



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Sean Walsh
Director

December 8, 2006

RECEIVED

DEC 12 2006

COMMUNITY DEVELOPMENT

Candida Neal
City of Upland
460 North Euclid Avenue
Upland, CA 91786

Subject: Upland Basin Expansion Project, Phase 2
SCH#: 2006111010

Dear Candida Neal:

The enclosed comment (s) on your Mitigated Negative Declaration was (were) received by the State Clearinghouse after the end of the state review period, which closed on December 1, 2006. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2006111010) when contacting this office.

Sincerely,

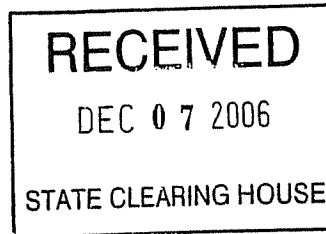
Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

To: <i>CDM</i>	From: <i>N Gayou</i>
Co.	Co.
Dept.	Phone # <i>661-9642</i>
Fax # <i>323-3018</i>	Fax #

DEC 5 2006

- Ms. Nadell Gayou
Resources Agency Project Coordinator
Environmental Review Section, DPLA
901 P Street
Sacramento, California 95814
- Ms. Candida Neal
City of Upland
460 North Euclid Avenue
Upland, California 91786



*clear
12-1-06
Latoe*

SCH #2006111010, Notice of Completion & Environmental Document Transmittal of Notice of Intent to Adopt a Mitigated Negative Declaration for the Upland Basin Expansion Project, Phase 2, November 2, 2006, San Bernardino County

The Division of Safety of Dams has reviewed the Initial Study for Upland Basin Expansion Project, Phase 2, October 20, 2006.

Based on the information provided, we find that the proposed expansion of Upland Basin with a dam height up to 20 feet, and an ultimate basin storage capacity of 1,220 acre-feet would be under State jurisdiction for safety. Sections 6002 and 6003 of the California Water Code define that dams 25 feet or higher having a reservoir storage capacity of more than 15 acre-feet, and dams higher than 6 feet having a storage capacity of 50 acre-feet or more, are under State jurisdiction. Jurisdictional height of a dam is the vertical distance measured from the lowest point at the downstream toe of the dam to its maximum storage elevation.

A construction application, together with plans and specifications, must be filed with the Division of Safety of Dams. All dam safety related issues must be resolved prior to the approval of the application and the work must be performed under the supervision of a civil engineer registered in California. John Vrymoed, Design Engineering Branch Chief, is responsible for application approval process and can be reached at (916) 227-4660.

If you have any questions, please contact Office Engineer Chuck Wong at (916) 227-4601 or Regional Engineer Mutaz Mihyar at (916) 227-4600.

**Original Signed by
Fred Sage for**

David A. Gutierrez, Chief
Division of Safety of Dams
(916) 227-9800



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Sean Walsh
Director

December 4, 2006

RECEIVED

DEC 11 2006

COMMUNITY DEVELOPMENT

Candida Neal
City of Upland
460 North Euclid Avenue
Upland, CA 91786

Subject: Upland Basin Expansion Project, Phase 2
SCH#: 2006111010

Dear Candida Neal:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on December 1, 2006, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2006111010
Project Title Upland Basin Expansion Project, Phase 2
Lead Agency Upland, City of

Type **MN** Mitigated Negative Declaration
Description **D**

The project includes construction of the remaining basin improvements consisting of a jurisdiction berm (20-foot maximum height), an emergency spillway and low flow outlet to the San Antonio Channel, drainage systems and disposal of unacceptable materials. These improvements will increase the basin volume to 1,220 acre-feet (ultimate basin capacity). In addition, the project will remediate gypsum materials deposited at the site.

Lead Agency Contact

Name Candida Neal
Agency City of Upland
Phone (909) 931-4112 **Fax**
email
Address 460 North Euclid Avenue
City Upland **State** CA **Zip** 91786

Project Location

County San Bernardino
City Upland
Region
Cross Streets Arrow Route and Monte Vista Avenue
Parcel No. 1007-391-18
Township **Range** **Section** **Base**

Proximity to:

Highways 66
Airports Cable Airport
Railways Metrolink
Waterways
Schools
Land Use Stormwater Retention Facility
Z: ML (Light Industrial)
GP: C-I/S (Commercial/Industrial-Mixed Use)

Project Issues Aesthetic/Visual; Air Quality; Cumulative Effects; Drainage/Absorption; Geologic/Seismic; Noise; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 8; Department of Parks and Recreation; Native American Heritage Commission; Public Utilities Commission; Department of Health Services; Department of Fish and Game, Region 6; Department of Water Resources; California Highway Patrol; Caltrans, District 8; Department of Toxic Substances Control; State Water Resources Control Board, Clean Water Program

Date Received 11/01/2006 **Start of Review** 11/02/2006 **End of Review** 12/01/2006

CLERK OF THE BOARD

NOV 29 2006

R# 278654

APPENDIX D
Notice of Determination

COUNTY OF
SAN BERNARDINO

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: (Public Agency) CITY OF UPLAND
460 N. EUCLID AVENUE
(Address)
UPLAND, CA 91786

County Clerk
County of SAN BERNARDINO
385 N. ARROWHEAD AVENUE, 2ND FLOOR
SAN BERNARDINO, CA 92415-0130

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

CUP-02-13:MODIFICATION NO. 1, EAR-1414:MODIFICATION NO. 1 (Ref.: SP-02-23)
Project Title

State Clearinghouse Number (If submitted to Clearinghouse) Lead Agency (Contact Person) Area Code/Telephone/Extension

Approx. 38.9 acres on south side of Arrow Route and east side of Monte Vista Ave., Upland, San Bernardino County
Project Location (include County)

Project Description:

A basin used for flood control and ground water recharge purposes, including construction of the remaining basin improvements consisting of a jurisdictional berm (20 ft. max height), emergency spillway and low flow outlet to the San Antonio Channel, drainage systems, and disposal of unacceptable materials that will increase the basin volume to 1,220 acre-feet (ultimate basin capacity). In addition, the project will remediate gypsum materials deposited at the site.

