to 40 percent below 1990 levels by 2030. CARB released a second update to the Scoping Plan (the 2017 Scoping Plan), to reflect the 2030 target set by EO B-30-15 and codified by Senate Bill (SB) 32. SB 32 affirms the importance of addressing climate change by codifying into statute the GHG emissions reductions target of at least 40 percent below 1990 levels by 2030 contained in EO B-30-

15. SB 32 builds on AB 32 and keeps us on the path toward achieving the State's 2050 objective of reducing emissions to 80 percent below 1990 levels. The companion bill to SB 32 (i.e., AB 197) provides additional direction to the CARB related to the adoption of strategies to reduce GHG emissions. Additional direction in AB 197 intended to provide easier public access to air emissions data that are collected by the CARB was posted in December 2016. In addition, the 2022 Scoping Plan assesses progress toward the statutory 2030 target, while laying out a path to achieving carbon neutrality no later than 2045. The 2022 Scoping Plan focuses on outcomes needed to achieve carbon neutrality by assessing paths for clean technology, energy deployment, natural and working lands, and others, and is designed to meet the State's long-term climate objectives and support a range of economic, environmental, energy security, environmental justice, and public health priorities.

The 2022 Scoping Plan focuses on building clean energy production and distribution infrastructure for a carbon-neutral future, including transitioning existing energy production and transmission infrastructure to produce zero-carbon electricity and hydrogen, and utilizing biogas resulting from wildfire management or landfill and dairy operations, among other substitutes. The 2022 Scoping Plan states that in almost all sectors, electrification will play an important role. The 2022 Scoping Plan evaluates clean energy and technology options and the transition away from fossil fuels, including adding four times the solar and wind capacity by 2045 and about 1,700 times the amount of current hydrogen supply. As discussed in the 2022 Scoping Plan, EO N-79-20 requires that all new passenger vehicles sold in California will be zero-emission by 2035, and all other fleets will have transitioned to zero-emission as fully possible by 2045, which will reduce the percentage of fossil fuel combustion vehicles.

Energy efficient measures are intended to maximize energy efficiency building and appliance standards, pursue additional efficiency efforts (including new technologies and new policy and implementation mechanisms), and pursue comparable investment in energy efficiency from all retail providers of electricity in California. In addition, these measures are designed to expand the use of green building practices to reduce the carbon footprint of California's new and existing inventory of buildings. As discussed above, the proposed project would comply with the CALGreen Code regarding energy conservation and green building standards. Therefore, the proposed project would comply with applicable energy measures.

Water conservation and efficiency measures are intended to continue efficiency programs and use cleaner energy sources to move and treat water. Increasing the efficiency of water transport and reducing water use would reduce GHG emissions. As noted above, the project would comply with the CALGreen Code, which includes a variety of different measures, including reduction of wastewater and water use. In addition, the proposed project would be required to comply with the California Model Water Efficient Landscape Ordinance. Therefore, the proposed project would not conflict with any of the water conservation and efficiency measures.

The goal of transportation and motor vehicle measures is to develop regional GHG emissions reduction targets for passenger vehicles. Specific regional emission targets for transportation emissions would not directly apply to the proposed project. The second phase of the Pavley standards will reduce GHG emissions from new cars by 34 percent from 2016 levels by 2025, resulting in a 3 percent decrease in average vehicle emissions for all vehicles by 2020. Vehicles traveling to the project site would comply with the Pavley II (LEV III) Advanced Clean Cars Program

(CARB 2012). Therefore, the proposed project would not conflict with the identified transportation and motor vehicle measures. Impacts would be **less than significant**. No mitigation required.

5.9 HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☒	☐	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

5.9.1 Impact Analysis

- a. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Less than Significant with Mitigation Incorporated. Construction of the project has the potential to create a hazard to the public or environment through the routine transportation, use, and disposal of construction-related hazardous materials such as fuels, oils, solvents, and other materials. Construction of the project would also involve removal of an on-site septic tank located in the southwest portion of the project site, which must be removed and disposed of in accordance with State (California Plumbing Code Section 722)⁷⁴ and local (San Bernardino County Department of Environmental Health Services (DEHS)) requirements. Additionally, demolition of existing structures may involve disposal of lead-based materials (LBM) and asbestos-containing materials (ACM), as

⁷⁴ California Code of Regulations. 2022 California Plumbing Code. *Section 722*. Page 177. Website: <https://epubs.iapmo.org/2022/CPC/> (accessed March 5, 2023).

indicated in the project-specific Phase I Environmental Site Assessment (ESA) (Appendix E),⁷⁵ which must be disposed of in accordance with the federal, State, and local (San Bernardino County Department of Public Health and SCAQMD) regulations to safeguard the public from significant hazards during the disposal of hazardous materials.

Construction. The transport, use, and disposal of hazardous materials during construction would be regulated by the San Bernardino County Fire District (SBCFD), Division 1, and the California Occupational Safety and Health Administration. The Code Enforcement Division of the Upland Police Department is responsible for weed and rubbish abatement in coordination with other City and County departments. Additionally, the United States Department of Transportation Office of Hazardous Materials Safety prescribes strict regulations for the safe transportation of hazardous materials by truck and rail on State highways and rail lines, as described in Title 49 of the Code of Federal Regulations, and implemented by Title 13 of the CCR.

Potential hazardous materials such as fuel, paint products, lubricants, solvents, and cleaning products may be used and/or stored on site during construction of the proposed project. These materials are typical of materials delivered to construction sites. Due to the relatively small scale of proposed development (three buildings totaling approximately 98,005 square feet of new construction on the 6.05-acre project site), only limited quantities of these materials are expected to be used during construction, so they are not considered hazardous to the public at large.

The project would include the demolition of 19,000 square feet of existing structures located in the southwestern portion of the site, including a two-story office building, the production and storage building, and a storage building. Structures constructed prior to 1978 may contain LBM as well as ACM incorporated into various construction components including paint, roof tiles, and thermal insulation. According to the Phase 1 ESA prepared for the project site, the existing buildings proposed for demolition were constructed in the late 1970s/early 1980s and may contain ACM and LBP at levels that may require abatement.⁷⁶

The San Bernardino County Department of Public Health requires that all workers be properly protected when working with materials containing lead levels at or above 0.6 milligram per square centimeter (mg/cm²) or 600 parts per million (ppm) in accordance with Title 8, CCR Section 1532.1 (Cal/OSHA Construction Safety Orders, Lead). The Federal Environmental Protection Agency defines ACM as a material containing more than one percent asbestos as determined by polarized light microscopy, while Title 8, CCR Section 1529 (Asbestos) defines asbestos-containing materials as any manufactured construction material that contains more than one-tenth of one percent asbestos by weight. The SCAQMD (Rule 1403) and San Bernardino County Department of Public Works-Solid Waste Management Division require Asbestos Notification for proposed abatement activities and disposal tickets from an SCAQMD-approved disposal facility prior to demolition.

⁷⁵ Partner Engineering and Science, Inc. *Phase 1 Environmental Site Assessment Report, West Foothill Boulevard Upland, 1770-1780 West Foothill Boulevard, Upland, California 91786*. February 11, 2021. Appendix E.

⁷⁶ *Ibid.* Page 27.

The Phase 1 ESA did not include an ACM and LBP survey of the on-site structures. Therefore, the ACM and LBP levels within the building materials of the existing structures proposed for demolition are unknown. As such, demolition activities may create a significant hazard to the public or the environment through the routine disposal of hazardous materials, and mitigation is required.

Additionally, the project includes the removal on the on-site septic system located in the southwest portion of the project site. According to the Phase 1 ESA prepared for the project site, the septic systems should be abandoned and removed in accordance with applicable State and local (California Plumbing Code Section 722 and San Bernardino County DEHS) requirements during project construction. Failure to comply with applicable State and local requirements during the removal of the on-site septic tank may create a significant hazard to the public or the environment through the routine disposal of hazardous materials, and mitigation is required.

Accordingly, **Mitigation Measures HAZ-1 through HAZ-4** are prescribed to require the Project Applicant to conduct an ACM survey and LBP survey of the structures proposed for demolition prior to demolition activities, and **Mitigation Measure HAZ-5** is prescribed to require the Project Applicant to comply with applicable State and local (California Plumbing Code Section 722 and San Bernardino County DEHS) requirements during the removal of the on-site septic system. Implementation of **Mitigation Measures HAZ-1 through HAZ-5** would ensure that project would comply with applicable regulations for the treatment and disposal of hazardous materials contained within the on-site septic system and existing structures proposed for demolition if ACM and LBP materials are determined to be present within the existing structures. Furthermore, implementation of **Mitigation Measure AQ-1** detailed in Section 5.3.1(b) above would ensure emissions of fugitive dust (PM₁₀ and PM_{2.5}) would not exceed SCAQMD's daily maximum emissions thresholds for these criteria pollutants. Therefore, impacts from the routine transport, use, or disposal of hazardous materials during construction would be reduced to **less than significant with implementation of mitigation**.

Operation. Similar to project construction, the transport, use, and disposal of hazardous materials during project operation would be regulated by the SBCFD, Division 1, and the California Occupational Safety and Health Administration. The Code Enforcement Division of the Upland Police Department is responsible for weed and rubbish abatement in coordination with other City and County departments. Additionally, transport of hazardous materials by truck and rail on State highways and rail lines would be regulated by the United States Department of Transportation Office of Hazardous Materials Safety as described above.

These regulations inherently safeguard life and property from the hazards of fire/explosion arising from the storage, handling, and disposal of hazardous substances, materials, and devices, as well as hazardous conditions due to the use or occupancy of buildings. Therefore, impacts from the routine transport, use, or disposal of hazardous materials during project operation would be **less than significant** and no mitigation is required.

Mitigation Measures. The following mitigation measures are required to reduce potentially significant impacts related to the transport, use, or disposal of hazardous materials during project construction, including ACM and LBP materials and the on-site septic system, to less than significant levels.

Mitigation Measure HAZ-1

An asbestos-containing materials (ACM) survey shall be completed for all structures proposed for demolition. A Certified Asbestos Consultant shall conduct the ACM survey. If the ACM survey reveals no detectable lead levels pursuant to Title 8, California Code of Regulations Section 1529, no further ACM survey or remedial work is required. However, if a detectable level of asbestos is identified within structures proposed for demolition, **Mitigation Measure HAZ-2** shall apply. This measure shall be implemented to the satisfaction of the City of Upland Development Services Director or designee, and/or Building and Safety Division, or designee.

Mitigation Measure HAZ-2

Prior to the demolition of any structure identified to contain asbestos-containing materials (ACM), the Project Applicant shall retain a Certified Asbestos Consultant to abate ACM from the demolition site pursuant to South Coast Air Quality Management District (SCAQMD) Rule 1403. An Asbestos Notification shall be prepared and submitted to the SCAQMD for approval if abatement of at least 100 square feet or 160 linear feet of ACM above one percent asbestos is required. The Certified Asbestos Consultant shall provide a construction and demolition plan with disposal tickets from a San Bernardino County Department of Public Works-Solid Waste Management Division-approved disposal facility and SCAQMD air clearances prior to any asbestos removal activity, and an asbestos report shall be provided to the City prior to the issuance of a demolition permit. This measure shall be implemented to the satisfaction of the City of Upland Development Services Director or designee, and/or Building and Safety Division, or designee.

Mitigation Measure HAZ-3

A lead-based materials (LBM) survey shall be completed for all structures proposed for demolition. A qualified California Department of Public Health Lead Inspector Assessor shall conduct the LBM survey. If the LBM survey reveals no detectable lead levels pursuant to Code of Federal Regulations Chapter 29, Section 1926.62 and Title 8, California Code of Regulations Section 1532.1, no further LBM survey or remedial work is required. However, if a detectable level of lead is identified within structures proposed for demolition, **Mitigation Measure HAZ-4** shall apply. This measure shall be implemented to the satisfaction of the City of Upland Development Services Director or designee, and/or Building and Safety Division, or designee.

Mitigation Measure HAZ-4

Prior to the demolition of any structure identified to contain lead-based materials (LBM), the Project Applicant shall retain a California Department of Public Health Lead Inspector Assessor to abate LBM from the demolition site. The Lead Inspector Assessor shall provide

a construction and demolition plan with disposal tickets from a San Bernardino County Department of Public Works-Solid Waste Management Division-approved disposal facility and South Coast Air Quality Management District air clearances prior to any lead removal activity, and a lead report shall be provided to the City prior to the issuance of a demolition permit. This measure shall be implemented to the satisfaction of the City of Upland Development Services Director or designee, and/or Building and Safety Division, or designee.

Mitigation Measure HAZ-5

Prior to issuance of grading permits, the Project Applicant shall submit evidence that the existing on-site septic system would be removed pursuant to applicable regulations established by San Bernardino County Department of Environmental Health Services (DEHS) and California Plumbing Code Section 722. During ground-disturbance activities, the on-site septic tank shall be removed under the inspection of the project geotechnical engineer and recommendations provided by the geotechnical engineer and/or City, County, or State agencies. This measure shall be implemented to the satisfaction of the City's Public Works Department and/or San Bernardino County DEHS.

- b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Less than Significant with Mitigation Incorporated. A project-specific Phase I Environmental Site Assessment (ESA) was prepared in accordance with the American Society for Testing and Materials (ASTM) International Standard E1527-13 for the purposes of identifying recognized environmental conditions (REC), controlled recognized environmental conditions (CREC), historical recognized environmental conditions (HREC), and environmental issues on the project site (Appendix E).

An REC means the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. The term is not intended to include de minimis conditions that generally do not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis are not RECs. A CREC is defined as a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls. An HREC means an environmental condition that in the past would have been considered an REC, but which may or may not be considered an REC currently. If a past release of any hazardous substances or petroleum products has occurred in connection with the property, with such remediation accepted by the responsible regulatory agency (for example, as evidenced by the issuance of a case closed letter or equivalent), this condition shall

be considered an HREC. In addition to these environmental conditions, the Phase I ESA considered environmental issues, which are defined as conditions that do not meet the ASTM definition of an REC, but that warrant consideration for disclosure in the context of acquiring and/or redeveloping the site.

The Phase I ESA includes federal, State, and local records reviews (up to a one-mile radius), interviews with persons occupying (and adjacent to) the project site, and an on-site inspection of the properties comprising the project site. According to the Phase I ESA, no RECs or CRECs occur on the project site, nor do any such environmental conditions within 1 mile of the project site pose a substantial environmental hazard to the project site or its occupants. The Phase I ESA identified the two underground storage tanks (USTs) that were removed from the project site in 1989 and 1990 as HRECs and determined no further action related to the former USTs is necessary. Additionally, the Phase 1 ESA identified the structures on the project site proposed for demolition that may contain LBM and ACM and the on-site septic tank proposed for removal as non-ASTM environmental issues on the project site.

Construction. As stated above, the project-specific Phase I ESA (Appendix E) identified the structures on the project site proposed for demolition that may contain LBM and ACM and the on-site septic tank proposed for removal as non-ASTM environmental issues on the project site. Therefore, demolition and construction activities as part of the proposed project could release hazardous materials into the environment. However, **Mitigation Measures HAZ-1 through HAZ-5** would require the project to comply with applicable regulations for the treatment and disposal of hazardous materials, including ACM and LBM materials and the on-site septic tank, to ensure that the project does not create a significant hazard to the public or the environment. Therefore, impacts from reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment during project construction would be reduced to **less than significant with mitigation incorporated**.

Operation. Pursuant to California Health and Safety Code Section 25507, a business shall establish and implement a Hazardous Materials Business Emergency Plan for emergency response to a release or threatened release of a hazardous material in accordance with the standards prescribed in the regulations adopted pursuant to Section 25507 if the business handles a hazardous material or a mixture containing a hazardous material that has a quantity at any one time above the thresholds described in Section 25507(a) (1) through (8). Accordingly, businesses that would occupy the proposed buildings would be required to implement a Hazardous Material Business Emergency Plan if the business handles a hazardous material on the project site. Therefore, impacts from reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment during operation would be **less than significant** and no mitigation is required.

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less than Significant Impact. Cabrillo Elementary School (1562 W. 11th Street) is located approximately 0.22-mile southeast of the project site. Therefore, the proposed project has the potential to handle hazardous materials or release emissions within one-quarter mile of an existing school. However, any transport of hazardous materials associated with construction of the proposed

project would be in accordance with the United States Department of Transportation (USDOT), which regulates the transport of hazardous materials and waste and requires carriers to register with the DTSC. Only Cal/OSHA licensed Hazardous Materials Substances Removal contractors, and/or California State Registered Asbestos Abatement Contractors registered by the Division of Occupational Health and Safety in accordance with the California Administrative Code, Title 8, and article 2.5 and the SCAQMD Asbestos Hazard Emergency Response Act pursuant to Code of Federal Regulations Chapter 40, Part 763, subpart E would transport hazardous materials off site, as detailed in Section 5.9.1.a above. Additionally, as discussed in Section 5.9.1.b, businesses occupying the project site would be required to implement a Hazardous Materials Emergency Plan to adequately respond to the release or threatened release of a hazardous material if the business handles a hazardous material during project operation pursuant to California Health and Safety Code Section 25507.

Since any transport of hazardous materials associated with construction of the proposed project and the use of hazardous materials on-site during project operation would be in accordance with applicable regulatory policy, impacts related to an accidental release of hazardous materials or emissions of hazardous substances within one-quarter mile of an existing or proposed school would be **less than significant**. No mitigation is required.

d. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. Hazardous materials sites compiled pursuant to Government Code Section 65962.5 are listed on the “Cortese List” (named after the Legislator who authored the legislation that enacted it), which is maintained by the California DTSC.⁷⁷ The project site is not on any list of hazardous material sites compiled pursuant to Government Code Section 65962.5. Therefore, **no impact** related to the Cortese List or other governmental databases compiled pursuant to Government Code Section 65962.5 would occur, and no mitigation is required.

e. Would the project be located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

Less than Significant Impact. The project site is located approximately 0.32-mile south of the Cable Airport within the Compatibility Zones C3 and D of the Cable Airport Land Use Compatibility Plan

⁷⁷ California Department of Toxic Substances Control. Hazardous Waste and Substances Site List (Cortese). 2023. Website:
https://www.envirostor.dtsc.ca.gov/public/search.asp?page=3&cmd=search&business_name=&main_street_name=&city=&zip=&county=&status=ACT%2CBKLG%2CCOM&branch=&site_type=CSITES%2CFUDS&npl=&funding=&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29&reporttype=CORTESE&federal_superfund=&state_response=&voluntary_cleanup=&school_cleanup=&operating=&post_closure=&non_operating=&corrective_action=&tiered_permit=&evaluation=&spec_prog=&national_priority_list=&senate=&congress=&assembly=&critical_pol=&business_type=&case_type=&searchtype=&hwmp_site_type=&cleanup_type=&ocierp=&hwmp=False&permitted=&pc_permitted=&inspection_s=&complaints=&censustract=&cesdecile=&school_district=&orderby=city (accessed March 5, 2023).