This is to advise that the CITY OF UPLAND has approved the above described project on NOV. 29, 2006 and has made the following determinations regarding the above described project.
(Date)

- 1. The project [will will not] have a significant effect on the environment.
- 2. An Environmental Impact Report was prepared for this project pursuant to the provision of CEQA.
A Negative Declaration was prepared for this project pursuant to the provisions of CEQA
- 3. Mitigation measures [were were not] made a condition of the approval of the project.
- 4. A statement of Overriding Considerations [was was not] adopted for this project.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:

[Signature] NOVEMBER 30, 2006 SENIOR PLANNER
Signature (Public Agency) Date Title

Date received for filing at OPR: _____

**APPENDIX G
Negative Declaration**

CITY OF UPLAND

DATE: NOVEMBER 30, 2006

NOTICE. Pursuant to the provisions of the California Environmental Quality Act (CEQA-Public Resources Code, Section 21100 et seq.), the City of Upland has determined that the project referenced hereinafter will not have a significant effect on the environment.

REVISIONS TO THE EXISTING UPLAND BASIN, CUP-02-13:MODIFICATION NO. 1, EAR-1414:MODIFICATION NO. 1 (Ref.: SP-02-23)

PROJECT TITLE/ENVIRONMENTAL REVIEW REF. NO.:

Attn: City Of Upland, 460 North Euclid Avenue, Upland, CA 91786

APPLICANT NAME/ADDRESS:

Approximately 38.9 acres on the south side of Arrow Route and on the east side of Monte Vista Avenue, Upland (ML – Light Industrial Zone)

PROJECT LOCATION/AREA: San Bernardino County.


A basin used for flood control and ground water recharge purposes, including construction of the remaining basin improvements consisting of a jurisdictional berm (20 ft. max height), emergency spillway and low flow outlet to the San Antonio Channel, drainage systems, and disposal of unacceptable materials that will increase the basin volume to 1,220 acre-feet (ultimate basin capacity). In addition, the project will remediate gypsum materials deposited at the site.

PROJECT DESCRIPTION:

A copy of the Initial Study, documenting reasons to support the finding that said project will not have a significant effect and containing any mitigating measures proposed to be included in the project to avoid potentially significant effects, is available for public review at the Community Development Dept., City of Upland, 460 N. Euclid Ave., Upland, CA 91786.

An Environmental Impact Report is not proposed to be required for this project.

APPEALS. Any person or agency aggrieved by this decision may appeal to the Upland City Council in compliance with all provisions for filing of such appeals. Any such appeal must be filed within fourteen (14) days after the issuance of this decision, or it shall be dismissed by the City Council.

Name 
Responsible Official

John Atwater
Title: Senior Planner

(909) 931-4132
Telephone Number

APPENDIX I

California Department Of Fish And Game
CERTIFICATE OF FEE EXEMPTION
De Minimis Impact Finding

1. **Name and Address of Project Applicant:**
CITY OF UPLAND
460 NORTH EUCLID AVENUE
UPLAND, CA 91786

2. **Project Description and Location (San Bernardino County):**
CUP-02-13:MODIFICATION NO. 1, EAR-1414:MODIFICATION NO.1
(Ref.: SP-02-23)
South side of Arrow Route, east side of Monte Vista Avenue
A basin used for flood control and ground water recharge purposes

(Findings of Exemption attach as necessary):

- A. An initial study has been conducted by the City of Upland evaluating the potential for adverse environmental impact; and

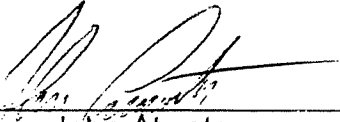
- B. There is no evidence before the City of Upland that the proposed project will have any potential for adverse effect on wildlife resources or the habitat upon which the wildlife depends.

- C. The City of Upland, as lead agency, has on the basis of substantial evidence, rebutted the presumption of adverse effect contained in Title 14 of the California Code of Regulations Section 753.5.

- D. For further information, refer to the November 29, 2006, Planning Commission Meeting Minutes, available in the City of Upland Community Development Department, 460 North Euclid Avenue, Upland, CA 91786.

Certification:

I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.


Name: John Atwater
Title: Senior Planner
Lead Agency: City of Upland
Date: November 30, 2006

STATE OF CALIFORNIA - THE RESOURCES AGENCY
 DEPARTMENT OF FISH AND GAME
 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFG 753.5a (9/93)

278654

Lead Agency: City of Upland Date: 11/30/2006
 County / State Agency of Filing: San Bernardino Document No.:
 Project Title: CUP-02-13: Modification No. 1 EAR 144 Mod. No. 11 Ref: SPO2-23
 Project Applicant Name: City of Upland Phone Number: 951-4132-9889
 Project Applicant Address: 460 N. Euclid Ave Upland CA 91786

Project Applicant (check appropriate box): Local Public Agency School District Other Special District
 State Agency Private Entity

CHECK APPLICABLE FEES:

- () Environmental Impact Report \$850.00 \$
- () Negative Declaration \$1,250.00 \$
- () Application Fee Water Diversion (State Water Resources Control Board Only) \$850.00 \$
- () Projects Subject to Certified Regulatory Programs \$850.00 \$
- (X) County Administrative Fee \$25.00 \$
- (X) Project that is exempt from fees \$35.00 \$

TOTAL RECEIVED \$ 35.00

Signature and title of person receiving payment: Dr. J. Anna Deutz Clerk
 WHITE-PROJECT APPLICANT YELLOW-DFG/FASB PINK-LEAD AGENCY GOLDENROD-STATE AGENCY OF FILING



CITY OF CLAREMONT

Community Development Department

City Hall
207 Harvard Avenue
P.O. Box 880
Claremont, CA 91711-0880
FAX (909) 399-5327

Building • (909) 399-5471
Planning • (909) 399-5470
Engineering • (909) 399-5465
Community Improvement • (909) 399-5467
Economic Development • (909) 399-5341

November 29, 2006

Candida Neal, AICP
City of Upland
P.O. Box 460
Upland, CA 91785-0460

Dear Ms. Neal:

Upland Basin Expansion Project, Phase 2
EAR No.1414 Modification No.1 and CUP No. 02-13 Modification #1

Thank you for calling me to clarify that excess materials from the Basin Expansion Project are not currently proposed to be transported to a site north of 16th Street. I now understand that the excess materials from the Basin Expansion Project will most likely be transported to deposit sites west of Monte Vista Avenue near the Basin Expansion Project site. This clarification adequately addresses the concern Claremont had with the proposed project. Claremont has no objection to the use of Monte Vista Avenue as a haul route if materials are not transported north into Claremont.

If, at a future date, the project changes to include the transport of excess materials through Claremont by way of Monte Vista Avenue or another haul route, Claremont understands that project will be subject to separate approval and additional environmental review. Claremont requests to be noticed of any change in the project, and afforded the opportunity to review and comment on the environmental documentation.

Please call me at 909 399-5485 if you have further questions about this matter.

Sincerely,

Belle Newman
Principal Planner

Attachment

c: Jeffrey C. Parker, City Manager
Anthony Witt, Director of Community Development
Lisa Prasse, City Planner
Craig Bradshaw, City Engineer



CITY OF CLAREMONT

Community Development Department

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Economic Development • (909) 399-5341

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NOV 29 2006

COMMUNITY DEVELOPMENT

November 28, 2006

Jeff Bloom
City of Upland
P.O. Box 460
Upland, CA 91785-0460

Dear Mr. Bloom:

Upland Basin Expansion Project, Phase 2
EAR No.1414 Modification No.1 and CUP No. 02-13 Modification #1

Thank you for the opportunity to comment on the environmental assessment for Phase 2 of the Upland Basin Expansion Project. The City of Claremont does have concerns regarding the proposed haul routes described in the Initial Study dated October 20, 2006. The use of Monte Vista Avenue as a haul route to a proposed fill site north of 16th Street will impact Claremont in terms of increased traffic, pavement deterioration, noise, and dust. Claremont requests that Benson Avenue be used instead of Monte Vista Avenue as the haul route to the proposed fill site north of 16th Street.

Claremont first made this request prior to approval of Phase 1 of the Upland Basin Improvements. In a conversation with Rosalie Staudenmayer in May 2003, Claremont was told that large amounts of the excess materials were going to be deposited in a site west of Monte Vista Avenue and south of Arrow Route, and that no determination had been made regarding the use of the pit north of 16th Street for the excess materials, and that excess materials could be taken to other export sites not yet identified. Ms. Staudenmayer said that before excess material could be placed in the pit north of 16th Street, it would require separate project approval and environmental review. This conversation was summarized in a letter to Upland dated May 20, 2003. A copy of the letter is attached.

The current environmental analysis for Phase 2 of the Basin Improvements Project does not provide the additional environmental analysis that we were promised would be done before considering the site north of 16th Street as an export site. The analysis also does not adequately consider the request made by Claremont in 2003 that Benson Avenue be used as the haul route, and provides no explanation of why Monte Vista Avenue, and not Benson Avenue, is used for the haul route to the area north of 16th Street. The current analysis merely references the analysis done in 2003, and states the impacts are within the scope of and were adequately addressed in the adopted environmental analysis. Claremont disagrees with that conclusion.

Jeff Bloom
November 28, 2006
Page 2 of 2

The traffic on Monte Vista Avenue has increased significantly since 2003 because of the completion of the 210 Freeway. Particularly impacted have been the intersections at Monte Vista Avenue/Foothill Boulevard and Monte Vista Avenue/Base Line Road. Recent environmental analyses completed for other Upland projects show these intersections operating at LOS E/F. Use of Monte Vista Avenue by haul vehicles from the proposed project will worsen the existing problems, particularly at the intersection at Monte Vista Avenue and Base Line Road.

The proposed use of Monte Vista Avenue as the haul route to the site north of 16th Street will also add to the congestion at the freeway on- and off-ramps on Base Line Road. There are currently traffic safety concerns due to congestion, and sight distance in the area of the Foothill Freeway bridge and Monte Vista Avenue. If the haul trucks used Benson Avenue, the trucks would avoid this area of Monte Vista Avenue and the freeway on- and off-ramps that are operating at a poor level of service.

If the project is not changed to deleted Monte Vista Avenue as the haul route, an Environmental Impact Report should be prepared for the reasons discussed above. Please call City Engineer Craig Bradshaw at 909 399-5465 to discuss this matter further. Claremont appreciates Upland's willingness to work with Claremont in minimizing the traffic impacts on Claremont from projects in Upland.