(CALUCP).⁷⁸ The northern portion of the project site (0.56-acre), which includes a portion of the proposed restaurant building with drive-through, is located within Compatibility Zone C3 of the CALUCP. The remaining portion of the project site (5.7 acres), which includes the proposed warehouse buildings, is located within Compatibility Zone D of the CALUCP. According to the CALUCP, the heights of buildings, structures, signs, and landscaping proposed in Compatibility Zone C3 are required to be less than 35 feet.⁷⁹ The proposed restaurant building, signage, and landscaping within the northern portion of the project site (0.56-acre) would not exceed 35 feet. Therefore, the restaurant building, signage, and landscaping proposed within the northern portion of the project site would be consistent with the height requirements prescribed in Compatibility Zone C3. Additionally, the CALUCP requires the heights of buildings, structures, signs, and landscaping within Compatibility Zone D to be less than 100 feet.⁸⁰ The proposed warehouse buildings (36 feet tall), signage, and landscaping located within the remaining 5.7 acres of the project site would not exceed 100 feet and therefore would be in compliance with the height requirements prescribed in Compatibility Zone D. Therefore, the proposed project would be consistent with the height requirements of Compatibility Zones C3 and D of the CALUCP. Additionally, there is no land use intensity maximum requirement that would be applicable to the proposed project in either Compatibility Zone C3 or D.⁸¹

Since the project does not include residential uses, the Project Applicant would not be required to comply with Recorded Overflight Notification requirements pursuant to Criteria 3.5.1 of the CALUCP or Airport Proximity Disclosure requirements pursuant to Criteria 3.5.2 of the CALUCP.⁸² Finally, the Project Applicant would not be required dedicate an avigation easement to Cable Airport in accordance with Criteria 3.6.1 of the CALUCP because the project site is not located within Compatibility Zones A, B1, B2, B3, C1, or C2, and the project site is not within the existing or future Critical Airspace Protection Zones delineated in Maps 3B and 3C, respectively, of the CALUCP.⁸³

The project site is also located approximately 4.8 miles northwest of the Ontario International Airport (ONT) within the ONT Airport Influence Area of the Ontario International Airport Land Use Compatibility Plan (ONTLUCP).⁸⁴ The project site is not located within ONT's safety, noise impact, or airspace protection zones.⁸⁵ The project site is located within the ONTLUCP Overflight Notification Zone for Real Estate Transaction Disclosures.⁸⁶ Notification is a regulatory requirement for residential and mixed-use projects within the ONTLUCP Overflight Notification Zone for Real Estate Transaction Disclosures and generally is the responsibility of real estate agents or brokers. However,

⁷⁸ Mead & Hunt, Inc. *Cable Airport Land Use Compatibility Plan*. Map 3A: Compatibility Policy Map. September 2015.

⁷⁹ *Ibid.* Table 3A: Compatibility Criteria.

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

⁸² *Ibid.* Pages 3-19 and 3-20.

⁸³ *Ibid.* Pages 3-20 and 3-21.

⁸⁴ Mead & Hunt, Inc. and Dudek and Harris Miller Miller & Hanson, Inc. *Ontario International Airport Land Use Compatibility Plan*. Chapter 2: Procedural and Compatibility Policies. Map 2-1: Airport Influence Area. April 19, 2011.

⁸⁵ *Ibid.* Maps 2-2; 2-3; and 2-4.

⁸⁶ *Ibid.* Map 2-5: Compatibility Policy Map: Overflight Notification Zones.

pursuant to Policy O1d of the ONTLUCP, notification is not required for a property that does not include residential or mixed-use development.⁸⁷ Therefore, the requirements prescribed in the ONTLUCP Overflight Notification Zone for Real Estate Transaction Disclosures would not apply to the proposed project.

Given the above, the project would be consistent with the applicable provisions of the CALUCP and ONTLUCP. Therefore, impacts related to airport hazards or excessive noise on customers and employees occupying the project site would be **less than significant**. No mitigation is required.

f. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact.

The project site is located along a major transportation corridor (Foothill Boulevard), and development of the project has the potential to affect circulation patterns and emergency access and evacuation during construction and operation activities.

Construction. Construction activities that may temporarily restrict vehicular traffic would be required to implement appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures in accordance with Chapter 12.08.060 (Street Closure Permits -Temporary and Partial Street Closures) of the City Municipal Code. Typical City requirements include prior notification of any lane or road closures with sufficient signage before and during any closures, flag crews with radio communication when necessary to coordinate traffic flow, etc. The Project Applicant would be required to comply with these requirements, which would maintain emergency access and allow for evacuation if needed during construction activities. Compliance with these requirements would ensure that short-term impacts related to this issue would be **less than significant**. Mitigation is not required.

Operation. Implementation of the proposed project would increase the number of vehicles operating near the site and would generate an increase in the amount and volume of traffic on local and regional roadway networks. In accordance with the California Fire Code, the Project Applicant is required to design, construct, and maintain structures, roadways, and facilities to maintain appropriate emergency/evacuation access to and from the project site.

Access to and from the project site is available via Foothill Boulevard via two ingress/egress driveways located along the northern frontage of the site. Emergency access within the site would be provided by 20-foot-wide to 30-foot-wide internal drive aisles, which encircle the three proposed buildings and connect to the proposed driveways. These improvements would be subject to the City's final plan check process to ensure compliance with local requirements and would also be reviewed by the San Bernardino County Fire District and the Upland Police Department through the City's general development review process. Proper site design and compliance with standard and emergency City access requirements would allow for evacuation if necessary during ongoing

⁸⁷ *Ibid.* Page 2-31.

business operations. This would ensure that long-term impacts related to this issue are **less than significant**. Mitigation is not required.

g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less than Significant Impact. As discussed in Section 5.20, Wildfire, the project site is located within a Very High Fire Hazard Severity Zone (VHFHSZ) in the Local Responsibility Areas (LRAs).⁸⁸ Additionally, the project site and vicinity are located in moderate to very high fire hazard zones, which are areas identified by the City to be at risk of a wildfire event.⁸⁹

The project would be required to comply with 2022 CBC requirements for ignition-resistant construction and applicable policies of the City's Municipal Code and General Plan Safety Element, including General Plan Policy SAF-4.6, which requires development in areas of potential wildland fire hazards to include clearance around structures, fire-resistant ground cover, and fire-resistant roofing materials. The project's compliance with applicable requirements to safeguard people and structures against wildland fire related risks, including clearance around structures, fire-resistant ground cover, and fire-resistant roofing materials, would be confirmed during the City's final plan check process. Therefore, with adherence to applicable requirements of the CBC, City Municipal Code, and General Plan, it is not expected that the project would expose people or structures to significant loss or injury from wildland fires. Impacts would be **less than significant**, and mitigation is not required.

⁸⁸ California Department of Forestry and Fire Protection (CALFIRE). *Fire Hazard Severity Zones Viewer*. Website: <https://egis.fire.ca.gov/FHSZ/> (accessed March 6, 2023).

⁸⁹ City of Upland, State of California. *City of Upland General Plan, Safety Element*. Figure SAF-3: High Fire Hazard Zones. July 2012.

5.10 HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. Result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
iv. Impede or redirect flood flows?	☐	☐	☒	☐
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

5.10.1 Impact Analysis

- i. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

Less than Significant Impact.

The project is proposed on a previously-developed property that contains a mix of pervious and impervious surfaces. Construction would disturb more than one acre of soil and would be subject to the requirements of the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) permit. Upon completion of construction activities, the amount of impervious surface areas is expected to increase compared to existing, baseline conditions, and the project must be designed to capture, treat, and reduce pollutants of concern in stormwater runoff.

Construction. Pollutants of concern during construction include sediment, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on water quality. During demolition and construction activities, excavated soil would be exposed, and there would be

an increased potential for soil erosion and sedimentation compared to existing conditions. In addition, chemicals, liquid products, petroleum products (such as paints, solvents, and fuels), and concrete-related waste may be spilled or leaked during construction. Any of these pollutants have the potential to be transported via stormwater runoff into receiving waters (i.e., San Antonio Creek (unlined), Chino Creek, Mill Creek – Prado Area, Santa Ana River Reach 1 through 3, and San Antonio Channel).⁹⁰

The 6.05-acre project site is currently developed with approximately 2.7 acres of impervious surface area, consisting of existing structures, pavement, and asphalt. As part of the project, the existing development would be demolished and the entire 6.05-acre project site would be redeveloped. Because project construction would disturb greater than 1 acre of soil, the project would be subject to the requirements of the State Water Resources Control Board's NPDES permit Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ, NPDES No. CAS000002) (Construction General Permit). The proposed project would also be required to comply with City Municipal Code Chapter 13.32.470 (Construction Activity Requirements). Chapter 13.32.470 of the City's Municipal Code prohibits land disturbance or construction activities without first obtaining approval of erosion control measures, including coverage under the State Construction General Permit, development of a SWPPP, and implementation of BMPs to ensure that construction practices include measures to address erosion and protect water quality. As specified in **Standard Condition HYD-1** and **Standard Condition HYD-2** and as required by the Construction General Permit and City Municipal Code, the Construction Contractor would be required to prepare an SWPPP and implement construction BMPs detailed in the SWPPP during construction activities. Construction BMPs would include, but not be limited to, erosion and sediment control, designed to minimize erosion and retain sediment on site, and good housekeeping practices to prevent spills, leaks, and discharge of construction debris and waste into receiving waters.

According to the Geotechnical Investigation prepared for the project, no groundwater was encountered within the maximum depth of 13 feet explored. Additionally, based on monitoring data of a nearby well, groundwater levels near the project site were determined to be at least 203 feet below ground surface.⁹¹ Excavations during construction would extend approximately 3 feet below existing grade or 3 feet below proposed pad grades, whichever is greater.⁹² Therefore, it is unlikely excavation activities would have the potential to encounter groundwater and groundwater dewatering is not anticipated to be required during construction activities.

With implementation of **Standard Conditions HYD-1** and **HYD-2**, which requires compliance with the Construction General Permit and City Municipal Code requirements, respectively, including implementation of construction BMPs, impacts associated with a violation of water quality

⁹⁰ Huitt-Zollars, Inc. *Preliminary Water Quality Management Plan*. March 18, 2022. Page 6/13. Appendix F.

⁹¹ Southern California Geotechnical. *Geotechnical Investigation, Proposed Commercial/Industrial Development, 1750-1780 West Foothill Boulevard, Upland, California, for Magellan Value Partners, LLC*. Pages 7 and 8. February 12, 2021. Appendix D.

⁹² *Ibid.* Page 1.

standards or waste discharge requirements during project construction would be **less than significant**, and no mitigation is required.

Operation. During operation, anticipated pollutants of concern associated with the proposed project include pathogens (bacterial/virus), nutrients (phosphorous and nitrogen), sediments, metals, oil and grease, trash and debris, pesticides and herbicides, and organic compounds. The current impairments for receiving waters (i.e., San Antonio Creek (unlined), Chino Creek, Mill Creek – Prado Area, Santa Ana River Reach 1 through 3, and San Antonio Channel) include coliform bacteria, chemical oxygen demand (COD), nutrients, pathogens, copper, and lead, which could be exacerbated by the proposed project. The Santa Ana Regional Water Quality Control Board has adopted Total Maximum Daily Load (TMDL) implementation plans for nutrients, COD, pH, copper and lead.

The City of Upland is a co-permittee under the Santa Ana Regional Water Quality Control Board (RWQCB) National Pollution Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for the San Bernardino County Flood Control District, the County of San Bernardino, and the Incorporated Cities of San Bernardino County Within the Santa Ana Region Area-Wide Urban Stormwater Runoff Management Program (Order No. R8-2010-0036, NPDES No. CAS618036) (San Bernardino County MS4 permit). The San Bernardino County MS4 Permit requires the preparation of project-specific WQMPs for priority projects. The proposed project is considered a priority project because it involves the development of more than 10,000 square feet of impervious surface and because it includes the addition or replacement of more than 5,000 square feet of impervious surface on an already developed site. As specified in **Standard Condition HYD-3** and as required by the San Bernardino County MS4 Permit, the proposed project would prepare a Final WQMP. The Final WQMP would specify the Site Design, Source Control, Low Impact Development (LID), and Treatment Control BMPs that would be implemented to capture, treat, and reduce pollutants of concern in stormwater runoff.

Site Design BMPs are stormwater management strategies that emphasize conservation and use of existing site features to reduce the amount of runoff and pollutant loading generated from a site. Source Control BMPs are preventative measures that are implemented to prevent the introduction of pollutants into stormwater. LID BMPs mimic a project site's natural hydrology by using design measures that capture, filter, store, evaporate, detain, and infiltrate runoff rather than allowing runoff to flow directly to piped or impervious storm drains. Treatment Control BMPs are structural BMPs designed to treat and reduce pollutants in stormwater runoff prior to releasing it to receiving waters.

A Preliminary WQMP has been prepared for the proposed project, which details the following BMPs that would be implemented to reduce impacts to water quality from operation of the project:

- 1) Site Design BMPs include, maximizing natural infiltration capacity; preserving existing on-site drainage patterns and time of concentration; re-vegetating disturbed areas; minimizing unnecessary compaction in stormwater retention/infiltration basin/trench areas; and staking off areas to be used for landscaping to minimize compaction during construction.

2) Non-Structural Source Control BMPs include education for property owners, operators, tenants, occupants, or employees; activity restrictions; landscape management BMPs; BMP maintenance; compliance with City of Upland stormwater ordinance; spill contingency plan; litter and debris control program; housekeeping of loading docks; hazardous materials disclosure compliance; underground storage tank compliance; employee training on stormwater BMPs; catch basin inspection and cleanout program; and street sweeping of parking lots.

3) Structural Source Control BMPs include storm drain signage and stenciling; waste storage areas that are designed and constructed to reduce pollution introduction; efficient irrigation systems and landscape design (finished grade of landscaped areas, protecting slopes and channels, site design and landscape planning); wash water controls for food preparation areas; designing outdoor materials storage areas; outdoor processing areas; maintenance bays and docks; vehicle wash areas; equipment wash areas; community wash racks; and fueling areas.

4) LID BMPs include catch basin inlets with grate inlet filters; curb inlets with grate inlet filters; and one underground infiltration system.

The project site includes one Drainage Area (DA 1) to manage stormwater runoff from the entire project site. Currently, stormwater sheet flows across the project site to the southerly property line where it is intercepted by a curb and gutter outlet that flows to a concrete v-ditch located on the adjacent developed property to the south. That v-ditch discharges into the parking lot of the adjacent developed property and flows across that property into the municipal storm drain system along 11th Street. Upon development of the proposed project, stormwater runoff from impervious areas on the project site (e.g. concrete, asphalt, and roofs) would be directed to multiple on-site catch basins and curb inlets with grate inlet filters, which would drain into a storm drain pipe system before entering the underground infiltration system and infiltrating into the soil. Stormwater runoff from Foothill Boulevard in the northeast corner of the project site would be directed into an existing lateral drain within Foothill Boulevard, which would drain into a proposed 36-inch bypass drain located along the eastern boundary of the project site and discharge into the existing gutter outlet located off-site just beyond the southeast corner of the project site.

The on-site drainage system has been designed to accommodate the Design Capture Volume (DCV) for DA 1 in accordance with the County of San Bernadino's technical guidance for WQMPs. The DCV is the volume of stormwater runoff that must be captured and treated by stormwater BMPs. Overflows from DA 1 would drain into the proposed 36-inch bypass drain and discharge off-site into the existing gutter outlet just beyond the southeast corner of the project site and into the parking lot of the adjacent developed property from where it would continue to flow across that property into the municipal storm drain system along 11th Street, mimicking the existing condition.

As specified in **Standard Condition HYD-4**, the project would also be required to comply with City Municipal Code Chapter 13.32, Article IV (Stormwater Drainage Management), which requires the project to incorporate stormwater BMPs into the project's design plans to minimize runoff and the transport of pollutants in stormwater runoff. All proposed stormwater BMPs are required to be consistent with the project-specific WQMP. As described above, the project includes site design,

source control, and LID BMPs that would reduce pollutants in stormwater runoff as required by Chapter 13.32, Article IV of the City's Municipal Code.

Infiltration of stormwater could have the potential to affect groundwater quality. As discussed above, the project includes site design, source control, and LID BMPs, including catch basins and curb inlets with grate inlet filters to capture trash and debris to reduce pollutants of concern in stormwater prior to infiltration. Furthermore, when stormwater is infiltrated, soil and plants absorb and filter pollutants and reduce the potential for pollutants of concern to reach groundwater.

With implementation of **Standard Conditions HYD-3** and **HYD-4**, which require adherence to the San Bernardino County MS4 Permit, including preparation of a Final WQMP to address pollutants of concern in stormwater runoff, and compliance with the City Municipal Code, project impacts associated with the violation of water quality standards or waste discharge requirements would be **less than significant**, and no mitigation is required.

Standard Conditions. No mitigation is required; however, the following Standard Conditions are regulatory requirements that would be implemented to ensure impacts related to water quality standards or waste discharge requirements remain less than significant.

Standard Condition HYD-1: Construction General Permit. Prior to issuance of a grading permit, the Project Applicant shall obtain coverage under the State Water Resources Control Board (SWRCB) National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ, National Pollutant Discharge Elimination System No. CAS000002) (Construction General Permit). This shall include submission of Permit Registration Documents (PRDs), including a Notice of Intent for coverage under the permit to the State Water Resources Control Board (SWRCB) via the Stormwater Multiple Application and Report Tracking System (SMARTs). The Project Applicant shall provide the Waste Discharge Identification Number (WDID) to the City of Upland (City), or designee, to demonstrate proof of coverage under the Construction General Permit. Project construction shall not be initiated until a WDID is received from the SWRCB and is provided to the City, or designee. A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared and implemented for the proposed project in compliance with the requirements of the Construction General Permit. The SWPPP shall identify construction best management practices (BMPs) to be implemented to ensure that the potential for soil erosion and sedimentation is minimized and to control the discharge of pollutants in stormwater runoff as a result of construction activities. Upon completion of construction and stabilization of the site, a Notice of Termination shall be submitted via SMARTs.

Standard Condition HYD-2: Prior to the commencement of any land disturbing activities, the Project Applicant shall obtain coverage under the Construction General Permit and develop a Stormwater Pollution Prevention Plan to the City for review and approval that incorporates Best Management Practices to prevent erosion and protect water quality during construction activities pursuant to Chapter 13.32.470 of the City Municipal Code.

Standard Condition HYD-3: Prior to issuance of a grading permit, the Project Applicant shall submit a Final Water Quality Management Plan (Final WQMP) to the City of Upland (City) for review and approval in compliance with the requirements of the Santa Ana RWQCB's NPDES Permit Waste Discharge Requirements for the San Bernardino County Flood Control District, the County of San Bernardino, and the Incorporated Cities of San Bernardino County Within the Santa Ana Region Area-Wide Urban Stormwater Runoff Management Program (Order No. R8-2010-0036, NPDES No. CAS618036) (San Bernardino County MS4 Permit). The Final WQMP shall specify the Best Management Practices (BMPs) to be incorporated into the project design to target pollutants of concern in stormwater runoff from the project site and the necessary operation and maintenance activity for each BMP. The City shall ensure that the BMPs specified in the Final WQMP are incorporated into the final project design. The proposed BMPs specified in the Final WQMP shall be incorporated into the grading and development plans submitted to the City for review and approval. Project occupancy and operation shall be in accordance with the schedule outlined in the WQMP.

Standard Condition HYD-4: Prior to issuance of a grading permit, the Project Applicant shall submit applicable project design plans that incorporate the stormwater management requirements outlined in Chapter 13.32, Article IV of the City of Upland's Municipal Code to the City for review and approval.

b. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less than Significant Impact.

As stated previously, the project is proposed on a previously-developed property that contains a mix of pervious and impervious surfaces. Construction is not expected to require excavation at depths that would disturb groundwater. Upon completion of construction activities, the amount of impervious surface areas is expected to increase compared to existing, baseline conditions, and the project must be designed to collect and infiltrate stormwater at the site in accordance with the San Bernardino County MS4 Permit and City Municipal Code.

Construction. According to the Geotechnical Investigation prepared for the project, no groundwater was encountered to an exploration depth of 13 feet below ground surface (bgs).⁹³ During construction, the depth of excavation would not exceed approximately 3 feet below existing grade or to a depth of at least 3 feet below proposed pad grades, whichever is greater.⁹⁴ Based on depth to groundwater and depth of excavation, groundwater dewatering activities are not anticipated during project construction. Furthermore, according to the project-specific WQMP, soil compaction would be minimized during construction, which would promote natural infiltration during construction activities.⁹⁵ Therefore, construction impacts related to a decrease in groundwater supplies or interference with groundwater recharge in a manner that may impede sustainable groundwater management would be **less than significant**, and no mitigation is required.

Operation. The project would be 86 percent impervious for a total impervious surface area of 5.2 acres. There is currently 2.7 acres of impervious surface on the project site. Therefore, development of the proposed project would increase impervious surface on the project site, which would decrease on-site infiltration. As described above in Section 3.10.1.a, the project includes BMPs to collect and infiltrate stormwater at the project site in accordance with the San Bernardino County MS4 Permit and City Municipal Code. Therefore, development of the proposed project would not substantially decrease the amount of stormwater that infiltrates as compared to the existing conditions.