Sincerely,



Belle Newman
Principal Planner

Attachment

c: Jeffrey C. Parker, City Manager
Anthony Witt, Director of Community Development
Lisa Prasse, City Planner
Craig Bradshaw, City Engineer

BN/UPLAND/LTR112209



CITY OF CLAREMONT

Community Development Department

City Hall
207 Harvard Avenue
P.O. Box 880
Claremont, CA 91711-0880
FAX (909) 399-5327

Building • (909) 399-5471
Planning • (909) 399-5470
Engineering • (909) 399-5465
Community Improvement • (909) 399-5467
Economic Development • (909) 399-5341

May 20, 2003

Rosalie Staudenmayer
Senior Planner
City of Upland
460 N. Euclid Avenue
Upland, CA 91786

Dear Ms. Staudenmayer:

UPLAND BASIN IMPROVEMENTS – CUP-02-13 and EAR-1414

Thank you for returning my telephone call on May 1, 2003, regarding the initial study for the proposed Upland Basin Improvements on the south side of Arrow Route between Monte Vista Avenue and Central Avenue. This letter summarizes our conversation.

The City of Claremont does not have concerns with the proposed transport of 700,000 cubic yards of excavated materials from the basin site to the property located west of Monte Vista and south of Arrow Route provided it is done in accordance with approved Conditional Use Permit No. 96-09 and EAR-1204. We understand that a traffic flagman will monitor the truck traffic between the two sites.

Claremont does have some concern with the potential transport of excavated materials to a pit located on the north side of 16th Street, west of Benson Avenue, if Monte Vista is used as the haul route. This would impact Claremont in terms of increased traffic, pavement deterioration, noise, and dust. We ask that you consider alternative haul routes including using Benson Avenue. I understand that no final determination has been made regarding the use of the pit north of 16th Street and the excess material may be taken to other sites, which of yet have not been identified. I also understand that before the material can be placed in the pit north of 16th Street, it will require separate project approval and environmental review.

If you are considering alternative sites, I recommend that you contact the Claremont Colleges to determine if they would be interested in having the material transported to their pit located east of Monte Vista Avenue and north of Arrow Route.

ALL COPY

Rosalie Staudenmayer
May 20, 2003
Page 2 of 2

If you have any questions regarding the above, please call me at (909) 399-5485. We very much appreciate Upland's willingness to work together on issues that are of concern to Claremont.

Sincerely,

A handwritten signature in cursive script that reads "Belle Newman". The signature is written in black ink and is positioned above the typed name and title.

Belle Newman
Principal Planner

c: Anthony Witt, Director of Community Development
Craig Bradshaw, City Engineer

BN/UPLAND/RETBAS/LTR050503



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF:

RECEIVED

NOV 27 2006

COMMUNITY DEVELOPMENT

November 16, 2006

Office of the Chief
Regulatory Branch

City of Upland, Community Development Department
Attention: Candida Neal
460 N. Euclid Avenue
Upland, California 91786-0460

Dear Ms. Neal:

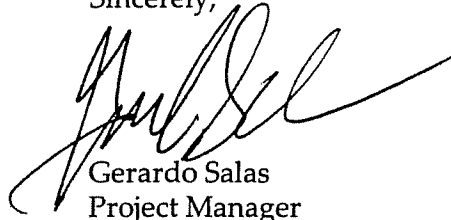
It has come to our attention that you plan to discharge dredge and/or fill materials into waters of the United States in association with your proposal of the "Upland Basin Expansion Project, Phase 2", which includes the capacity expansion of Upland Basin and the construction of a jurisdictional berm, emergency spillway and low-flow outlet to San Antonio Channel, in the City of Upland, San Bernardino County, California. These activities may require a U.S. Army Corps of Engineers permit.

A Corps of Engineers permit is required for the discharge of dredged or fill material into, including any redeposit of dredged material within, "waters of the United States" and adjacent wetlands pursuant to Section 404 of the Clean Water Act of 1972. Examples include, but are not limited to,

1. creating fills for residential or commercial development, placing bank protection, temporary or permanent stockpiling of excavated material, building road crossings, backfilling for utility line crossings and constructing outfall structures, dams, levees, groins, weirs, or other structures;
2. mechanized landclearing, grading which involves filling low areas or land leveling, ditching, channelizing and other excavation activities that would have the effect of destroying or degrading waters of the United States;
3. allowing runoff or overflow from a contained land or water disposal area to re-enter a water of the United States;
4. placing pilings when such placement has or would have the effect of a discharge of fill material.

Enclosed you will find a permit application form and a pamphlet that describes our regulatory program. If you have any questions, please contact Shannon Pankratz at (213) 452-3412. Please refer to this letter and 200602021-SLP in your reply.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gerardo Salas', written in a cursive style.

Gerardo Salas
Project Manager
South Coast Section
Regulatory Branch

Enclosures

Monte Vista

Dedicated to Quality, Service and Innovation

November 27, 2006

Mark N. Kinsey
GENERAL MANAGER

Ms. Candida Neal, City Planner
CITY OF UPLAND
Community Development Department
460 N. Euclid Avenue
Upland, CA 91786-0460

Upland Basin Expansion Project, Phase 2- CEQA Mitigated Negative Declaration

Dear Ms. Neal:

Located within the western portion of the Chino Groundwater Basin, the Monte Vista Water District is a party to the Basin's 1978 Adjudication. The District provides retail and wholesale water supply to the communities of Montclair, Chino, Chino Hills and surrounding unincorporated portions of San Bernardino County. Production from the Chino Basin is utilized to meet a significant portion of our annual water deliveries, estimated at 27,000 acre-feet.

The District has reviewed the City of Upland's Mitigated Negative Declaration for the Upland Basin Expansion Project, Phase 2. We concur with the analysis provided in Section VIII. Hydrology and Water Quality (page 15). This project will benefit the region by providing the means to capture larger volumes of high quality storm water and increase spreading capacity of imported water in the Upland Basin.

The District would note that we have several wells located immediately adjacent to, and down-gradient to the Upland Basin. These facilities represent a significant portion of our groundwater supply capabilities. While not specifically part of the City's proposed project, the District would object to recycled water recharge in the Upland Basin.

If you have any questions regarding this correspondence, or require additional information, please feel free to contact the District. Thank you.

Sincerely,

Monte Vista Water District



Robert O. Tock, P.E.
District Engineer and
Manager of Operations and Maintenance

cc: Mark Kinsey, General Manager

Water District



MITIGATED NEGATIVE DECLARATION

NOTICE: Pursuant to the provisions of the California Environmental Quality Act (CEQA-Public Resources Code, Section 2110 et. seq.), the City of Upland has determined that the project referenced hereinafter will not have a significant effect on the environment.

PROJECT TITLE: UPLAND BASIN EXPANSION PROJECT, PHASE 2, CUP 02-13 Modification No. 1 and EAR 1414 Modification No. 1

PROJECT LOCATION: The project site is located at 700 W. Arrow Route on the south side of Arrow Route between Monte Vista Avenue and Central Avenue in the City of Upland.

PROJECT DESCRIPTION: The original project (CUP 02-13) consisted of expansion and development of the Upland Basin to allow for ultimate retention of 1,050 acre-feet of storm water.

The Upland Basin Expansion Project Phase 2 (CUP 02-13 Modification No. 1) include construction of a jurisdictional berm (20-foot maximum height), emergency spillway and low flow outlet to the San Antonio Channel, drainage systems, and disposal of unacceptable materials, including rebar, steel pipe, wire, wood, organics, and plastics. In addition the project will remediate gypsum materials deposited at the site. These improvements will increase the basin volume to 1,200.

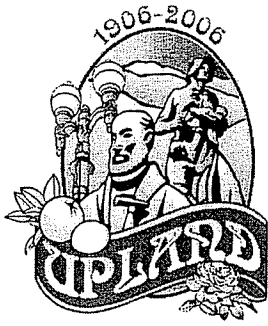
PROJECT PROPONENT: CITY OF UPLAND, 460 N. Euclid Avenue, Upland, California 91786.

A copy of the Initial Study, documenting reasons to support the findings that said project will not have a significant effect on the environment, is attached hereto for public review.

An Environmental Impact Report is not required for this project.

APPEALS. Any person or agency aggrieved by this decision may appeal to the Upland City Council in compliance with all provision for filing of such appeals. Any such appeal must be filed within thirty (30) days after the issuance of this decision, or it shall be dismissed by the City Council

Candida Neal	City Planner	(909) 931-4130	October 30, 2006
CONTACT PERSON	TITLE	TELEPHONE	DATE



City of Upland

INITIAL STUDY

FOR

UPLAND BASIN EXPANSION PROJECT, PHASE 2

Prepared for:

City of Upland
Community Development Department
460 N. Euclid Avenue
Upland, CA 91786-0460
(909) 931-4130
Attention: Candida Neal, City Planner

Prepared by:

City of Upland
460 N. Euclid Avenue
Upland, CA 91786
909 931 4130

Candida Neal, AICP
Mike Thornton, PE

October 20, 2006

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7. Mandatory Findings of Significance	28
8. Mitigation Monitoring Program	29
9. Sources Cited in Evaluation of Environmental Impacts	30
10. List of Preparers.....	31

LIST OF EXHIBITS

Exhibit No.

1. Project Location and Aerial Photo
2. *Initial Study prepared for Upland Basin Improvements*, prepared by the City of Upland, April 23, 2003
3. Upland Basin Expansion Project, Phase 2 – Site Grading Map.
4. *Geotechnical Investigation of the Upland Basin Expansion Phase 2 Project*, URS Corporation, September 18, 2006
5. Existing Site Conditions Photo
6. Visual Survey of the Views from the Site
7. *Excerpt from Upland Crossing Final EIR – Noise Exhibit*
8. *Excerpt Upland Crossing Final EIR – CALTRANS Safety Zones Exhibit*
9. *Excerpt from Upland Crossing Final EIR – Cable Airport Comprehensive Airport Land Use Plan Safety Zones*

CITY OF UPLAND

ENVIRONMENTAL CHECKLIST FORM

EXECUTIVE SUMMARY:

This Initial Study assesses the potential environmental impacts of construction and operation of a insert a succinct description of the project on an approximately 44.87-acre site. The project will require adoption of a modification to a conditional use permit. This Initial Study finds that the proposed project could have a significant adverse impact relative to aesthetics, air quality, hazards, hydrology and water quality, noise and traffic. However, with the imposition of mitigation measures delineated herein, all potentially significant impacts associated with the project would be reduced to less than significant levels. Consequently, a Mitigated Negative Declaration will be prepared for the project.