The project site is located within the Upper Santa Ana Valley-Chino Groundwater Basin (Chino Groundwater Basin). As discussed in Section 3.10.e below, the Chino Groundwater Basin is identified by the Department of Water Resources as a very low priority basin⁹⁶ and therefore is not required to prepare a Groundwater Sustainability Plan (GSP). The City would supply water to the project site, which includes local groundwater from the Chino Groundwater Basin. As discussed in Section 3.19.1.b, the City anticipates that sufficient water supplies would be available to serve the proposed project. Therefore, the proposed project's water demand would not substantially decrease groundwater supplies. Impacts related to depletion of groundwater supplies or interference with groundwater recharge in a manner that may impede sustainable groundwater management would be **less than significant**, and no mitigation is required.

c. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

In the existing condition, stormwater sheet flows from north to south across the project site and drains to a gutter just beyond the southeast corner of the project site. The project would maintain the existing drainage pattern. In the post-project condition, stormwater would continue to flow from north to south but would be intercepted by 11 catch basins spread across the project site. These 11 catch basins which would flow into a storm drain system that would discharge to a single

⁹³ *Ibid.* Pages 7-8.

⁹⁴ *Ibid.* Page 1.

⁹⁵ Huitt-Zollars, Inc. *Preliminary Water Quality Management Plan*. March 18, 2022. Page 8/13. Appendix F.

⁹⁶ SGMA Basin Prioritization Dashboard. *Basin Priority Details, Upper Santa Ana Valley-Chino (8-002.01)*. Website: <https://gis.water.ca.gov/app/bp-dashboard/final/> (accessed February 28, 2023).

infiltration trench. Any stormwater overflow would be directed into the existing gutter outlet located off-site just beyond the southeast corner of the project site.

ii. Result in substantial erosion or siltation on- or off-site;

Less than Significant Impact.

Construction. During grading, demolition, and construction activities, soil would be exposed and disturbed, drainage patterns would be temporarily altered, and there would be an increased potential for soil erosion and siltation compared to existing conditions. Additionally, during a storm event, soil erosion and siltation could occur at an accelerated rate. As discussed above in response to Section 3.10.1.a and as specified in **Standard Conditions HYD-1** and **HYD-2**, the Project Applicant would be required to obtain coverage under the Construction General Permit, which requires preparation of a SWPPP. The SWPPP would detail Erosion Control and Sediment Control BMPs to be implemented during construction to minimize erosion and retain sediment on-site. Compliance with the requirements of the Construction General Permit and implementation of the construction BMPs would ensure that construction impacts related to on- and off-site erosion or siltation would be **less than significant**, and no mitigation is required.

Operation. Currently, the 6.05-acre project site is developed with approximately 2.7 acres of impervious surface areas. Development of the project would result in a total impervious surface area of 5.2 acres (86 percent) of the project site. An increase in impervious surface area increases the rate and volume of runoff during a storm, which can more effectively transport sediments to receiving waters. The 5.2 acres of impervious surface areas on the project site would not be prone to on-site erosion or siltation because there would be no exposed soil. The remaining 0.85 acre (14 percent) of pervious surfaces on the project site would be landscaped with vegetation that would stabilize the soil and promote infiltration, thereby minimizing on-site erosion and siltation. Furthermore, the proposed project would be required to implement **Standard Conditions HYD-3** and **HYD-4**, which require the preparation of a Final WQMP, in compliance with the San Bernardino County MS4 permit and City Municipal Code, and the implementation of Site Design, Source Control, and LID BMPs that minimize stormwater runoff and increase infiltration. With implementation of **Standard Conditions HYD-3** and **HYD-4**, operational impacts related to on- or off-site erosion or siltation would be **less than significant**, and no mitigation is required.

ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

iii. Impede or redirect flood flows?

Less than Significant Impact.

As stated previously, the project is proposed on a previously-developed property that contains a mix of pervious and impervious surfaces. Construction would disturb more than one acre of soil and would be subject to the requirements of the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) permit. Upon completion of construction activities, the amount of impervious surface areas is expected to increase compared to existing, baseline conditions, and the project must be designed to collect and infiltrate stormwater at the site in accordance with the San Bernardino County MS4 Permit and City Municipal Code.

Construction. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06071C8606H the project site is located in Zone X.⁹⁷ Zone X areas are defined by FEMA as areas of minimal flood hazard, which are the areas outside of the Special Flood Hazard Area and higher than the elevation of the 0.2 percent annual chance flood. Additionally, the project site is not located within a 100-year flood zone.⁹⁸ As discussed above under Section 3.10.1.a, project construction would comply with the requirements of the Construction General Permit and the City Municipal Code and would include the preparation and implementation of a SWPPP (**Standard Conditions HYD-1 and HYD-2**). The SWPPP would specify construction BMPs to control and direct on-site surface runoff to ensure that project construction does not increase the rate or amount of surface runoff or impede or redirect flood flows in manner that would result in on- or off-site flooding. With implementation of a SWPPP and associated BMPs (**Standard Conditions HYD-1 and HYD-2**), construction activities would not result in a substantial increase in the rate or amount of surface runoff or impeding or redirecting flood flows in a manner that would result in on- or off-site flooding and impacts would be **less than significant**. No mitigation is required.

Operation. As stated in Section 3.10.1.c(i) above, development of the proposed project would result in a total impervious surface area of 5.2 acres (86 percent), which would increase stormwater runoff and could potentially result in flooding. However, as discussed above, the project site is not within a 100-year floodplain and therefore would not impede or redirect flood flows. Additionally, the proposed underground infiltration system, which has been designed to be consistent with the requirements of the San Bernardino County MS4 Permit and City Municipal Code (**Standard Conditions HYD-3 and HYD-4**), would capture and infiltrate stormwater runoff consistent with the requirements of the San Bernardino County MS4 Permit and City Municipal Code. Compliance with the San Bernardino County MS4 Permit and City Municipal Code (**Standard Conditions HYD-3 and HYD-4**) would ensure that operational activities would not result in a substantial increase in the rate or amount of surface runoff or impeding or redirecting flood flows in a manner that would result in on- or off-site flooding and impacts would be **less than significant**. No mitigation is required.

iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

Less than Significant Impact.

As stated previously, the project is proposed on a previously-developed property that contains a mix of pervious and impervious surfaces. Construction would disturb more than one acre of soil and would be subject to the requirements of the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) permit. Upon completion of construction activities, the amount of impervious surface areas is expected to increase compared to existing, baseline

⁹⁷ Federal Emergency Management Agency. *Flood Insurance Rate Map No. 06071C8606H* (extracted February 16, 2023).

⁹⁸ City of Upland, State of California. *General Plan*. Safety Element, Figure SAF-2, "100 year and 200-year Flood Zones". Website: https://www.uplandca.gov/uploads/ftp/city_departments/development_services/planning/general_plan_map/pdfs/09_Safety%20Element.pdf (Accessed August 24, 2022).

conditions, and the project must be designed to collect and infiltrate stormwater at the site in accordance with the San Bernardino County MS4 Permit and City Municipal Code.

Construction. As discussed in Section 3.10.1.a above, project construction would comply with the requirements of the Construction General Permit and the City Municipal Code and would include the preparation and implementation of a SWPPP (**Standard Conditions HYD-1 and HYD-2**). The SWPPP would specify construction BMPs to control and direct on-site surface runoff to ensure that stormwater runoff from the construction site does not exceed the capacity of the stormwater drainage system and does not discharge polluted runoff during construction activities. With implementation **Standard Conditions HYD-1 and HYD-2**, construction impacts related to exceeding the capacity of the stormwater drainage system or additional polluted runoff would be **less than significant**, and no mitigation is required.

Operation. As discussed in Section 3.10.1.a above, the proposed project would retain and infiltrate stormwater runoff so that excess runoff does not exceed the capacity of the existing stormwater system in pursuant to the requirements of the County of San Bernardino MS4 Permit (**Standard Condition HYD-3**) and the City Municipal Code (**Standard Condition HYD-4**). Additionally, as discussed in Section 3.10.1.a above, the proposed project would adequately treat pollutants of concern in stormwater runoff before discharging off-site and entering the existing gutter located south of the project site in accordance with the County of San Bernardino MS4 Permit and City Municipal Code (**Standard Conditions HYD-3 and HYD-4**). Therefore, implementation of **Standard Conditions HYD-3 and HYD-4** would ensure the proposed project would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be **less than significant**, and no mitigation is required.

D. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

Less than Significant Impact. As discussed in Section 3.10.1.c(ii) above, the project site is not located within a 100-year flood zone; therefore, there is no risk of a release of pollutants from the project site due to inundation from a flood.

The project site is approximately 36 miles east of the Pacific Ocean and the Santa Ana Mountains are between the project site and the Pacific Ocean. Based on the distance from the Pacific Ocean and the presence of an intervening mountain range, there is no risk of a release of pollutants from the project site due to inundation from a tsunami.

Seiches are oscillations in enclosed bodies of water that are caused by a number of factors, most often wind or seismic activity. The nearest major water feature is the Puddingstone Reservoir located approximately 6.7 miles southwest of the project site. Given the distance of large standing bodies of water from the project site, there is no risk of a release of pollutants from the project site due to seiche-related flooding. Given that the project site is not located within a flood hazard zone and the distance from the Pacific Ocean and from closed bodies of water, implementation of the proposed project would not result in a flood hazard, tsunami, or seiche, risking release of pollutants due to project site inundation. Impacts would be **less than significant**, and no mitigation is required.

iv. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact. The project site is within the jurisdiction of the Santa Ana RWQCB. The Santa Ana RWQCB adopted a Water Quality Control Plan (i.e., Basin Plan) (January 1995, Updated June 2019) that designates beneficial uses for all surface and groundwater within its jurisdiction and establishes the water quality objectives and standards necessary to protect those beneficial uses. The proposed project would comply with the Construction General Permit, existing San Bernardino County MS4 Permit, and the City Municipal Code, which require the preparation of an SWPPP, preparation of a Final WQMP, and implementation of construction and operational BMPs to reduce pollutants of concern in stormwater runoff. Therefore, the proposed project would not result in water quality impacts that would conflict with the Santa Ana RWQCB Water Quality Control Plan (Basin Plan). Impacts related to a conflict with the Basin Plan would be **less than significant**, and no mitigation is required.

The Sustainable Groundwater Management Act (SGMA) was enacted in September 2014. SGMA requires governments and water agencies of high- and medium-priority basins to halt overdraft of groundwater basins. SGMA requires the formation of local Groundwater Sustainability Agencies, which are required to adopt Groundwater Sustainability Plans (GSPs) to manage the sustainability of the groundwater basins. The project site is located within the Chino Groundwater Basin. The Chino Groundwater Basin is identified by the Department of Water Resources as a very low priority basin;⁹⁹ therefore, development of a GSP or an approved GSP alternative is not required.

As discussed previously, due to the depth to groundwater, it is not expected that any stormwater that may infiltrate during construction would affect groundwater quality because the groundwater table is deep, and pollutants would be pre-treated with storm filters before entering the infiltration basins. In addition, pollutants in storm water are generally removed by soil through absorption as water infiltrates. Therefore, in areas of deep groundwater, there is more absorption potential and, as a result, less potential for pollutants to reach groundwater. Therefore, due to the depth to groundwater, it is not expected that any storm water that may infiltrate during construction or operation would affect groundwater quality because there is not a direct path for pollutants to reach groundwater. As discussed in Section 3.10.1.b above, the project site is developed with 2.7 acres of impervious surface areas, and implementation of the proposed project would increase impervious surface area on the project site by 2.5 acres. Although development of the proposed project would increase the impervious surface area on the project site and decrease on-site infiltration, the proposed project would collect and infiltrate stormwater from the project site. Therefore, the proposed project would not substantially impact groundwater supplies. Furthermore, the project site is located within a very low priority basin and therefore the SGMA provisions do not apply. Impacts related to a conflict with or obstruction of a water quality control plan or sustainable groundwater management plan would be **less than significant**, and no mitigation is required.

⁹⁹ SGMA Basin Prioritization Dashboard. *Basin Priority Details, Upper Santa Ana Valley-Chino (8-002.01)*. Website: <https://gis.water.ca.gov/app/bp-dashboard/final/> (accessed February 28, 2023).

5.11 LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?	☐	☐	☒	☐
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

5.11.1 Impact Analysis

i. Would the project physically divide an established community?

Less than Significant Impact. The physical division of an established community typically refers to the construction of a physical feature (such as an interstate or railroad tracks) or removal of a means of access (such as a local road or bridge) that would impair mobility within an existing community, or between a community and outlying area. For instance, the construction of an interstate highway or railroad track through an existing community may constrain travel from one side of the community to another; similarly, such construction may also impair travel to areas outside the community.

The project site is bounded by Foothill Boulevard to the north, beyond which are commercial, industrial, residential, and airport uses; commercial and industrial uses are located to the west, south, and east, and residential uses are to the east (across N. Benson Avenue). The project site is separated by the existing residential uses to the north and east by Foothill Boulevard immediately north of the site, and N. Benson Avenue approximately 0.18-mile east of the site. The project does not include the installation of infrastructure or roadways that would divide an existing community. Therefore, Foothill Boulevard to the north and N. Benson Avenue to the east already create physical barriers between the project site and existing residential uses to the north and east (Figure 2).

As discussed in Section 2.2, Existing Setting, the western portion of the project site is developed with vacant structures and pavement/asphalt and the eastern portion of the project site consists of ruderal vegetation. The proposed project would demolish the exiting on-site structures and redevelop the entire project site, which would be similar to the existing development surrounding the project site. Therefore, impacts from the physical division of an established community would be **less than significant**. Mitigation is not required.

ii. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less than Significant Impact. As shown in Table 2.3.A in Chapter 2.0, Project Description, the project site is located within the Commercial/Industrial Mixed-Use (C/I-MU) General Plan Land Use Designation and the C/I-MU Zoning Designation, within an Airport Safety Overlay Zone.

The City's Land Use General Plan Element states the C/I-MU land use category is intended to "accommodate a variety of industrial and regional retail uses and to support commercial activities to satisfy a range of shopping needs for residents of the community...and to maximize the potential for job generation."¹⁰⁰ The C/I-MU land category allows a range of industrial and commercial uses, including but not limited to warehousing, professional offices, and food and institutional uses.¹⁰¹

Accordingly, the proposed project would be required to comply with the applicable provisions of the City Municipal Code governing the development and design of projects within Mixed-Use Zones (Chapter 17.05). While the proposed industrial buildings are permitted uses in the C/I-MU zone, the proposed restaurant with drive-through window would be subject to a Conditional Use Permit (CUP). CUPs are intended to allow the establishment of uses that may have some special influence, uniqueness, or impression on the neighborhood surrounding the subject site subject to a list of conditions. The permit application process allows for the review of the location and design of the proposed project, configuration of improvements, potential impact(s) on the surrounding neighborhood, and to ensure that development of the project protects the integrity of the zoning district in which it is proposed. In order for a CUP to be approved, the proposed land use must be consistent with applicable goals and policies of the City's General Plan and compatible with surrounding land uses, and any impacts to the environment that would result from such a use must be mitigated to the extent feasible. CUPs are revocable if the Applicant is not adhering to the conditions of approval as determined by the City.

Development of the proposed project, including the proposed restaurant with drive-through window, would include review and approval of a precise plan by the Development Review Committee pursuant to Chapter 17.05 of the City Municipal Code. The process would ensure compliance with applicable regulations pertaining to building orientation, form, massing, setbacks, height, color palette, building materials, vehicle queuing and stacking, and drought-tolerant landscaping to ensure compatibility with surrounding land uses. The Development Review Committee would recommend the proposed amendments to the Planning Commission, which would approve, approve with conditions, or deny the project pursuant to Section 17.44.040 of the City Municipal Code.

As discussed in Section 3.9.1.e, the proposed project would be required to comply with applicable provisions of the CALUCP and ONTLUCP. For instance, the proposed restaurant building height would not exceed 35 feet and the proposed warehouse buildings would not exceed 100 feet in height pursuant to the height requirements prescribed in the CALUCP for Compatibility Zones C3 and D, respectively. Finally, the proposed project would be subject to the City's plan check process, which ensures the proposed project complies with the applicable provisions of the City Municipal Code and land use plans, including the CALUCP and ONTLUCP.

As discussed in Section 3.17.1.a, implementation of improvements discussed in Chapter 11, "Circulation Improvements and Funding Sources" of Appendix H would ensure all project study intersections would operate at satisfactory level of service standards established in the City's

¹⁰⁰ City of Upland, State of California. *General Plan. Chapter 1: Land Use Element*. Pages LU-5. Adopted September 2015.

¹⁰¹ *Ibid.*

General Plan Circulation Element, and the project would not conflict with a program plan, ordinance or policy addressing the circulation system.

Pursuant to CEQA, potential policy conflicts do not in and of themselves constitute a significant environmental impact. Policy conflicts are considered to be environmental impacts only when they would result in direct physical impacts or where those conflicts relate to avoiding or mitigating environmental impacts. As such, this Initial Study analyzes associated physical environmental impacts that could result from development of the proposed project pursuant to under each topical section. The Initial Study evaluates those impacts against the baseline condition. As indicated throughout this Initial Study, development of the proposed project would not result in any direct physical impacts that cannot be mitigated to less than significant levels.

Since the proposed project would be developed in accordance with all applicable provisions of the City Municipal Code, City General Plan, CALUCP, and ONTLUCP, the project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and impacts would be **less than significant**. No additional mitigation is required.

5.12 MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☒	☐
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☒	☐

5.12.1 Impact Analysis

- i. *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

Less than Significant Impact. The project site is located within Mineral Resource Zone 2 (MRZ-2),¹⁰² which is defined as an area where adequate information indicates that significant mineral resources are present, or where it is judged that a high likelihood for their presence exists. Land included in MRZ-2 is of prime importance because it contains known economic mineral deposits.¹⁰³

The project site comprises 2.7 acres of developed land surrounded by commercial, industrial, residential, and airport uses to the north across Foothill Boulevard and commercial and industrial uses to the west, south, and east. The City of Upland General Plan Land Use Map designates the project site as Commercial/Industrial Mixed-Use (C/I-MU),¹⁰⁴ and the zoning designation is also C/I-MU, within the Airport Safety Overlay Zone.¹⁰⁵ Mineral resources mining is not a use compatible with either the existing or the proposed on-site and surrounding land uses, and the project site has minimal potential to be mined in the future because of its small size and location surrounded by urban development. Additionally, the project site and vicinity are not considered a State-designated mineral resource extraction zone. Mineral resources extraction would conflict with the purpose and scope of the existing General Plan land use designation and Zoning District in this part of the City. Therefore, impacts from the loss of available mineral resources would be **less than significant**. Mitigation is not required.

¹⁰² City of Upland, State of California. *Final Program EIR, General Plan Update, SCH No. 2012041006*. Exhibit 5.12-1. Certified September 28, 2015.

¹⁰³ California Department of Conservation State Mining and Geology Board. *Guidelines for Classification and Designation of Mineral Lands*. Website: <http://www.conservation.ca.gov/smgb/guidelines/documents/classdesig.pdf> (accessed March 2, 2023).

¹⁰⁴ City of Upland. *General Plan Land Use Map*. Adopted September 2015.

¹⁰⁵ City of Upland. *Zoning Map*. Adopted September 2015.

- ii. Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

Please refer to Section 5.12.a, above.

5.13 NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

5.13.1 Impact Analysis

- i. *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Less than Significant Impact.

Noise Standards. The City's General Plan Noise Safety Element¹⁰⁶ has established exterior noise compatibility standards that are regarded as "normally acceptable" for various land uses. The City's exterior noise compatibility standards are shown Table 5.13.A.

Sections 9.40.040, 9.40.070, and 9.40.080 of the City of Upland Municipal Code¹⁰⁷ have established maximum noise levels for residential and non-residential properties that shall not be exceeded. It is unlawful for any person at any location to create any noise, or to allow the creation of any noise, when such noise causes the noise level to exceed any noise level shown in Table 5.13.B.

¹⁰⁶ City of Upland. 2015. *General Plan, Safety Element*. September. Website: https://www.uplandca.gov/uploads/ftp/city_departments/development_services/planning/general_plan_map/pdfs/09_Safety%20Element.pdf (accessed February 2023).

¹⁰⁷ City of Upland. 2022. *Municipal Code*. October. Website: https://library.gcode.us/lib/upland_ca/pub/municipal_code/item/title_9-chapter_9_40?view=all (accessed February 2023).