PROJECT DESCRIPTION:

1. Project title: **Upland Basin Expansion Project, Phase 2.**
2. Lead agency name and address: **City of Upland, 460 N. Euclid Avenue Upland, CA 91786-0460.**
3. Contact person and phone number: **Attention: Candida Neal, City Planner (909) 931-4130.**
4. Project location: **The project site is located in the City of Upland, on the southeast corner of Monte Vista Avenue and Arrow Route. (See Exhibit 1 - Project Location and Aerial Photo of the Site.)**
5. Project sponsor's name and address: **City of Upland, 460 N. Euclid Avenue, Upland, CA 91786.**
6. General Plan Designation: **C-I/S (Commercial/Industrial- Mixed Use).**
7. Zoning Designation: **ML (Light Industrial).**
8. Assessor Parcel Number: **1007-391-18.**
9. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.)

Initial improvements to the Upland Basin storm drain facility (Phase 1) were described and analyzed in the Initial Study for the Upland Basin Improvements dated April 23, 2003 and are included as an Exhibit to this report. (See Exhibit 2 – Initial Study prepared for the Upland Basin Improvements, April 23, 2003.) That project included construction of additional storage for spreading of imported water to recharge the Chino Basin groundwater basin. It also included construction of a drainage conveyance to deliver runoff to the retention basin as well as offsite street improvements along Arrow Route. ¹ (See Exhibit 3 – Upland Basin Expansion Project, Phase 2 – Site Grading Map.)

¹ City of Upland Planning Division. *Initial Study for the Upland Basin Improvements Project*, April 23, 2003.

The current project, Upland Basin Expansion, Phase 2, will include construction of the remaining basin improvements consisting of a jurisdictional berm (20-foot maximum height), an emergency spillway and low flow outlet to the San Antonio Channel, drainage systems and disposal of unacceptable materials. These improvements will increase the basin volume to 1220 acre-feet (ultimate basin capacity). In addition, the project will remediate gypsum materials deposited at the site.²

The expansion of the basin will include constructing the basin deeper than it exists and constructing a State of California, Division of Safety of Dams, Jurisdictional Berm (20 foot maximum height). The berm will be 20 feet in height at the southwest corner of the basin property and will reduce in height as the berm proceeds east. The site gradually drains from east to west along the southerly boundary. Consequently, the jurisdictional berm is 20-feet in height at the west end and basically 0-feet at the east end. The area along the perimeter of the basin and outside of the jurisdictional zone will be landscaped to reduce aesthetic impacts to less than significant.

In September 2006, URS Corporation completed an updated Geotechnical Investigation of the Upland Basin Expansion Phase 2 Project (See Exhibit 4 – Geotechnical Investigation of the Upland Basin Expansion Phase 2 Project). The report considers seismic design parameters, seismic hazards, slope stability and seismic deformation analysis, recommended embankment section, earthwork and site grading, lateral earth pressures and resistance to lateral loads, corrosion potential, and construction considerations. The report specifies required mitigation for geotechnical issues that have been incorporated in the design and will be implemented during construction. All provisions of this report will be incorporated into the design and construction of this project.

10. Existing land uses on the project site: (Briefly describe the project's existing features)

The site is currently used as a storm drain and aquifer recharge basin owned and operated by the City of Upland. The site was formerly a sand and gravel pit. After mining operations ended, the site was partially filled with inert construction debris. The site contains a water storage basin volume of approximately 600 acre-feet and mounds of inert construction debris and earth. (See Exhibit 5 – Existing Site Conditions Photos.)

11. Surrounding land uses and setting: (Briefly describe the project's surroundings)

The site is located in an area with a combination of public facilities, industrial uses, and residential and commercial uses. It is bordered to the west by Monte Vista Avenue and to the north by Arrow Route. Directly west of the site is the San Antonio Creek Channel, a vacant parcel and Monte Vista Avenue. Beyond Monte Vista Avenue is a proposed mixed use project, the College Park development. Once built, this project will include apartments, single family homes and a neighborhood commercial shopping center. The area to the north, across Arrow Route, is a recharge basin operated by the Chino Basin Water Master. An apartment complex is under construction on the property east of the project. To the south is a bike trail and the Montclair Metrolink Station. (See Exhibit 6 – Visual Survey of the Views from the Site.)

12. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

The City is required to acquire permits from US Army Corps of Engineers (Corps) for construction of improvements within the Corps' right-of-way and from the State of California's

² City of Upland Public Works Department, October 10, 2006

Division of Dam Safety for construction of a jurisdictional berm. In addition, a portion of the project will be funded through the State of California's, State Water Resources Control Board, Proposition 40, Integrated Watershed Management Program Project Implementation. The City will acquire a construction traffic control permit from the City of Montclair and permits from the South Coast Air Quality Management District and from Regional Water Quality Control Board, Santa Ana Region for construction activities.

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 on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Hazards & Hazard Materials | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Noise | |
| <input type="checkbox"/> Geology/Soils (Liquefaction) | <input type="checkbox"/> Population/Housing | |
| | <input type="checkbox"/> Public Services | |

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.
x	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 the mitigation measures described on the attached pages have been added to the project. 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 significant effect(s) 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, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." 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 EIR or NEGATIVE DECLARATION pursuant to applicable legal standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature:

Date:

Printed Name: **Candida Neal**

Title: **City Planner**

EVALUATION OF ENVIRONMENTAL IMPACTS:

An Environmental Checklist Form (Form) has been used to evaluate the potential environmental impacts associated with the proposed project. The Form has been prepared by the Resources Agency of California to assist local governmental agencies, such as the City of Upland, in complying with the requirements of the Statutes and Guidelines for implementing the California Environmental Quality Act. In the Form, environmental effects are evaluated as follows:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in its response. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is "Potentially Significant", "Less than Significant with Mitigation", or "Less than Significant". "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from an "Earlier Analyses," as described in #5 below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. In this case, a brief discussion should identify the following:
 - (a) Earlier Analysis Used. Identify and state where they are available for review.
 - (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - (c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances).
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. The explanation of each issue should identify:
 - (a) The significance criteria or threshold, if any, used to evaluate each question.
 - (b) The mitigation measure identified, if any, to reduce the impact to less than significance.

ENVIRONMENTAL IMPACTS:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?		X		
<p><i>I. a). Less than Significant with Mitigation.</i> No scenic resources exist on site. However, views of the mountains to the north are visible from the bike path along the south property line.</p> <p>Construction of the jurisdiction berm proposed in Phase 2 of the Upland Basin Expansion Project will block views of the mountains to the north from the bike path and will alter the view from the Montclair Transit Center to the south. However, affects on views from the south will be limited. The jurisdictional berm will be tallest at the southwest corner of the site with a height of approximately 20 feet. Traveling west to east along the south property line the height of the berm decreases. At the southeast corner, the berm is at ground level.</p> <p>Views of the Mountains from Monte Vista Avenue will also be affected. At the southwest corner the jurisdictional berm turns north and follows Monte Vista Avenue approximately 120 feet north to the proposed spillway connecting to the San Antonio Creek.</p> <p>Mitigation Measure:</p> <p>AES-I Prior to issuance of Certificate of Completeness the City shall install landscaping along the south property line and along the west property line between the southern boundary of the site and the intersection with the San Antonio Creek Channel. All landscaping shall be subject to the review and approval of the City of Upland Design Review Board.</p> <p>With the inclusion of these mitigation measures this impact is expected to be Less than Significant for the Phase 2 project.</p>				
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
<p><i>I. b). Less than Significant.</i> This impact was found to be less than significant in the previously prepared Initial Study. The impact is within the scope of and was adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.</p>				
c) Substantially degrade the existing visual character and quality of the site and its surroundings?		X		
<p><i>I. c). Less than Significant with Mitigation.</i> Construction of the jurisdiction berm proposed in Phase 2 of the Upland Basin Expansion Project will alter the visual character of the site and its surroundings. Presently, the basin and related drainage facilities are not visible from the public right-of-way. When complete, the jurisdictional berm will be clearly visible to travelers along Monte Vista Avenue, bike path users and commuters at the Montclair Transit Center.</p>				

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
<p>However, affects on the visual character can be mitigated. The jurisdictional berm will be tallest at the southwest corner of the site with a height of approximately 20 feet. Traveling west to east along the south property line, the height of the berm decreases. At the southeast corner of the property, the berm is at ground level.</p> <p>Traveling north along the Monte Vista street frontage, the jurisdictional berm continues approximately 120 feet north to the proposed spillway connecting to the San Antonio Creek. The slope of the berm increases along until the berm connects with the spillway at the San Antonio Creek Channel.</p> <p>Visual impacts will be mitigated through the design and installation of landscape screening along the south and west property lines. Along landscape material on the berm itself will be limited to materials that will not compromise the structure of the berm, the Phase 2 design includes an approximately 50-foot setback area between the base of the berm and the south property line. The distance from the property line and the base of the berm along Monte Vista Avenue varies. At the closest point, the base of the berm is approximately 10 feet from Monte Vista Avenue. These setback areas will permit installation of landscape treatment that will help screen the berm while not compromising the structural integrity of the berm.</p> <p>Mitigation Measure: See Mitigation Measure AES-1 listed in the response to Impact I a). AES-2 Prior to issuance of Certificate of Completeness the City shall install landscaping along the south and west facing slopes of the berm. All landscaping shall be subject to the review and approval of the City of Upland Design Review Board.</p> <p>With the inclusion of this mitigation measures this impact is expected to be Less than Significant for the Phase 2 project.</p>				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
<p><i>I. d). Less than Significant.</i> This impact was found to be less than significant in the previously prepared Initial Study. The impact is within the scope of and was adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.</p>				
II. AGRICULTURAL RESOURCES. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the				X

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X

II. a), b), c). No Impact. This impact was found to have no impact in the previously prepared Initial Study. The impact is within the scope of and was adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.

III. AIR QUALITY. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
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III. a), Less than Significant Impact. This impact was found to be less than significant in the previously prepared Initial Study. Although Phase 2 will construct additional facilities, amount of earth movement will be, one of the primary generators of dust, will be less than considered in the previous Initial Study. Total earth movement and related construction activities analyzed in that document were 2.5 million cubic yards. The combined total for both Phase 1 and Phase 2 will be only 2.3 million cubic yards. Therefore, the impact is within the scope of and was adequately analyzed in the earlier environmental document pursuant to applicable legal standards.

b) Violate any air quality standard or contribute to an existing or projected air quality violation?		X		
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III. b), Less than Significant with Mitigation. This impact was found to be less than significant with mitigation in the previously prepared Initial Study. Although Phase 2 will construct additional facilities, amount of earth movement will be, one of the primary generators of dust, will be less than considered in the previous Initial Study. Total earth movement and related construction activities analyzed in that document were 2.5 million cubic yards. The combined total for both Phase 1 and Phase 2 will be only 2.3 million cubic yards. Therefore, the impact is within the scope of and was adequately analyzed in the earlier environmental document pursuant to applicable legal standards.

The following mitigation measures were required in the previous Initial Study.