Table 5.13.A: Exterior Noise Compatibility Standards

Land Use Type	Highest Level of Noise Exposure that is Regarded as “Normally Acceptable” (L _{dn} of CNEL)
Residential – Low Density Single-Family, Duplex, Mobile Homes	60 dBA
Residential – Multi-Family	65 dBA
Mixed-Use	70 dBA
Transient Lodging – Hotels, Motels	65 dBA
Schools, Libraries, Churches, Hospitals, Nursing Homes	70 dBA
Auditoriums, Concert Halls, Amphitheaters	Mitigation based on site-specific study
Sports Arena, Outdoors Spectators Sports	Mitigation based on site-specific study
Playgrounds, Neighborhood Parks	70 dBA
Golf Courses, Riding Stables, Water Recreation, Cemeteries	75 dBA
Office Buildings – Commercial, Office/Professional	70 dBA
Industrial, Manufacturing, Utilities, Agriculture	75 dBA

Source: LSA. *Noise and Vibration Impact Analysis for the West Foothill Development Project in Upland, California*. July 2023. Table E. Appendix G.

CNEL = Community Noise Equivalent Level

dBA = A-weighted decibels

L_{dn} = day-night average noise level

Table 5.13.B: City of Upland Maximum Noise Level Standards

Zone Use	Time	L ₅₀ (30 min)	L ₂₅ (15 min)	L ₈ (5 min)	L ₂ (1 min)	Not Permitted
Residential	10:00 PM to 7:00 AM	45	50	55	60	65
	7:00 AM to 10:00 PM	55	60	65	70	75
Uses not specified	Anytime	65	--	--	--	--
Industrial and Commercial	Anytime	75	--	--	--	--

Source: LSA. *Noise and Vibration Impact Analysis for the West Foothill Development Project in Upland, California*. July 2023. Table G. Appendix G.

Notes: In the event any offending noise consists primarily of impact noise, repetitive noise, or simple tone noise, each of the maximum permitted noise level shall be reduced by 5 dBA.

dBA = A-weighted decibel

min = minute(s)

L₅₀ = The base ambient noise level for a cumulative period of 30 minutes in any hour.

L₂₅ = The base ambient noise level plus 5 dBA for a cumulative period of 15 minutes in any hour.

L₈ = The base ambient noise level plus 10 dBA for a cumulative period of 5 minutes in any hour.

L₂ = The base ambient noise level plus 15 dBA for a cumulative period of 1 minute in any hour.

Not Permitted = The base ambient noise level plus 20 dBA.

Section 9.40.100(M) of the City’s Municipal Code¹⁰⁸ states that 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 3 days or less while the

¹⁰⁸ City of Upland. 2022. *Municipal Code*. October. Website: https://library.qcode.us/lib/upland_ca/pub/municipal_code/item/title_9-chapter_9_40?view=all (accessed February 2023).

emergency continues, and which permit may be renewed for periods of 3 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.

Finally, a barely perceptible noise increase of 3 A-weighted decibel (dBA) or more in excess of standards established in the local general plan or noise ordinance is considered potentially significant.

Three long-term (24-hour) noise level measurements were conducted on January 12, 2023, as detailed in Table 5.13.C to establish baseline conditions.

Table 5.13.C: Long-Term Ambient Noise Monitoring Results

Monitor No.	Location	Noise Level (dBA)				CNEL	Noise Sources
		Daytime		Nighttime			
		L _{eq}	L _{max}	L _{eq}	L _{max}		
LT-1	Located along the western edge of the project site on an existing chain fence.	54.9-61.4 (58.4) ¹	70.4-81.6	50.1-58.7 (55.1) ²	68.2-73.6	61.9	Vehicle traffic noise on Foothill Boulevard.
LT-2	Southern edge of the project site on an existing chain fence.	59.2-62.7 (60.9) ¹	70.2-80.3	52.8-59.0 (57.2) ²	68.1-76.1	63.9	Faint vehicle traffic noise on Foothill Boulevard.
LT-3	Northeast corner of the project site on an existing billboard sign.	64.6-67.7 (66.9) ¹	77.0-83.0	57.5-64.7 (62.6) ²	75.9-84.7	69.4	Vehicle traffic noise on Foothill Boulevard.

Source: LSA. *Noise and Vibration Impact Analysis for the West Foothill Development Project in Upland, California*. July 2023. Table K. Appendix G.

Note: Long-term (24-hour) noise level measurements were conducted from January 12, 2023, to January 13, 2023.

ii. Average daytime noise level.

² Average Nighttime noise level.

CNEL = Community Noise Equivalent Level

dBA = A-weighted decibels

ft = foot/feet

L_{eq} = equivalent continuous sound level

L_{max} = maximum instantaneous noise level

Construction Noise. Noise increases from the proposed project would be generated on a short-term basis during temporary construction activities. Noise impacts associated with construction activity are a function of the noise generated by the type of equipment used, the location and sensitivity of nearby land uses, and the timing and duration of the noise-generating activities. Two types of short-term noise impacts would occur during project construction. The first type would be from construction crew commutes and the transport of construction equipment and materials to the project site and would incrementally raise noise levels on roadways leading to the project site. The pieces of construction equipment for construction activities would move on site, would remain for the duration of each construction phase, and would not add to the daily traffic volume in the project vicinity. Although there would be a relatively high single-event noise exposure potential causing

intermittent noise nuisance (passing trucks at 50 feet would generate up to a maximum of 84 dBA), the effect on longer-term ambient noise levels would be small because the number of daily construction-related vehicle trips is small compared to existing daily traffic volume on the Foothill Boulevard. Project construction would generate a maximum of 170 trips per day based on the California Emissions Estimator Model (CalEEMod) (Version 2022.4.0) results contained in Attachment B of Appendix A. Foothill Boulevard would be used to access the project site. Table 5.13.F shows that the existing average daily traffic (ADT) volumes on Foothill Boulevard near the project site are 24,230. Based on the information above, construction-related traffic would increase noise by up to 0.1 dBA. A noise level increase of less than 3 dBA would not be perceptible to the human ear in an outdoor environment. Therefore, short-term construction-related impacts associated with worker commutes and transport of construction equipment and material to the project site would be **less than significant**. Mitigation is not required.

The second type of short-term noise impact is related to noise generated from construction activities. Construction is performed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. The proposed project anticipates site preparation, grading, building construction, paving, and architectural coating phases of construction. These various sequential phases change the character of the noise generated on a project site. Therefore, the noise levels vary as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. Table 5.13.D lists the maximum instantaneous noise level ($L_{\max}$) recommended for noise impact assessments for typical construction equipment included in the FHWA Highway Construction Noise Handbook,¹⁰⁹ based on a distance of 50 feet between the equipment and a noise receptor.

Table 5.13.E lists the anticipated construction equipment for each construction phase based on the CalEEMod (Version 2020.4.0) results contained in Appendix A. Table 5.13.E shows the combined noise level at 50 ft from all of the equipment in each phase as well as the equivalent continuous sound level (L_{eq}) noise level for each equipment at 50 feet based on the quantity, reference $L_{\max}$ noise level at 50 feet, and the acoustical usage factor. As shown in Table 5.13.E, construction noise levels would reach up to 94.1 dBA $L_{\max}$ (89.2 L_{eq}) at a distance of 50 feet.

The closest residential property line is located 5-77m ploy5-77imately 465 feet from the center of the project site and may be subject to short-term construction noise reaching 74.7 dBA $L_{\max}$ (69.8 dBA L_{eq}) generated by construction activities in the project area. Construction noise is temporary and would stop once project construction is completed. Implementation of **Standard Condition NOI-1**, which would limit project construction activities to the City's permitted hours of construction pursuant to Section 9.40.100(M)¹¹⁰ of the City's Municipal Code would minimize construction-related noise and ensure construction noise would not be generated during the more sensitive

¹⁰⁹ Federal Highway Administration. 2006. *Highway Construction Noise Handbook. Roadway Construction Noise Model, FHWA-HEP-06-015. DOT-VNTSC-FHWA-06-02*. NTIS No. PB2006-109012. August.

¹¹⁰ City of Upland. 2022. Municipal Code. October. Website: https://library.gcode.us/lib/upland_ca/pub/municipal_code/item/title_9-chapter_9_40?view=all (accessed February 2023).

nighttime hours. Therefore, noise levels generated by project construction would be minimized and construction noise impacts would be **less than significant**. No mitigation is required.

Table 5.13.D: Typical Construction Equipment Noise Levels

Equipment Description	Acoustical Usage Factor ¹ (%)	Maximum Noise Level (L _{max}) at 50 ft ²
Backhoe	40	80
Compactor (ground)	20	80
Compressor	40	80
Crane	16	85
Dozer	40	85
Dump Truck	40	84
Excavator	40	85
Flatbed Truck	40	84
Forklift	20	85
Front-End Loader	40	80
Grader	40	85
Impact Pile Driver	20	95
Jackhammer	20	85
Pavement Scarifier	20	85
Paver	50	85
Pickup Truck	40	55
Pneumatic Tools	50	85
Pump	50	77
Rock Drill	20	85
Roller	20	85
Scraper	40	85
Tractor	40	84
Welder	40	73

Source: LSA. *Noise and Vibration Impact Analysis for the West Foothill Development Project in Upland, California*. July 2023. Table M. Appendix G.

Note: The noise levels reported in this table are rounded to the nearest whole number.

¹ Usage factor is the percentage of time during a construction noise operation that a piece of construction equipment is operating at full power.

² Maximum noise levels were developed based on Specification 721.560 from the CA/T program to be consistent with the City of Boston, Massachusetts, Noise Code for the “Big Dig” project.

CA/T = Central Artery/Tunnel

ft – foot/feet

FHWA = Federal Highway Administration

L_{max} = maximum instantaneous noise level

Table 5.13.E: Summary of Construction Phase, Equipment, and Noise Levels

Construction Phase	Construction Equipment	Quantity	Reference Noise Level at 50 ft (dBA L _{max})	Acoustical Usage Factor ¹ (%)	Noise Level at 50 ft (dBA)		
					L _{max}	L _{eq}	Combined (L _{eq})
Demolition	Bulldozers	2	85	40	88.0	84.0	89.2
	Excavator	3	85	40	89.8	85.8	
	Concrete Saw	1	90	20	90.0	83.0	
Site Preparation	Bulldozers	3	85	40	89.8	85.8	87.3
	Front-End Loaders	4	80	40	86.0	82.0	
Grading	Grader	1	85	40	85.0	81.0	87.0
	Excavator	1	85	40	85.0	81.0	
	Front-End Loaders	3	80	40	84.8	80.8	
	Bulldozers	1	85	40	85.0	81.0	
Building Construction	Forklift	3	85	20	89.8	82.8	86.5
	Generator	1	82	50	82.0	79.0	
	Front-End Loaders	1	85	16	85.0	77.0	
	Crane	1	73	40	73.0	69.0	
	Welders	3	80	40	84.8	80.8	
Paving	Pavers	2	85	50	88.0	85.0	87.6
	Paving Equipment	2	85	20	88.0	81.0	
	Rollers	2	85	20	88.0	81.0	
Architectural Coating	Air Compressors	1	80	40	80.0	76.0	76.0

Source: LSA. *Noise and Vibration Impact Analysis for the West Foothill Development Project in Upland, California*. July 2023. Table N. Appendix G.

¹ The acoustical usage factor is the percentage of time during a construction noise operation that a piece of construction equipment operates at full power.

dBA = A-weighted decibels

ft = foot/feet

L_{eq} = equivalent continuous sound level

L_{max} = maximum instantaneous noise level

Operational Noise. Long-term operations of the project would generate mobile and stationary noise that would potentially impact off-site noise-sensitive land uses. Mobile noise would be generated on roadways within the project area and stationary noise would be generated on the project site from truck delivery and loading/unloading activities and heating ventilation air conditioning (HVAC) equipment. These mobile and stationary operational noise sources are analyzed separately in relation to the ambient noise environment because the City's applicable noise standards are different for mobile versus stationary noise sources. Mobile noise sources such as vehicular traffic are described using the Community Noise Equivalent Level (CNEL) level and stationary noise sources such as truck loading/unloading activities and HVAC are described using the L_{eq} level. Additionally, anticipating the timing of noise events (continuous versus intermittent) would be speculative, as they differ for the various stationary noise sources. However, reasonable assumptions are made as specified for each noise source described below in order to combine the stationary noise levels anticipated to be generated by the proposed project and compare them to the ambient noise environment in terms of L_{eq}.

Mobile Noise. The FHWA Highway Traffic Noise Prediction Model¹¹¹ was used to evaluate highway traffic-related noise conditions along roadway segments in the project vicinity. This model requires various parameters, including traffic volumes, vehicle mix, vehicle speed,

¹¹¹ Federal Highway Administration. 1977. *Highway Traffic Noise Prediction Model*, FHWA RD 77 108.

and roadway geometry to compute typical equivalent noise levels during daytime, evening, and nighttime hours. The resultant noise levels are weighted and summed over 24-hour periods to determine the CNEL values. The existing (2022), opening year (2024), and cumulative year (2045) with and without project ADT volumes were obtained from the Traffic Impact Analysis Report for the West Foothill Development Project in Appendix H. The standard vehicle mix for Southern California roadways was used for traffic on these roadway segments under the without project scenario. Under the with project scenario, the vehicle mix was adjusted based on the project's vehicle mix. Tables 5.13.F, 5.13.G and 5.13.H shows the existing (2022), opening year (2024), and cumulative year (2045) traffic noise levels without and with the project within the project vicinity, respectively. These noise levels represent the worst-case scenario, which assumes that no shielding is provided between the traffic and the location where the noise contours are drawn. Appendix G provides the specific assumptions used in developing these noise levels and model printouts.

Tables 5.13.F, 5.13.G and 5.13.H show that the project-related traffic would increase noise by up to 0.1 dBA. Noise level increases less than 3 dBA would not be perceptible to the human ear in an outdoor environment. Therefore, traffic noise impacts from project-related traffic on off-site sensitive receptors would be **less than significant**. Mitigation is not required.

Table 5.13.F: Existing Traffic Noise Levels Without and With Project

Roadway Segment	Without Project Traffic Conditions					With Project Traffic Conditions					
	ADT	Centerline to 70 dBA CNEL (ft)	Centerline to 65 dBA CNEL (ft)	Centerline to 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from Centerline of Outermost Lane	ADT	Centerline to 70 dBA CNEL (ft)	Centerline to 65 dBA CNEL (ft)	Centerline to 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from Centerline of Outermost Lane	Increase from Without Project Conditions (dBA)
Foothill Boulevard Between Central Avenue and Project Driveway 1	24,991	80	165	352	70.5	24,991	80	167	356	70.6	0.1
Foothill Boulevard Between Project Driveway 1 and Benson Avenue	24,230	78	162	345	70.4	24,230	78	161	344	70.4	0.0

Source: LSA. *Noise and Vibration Impact Analysis for the West Foothill Development Project in Upland, California*. July 2023. Table R. Appendix G.

ADT = average daily traffic

dBA = A-weighted decibels

CNEL = Community Noise Equivalent Level

ft = foot/feet

Table 5.13.G: Opening Year (2024) Traffic Noise Levels Without and With Project

Roadway Segment	Without Project Traffic Conditions					With Project Traffic Conditions					
	ADT	Centerline to 70 dBA CNEL (ft)	Centerline to 65 dBA CNEL (ft)	Centerline to 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from Centerline of Outermost Lane	ADT	Centerline to 70 dBA CNEL (ft)	Centerline to 65 dBA CNEL (ft)	Centerline to 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from Centerline of Outermost Lane	Increase from Without Project Conditions (dBA)
Foothill Boulevard Between Central Avenue and Project Driveway 1	27,995	85	178	380	71.0	28,597	87	181	386	71.1	0.1
Foothill Boulevard Between Project Driveway 1 and Benson Avenue	27,201	84	174	373	70.9	27,571	85	176	377	71.0	0.1

Source: LSA. *Noise and Vibration Impact Analysis for the West Foothill Development Project in Upland, California*. July 2023. Table S. Appendix G.

ADT = average daily traffic

dBA = A-weighted decibels

CNEL = Community Noise Equivalent Level

ft = foot/feet

Table 5.13.H: Cumulative Year (2045) Traffic Noise Levels Without and With Project

Roadway Segment	Without Project Traffic Conditions					With Project Traffic Conditions					
	ADT	Centerline to 70 dBA CNEL (ft)	Centerline to 65 dBA CNEL (ft)	Centerline to 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from Centerline of Outermost Lane	ADT	Centerline to 70 dBA CNEL (ft)	Centerline to 65 dBA CNEL (ft)	Centerline to 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from Centerline of Outermost Lane	Increase from Without Project Conditions (dBA)
Foothill Boulevard Between Central Avenue and Project Driveway 1	31,935	92	194	415	71.6	32,537	94	197	421	71.7	0.1
Foothill Boulevard Between Project Driveway 1 and Benson Avenue	31,174	91	191	408	71.5	31,544	92	192	412	71.5	0.0

Source: LSA. *Noise and Vibration Impact Analysis for the West Foothill Development Project in Upland, California*. July 2023. Table T. Appendix G.

ADT = average daily traffic

dBA = A-weighted decibels

CNEL = Community Noise Equivalent Level

ft = foot/feet

Stationary Noise. Delivery trucks/truck loading and unloading activities and (HVAC) equipment associated with the project would potentially affect the existing off-site land uses. The following provides a detailed noise analysis and discussion of each stationary noise source.

Truck Delivery and Truck Loading and Unloading Activities: Truck delivery and truck loading/unloading activities for the proposed project would occur on the south side of the proposed warehouse Building 1 and on the north side of the proposed warehouse Building 2. These activities would take place during both daytime and nighttime hours. Noise levels generated from these activities include truck movement, docking at loading dock doors, backup alarms, air brakes, idling, and loading and unloading activities. These activities would result in a maximum noise level similar to noise readings from truck delivery and truck loading and unloading activities for other projects, which would generate a noise level of 75 dBA L_{max} at 50 feet. Although a typical truck-unloading process takes an average of 15–20 minutes, this maximum noise level occurs in a much shorter period of time (less than 5 minutes). It is estimated that there would be up to 3 truck deliveries and truck loading/unloading activities during daytime hours and up to 2 truck deliveries and truck loading/unloading activities during nighttime hours based on the project trip generation from the West Foothill Development Project Traffic Impact Analysis provided in Appendix H. With each truck generating the maximum noise level for a cumulative period of 5 minutes in any hour, trucks during daytime hours would generate the maximum noise level for a cumulative period of 15 minutes in any hour and trucks during nighttime hours would generate the maximum noise level for a cumulative period of 10 minutes in any hour, which would be 69.0 dBA L_{eq} and 67.2 dBA L_{eq} at 50 ft, respectively.

The proposed warehouse Buildings 1 and 2 would provide a minimum noise reduction of 15 dBA for the adjacent land uses surrounding the project site because the two warehouse buildings surround the two truck loading dock areas and the height of the buildings would be approximately 36 feet. The noise level reduction calculation provided by the proposed buildings is provided in Appendix G.

Speakerphone Noise: The proposed commercial use would be a fast-food restaurant with two drive-through lanes. Each drive-through lane would have a speakerphone that is part of the menu board. The specifications of the speakerphone, including the reference noise level, are provided in Appendix G. Noise generated from each speakerphone would be 84 dBA L_{eq} at 1 foot. This reference noise level is equivalent to 50 dBA L_{eq} at 50 feet.

HVAC Equipment: The proposed project would include rooftop HVAC units for the fast-food restaurant with drive-through and the two warehouses. One HVAC unit was assumed for the fast-food restaurant and four HVAC units were assumed for the two warehouses. Each warehouse building would have two potential office locations and each office location would have two HVAC units. The specifications of the HVAC equipment, including the reference noise level, are provided in Appendix G. One rooftop HVAC unit would generate a noise level of 62.4 dBA L_{eq} at a distance of 50 feet. Two HVAC units operating simultaneously at each location would generate a noise level of 65.4 dBA L_{eq} at a distance of 50 feet.

Stationary Noise Impacts Summary: Table 5.13.I shows the daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) individual stationary noise source from truck delivery and truck loading and unloading activities and rooftop HVAC equipment at land uses surrounding the project site as well as the distance attenuation, noise reduction from shielding, and the combined stationary noise level at each property line.

Table 5.13.I shows that the closest residential property line to the north would have a combined daytime and nighttime stationary noise level of 54.2 dBA L_{eq} , respectively. Maximum instantaneous noise levels at the closest residential property line to the north would reach 41.3 dBA L_{max} . Daytime noise levels would not exceed the City's exterior daytime 30-minute (L_{50}) noise standard. Although nighttime noise levels would exceed the City's exterior daytime 30-minute (L_{50}) noise standard, measured average nighttime ambient noise levels at LT-3 was 62.6 dBA L_{eq} , which is representative of the ambient noise levels at the residences north of the project site and would increase ambient noise levels by 0.6 dBA. A noise level increase of less than 3 dBA would not be perceptible to the human ear in an outdoor environment. Also, daytime and nighttime instantaneous maximum (L_{max}) noise levels would not exceed the City's exterior maximum anytime noise standards of 75 dBA and 65 dBA, respectively, for residential land uses. Therefore, noise impacts from project operations at the residential property line north of the project site would be **less than significant**. Mitigation is not required.

Also, Table 5.13.I shows that the combined stationary would reach up to 57.0, 64.5, 61.4, and 69.0 dBA L_{eq} , at the closest commercial and industrial property line to the north, east, south, and west, respectively. These noise levels would not exceed the City's exterior anytime noise standard of 75 dBA for commercial and industrial uses. Therefore, noise impacts from project operations at commercial and industrial property adjacent to the project site would be **less than significant**. Mitigation is not required.

Standard Conditions. No mitigation is required; however, the following Standard Condition is a regulatory requirement that would be implemented to ensure impacts related to construction-period noise remain less than significant.

Standard Condition NOI-1: The construction contractor shall limit construction activities to between the hours of 7:00 a.m. and 6:00 p.m. on weekdays pursuant to Section 9.40.100(M) of the City's Municipal Code (City of Upland 2022). Construction is prohibited outside these hours during weekdays and anytime on weekends.

Table 5.13.I: Daytime and Nighttime Stationary Noise Levels

Land Use	Direction	Noise Source	Reference Noise Level at 50 ft (dBA L _{max})	Reference Noise Level at 50 ft (dBA L _{eq})	Distance from Source to Receptor (ft)	Distance Attenuation (dBA)	Shielding (dBA)	Noise Level (dBA L _{max})	Noise Level (dBA L _{eq})	Combined Noise Level (dBA L _{eq})
Residence	North	Truck Delivery ¹ (Warehouse 1)	75	69.0/67.2 ²	430	18.7	15 ³	41.3	35.3/33.5 ²	54.2/54.2 ²
		Truck Delivery ¹ (Warehouse 2)	75	69.0/67.2 ²	535	20.6	15 ³	39.4	33.4/31.6 ²	
		Speakerphone 1	--	50.0	365	17.3	0	--	32.7	
		Speakerphone 2	--	50.0	360	17.1	0	--	32.9	
		HVAC 1 (Commercial)	--	62.4	305	15.7	0	--	46.7	
		HVAC 2 (Warehouse 1)	--	65.4	410	18.3	0	--	47.1	
		HVAC 3 (Warehouse 1)	--	65.4	285	15.1	0	--	50.3	
		HVAC 4 (Warehouse 2)	--	65.4	645	22.2	0	--	43.2	
		HVAC 5 (Warehouse 2)	--	65.4	550	20.8	0	--	44.6	
Commercial	North	Truck Delivery ¹ (Warehouse 1)	75	69.0/67.2 ²	385	17.7	15 ³	42.3	36.3/34.5 ²	57.0/57.0 ²
		Truck Delivery ¹ (Warehouse 2)	75	69.0/67.2 ²	505	20.1	15 ³	39.9	33.9/32.1 ²	
		Speakerphone 1	--	50.0	150	9.5	0	--	40.5	
		Speakerphone 2	--	50.0	135	8.6	0	--	41.4	
		HVAC 1 (Commercial)	--	62.4	160	10.1	0	--	52.3	
		HVAC 2 (Warehouse 1)	--	65.4	265	14.5	0	--	50.9	
		HVAC 3 (Warehouse 1)	--	65.4	265	14.5	0	--	50.9	
		HVAC 4 (Warehouse 2)	--	65.4	560	21.0	0	--	44.4	
		HVAC 5 (Warehouse 2)	--	65.4	545	20.7	0	--	44.7	
Commercial	East	Truck Delivery ¹ (Warehouse 1)	75	69.0/67.2 ²	145	9.2	15 ³	50.8	44.8/43.0 ²	64.5/64.5 ²
		Truck Delivery ¹ (Warehouse 2)	75	69.0/67.2 ²	160	10.1	15 ³	49.9	43.9/42.1 ²	
		Speakerphone 1	--	50.0	305	15.7	0	--	34.3	
		Speakerphone 2	--	50.0	305	15.7	0	--	34.3	
		HVAC 1 (Commercial)	--	62.4	230	13.3	0	--	49.1	
		HVAC 2 (Warehouse 1)	--	65.4	285	15.1	0	--	50.3	
		HVAC 3 (Warehouse 1)	--	65.4	70	2.9	0	--	62.5	
		HVAC 4 (Warehouse 2)	--	65.4	310	15.8	0	--	49.6	
		HVAC 5 (Warehouse 2)	--	65.4	110	6.8	0	--	58.6	
Commercial	South	Truck Delivery ¹ (Warehouse 1)	75	69.0/67.2 ²	245	13.8	15 ³	46.2	40.2/38.4 ²	61.4/61.3 ²

Table 5.13.I: Daytime and Nighttime Stationary Noise Levels

Land Use	Direction	Noise Source	Reference Noise Level at 50 ft (dBA L _{max})	Reference Noise Level at 50 ft (dBA L _{eq})	Distance from Source to Receptor (ft)	Distance Attenuation (dBA)	Shielding (dBA)	Noise Level (dBA L _{max})	Noise Level (dBA L _{eq})	Combined Noise Level (dBA L _{eq})
Commercial	South	Truck Delivery ¹ (Warehouse 2)	75	69.0/67.2 ²	125	8.0	15 ³	52.0	46.0/44.2 ²	61.4/61.3 ²
		Speakerphone 1	--	50.0	545	20.7	0	--	29.3	
		Speakerphone 2	--	50.0	560	21.0	0	--	29.0	
		HVAC 1 (Commercial)	--	62.4	510	20.2	0	--	42.2	
		HVAC 2 (Warehouse 1)	--	65.4	415	18.4	0	--	47.0	
		HVAC 3 (Warehouse 1)	--	65.4	415	18.4	0	--	47.0	
		HVAC 4 (Warehouse 2)	--	65.4	115	7.2	0	--	58.2	
		HVAC 5 (Warehouse 2)	--	65.4	125	8.0	0	--	57.4	
Industrial	West	Truck Delivery ¹ (Warehouse 1)	75	69.0/67.2 ²	145	9.2	15 ³	50.8	44.8/43.0 ²	69.0/69.0 ²
		Truck Delivery ¹ (Warehouse 2)	75	69.0/67.2 ²	145	9.2	15 ³	50.8	44.8/43.0 ²	
		Speakerphone 1	--	50.0	95	5.6	0	--	44.4	
		Speakerphone 2	--	50.0	95	5.6	0	--	44.4	
		HVAC 1 (Commercial)	--	62.4	90	5.1	0	--	57.3	
		HVAC 2 (Warehouse 1)	--	65.4	70	2.9	0	--	62.5	
		HVAC 3 (Warehouse 1)	--	65.4	285	15.1	0	--	50.3	
		HVAC 4 (Warehouse 2)	--	65.4	40	-1.9	0	--	67.3	
		HVAC 5 (Warehouse 2)	--	65.4	285	15.1	0	--	50.3	

Source: LSA. *Noise and Vibration Impact Analysis for the West Foothill Development Project in Upland, California*. July 2023. Table U. Appendix G.

¹ Truck delivery and truck loading and unloading activities.

² Daytime/nighttime noise level.

³ The calculated noise reduction from the proposed 32 ft high warehouse buildings is provided in Attachment E.

dBA = A-weighted decibels

ft = feet

HVAC = heating, ventilation, and air conditioning

L_{eq} = equivalent continuous sound level

L_{max} = maximum instantaneous noise level

b. Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant with Mitigation Incorporated.

Vibration Standards. Since the City does not have vibration standards, the vibration standards included in the FTA Transit Noise and Vibration Impact Assessment Manual¹¹² were used in this analysis. Table 5.13.J provides the criteria for assessing the potential for interference or annoyance from vibration levels in a building, while Table 5.13.K lists the potential vibration building damage criteria associated with construction activities.

Table 5.13.J: Interpretation of Vibration Criteria for Detailed Analysis

Land Use	Max L _v (VdB) ¹	Description of Use
Workshop	90	Vibration that is distinctly felt. Appropriate for workshops and similar areas not as sensitive to vibration.
Office	84	Vibration that can be felt. Appropriate for offices and similar areas not as sensitive to vibration.
Residential Day	78	Vibration that is barely felt. Adequate for computer equipment and low-power optical microscopes (up to 20X).
Residential Night and Operating Rooms	72	Vibration is not felt, but ground-borne noise may be audible inside quiet rooms. Suitable for medium-power microscopes (100X) and other equipment of low sensitivity.

Source: LSA. *Noise and Vibration Impact Analysis for the West Foothill Development Project in Upland, California*. July 2023. Table C. Appendix G.

¹ As measured in 1/3-octave bands of frequency over the frequency range 8 to 80 Hz.

FTA = Federal Transit Administration

Max = maximum

Hz = hertz

VdB = vibration velocity decibels

L_v = vibration velocity in decibels

Construction Vibration. This construction vibration impact analysis discusses the level of human annoyance using vibration levels in VdB and assesses the potential for building damage using vibration levels in peak particle velocity (PPV) (in/sec). Vibration levels calculated in root-mean-square (RMS) velocity are best for characterizing human response to building vibration, whereas vibration levels in PPV are best for characterizing damage potential.

¹¹² Federal Transit Administration. 2018. *Transit Noise and Vibration Impact Assessment Manual*. FTA Report No. 0123. September. Website: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf (accessed February 2023).

Table 5.13.K: Construction Vibration Damage Criteria

Building Category	PPV (in/sec)	Approximate L_v (VdB) ¹
Reinforced concrete, steel, or timber (no plaster)	0.50	102
Engineered concrete and masonry (no plaster)	0.30	98
Non-engineered timber and masonry buildings	0.20	94
Buildings extremely susceptible to vibration damage	0.12	90

Source: LSA. *Noise and Vibration Impact Analysis for the West Foothill Development Project in Upland, California*. July 2023. Table D. Appendix G.

¹ RMS vibration velocity in decibels (VdB) is 1 μ in/sec.

μ in/sec = microinches per second

FTA = Federal Transit Administration

in/sec = inches per second

L_v = vibration velocity in decibels

PPV = peak particle velocity

RMS = root-mean-square

VdB = vibration velocity decibels

Table 5.13.L shows the reference vibration levels at a distance of 25 feet for each type of standard construction equipment from the Transit Noise and Vibration Impact Assessment Manual.¹¹³ Outdoor demolition and site preparation for the proposed project is expected to require the use of a large tracked bulldozer, loaded trucks, and jackhammers which would generate ground-borne vibration of up to 87 vibration velocity decibels (VdB) (0.089 PPV [in/sec]), 86 VdB (0.076 PPV [in/sec]), and 79 VdB (0.035 PPV [in/sec]) when measured at 25 feet, respectively.

Table 5.13.L: Vibration Source Amplitudes for Construction Equipment

Equipment	Reference PPV/ L_v at 25 ft	
	PPV (in/sec)	L_v (VdB) ¹
Pile Driver (Impact), Typical	0.644	104
Pile Driver (Sonic), Typical	0.170	93
Vibratory Roller	0.210	94
Hoe Ram	0.089	87
Large Bulldozer²	0.089	87
Caisson Drilling	0.089	87
Loaded Trucks²	0.076	86
Jackhammer²	0.035	79
Small Bulldozer	0.003	58

Sources: LSA. *Noise and Vibration Impact Analysis for the West Foothill Development Project in Upland, California*. July 2023. Table O. Appendix G.

¹ RMS vibration velocity in decibels (VdB) is 1 μ in/sec.

² Equipment shown in **bold** is expected to be used on site.

³ Rubber-tire bulldozer.

μ in/sec = micro-inches per second

ft = foot/feet

FTA = Federal Transit Administration

in/sec = inches per second

L_v = velocity in decibels

PPV = peak particle velocity

RMS = root-mean-square

VdB = vibration velocity decibels

The greatest vibration levels are anticipated to occur during the site preparation and grading phase. All other phases are expected to result in lower vibration levels. The distance to the nearest buildings for vibration impact analysis is measured between the nearest off-site buildings and the

¹¹³ *Ibid.*

project boundary (assuming the construction equipment would be used at or near the project boundary) because vibration impacts normally occur within the buildings.

The formulas for vibration transmission are provided below.

$$L_{\text{vdB}}(D) = L_{\text{vdB}}(25 \text{ ft}) - 30 \log(D/25)$$

$$\text{PPV}_{\text{equip}} = \text{PPV}_{\text{ref}} \times (25/D)^{1.5}$$

Table 5.13.M lists the projected vibration levels from various construction equipment expected to be used on the project site in the active construction area to the nearest buildings in the project vicinity. As shown in Table 5.13.M, the closest residential and commercial/industrial buildings north and east of the project site are approximately 190 feet and 50 feet, respectively, from the active project construction area near the center of the project site would experience vibration levels of up to 61 VdB and 78 VdB, respectively. These vibration levels would not result in community annoyance because they would not exceed the FTA community annoyance threshold of 84 VdB for uses that are not as sensitive to vibration and 78 VdB for daytime residences. Other building structures that surround the project site would experience lower vibration levels because they are farther away.

Table 5.13.M: Potential Construction Vibration Annoyance

Land Use	Direction	Equipment/ Activity	Reference Vibration Level (VdB) at 25 ft	Distance to Structure (ft) ¹	Vibration Level (VdB)
Residential	North	Large bulldozers	87	190	61
		Loaded trucks	86	190	60
		Jackhammer	79	190	53
Commercial	North	Large bulldozers	87	190	61
		Loaded trucks	86	190	60
		Jackhammer	79	190	53
Commercial	East	Large bulldozers	87	50	78
		Loaded trucks	86	50	77
		Jackhammer	79	50	70
Commercial	South	Large bulldozers	87	125	66
		Loaded trucks	86	125	65
		Jackhammer	79	125	58
Industrial	West	Large bulldozers	87	55	77
		Loaded trucks	86	55	76
		Jackhammer	79	55	69

Source: LSA. *Noise and Vibration Impact Analysis for the West Foothill Development Project in Upland, California*. July 2023. Table P. Appendix G.

Note: The FTA-recommended annoyance threshold of 84 VdB for offices (and other similar areas not as sensitive to vibration) and 78 VdB for daytime residence was used to assess potential construction vibration annoyance.

¹ Distance from the active construction area near the center of the project site to the building structure.

Ft = foot/feet

FTA = Federal Transit Administration

VdB = vibration velocity decibels

Similarly, Table 5.13.N lists the projected vibration levels from various construction equipment expected to be used on the project site at the project construction boundary to the nearest

buildings in the project vicinity. As shown in Table 5.13.N, the closest residential building to the north is approximately 125 feet from the project construction boundary and would experience vibration levels of up to 0.008 PPV (in/sec). Vibration levels at the closest residential building would not result in building damage because the residential buildings would be constructed equivalent to non-engineered timber and masonry, and vibration levels would not exceed the FTA vibration damage threshold of 0.20 PPV (in/sec).

The commercial/industrial and commercial buildings to the east and west from the project construction boundary and would experience vibration levels of up to 0.995 PPV (in/sec) and 0.352 PPV (in/sec), respectively. These vibration levels would have the potential to result in building damage because the commercial/industrial and commercial buildings building would be constructed equivalent to non-engineered timber and masonry and vibration levels would exceed the FTA vibration damage threshold of 0.20 in/sec (PPV). Therefore, project construction activities would generate a ground-borne vibration level that is not considered safe for non-engineered timber and masonry buildings, such as the buildings to the east and west, and the project would result in a potentially significant impact during construction and mitigation would be required.

The implementation of **Mitigation Measure NOI-1**, which would restrict heavy construction equipment (e.g., large bulldozers) or require the use of light construction equipment (e.g., small bulldozers and trucks) within 15 feet of the building structure would reduce construction vibration levels to 0.191 in/sec (PPV) or below.

Other building structures that surround the project site are 75 feet or more from the project construction boundary and would experience a vibration level of up to 0.017 in/sec (PPV). This vibration level would not result in building damage because the surrounding buildings would be constructed equivalent to or better than non-engineered timber and masonry and vibration levels would not exceed the FTA vibration damage threshold of 0.20 in/sec (PPV). Therefore, construction vibration impacts would be **less than significant with mitigation incorporated**.

Table 5.13.N: Potential Construction Vibration Damage

Land Use	Direction	Equipment/ Activity	Reference Vibration Level at 25 ft	Distance to Structure (ft) ¹	Vibration Level
			PPV (in/sec)		PPV (in/sec)
Residential	North	Large bulldozers	0.089	125	0.008
		Loaded trucks	0.076	125	0.007
		Jackhammer	0.035	125	0.003
Commercial	North	Large bulldozers	0.089	140	0.007
		Loaded trucks	0.076	140	0.006
		Jackhammer	0.035	140	0.003
Commercial	East	Large bulldozers	0.089	5	0.995
		Loaded trucks	0.076	5	0.850
		Jackhammer	0.035	5	0.391
Commercial	South	Large bulldozers	0.089	75	0.017
		Loaded trucks	0.076	75	0.015
		Jackhammer	0.035	75	0.007
Industrial	West	Large bulldozers	0.089	10	0.352

Table 5.13.N: Potential Construction Vibration Damage

Land Use	Direction	Equipment/ Activity	Reference Vibration Level at 25 ft	Distance to Structure (ft) ¹	Vibration Level
			PPV (in/sec)		PPV (in/sec)
		Loaded trucks	0.076	10	0.300
		Jackhammer	0.035	10	0.138

Source: LSA. *Noise and Vibration Impact Analysis for the West Foothill Development Project in Upland, California*. July 2023. Table Q. Appendix G.

Note: The FTA-recommended building damage threshold is 0.20 PPV [in/sec] at the receiving non-engineered timber and masonry building.

¹ Distance from the project construction boundary to the building structure.

Ft = foot/feet

FTA = Federal Transit Administration

in/sec = inches per second

PPV = peak particle velocity

VdB = vibration velocity decibels

Operational Vibration. The proposed project would not generate vibration. In addition, vibration levels generated from project-related traffic on the adjacent roadways (Foothill Boulevard) are unusual for on-road vehicles because the rubber tires and suspension systems of on-road vehicles provide vibration isolation. Therefore, vibration impacts from project-related operations would be **less than significant**. Mitigation is not required.

Mitigation Measures. The following mitigation measure is required to reduce potentially significant vibration impacts to the buildings located east and west of the project site to less than significant levels during project construction.

Mitigation Measure NOI-1: The construction contractor shall restrict heavy construction (e.g., large bulldozers and loaded trucks) or require the use of light construction equipment (e.g., small bulldozers and pick-up trucks) within 15 feet of a building structure. In addition, the project proponent will include this mitigation measure in the detailed grading plans for the project site prior to the issuance of grading permits.

iii. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. Cable Airport and Ontario International Airport are 0.32 mile north and 4.8 miles southeast of the project site, respectively. The project site is within the 55 to 60 dBA CNEL noise contour based on the Cable Airport Land Use Compatibility Plan.¹¹⁴ Also, the project site is outside the

¹¹⁴ Mead & Hunt, Inc. 2015. *Cable Airport Land Use Compatibility Plan*. September 14. Website: https://www.uplandca.gov/uploads/ftp/city_departments/development_services/planning/cable_airport_land_use_comp_plan/pdfs/CCB.Front%20Body.2015-11-09.pdf (accessed February 2023).

60 to 65 dBA CNEL noise contour based on the LA/Ontario International Airport Land Use Compatibility Plan.¹¹⁵ There are no private airstrips located within the vicinity of the project site. As detailed in the exterior noise compatibility standards shown Table 5.13.A, the highest level of exterior noise exposure regarded as “normally acceptable” would be 70 dBA for the proposed restaurant use and 75 dBA for the proposed industrial use. Therefore, the proposed project would not expose people working in the project area to excessive noise levels. **No impacts** would occur. Mitigation is not required.

¹¹⁵ Mead & Hunt, Inc. and Dudek and Harris Miller Miller & Hanson, Inc. 2018. LA/Ontario International Airport Land Use Compatibility Plan. July. Website: <https://www.ont-iac.com/airport-land-use-compatibility-plan/> (accessed February 2023).

5.14 POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

5.14.1 Impact Analysis

- i. *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

Less than Significant Impact. CEQA Guidelines Section 15126.2[d] identifies a project as growth inducing if it fosters economic or population growth, or the construction of additional housing either directly or indirectly in the surrounding environment. New employees from commercial or industrial development and new population from residential development represent direct forms of growth, which have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area.

Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of little significance to the environment. Typically, the growth-inducing potential of a project would be considered substantial if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies (e.g., SCAG).

As discussed in Section 2.4, the proposed project includes the complete demolition of on-site structures (19,000 square feet) and development of a 3,570-square-foot restaurant with drive-through, and two warehouse buildings (94,435 square feet combined),¹¹⁶ totaling 98,005 square feet of building area. Therefore, the project does not include development of residential uses and there would be no direct increase in population. However, implementation of the project 5-93mplo generate 5-93mployees, which may result in the increase of population growth.

¹¹⁶ This Initial Study and supporting technical studies evaluate the proposed warehouse buildings with a combined 101,092 sf of space, while the latest plans dated February 9, 2023 and submitted to the City indicate the proposed warehouse space totals approximately 94,435 sf. Accordingly, the environmental analysis assumes a greater square footage than proposed and therefore discloses potentially greater environmental effects than would occur under the proposed project.

Project-generated employment is based on anticipated employment generation from development of commercial and industrial uses on the project site. SCAG anticipates 1 employee per 124 square feet of retail use in San Bernardino County.¹¹⁷ Therefore, development of the 3,570-square-foot restaurant with drive-through could generate approximately 29 employees.¹¹⁸ Additionally, the proposed warehouse facilities would generate approximately 35 employees based on the ITE Trip Generation (11th Edition) rates for Land Use 150 – “Warehousing”.¹¹⁹ Therefore, the proposed project is expected to generate 64 employees.

Although the project would generate approximately 64 employees, growth-inducing potential of a project would only be considered substantial under CEQA if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies (e.g., SCAG). As discussed in Section 5.11, Land Use and Planning, the project site is located within the Commercial/Industrial Mixed-Use (C/I-MU) land use and zoning designation. Therefore, development of the project site with the proposed commercial and industrial uses would not require an amendment to the City General Plan or change of the zone. Additionally, the proposed project would be subject to the City’s review process, including final plan check, which would ensure the project is developed in accordance with all applicable provisions of the City Municipal Code. As such, implementation of the proposed project would be consistent with the City General Plan land use designation and zoning designation prescribed for the project site. Therefore, the project would not foster growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies (e.g., SCAG).

Since the proposed project would be consistent with the City’s land use plan and zoning designation for the project site, the project would not generate employment growth beyond what is anticipated by pertinent master plans, land use plans, or in projections made by regional planning agencies (e.g., SCAG). Therefore, the proposed project would not directly or indirectly induce substantial growth in the City. Impacts would be **less than significant** and mitigation is not required.

ii. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. As discussed in Section 2.2, the project site is vacant and includes developed land in the western portion of the site, consisting of three structures and pavement/asphalt, and the eastern portion of the site contains ruderal vegetation.¹²⁰ There is no housing on the project site. Therefore, implementation of the proposed project would not displace substantial numbers of existing people

¹¹⁷ Southern California Association of Governments. *Employment Density Study Summary Report*. Table 8A. October 31, 2001.

¹¹⁸ $3,570 \text{ square feet of commercial uses} \div 124 \text{ square feet per employee} = 28.79 \text{ employees}$.

¹¹⁹ Average 1.71 daily vehicle trips per 1,000 square feet gross floor area and average 5.05 daily vehicle trips per employee. $1.71 \div 5.05 = 0.34 \text{ employees per 1,000 square feet gross floor area}$. $0.34 \times 101.092 = 34.37 \text{ employees}$.

¹²⁰ Ruderal vegetation consists of species (often invasive) that are first to colonize disturbed lands.

or housing, necessitating the construction of replacement housing elsewhere. **No impact** would occur, and no mitigation is required.

5.15 PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
c. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	☒	☐
ii. Police protection?	☐	☐	☒	☐
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☒	☐
v. Other public facilities?	☐	☐	☒	☐

5.15.1 Impact Analysis

a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i. Fire protection?

Less than Significant Impact. The San Bernardino County Fire District (SBCFD), Division 1, provides fire protection, fire prevention, and emergency services to the City of Upland and the project site. San Bernardino County Fire Station 163 located at 1350 N. Benson Avenue approximately 0.7-mile to the northeast is the closest station to the project site. Average travel time between Fire Station 163 and the project site is 2 minutes. As discussed in Section 5.17, Transportation, the project would not adversely affect the surrounding transportation network or increase the congestion on roadways within the project vicinity with implementation of recommended improvements to the intersection of Benson Avenue/Foothill Boulevard, located approximately 950 feet east of the project site. Therefore, the project is not expected to increase the SBCFD's response times due to increased congestion on area roadways.

As discussed in Section 3.14, Population and Housing, the project would generate approximately 64 employees. Therefore, development of the proposed project may incrementally increase the demand for fire protection services but not to the degree that the existing fire stations within the City could not meet demand. The project would be constructed in accordance with applicable CBC and California Fire Code requirements to minimize fires and project design features would be incorporated into the structural design and layout of the proposed buildings to reduce potential service demand increases to a minimum. For example, the Project Applicant must coordinate with

the SBCFD during the City's final plan check process to identify and mitigate any fire hazards and ensure adequate emergency water flow, fire-resistant design and materials, early warning systems and evacuation routes, and two 40-foot-wide fire lane access driveways off Foothill Boulevard to provide emergency access to the site. Additionally, the City maintains mutual aid agreements with surrounding cities (e.g., Rancho Cucamonga, Montclair, Claremont, and Ontario) and San Bernardino County, which allow for the services of nearby fire departments to assist the City during major emergencies.

The proposed project design would be submitted to and approved by the SBCFD prior the issuance of building permits. Furthermore, the Project Applicant would be required to pay applicable Development Impact Fees (DIFs) used to fund capital costs associated with constructing new public safety structures such as fire stations and purchasing equipment for new public safety structures. Based on the information and analysis above, the addition of the proposed buildings constructed in accordance with applicable policies designed to minimize fires (i.e., CBC and California Fire Code) would not require new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts. Therefore, impacts would be **less than significant**, and mitigation is not required.

ii. Police protection?

Less than Significant Impact. The City of Upland Police Department (UPD) headquarters is located at 1499 W. 13th Street, approximately 0.7-mile northeast of the project site. Implementation of the project would generate approximately 64 employees, which could incrementally increase the demand for police services. However, the project would incorporate Crime Prevention Through Environmental Design (CPTED) features pursuant to City General Plan Policy HC-7.4 to reduce police service demand to the extent feasible through implementation of applicable design methods. For example, the project would incorporate public zones and customer-only zones via physical and symbolic barriers to define acceptable uses of the proposed and existing facilities and determine who has a right to occupy such zones. Additionally, the project site would be equipped with formal surveillance through the use of closed-circuit television, electronic monitoring, and potential security patrols, as well as informal surveillance such as architecture, landscaping, and lighting designed to minimize visual obstacles and eliminate places of concealment.

Additionally, the City monitors staffing levels to ensure that adequate police protection and response times continue to be provided as individual development projects are proposed and on an annual basis as part of the City Council's budgeting process. The continual monitoring of police staffing levels by the City would ensure the proposed project would not result in a significant reduction in police response times. In addition, the City maintains mutual aid agreements with police agencies in the surrounding cities (e.g., Rancho Cucamonga, Montclair, and Ontario) and with the San Bernardino County Sheriff's Department, which allow for the services of nearby police departments to assist the UPD during major emergencies.

Funding for new police facilities commensurate with the increased demand for services in the City would be provided from capital improvement fees levied on new development. These DIFs are one-time charges applied to new development and are imposed to raise revenue for the construction or expansion of capital facilities such as police stations located outside of project boundaries of a new

development that benefit the area. DIFs enable the City to collect fair-share fees from new development projects to fund new infrastructure and services, including police services. DIFs are collected for specific infrastructure needs and are deposited into different accounts representing these requirements. The Project Applicant would be required to pay applicable DIFs used to fund capital costs associated with constructing new public safety structures and purchasing equipment for new public safety structures. Payment of applicable DIFs commensurate with the increased demand for services in the City would offset any increase in demand for police services.

Based on the information and analysis provided above, the proposed project would not require new or physically altered police protection facilities, the construction of which could cause significant environmental effects. Therefore, impacts would be **less than significant**, and mitigation is not required.

iii. Schools?

No Impact. The project does not include housing; therefore, no increase in the number of school-age students would occur. California Government Code (Section 65995[b]) establishes the base amount of allowable developer fees imposed by school districts. These base amounts are commonly referred to as “Level 1 fees” and are subject to inflation adjustment every two years. School districts are placed into a specific “level” based on school impact fee amounts that are imposed on the development. With the adoption of Senate Bill 50 and Proposition 1A in 1998, schools meeting certain criteria can now adopt Level 2 and 3 developer fees. The amount of fees that can be charged over the Level 1 amount is determined by the district’s total facilities needs and the availability of State matching funds. If there is State facility funding available, districts are able to charge fees equal to 50 percent of their total facility costs, termed “Level 2” fees. If, however, there are no State funds available, “Level 3” fees may be imposed for the full cost of their facility needs.¹²¹

Per California Government Code, “The payment or satisfaction of a fee, charge, or other requirement levied or imposed ... are hereby deemed to be full and complete mitigation of the impacts on the provision of adequate school facilities.” The Project Applicant would be required to pay these development fees in accordance with Government Code 65995 and Education Code 17620. Through payment of applicable development fees, **no impacts** related to school services would occur. Mitigation is not required.

iv. Parks?

Less than Significant Impact. Please refer to Section 5.16.1.a and Section 5.16.1.b below. Impacts would be **less than significant** and no mitigation is required.

¹²¹ California State Legislature, Legislative Analyst’s Office. An Evaluation of the School Facility Fee Affordable Housing Assistance Programs, January 2001. Website:
http://www.lao.ca.gov/2001/011701_school_facility_fee.html (accessed March 5, 2023).

v. Other public facilities?

Less than Significant Impact. The type of use of the proposed project (commercial and industrial uses) does not generate substantial unplanned population in the City that would require access to public facilities, including the Upland Public Library (450 N. Euclid Avenue). Additionally, as discussed in Section 5.11, Land Use and Planning, and Section 5.14, Population and Housing, the project would be developed in accordance with the existing land use and zoning designation of the site (Commercial/Industrial Mixed-Use) and the project would generate approximately 64 employees, which is consistent with the planned growth of the City. As such, there would be no substantial increase in the need for a number of public services, such as libraries and City administrative facilities, as well as those listed above. However, in the same manner for those facilities, the Project Applicant would be required to pay applicable DIFs used to fund capital costs associated with constructing new public facility structures and purchasing equipment for new public facilities, including libraries.

Based on the information and analysis provided above, the proposed project is not expected to result in the need to construct or expand other public facilities, including libraries. Therefore, impacts would be **less than significant**, and mitigation is not required.

5.16 RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

5.16.1 Impact Analysis

- a. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Less than Significant Impact. The project would not involve the addition of any housing units that would permanently increase the City's population. Although the project could generate approximately 64 employees, these employees would likely be dispersed across the city and neighboring cities, so the use of recreational facilities would similarly be spread out. Since the project would not result in a permanent increase in the City's population, development of the project would not create a significant increase in the use of existing neighborhood, regional parks, or other recreational facilities.

The City maintains a performance standard of 3 acres of parkland for every 1,000 residents. Therefore, an increase of approximately 64 employees on the project site would not result in the deterioration of existing parks in the City because the City exceeds its parkland performance standard by 49.3 acres and therefore has sufficient recreational amenities for the City's existing population plus up to an additional 16,566 persons.¹²² Finally, the project Applicant would be required to pay applicable development fees to offset impacts from deterioration to parks and recreation facilities in the City. Impacts would be **less than significant**, and mitigation is not required.

- b. *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

Less than Significant Impact. The City maintains a performance standard of 3 acres of parkland for every 1,000 residents. The City consists of 286.1 acres of developed parkland, including parkland obtained through joint use agreements with Upland Unified School District.¹²³ As indicated in

¹²² 49.7 acres of parkland in excess of the City's parkland performance standard ÷ 3 acres of parkland for every 1,000 residents x 1,000 residents = 16,566.6 residents.

¹²³ City of Upland, State of California. *Final Program EIR, General Plan Update, SCH No. 2012041006*. Page 5.20-7. Certified September 28, 2015.

Section 5.1.1.c, the City's population is estimated to be 79,274 persons as of July 1, 2021. Therefore, 237.8 acres of parkland are required to maintain the City's performance standard of 3 acres of parkland for every 1,000 residents. As indicated above, the City consists of 286.1 acres of developed parkland. Therefore, the City currently exceeds its parkland performance standard by 49.3 acres.

The City exceeds its parkland performance standard by 49.3 acres and therefore has sufficient recreational amenities for the City's existing population plus up to an additional 16,566 persons. Additionally, the proposed project does not include any modifications to the City's parkland or any recreational facilities. Therefore, the project would not require the construction of new or expansion of existing park facilities to serve the proposed development. Impacts would be **less than significant**, and mitigation is not required.

5.17 TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b. Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?	☐	☐	☒	☐
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d. Result in inadequate emergency access?	☐	☐	☒	☐

5.17.1 Impact Analysis

- a. *Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

The following discussion is based in part on the project-specific Traffic Impact Analysis (TIA) prepared for the proposed project (Appendix H).¹²⁴

Less than Significant Impact. This section discusses potential impacts to the circulation system, transit services, bicycle facilities, and pedestrian system.

Traffic Circulation. The project TIA scope was approved through consultation with City Staff to evaluate effects of project-generated traffic volume during the a.m. and p.m. peak hours¹²⁵ and not pursuant to average daily trips.

The project study area regarding the surrounding transportation network includes the following intersections:

1. Central Avenue/Foothill Boulevard;
2. Central Avenue/11th Street;
3. Project Driveway 1/Foothill Boulevard;
4. Project Driveway 2/Foothill Boulevard; and
5. Benson Avenue/Foothill Boulevard.

¹²⁴ LSA. *Traffic Impact Analysis, West Foothill Development Project, City of Upland, San Bernardino County, California*. February 2023. Appendix H.

¹²⁵ The a.m. peak hour is defined as the one hour of highest traffic volumes occurring between 7:00 and 9:00 a.m. The p.m. peak hour is the one hour of highest traffic volumes occurring between 4:00 and 6:00 p.m.

The project study area regarding the surrounding transportation network includes the following roadway segments:

1. Foothill Boulevard, between Central Avenue and Project Driveway 1;
2. Foothill Boulevard, between Project Driveway 2 and Benson Avenue.

Study intersections and roadway segments are under the jurisdiction of the City. The City uses level of service (LOS) D as their minimum level of service criteria for all intersections and roadway segments within the City

The traffic analysis examines traffic operations in the vicinity of the proposed project under the following five scenarios:

- **Existing Condition:** Baseline conditions.
- **Opening Year (2024) Without Project Conditions:** Developed by applying a growth rate of 2.0 percent per annum to existing traffic volumes and adding trips from approved and pending development projects in the area.
- **Opening Year (2024) Plus Project Conditions:** Developed by adding proposed project traffic to the opening year without project traffic volumes.
- **Horizon Year (2045) Without Project Conditions:** Developed by using forecast traffic volumes obtained from the San Bernardino Transportation Analysis Model (SBTAM).
- **Horizon Year (2045) Plus Project Conditions:** Developed by adding proposed project traffic to the horizon year without project traffic volumes.

As detailed in Table 5.17.A, the proposed project is anticipated to add 1,050 total net daily passenger car equivalent¹²⁶ (PCE) trips, with 104 net PCE trips occurring during the a.m. peak hour and 79 net PCE trips occurring during the p.m. peak hour. Evaluation of LOS effects are presented in Chapters 6 and 7 of Appendix H.

¹²⁶ PCE trips are 2-axle, 3-axle, and 4 or more axle truck trips that are converted to PCE trips using PCE factors pursuant to the City's TIA Guidelines.

Table 5.17.A: Project Trip Generation

Land Uses	A.M. Peak Hour			P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	
Warehouse^{1,2,3,4}							
Trip Generation (Cars)	9	3	12	4	9	13	120
Trip Generation (2-Axle Trucks)	1	0	1	1	0	1	12
Trip Generation (3-Axle Trucks)	0	1	1	1	0	1	10
Trip Generation (4+ Axle Trucks)	2	1	3	2	1	3	33
Trip Generation (Total Trucks)	3	2	5	4	1	5	55
Trip Generation (Total)	12	5	17	8	10	18	175
Trip Generation (Cars)	9	3	12	4	9	13	120
PCE Trip Generation (2-Axle Trucks)	2	0	2	2	0	2	18
PCE Trip Generation (3-Axle Trucks)	0	2	2	2	0	2	20
PCE Trip Generation (4+ Axle Trucks)	6	3	9	6	3	9	99
PCE Trip Generation (Total Trucks)	8	5	13	10	3	13	137
PCE Trip Generation (Total)	17	8	25	14	12	26	257
Fast Food Restaurant with Drive-Through Window⁵							
Trip Generation (Cars)	81	78	159	61	57	118	1,669
Pass-By Trips ⁶	(41)	(39)	(80)	(34)	(31)	(65)	(876)
Net Trip Generation (Cars)	40	39	79	27	26	53	793
Total Gross Trip Generation (Cars)	90	81	171	65	66	131	1,789
Total Gross PCE Trip Generation (Trucks)	8	5	13	10	3	13	137
Total Gross PCE Trip Generation	98	86	184	75	69	144	1,926
Total Net Pass-By Trips	(41)	(39)	(80)	(34)	(31)	(65)	(876)
Total Net PCE Trip Generation	57	47	104	41	38	79	1,050

Source: LSA. *Traffic Impact Analysis, West Foothill Development Project, City of Upland, San Bernardino County, California*. Table 5-A. February 2023. Appendix H.

¹ Rates obtained from the Institute of Transportation Engineers (ITE) *Trip Generation Manual* (11th Edition) for Land Use 150 - "Warehousing", Setting Location - "General Urban/Suburban."

² Passenger vehicle and truck in/out splits obtained from the ITE *Trip Generation Manual* (11th Edition), Land Use 150 - "Warehousing", Setting/Location - "General Urban/Suburban."

³ The resulting trips were converted to trucks and passenger vehicles based on the South Coast Air Quality Management District (SCAQMD) recommendations for warehousing projects. As such, 31 percent of project traffic will be trucks. Based on the vehicle mix from the SCAQMD *Warehouse Truck Trip Study Data Results and Usage*, dated December 2014, the truck mix was considered as 18.7% 4+ axle, 5.5% 3-axle, and 6.8% 2-axle trucks. Further, all truck trips were converted to PCEs using a PCE factor of 1.5 for 2-axle trucks, 2.0 for 3-axle trucks, and 3.0 for 4-and more axle trucks.

⁴ This Initial Study evaluates the proposed warehouse buildings with a combined 101,092 square feet of space, while the latest plans dated 2/9/2023 and submitted to the City indicate the proposed warehouse space totals approximately 94,435 square feet. Accordingly, the trip generation assumes a greater square footage than what is proposed and therefore, discloses potentially greater effects than what would occur under the proposed project.

⁵ Rates obtained from the ITE *Trip Generation Manual* (11th Edition) for Land Use 934 - "Fast-Food Restaurant with Drive-Through Window", Setting Location - "General Urban/Suburban."

⁶ Pass-by rates obtained from the ITE *Trip Generation Manual* (11th Edition) for Land Use 934 - "Fast-Food Restaurant with Drive-Through Window." Daily pass-by rates are not available for this land use in the ITE Manual; therefore, the average of the a.m. and p.m. peak hour pass-by rates was used as the daily pass-by rate.

TSF = Thousand Square Feet

PCE = Passenger Car Equivalent

All study intersections and roadway segments operate at a satisfactory LOS under existing conditions, with the exception of one intersection (#5 listed above). Additionally, all intersections and roadway segments are forecast to operate at a satisfactory LOS under opening year (2024) with and without project conditions, with the exception of one intersection (#5 listed above). Finally, all intersections and roadway segments are forecast to operate at a satisfactory LOS under the horizon year (2045) with and without project conditions, with the exception of one intersection (#5 listed above).

Recommended transportation improvements (including project-specific improvements) to facilitate satisfactory LOS of the study intersections listed above during project operation are detailed in Chapter 11 of Appendix H. As discussed in Chapter 11.1 “Recommended Improvements” of Appendix H, recommended improvements include to optimize the cycle length of the existing signal at the intersection of Benson Avenue/Foothill Boulevard (#5 listed above). However, current signal times may be coordinated throughout the entire length of Foothill Boulevard within the City and therefore optimizing the cycle length at this intersection may require coordination with City staff.¹²⁷

Where the project results in a reduced LOS on the roadway network and the agency with jurisdiction over the affected intersection does not have a Development Impact Fee Program for a specific improvement, the project would pay its respective fair share for the proposed improvement. The project’s fair share has been calculated based on project traffic as a percentage of total growth from existing to cumulative conditions.¹²⁸ Table 11-A in Appendix H details the recommended improvements for the deficient intersection (#5 listed above) that requires the project to pay for its fair share contribution. As discussed above, the recommended improvements may require coordination with City staff and would be reviewed and approved by the City Engineer in the final engineering phase in order to ensure LOS at all project study intersections, including Intersection #5, operate at satisfactory LOS.

Access to the project site would be provided via two driveways along Foothill Boulevard. As discussed above and detailed in Chapters 6 and 7 of Appendix H, the proposed driveways (Intersections #3 and #4 listed above) are anticipated to operate at an acceptable LOS for both the opening year (2024) and horizon year (2045) with project conditions. Additionally, project traffic is not anticipated to cause significant internal queuing/stacking effects at project driveways during the a.m. and p.m. peak hours for both opening year (2024) and horizon year (2045) with project conditions.¹²⁹ The project driveways would also provide adequate sight distance for vehicles entering and exiting the site.¹³⁰ Therefore, motorists would be able to enter and exit the project site from the proposed driveways safely, and without excessive congestion.

The preceding analysis of LOS is for disclosure purposes as it relates to consistency with the County’s General Plan minimum level of service criteria for intersections, as CEQA Guidelines

¹²⁷ LSA. *Traffic Impact Analysis, West Foothill Development Project, City of Upland, San Bernardino County, California*. Section 11.1. February 2023. Appendix H.

¹²⁸ *Ibid.* Section 11.2.2.

¹²⁹ *Ibid.* Section 8.0.

¹³⁰ *Ibid.* Section 9.1.

Section 15064.3, subdivision (b) establishes “vehicle miles traveled” criteria in lieu of LOS for analyzing transportation impacts. With implementation of improvements discussed in Chapter 11, “Circulation Improvements and Funding Sources” of Appendix H, LOS at all project study intersections would operate at satisfactory LOS. Additionally, adequate storage lengths and sight distances are available at both project driveways to provide safe access to the project site. Therefore, impacts to traffic circulation would be **less than significant**. No mitigation measures would be required.

Transit Services, Bicycle Facilities, and Pedestrian System. The Omnitrans’ Route 66 bus stop near the intersection of Central Avenue/Foothill Boulevard approximately 0.25-mile west of the site provides transit service in the project vicinity. There are no bicycle facilities on Foothill Boulevard along the project site frontage. However, according to the City’s Bikeway Network, Class II (striped/marked with signage) and Class III (not striped/marked with signage) bike routes are planned on Foothill Boulevard along the project’s frontage, which would facilitate alternative modes of transportation in the project vicinity.¹³¹ By introducing new employment opportunities and commercial services on an underutilized property in proximity to an existing bus stop and planned bicycle facilities, the project would facilitate increased alternative transit mobility in the project vicinity. As detailed in Figure 4, the proposed project would construct a pedestrian sidewalk along the site’s frontage on Foothill Boulevard to promote safe pedestrian access to the site. The proposed project would be site specific and would not require new transit stops or the significant relocation of existing transit stops and would not preclude development and/or use of existing public and alternative transit facilities. Implementation of the proposed project would not conflict with a program, plan, ordinance, or policy addressing the transit services, pedestrian system, or bicycle facilities and this impact would be **less than significant**. No mitigation measures would be required.

b. Would the project conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?

Less than Significant Impact. CEQA Guidelines Section 15064.3, subdivision (b) establishes “vehicle miles traveled” criteria in lieu of LOS for analyzing transportation impacts and was signed into law as Senate Bill (SB) 743 in 2013. The Office of Planning and Research (OPR) approved regulatory changes to the CEQA Guidelines that implement SB 743 on December 28, 2018. However, lead agencies were able to use LOS for analyzing transportation impacts until July 1, 2020. Pursuant to SB 743, the City adopted Traffic Impact Analysis Guidelines (TIA Guidelines) (July 2020), which includes screening criteria, VMT analysis methodology, VMT impact thresholds, and VMT mitigation measures to analyze a project’s transportation impacts.

The City’s TIA Guidelines do not recommend a VMT analysis methodology for mixed-use projects. However, the OPR’s Technical Advisory for Evaluating Transportation Impacts in CEQA (dated December 2018), indicates that VMT impacts for mixed-use projects can be determined by evaluating each land use separately.

¹³¹ City of Upland. *City of Upland General Plan, Chapter 5- Circulation Element*. Figure CIR-2, Bicycle Routes. September 2015.

According to the City's TIA Guidelines, restaurants less than 50,000 square feet and warehousing less than 143,000 square feet are presumed to have a less than significant VMT impact and can be screened out from a VMT analysis.¹³² The proposed project includes development of a 3,570-square-foot restaurant with drive through and two warehouse buildings, totaling 94,435 square feet. Therefore, both the restaurant and warehousing components of the proposed project are presumed to have a less than significant VMT impact and a VMT analysis is not required. Impacts would be **less than significant**, and mitigation is not required.

c. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than Significant Impact. Roadway improvements in and around the project site would be designed and constructed to satisfy all City requirements for street widths, corner radii, intersection control, as well as incorporate design standards tailored specifically to site access requirements pursuant to Chapter 17.05 (Mixed-Use Zones) of the City's Municipal Code. Additionally, as discussed in Section 3.17.1.a, adequate storage lengths and sight distances are available at both project driveways to provide safe access to the project site. Entrances and exits to and from parking and loading facilities would be marked with directional signage, and all site access points and driveway aprons are designed and would be constructed to adequate widths for public safety pursuant to local requirements. The project would also include construction of curb, gutter, sidewalk, street trees, and streetlights along the northern frontage of the site on Foothill Boulevard to provide safe pedestrian access to the site.

The City, at final plan check, would ensure that all improvements associated with the project are consistent with City standards and requirements. Adherence to applicable City requirements would ensure the proposed development would not include any sharp curves or dangerous intersections. Therefore, no substantial increase in hazards due to a design feature would occur. Impacts are **less than significant**, and mitigation is not required.

d. Would the project result in inadequate emergency access?

Less than Significant Impact. The project site is located along a major transportation corridor (Foothill Boulevard), and development of the project has the potential to affect circulation patterns and emergency access and evacuation during construction and operation activities.

Construction. Construction activities that may temporarily restrict vehicular traffic would be required to implement appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures in accordance with Chapter 12.08.060 (Street Closure Permits -Temporary and Partial Street Closures) of the City Municipal Code. Typical City requirements include prior notification of any lane or road closures with sufficient signage before and during any closures, flag crews with radio communication when necessary to coordinate traffic flow, etc. The Project Applicant would be required to comply with these requirements, which would maintain emergency access and allow for evacuation if needed during construction activities.

¹³² LSA. *Traffic Impact Analysis, West Foothill Development Project, City of Upland, San Bernardino County, California*. Section 10.1. February 2023. Appendix H.

Compliance with these requirements would ensure that short-term impacts related to this issue are **less than significant**. Mitigation is not required.

Operation. Access to and from the project site is available from Foothill Boulevard via two ingress/egress driveways. Emergency access within the site would be provided by - 30-foot-wide internal drive aisles, which encircle the three proposed buildings and connect to the proposed driveways. Additionally, in accordance with the California Fire Code, the Project Applicant is required to design, construct, and maintain structures, roadways, and facilities to maintain appropriate emergency/evacuation access to and from the project.

These improvements would be subject to the City's final plan check process to ensure compliance with local requirements and would also be reviewed by the San Bernardino County Fire District and the Upland Police Department through the City's general development review process. Proper site design and compliance with standard and emergency City access requirements would allow for evacuation if necessary during ongoing business operations. This would ensure that long-term impacts related to this issue are **less than significant**. Mitigation is not required.

5.18 TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? Or	☐	☒	☐	☐
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

5.18.1 Impact Analysis

a. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

i. *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?*

Please refer to Section 5.18.1.ii, below.

ii. *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

Less than Significant with Mitigation Incorporated. The term “California Native American tribe” is defined as “a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission (NAHC).”

Chapter 532, Statutes of 2014 (i.e., Assembly Bill 52), requires Lead Agencies to evaluate a project's potential to affect "tribal cultural resources." Such resources include "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources." Assembly Bill (AB) 52 also gives Lead Agencies the discretion to determine, supported by substantial evidence, whether a resource qualifies as a "tribal cultural resource."

CEQA defines a "historical resource" as a resource that meets one or more of the following criteria: (1) is listed in, or determined eligible for listing in, the California Register of Historical Resources (California Register); (2) is listed in a local register of historical resources as defined in PRC Section 5020.1(k); (3) is identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or (4) is determined to be a historical resource by a project's Lead Agency (PRC Section 21084.1 and State CEQA Guidelines Section 15064.5[a]).

"Local register of historical resources" means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.

A resource may be listed as a historical resource in the California Register of Historical Resources if it meets any of the following National Register of Historic Places criteria as defined in PRC Section 5024.1(C):

- a. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- b. Is associated with the lives of persons important in our past.
- c. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- d. Has yielded, or may be likely to yield, information important in prehistory or history.

A "substantial adverse change" to a historical resource, according to PRC Section 5020.1(q), "means demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired."

CEQA Guidelines do not preclude identification of historical resources as defined in Public Resources Code Sections 5020.1(j) or 5024.1. Pursuant to State CEQA Guidelines Section 15064.5[c][4], if an archaeological resource is neither a unique archaeological nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It

shall be sufficient that both the resource and the effect on it are noted in the Initial Study, but they need not be considered further in the CEQA process.¹³³

Per AB 52 (specifically California Public Resources Code 21080.3.1), Native American consultation is required upon request by interested California Native American tribes that have previously requested that the City provide them with notice of such projects. City staff consulted with Native American Tribes for the proposed project pursuant to California Public Resources Code Section 21080.3.1. The Yuhaaviatam of San Manuel Nation (Yuhaaviatam) requested **Mitigation Measures TCR-1** and **TCR-2** be prescribed to ensure that the Yuhaaviatam are consulted for input in the event cultural resources are encountered during ground-disturbing activities.

Mitigation Measures. The following mitigation measures are required to reduce potentially significant impacts to tribal cultural resources to less-than-significant levels.

Mitigation Measure TCR-1 The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) 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. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

Mitigation Measure TCR-2 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.

As discussed in Sections 5.5.1.b and 5.5.1.c, Cultural Resources, the project would have the potential to impact tribal cultural resources or Native American human remains if discovered during project construction. Accordingly, **Mitigation Measures TCR-1** and **TCR-2** are prescribed to ensure the project would be conditioned to cease excavation or construction activities if cultural, tribal cultural, archaeological resources, or human remains are identified and would include provisions for a cultural resources Monitoring and Treatment Plan in such an instance. These measures also would ensure further consultation with interested Native American Tribes for the appropriate treatment of

¹³³ Pursuant to Section 21082.3(c) of the Public Resources Code, details on the nature, extent, and location of Tribal Cultural Resources identified by Native American Tribes shall remain confidential for the purposes of this analysis.

tribal cultural resources. Therefore, impacts to tribal cultural resources would be reduced to **less than significant with Mitigation Incorporated**.

5.19 UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☒	☐	☐

5.19.1 Impact Analysis

- a. *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Less than Significant Impact. The proposed project would interconnect to existing utilities, such as water, drainage, electric, gas, and telecommunications facilities, where available along the site frontage of Foothill Boulevard.

The approval of drainage features and other utility improvements occurs through the building plan check process. As part of this process, all project-related drainage features and utility infrastructure would be required to comply and Title 13 (Public Services) of the City Municipal Code, as well as Santa Ana RWQCB standards. On-site project-related drainage features would be designed, installed, and maintained per the San Bernardino County MS4 Permit, the City Municipal Code, and the requirements identified in the Final WQMP (per **Standard Conditions HYD-3 and HYD-4**).

All proposed improvements and interconnection to drainage, electric power, natural gas, water, and wastewater facilities would be installed simultaneously with finish grading activities and required project frontage improvements (curb, gutter, sidewalk, landscaping, streetlights, and trees) along Foothill Boulevard. The areas of potential impact from drainage and utility infrastructure improvements is included in the analytical footprint of this Initial Study and associated technical studies, and impacts are mitigated where necessary to less than significant levels. As a result, interconnection to the existing utilities in the project vicinity would not result in substantial

disturbance to native habitat or soils, or to the operation of existing roadways and utilities. There would be no significant environmental effects specifically related to the installation of utility interconnections that are not encompassed within the project's construction and operational footprints, and therefore already identified, disclosed, and subject to all applicable mitigation measures, as well as local, State, and federal regulations, as part of this Initial Study. Therefore, impacts related to relocation of utilities would be **less than significant**. Mitigation is not required.

b. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than Significant Impact. The City Public Works Department supplies water to the City and the project site via several sources, including imported water from the Metropolitan Water District of Southern California (MWD), groundwater from three adjudicated basins (Chino Basin, Six Basins, and Cucamonga Basin), surface water purchased from San Antonio Water Company (SAWCo) and treated by the City, and recycled water purchased from the Inland Empire Utilities Agency (IEUA).¹³⁴ Groundwater comprises the largest source of water for the City.¹³⁵ According to the City's 2020 Urban Water Management Plan (UWMP), none of the basins supplying groundwater to the City are considered overdrafted basins or basins in a "critical overdraft" condition.¹³⁶

On March 28, 2022, the California Governor issued Executive Order N-7-22, which encourages all Californians and water agencies to restrict water usage, restrict new and expansion of existing groundwater wells, promote projects that facilitate groundwater recharge, and reduce their reliance on imported water from the State Water Project (SWP).¹³⁷ In response to Executive Order N-7-22, the MWD, which supplies the City with 30 percent of its water supply, implemented an Emergency Water Conservation Program that offered the City two pathways towards compliance with Executive Order N-7-22; they include either (1) restricting outdoor irrigation to one day per week beginning June 1, 2022, or (2) complying with monthly allocation limits subject to penalties. The City opted for the latter taking a reduced monthly allocation of imported water.¹³⁸ Additionally, the City implemented Level III-High stage water shortage of its Water Shortage Contingency Plan on May 23, 2022, which includes irrigation restrictions (e.g. limiting irrigation to two days a week).¹³⁹

The City models each scenario based on the planned growth for the City in accordance with the City General Plan Land Use Element. Based on the City's projected growth, the City determined it has adequate water supplies to meet the projected demand for Normal Year, Single Dry Year, and Five Consecutive Dry Years scenarios through the year 2045.¹⁴⁰ Additionally, the City would implement

¹³⁴ City of Upland. *2020 Urban Water Management Plan*. Page 6-1. June 2021.

¹³⁵ *Ibid.* Table 6-8.

¹³⁶ *Ibid.* Page 6-2.

¹³⁷ State of California, Executive Department. *Executive Order N-7-22*. March 28, 2022. Website: <https://www.gov.ca.gov/wp-content/uploads/2022/03/March-2022-Drought-EO.pdf> (accessed March 6, 2023).

¹³⁸ City of Upland. *The City of Upland's Water Shortage Frequently Asked Questions (FAQ)*. Website: https://www.uplandca.gov/uploads/files/Water/Upland%20FAQ%20Drought_5.26.2022-v1.pdf (accessed March 6, 2023).

¹³⁹ *Ibid.*

¹⁴⁰ *Ibid.* Page 7-10.

various stages of its Water Shortage Contingency Plan when necessary to reduce its water demand and balance its demand with available water supplies during Multiple-Dry Year conditions.¹⁴¹ As previously stated, the City models each scenario based on the land use and zoning designations within the City. As discussed in Section 5.11.b, the proposed project is consistent with and would be developed in accordance with the land use and zoning designations of the project site. Therefore, the proposed project is already accounted for in the water supply and demand scenarios determined by the City and sufficient water supplies would be available to serve the proposed project. Since sufficient water supplies are available to serve the proposed project and reasonably foreseeable future development during normal, dry, and multiple dry years, impacts would be **less than significant**. No mitigation is required.

- c. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

Less than Significant Impact. The project site is within the sewer service area of the City and the IEUA. Operational discharge flows treated by the IEUA would be required to comply with waste discharge requirements for that facility. IEUA serves approximately 875,000 people over 242 square miles in Western San Bernardino County and provides services to the Cities of Chino, Chino Hills, Fontana, Montclair, Ontario, Upland, and Rancho Cucamonga.¹⁴² IEUA operates four Regional Water Recycling Plants (RPs), including RP-1, RP-4, RP-5, and the Carbon Canyon Water Recycling Facility. IEUA's RP-1 located in the City of Ontario treats local wastewater generated by the City.¹⁴³

IEUA's four RPs have a combined treatment capacity of approximately 86 million gallons per day (MGD) and currently treat over 50 MGD.¹⁴⁴ RP-1 has a capacity of 44 MGD and treats an average flow of 28 MGD of wastewater to provide recycled water to users. Therefore, RP-1 has a surplus capacity of approximately 16 MDG.¹⁴⁵

Based on sewer generation rates for the proposed commercial, office, and industrial uses provided in the City's General Plan EIR,¹⁴⁶ the proposed project would generate approximately 0.0123 MGD¹⁴⁷ of wastewater. The project's estimated wastewater treatment demand represents 0.00000007

¹⁴¹ *Ibid.*

¹⁴² Inland Empire Utilities Agency. *About Us*. Website: <https://www.ieua.org/about-us/> (accessed March 6, 2023).

¹⁴³ Inland Empire Utilities Agency. *Facilities, Regional Water Recycling Plant No. 1*. Website: <https://www.ieua.org/regional-water-recycling-plant-no-1/> (accessed March 6, 2023).

¹⁴⁴ Inland Empire Utilities Agency. *Facilities*. Website: <https://www.ieua.org/facilities/> (accessed March 6, 2023).

¹⁴⁵ Inland Empire Utilities Agency. *Facilities, Regional Water Recycling Plant No. 1*. Website: <https://www.ieua.org/regional-water-recycling-plant-no-1/> (accessed March 6, 2023).

¹⁴⁶ City of Upland, State of California. *Final Program EIR, General Plan Update, SCH No. 2012041006*. Appendix H: Public Service & Utility Correspondence, Table 1: General Plan Growth Above Existing Conditions. Certified September 28, 2015.

¹⁴⁷ Commercial Use: $3,570 \text{ sf} \times 80 \text{ gpd per } 1,000 \text{ sf} = 285.6 \text{ gpd} \div 1,000,000 = 0.0003 \text{ mgd}$; Office Use: $20,000 \text{ sf} \times 150 \text{ gpd per } 1,000 \text{ sf} = 3,000 \text{ gpd} \div 1,000,000 = 0.003 \text{ mgd}$; Industrial Use: $81,092 \text{ sf} \times 115 \text{ gpd per } 1,000 \text{ sf} = 9,325.58 \text{ gpd} \div 1,000,000 = 0.009 \text{ mgd}$.

percent of RP-1's current daily surplus capacity.¹⁴⁸ As sufficient surplus treatment capacity is available, impacts would be **less than significant**, and mitigation is not required.

d. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less than Significant Impact. Solid waste collection is a “demand-responsive” service, and current service levels can be expanded and funded through user fees. Solid waste from the proposed project would be hauled by Burrtec Waste Industries, Inc. and transferred to the West Valley Materials Recycling Facility (MRF)/Transfer Station. From the MRF, the non-recyclable material would be sent to Mid-Valley Landfill. Mid-Valley Landfill has a daily throughput of 7,500 tons with a remaining capacity of 61,219,377 cubic yards.¹⁴⁹

Based on a generation rate of 11.9 pounds per employee per day¹⁵⁰ (64 employees), the project would generate approximately 761.6 pounds of solid waste per day.¹⁵¹ This amount is equivalent to as much as 0.0051 percent of the daily throughput at Mid-Valley Landfill.¹⁵² Therefore, the Mid-Valley Landfill has adequate capacity to serve the proposed project. As adequate daily surplus capacity exists at the receiving landfill, and the project would comply with local and State waste reduction strategies, the project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure. Impacts would be **less than significant**, and mitigation is not required.

e. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less than Significant with Mitigation Incorporated.

Construction. As discussed in Section 5.9, Hazards and Hazardous Materials, the project would result in the demolition of 19,000 square feet of existing structures on the project site that may contain ACM and LBM materials. Additionally, the project would result in the removal of an on-site septic system. Therefore, the project would have the potential to conflict with regulations related to solid waste, including the disposal of the septic system and ACM and LBM materials.

The City would require the Project Applicant to prepare a Construction Waste Management Plan (CWMP) to ensure a minimum 65 percent of all demolition and construction waste would be

¹⁴⁸ $0.0123 \text{ MGD} \div 16 \text{ MGD surplus capacity at RP-1} = 0.00000007 \text{ percent of surplus capacity}$

¹⁴⁹ California Department of Resources Recycling and Recovery (CalRecycle). *Solid Waste Information System (SWIS). SWIS Facility/Site Activity Details: Mid-Valley Sanitary Landfill (36-AA-0055)*. Website: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1880?siteID=2662> (accessed March 6, 2023).

¹⁵⁰ California Department of Resources Recycling and Recovery (CalRecycle). *California's 2017 Per Capita Disposal Rate Estimate*. Website: <https://calrecycle.ca.gov/lgcentral/goalmeasure/disposalrate/2017-2/> (accessed March 6, 2023).

¹⁵¹ $11.9 \text{ pounds per employee per day} \times 64 \text{ employees} = 761.6 \text{ pounds of solid waste per day.}$

¹⁵² $761.6 \text{ pounds of solid waste per day} \div 7,500 \text{ tons (15,000,000 pounds) daily surplus} = 0.0051 \text{ percent.}$

recycled/reused in accordance with CALGreen Code Sections 4.408 and 5.408. Additionally, if ACM and LBM materials are identified within the structures proposed for demolition, the project would be required to hire a Certified Asbestos Consultant and Lead Inspector Assessor to prepare disposal tickets from a San Bernardino County Department of Public Works-Solid Waste Management Division-approved disposal facility and obtain SCAQMD air clearances prior to any asbestos removal activity pursuant to **Mitigation Measures HAZ-1 through HAZ-4**. Additionally, the Project Applicant would be required submit evidence that the on-site septic system would be removed pursuant to applicable regulations established by San Bernardino County DEHS and California Plumbing Code Section 722 prior to removal of the septic system pursuant to **Mitigation Measure HAZ-5**. Therefore, the project would comply with federal, State, and local management reduction statutes and regulations related to solid waste during project construction. Impacts would be reduced to **less than significant with mitigation incorporated**.

Operation. The project operator is required to coordinate with Burrtec Waste Industries, Inc., which would collect solid waste from the site and transfer the solid waste to the MRF. The MRF would sort the solid waste into recyclable and non-recyclable waste and would transfer the non-recyclable waste to Mid-Valley Landfill for disposal. All development within the City, including the proposed project, is required to comply with applicable elements of AB 1327, Chapter 18 (California Solid Waste Reuse and Recycling Access Act of 1991) and other local, State, and federal solid waste disposal standards. Therefore, the project would comply with federal, State, and local management reduction statutes and regulations related to solid waste during project operation and impacts would be **less than significant**. Mitigation is not required.

5.20 WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

5.20.1 Impact Analysis

a. Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. According to the California Department of Forestry and Fire Protection (CALFIRE), the project site is located within a Very High Fire Hazard Severity Zone (VHFHSZ).¹⁵³ Additionally, the project site and vicinity are located in moderate to very high fire hazard zones, which are areas identified by the City to be at risk of a wildfire event.¹⁵⁴

The project is located in an area that is developed with local roads and regional highways that provide adequate access and departure from the area in the event of an emergency, such as a wildfire. The proposed project is designed to comply with the current California Fire Code (2022 California Fire Code) standards for development for commercial and industrial uses, Upland Building Code Standards, and standards as set forth by the SBCFD. As part of the City's design review process, the SBCFD has reviewed the project site plan to ensure adequate emergency access facilities throughout the site are included in the design of the project. Therefore, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan within a VHFHSZ. Impacts are **less than significant**, and mitigation is not required.

¹⁵³ California Department of Forestry and Fire Protection (CALFIRE). *Fire Hazard Severity Zones Viewer*. Website: <https://egis.fire.ca.gov/FHSZ/> (accessed March 6, 2023).

¹⁵⁴ City of Upland, State of California. *City of Upland General Plan, Safety Element*. Figure SAF-3: High Fire Hazard Zones. July 2012.

- b. Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

Less than Significant Impact. As described above, the proposed project is located within a VHFHSZ and area determined by the City to have a moderate to high risk of wildland fire. The project site is predominately flat and lacks significant slopes. Wildfires have the tendency for uncontrolled spread when the terrain is hilly or mountainous and not conducive to practicable firefighting capabilities. The likelihood of uncontrolled spread of a wildfire near or on the project site is relatively low since the surrounding topography is relatively flat and substantially developed.

San Bernardino County and the City of Upland are subject to seasonal wind events including times during the fall when Santa Ana Wind conditions are prevalent. Santa Ana Wind conditions in the area of the proposed project typically blow from a northeast to southwest direction (an offshore flow). Wildfires have been recorded to occur in such Santa Ana Wind events sometimes leading to uncontrolled spread of wildfires. CALFIRE and the San Bernardino County Fire Department have taken these conditions and the locations of Fire Hazard Severity Zones into consideration when determining potential impacts associated with wildfire spread within the City of Upland and surrounding cities. If such a conflagration¹⁵⁵ driven by winds were to get out of control, the SBCFD has procedures in place to respond to such an emergency and evacuate residents and employees as needed.¹⁵⁶

Wind events can also result in smoke drift from nearby wildfires resulting in smoke settling in low-lying areas. The City is located in a valley between the San Bernardino/San Gabriel Mountains and the Santa Ana Mountains; as such, the potential for smoke settlement from nearby wildfires is a possibility. Such smoke settlement would be temporary and would clear out within a couple days of when settlement commenced (based on weather conditions).

Overall, implementation of the proposed project would have a low probability of exposing occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope or prevailing winds. Impacts would be **less than significant**. Mitigation is not required.

- c. Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

Less than Significant Impact. As described above, the proposed project is located within a VHFHSZ and area determined by the City to have a moderate to high risk of wildland fire. The project includes demolition of 19,000 square feet of existing structures, development of three buildings, totaling 104,664 square feet of building area, on-site utility infrastructure, landscaping, surface parking lots, and improvements to the project frontage along Foothill Boulevard (curb, gutter, sidewalk, landscaping, streetlights, and trees) and utility infrastructure. The project would not

¹⁵⁵ Conflagration is an extensive fire that destroys a great deal of land or property.

¹⁵⁶ City of Upland. *Emergency Preparedness, Emergency Management Program*. Website: <https://www.uplandca.gov/emergency-management-program> (accessed March 7, 2023).

incorporate infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other non-existing utilities) that may exacerbate fire risk because all improvements would be implemented underground in an urbanized setting in accordance with the CBC, California Fire Code, and applicable local ordinances. Three wooden sub-transmission utility poles are located along the project site frontage with Foothill Boulevard, and the project would include interconnection to these poles via underground conduit. Impacts would be **less than significant**, and mitigation is not required.

d. Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less than Significant Impact. As described above, the proposed project is located within a VHFHSZ and area determined by the City to have a moderate to high risk of wildland fire. However, the project site is not located within a 100-year flood zone.¹⁵⁷ Additionally, as discussed in Section 5.10, Hydrology and Water Quality, the project site is not located near bodies of water or enclosed water storage features which could result in tsunamis or seiches. Therefore, risks associated with runoff caused by post-fire slope instability or post-fire drainage change are low.

The project site is located on land that is relatively flat, and the foothills of the San Gabriel Mountains are approximately 2.8 miles northwest of the site. Additionally, the land between the project site and the San Gabriel Mountains is developed with residential, commercial, and industrial uses. The distance and intervening uses between the project site and foothills of the San Gabriel Mountains precludes the project site from significant risks due to landslides caused by post-fire slope instability or post-fire drainage changes. Impacts would be **less than significant**, and mitigation is not required.

¹⁵⁷ City of Upland, State of California. *General Plan. Safety Element*. Figure SAF-2, “100 year and 200-year Flood Zones”. Website: https://www.uplandca.gov/uploads/ftp/city_departments/development_services/planning/general_plan_map/pdfs/09_Safety%20Element.pdf (Accessed August 24, 2022).

5.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☒	☐	☐
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

5.21.1 Impact Analysis

- a. *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

Less than Significant with Mitigation Incorporated. The project site is an infill site surrounded by developed landscapes. Additionally, the western portion of the project site developed with on-site structures and pavement/asphalt and the eastern portion of the site consists of disturbed vegetation. The project site also contains ornamental trees in the western portion of the site.

No riparian or sensitive natural community is located on site, and there is no designated critical habitat within or adjacent to the project site for any species.¹⁵⁸ The project site does not include any federally protected wetlands or any drainage features, ponded areas, wetlands, or riparian habitat subject to jurisdiction by the CDFW, USACE, and/or RWQCB.¹⁵⁹ The Biological Resources Assessment prepared for the project included a literature search and pedestrian survey of the site and determined that the threatened, endangered, or candidate species with potential to occur in the project vicinity are considered absent from the site due to lack of suitable habitat, except for burrowing owl.¹⁶⁰ The Biological Resources Assessment determined that the project site provides

¹⁵⁸ LSA Associates, Inc. *Biological Resources Assessment for 1780 West Foothill Boulevard Warehouse Project, Upland, San Bernardino County, California*. Page 6. July 2023. Appendix B.

¹⁵⁹ *Ibid.*

¹⁶⁰ *Ibid.* Table C.

suitable habitat for burrowing owl (*Athene cunicularia*) due to the presence of disturbed on-site soils.¹⁶¹ Additionally, ornamental trees that provide suitable nesting habitat for common bird species are located in the western portion of the project site and would be removed from the site with implementation of the project. The project would be conditioned to ensure a qualified biologist conducts a pre-construction survey for burrowing owl and nesting birds to ensure that burrowing owl and nesting birds are protected during project construction (**Mitigation Measures BIO-1 through BIO-3**).

With implementation of **Mitigation Measures BIO-1 and BIO-2**, impacts to candidate, sensitive, or special status species, including burrowing owl, would be reduced to **less than significant with mitigation incorporated**. Through implementation of **Mitigation Measure BIO-3**, native resident or migratory fish or wildlife species (including nesting birds), established native resident or migratory wildlife corridors, and native wildlife nursery sites would be reduced to **less than significant with mitigation incorporated**.

Based on the results of the cultural records search, no precontact or historic cultural resources have been previously recorded within the project site. Additionally, an archaeological field survey conducted at the project site was negative for surficial evidence of precontact or historic cultural resources. Therefore, implementation of the proposed project would not result in impacts to historical resources.

Although there were no precontact or historic cultural resources identified on the project site, the project would be required to comply with all applicable regulations protecting cultural, tribal cultural, and archaeological resources in the event that these resources are encountered during project construction. Therefore, **Mitigation Measures CUL-1 through CUL-3 and Mitigation Measures TCR-1 and TCR-2** are prescribed to ensure that the project would be conditioned to cease excavation or construction activities if cultural, tribal cultural, or archaeological resources are identified during construction and would incorporate archaeological and Native American Monitoring of ground-disturbing activities in such an instance. These conditions also would ensure further consultation with interested Native American Tribes for the appropriate treatment of tribal cultural resources. Additionally, implementation of **Standard Conditions GEO-1 and GEO-2** would ensure unanticipated paleontological resources encountered during construction would be managed pursuant to applicable regulatory policy. Accordingly, impacts to important examples of major periods of California history or prehistory would be **less than significant**, and no mitigation is required.

The proposed project has either no impact, a less than significant impact, or a less than significant impact with mitigation incorporated with respect to all natural resources issues pursuant to CEQA. Due to the limited scope of physical impacts to the environment associated with the proposed project, implementation of the mitigation measures described above would ensure impacts to the quality of the environment would be reduced to **less than significant with mitigation incorporated**.

¹⁶¹ *Ibid.* Page 6.

- b. *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

Less than Significant with Mitigation Incorporated. CEQA defines cumulative impacts as “two or more individual effects which, when considered together, are considerable, or which can compound to increase other environmental impacts.” Section 15130 of the CEQA Guidelines requires evaluation of potential environmental impacts when the project’s incremental effect is cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of “reasonably foreseeable probable future” projects, per CEQA Section 15355. Cumulative impacts can result from a combination of the proposed project together with other closely related projects that cause an adverse change in the environment. Cumulative impacts can result from individually minor but collectively significant projects taking place over time.

The proposed project’s impacts would be individually limited and not cumulatively considerable, because these impacts are either temporary in nature (e.g., limited to the construction period) or are limited to the project site (e.g., potential discovery of unknown cultural or paleontological resources). The potentially significant impacts that would be reduced to a less-than-significant level with implementation of recommended mitigation measures include the topics of air quality, biological resources, cultural resources, geology, hazards, noise, and tribal cultural resources. Specifically, implementation of **Mitigation Measure AQ-1** would ensure emissions of fugitive dust (PM₁₀ and PM_{2.5}) during construction would not exceed SCAQMD’s daily maximum emissions thresholds for these criteria pollutants. **Mitigation Measures BIO-1** and **BIO-2** would ensure that impacts to burrowing owl are reduced to a less-than-significant level and implementation of **Mitigation Measure BIO-3** would ensure that impacts related to nesting birds are reduced to a less-than-significant level. **Mitigation Measures CUL-1** through **CUL-3** and **Mitigation Measures TCR-1** and **TCR-2** are prescribed to ensure that the project would be conditioned to cease excavation or construction activities if cultural, tribal cultural, or archaeological resources are identified during construction and would incorporate archaeological and Native American Monitoring of ground-disturbing activities in such an instance. For the topics of geological hazards, potentially significant impacts to humans and structures would be reduced to less-than-significant levels with implementation of **Mitigation Measure GEO-1**. Furthermore, implementation of **Mitigation Measures HAZ-1 through HAZ-5** would ensure that impacts from the transport, use, or disposal of hazardous materials during project construction, including ACM and LBP materials and the on-site septic system, would be reduced to less-than-significant levels. Finally, **Mitigation Measure NOI-1** would ensure that potential vibration impacts to the nearest structures west and east of the site would be reduced to less-than-significant levels.

Adherence to Standard Conditions would also further ensure that impacts related to paleontological resources, construction noise, and water quality during both construction and operation of the project would remain less than significant.

For the topics of aesthetics, agricultural and forestry resources, energy, greenhouse gases, land use and planning, mineral resources, population and housing, public services, recreation, transportation, utilities and service systems (water, wastewater, and storm drainage), and wildfire, the project would have no impacts or less-than-significant impacts, and therefore, the project would not substantially contribute to any potential cumulative impacts for these topics.

All environmental impacts that could occur as a result of the proposed project would be reduced to a less-than-significant level through the implementation of the mitigation measures recommended in this document.

When future development proposals are considered by the City, these proposals would undergo environmental review pursuant to CEQA, and when necessary, mitigation measures would be adopted as appropriate. In most cases, this environmental review and compliance with project conditions of approval, relevant policies and mitigation measures, and the General Plan, and compliance with applicable regulations would ensure that significant impacts would be avoided or otherwise mitigated to less-than-significant levels.

Implementation of these measures would ensure that the impacts of the project and other projects within the vicinity would be below established thresholds of significance and that these impacts would not combine with the impacts of other cumulative projects to result in a cumulatively considerable impact on the environment as a result of project development. Therefore, this impact would be **less than significant with mitigation incorporated**.

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant with Mitigation Incorporated. All development associated with the proposed project must comply with applicable provisions of the 2022 CBC and the City's building regulations. Accordingly, proper engineering design and construction in conformance with the 2022 CBC standards and a site-specific geotechnical investigation prepared in conformance the current CBC and applicable City standards (**Mitigation Measure GEO-1**) would ensure that the project does not subject people to significant geologic hazards.

The proposed project would result in the demolition of structures that were potentially constructed prior to regulation of ACM and LBM and removal of an on-site septic system. With implementation of **Mitigation Measure AQ-1**, emissions of fugitive dust (PM₁₀ and PM_{2.5}) during construction would not exceed SCAQMD's daily maximum emissions thresholds for these criteria pollutants. Additionally, implementation of **Mitigation Measures HAZ-1 through HAZ-5** would ensure impacts to the public through the disposal of ACM and LBM and removal of the on-site septic system during project demolition activities would be reduced to **less than significant with mitigation incorporated**.

As detailed in Section 5.13, Noise, construction and operation of the project would not generate a substantial temporary or permanent increase in ambient noise levels or generate vibration in the vicinity of the project in excess of standards established in the local general plan or noise ordinance with adherence to **Standard Condition NOI-1**. Adherence to **Standard Condition NOI-1** would

ensure noise and vibration would be restricted to between the hours of 7:00 a.m. and 6:00 p.m. on weekdays. Additionally, implementation of **Mitigation Measure NOI-1** would ensure construction vibration levels at the nearest structures to the west and east would not exceed the FTA damage threshold 0.2 PPV (in/sec) for non-engineered timber and masonry buildings.

Through compliance with existing regulations and policy as codified in **Mitigation Measure GEO-1**, **Mitigation Measures HAZ-1 through HAZ-5**, **Standard Condition NOI-1**, and **Mitigation Measure NOI-1**, substantial direct or indirect effects on human beings would be reduced to **less than significant with mitigation incorporated**.

6.0 LIST OF PREPARERS

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7.0 REFERENCES

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APPENDIX A

AIR QUALITY, GREENHOUSE GAS, AND ENERGY ANALYSIS

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APPENDIX B

BIOLOGICAL RESOURCES AND ARBORIST REPORT

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APPENDIX C

CULTURAL RESOURCES ASSESSMENT



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APPENDIX D

GEOTECHNICAL ENGINEERING EXPLORATION AND ANALYSIS

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APPENDIX E

PHASE I ENVIRONMENTAL SITE ASSESSMENT

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APPENDIX F

WATER QUALITY MANAGEMENT PLAN

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APPENDIX G

NOISE AND VIBRATION ANALYSIS

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APPENDIX H

TRIP GENERATION AND VEHICLE MILES TRAVELED ANALYSIS

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APPENDIX I

MITIGATION MONITORING AND REPORTING PROGRAM

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APPENDIX J

PUBLIC COMMENT LETTERS AND RESPONSES TO PUBLIC COMMENTS

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APPENDIX K

ERRATA CHANGES TO THE ADMINISTRATIVE DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION DATED NOVEMBER 2023

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