Mitigation Measure:

- The Construction Contractor shall utilize dust control measures as required by South coast Air Quality Management District (SCAQMD) Rules 402 and 403. Rule 402 requires measures which prevent fugitive dust from creating an off-site nuisance, while Rule 403 requires the control of fugitive dust so that it does not remain visible in the atmosphere beyond the project limits.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
<ul style="list-style-type: none"> • Where silt is carried over public roadways, the Construction Contractor shall maintain a regular program of street sweeping. • The Construction Contractor shall plan/schedule construction activities to minimize as much as possible, disturbance of existing traffic patterns or detouring large numbers of vehicles. • Earthmoving activities shall be scheduled to minimize the amount of exposed, excavated soils during and after the end of normal work periods. • Where possible, temporary haul roads shall be covered with soil of lower silt content or soil stabilizers. • The Construction Contractor shall utilize well-tuned construction equipment to minimize the volume of emissions from equipment and/or vehicles. • Earthmoving and crushing operations shall be suspended during first and second stage smog alerts, and during high winds (i.e., greater than 25 mph) • To assure proper dust control during periods of high wind, exposed surfaces shall be watered a minimum of 3 times per day or treated with a mulch tackifier/soil stabilizer. • All vehicles hauling dirt, sand, soil, or other loose substances shall be covered, or required to maintain a minimum freeboard of 2 feet between the top of the load and the top of the truck bed sides. • Parking on untreated lots shall be prohibited. • All unpaved road surfaces shall be treated with a mulch tackifier/soil stabilizer. • All unpaved parking areas and vehicle storage areas shall be chemically treated. • Construction vehicles/equipment shall utilize low-sulfur fuel. • The maximum speed on unpaved haul and access roads shall not exceed 15 mph. • Open storage piles of sand, dirt or other soils shall be treated with a mulch tackifier/soil stabilizer. • To control soil erosion from storm water, disturbed surfaces shall, wherever possible, utilize vegetative stabilization. • Travel off designated haul and/or access roads shall be prohibited. <p>With the inclusion of these mitigation measures this impact is expected to be Less than Significant for the Phase 2 project.</p>				
c) Result in a cumulatively considerable net increase of any criteria pollutant				X

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions with exceed quantitative thresholds for ozone precursors)?				
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X
<p><i>III. c), d), e). No Impacts.</i> These impacts were found to have no impact in the previously prepared Initial Study. The impacts are within the scope of and were adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.</p>				
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as 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?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or				X

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservancy Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
<p>IV. a), b), c), d), e), f). <i>No Impact.</i> These impacts were found to have no impact in the previously prepared Initial Study. The impacts are within the scope of and were adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.</p>				
V. CULTURAL AND RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains including those interred outside of formal cemeteries?			X	
<p>V. a), b), c), d). <i>Less than Significant.</i> These impacts were found to be less than significant in the previously prepared Initial Study. The impacts are within the scope of and were adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.</p>				
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or				X

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
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?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
<p>VI. a),b),c),d), e). <i>No Impact</i>. These impacts were found to have no impact in the previously prepared Initial Study. In support of the Phase 2 project, a geotechnical investigation was prepared by URS Corporation in September 2006 (Exhibit 4 – <i>Geotechnical Investigation of the Upland Basin Expansion Phase 2 Project</i>). The study confirmed the conclusions represented in the previously prepared Initial Study. All recommended procedures to address geotechnical concerns have been included in the description of the project. Therefore, the impacts are determined to be within the scope of and were adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.</p>				

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
<p><i>VII. a). Less than Significant with Mitigation.</i> This impact was found to be less than significant in the previously prepared Initial Study. The impact is within the scope of and was adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.</p>				
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?		X		
<p><i>VII. b). Less than Significant with Mitigation.</i> These impacts were found to be less than significant in the previously prepared Initial Study on Phase 1 of the Upland Basin Expansion Project.</p> <p>However, in support of the Upland Basin Expansion Project Phase 2, <i>Geotechnical Investigation of the Upland Basin Expansion Phase 2 Project</i>, was conducted and is included as Exhibit 4 to this analysis. The study found that gypsum materials exist in the basin. Gypsum contains elevated levels of specific conductance and sulfate that are related to Total Dissolved Solids (TDS). According to the Santa Ana Integrated Watershed Management Plan, Section E., Water Quality, TDS is one of the constituents of concern related to water quality in the basin. The City consulted with the California Regional Water Quality Control Board, Santa Ana Region (CRWQCB, SAR) to properly handle the gypsum. CRWRCB, SAR requirements for final remediation of the gypsum are included in the contract documents.</p> <p>Mitigation Measure HAZ-I Prior to authorization to proceed the contractor shall provide a program demonstrating how they will comply with the requirements of the California Regional Water Quality Control Board, Santa Ana Region. Once reviewed and approved by the City of Public Works Director, said program will be implemented through the duration of the contract.</p> <p>As a result, the impact was determined to be Less than Significant with Mitigation for Phase 2 of the Upland Basin Expansion Project.</p>				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites				X

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				
<p><i>VI. c), and d), No Impact.</i> These impacts were found to have no impact in the previously prepared Initial Study. The impacts are within the scope of and were adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.</p>				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the Project Area?		X		
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the Project Area?		X		
<p><i>VII. e), f). Less than Significant with Mitigation.</i> The project site is located with two nautical miles of Cable Airport, a privately-owned, general aviation airport in the City of Upland. As a result, compatibility of the project was reviewed for compliance with the guidelines contained in the CALTRANS California Airport Land Use Planning Handbook and the Cable Airport Comprehensive Airport Land Use Plan (CACALUP).</p> <p>The CALTRANS California Airport Land Use Planning Handbook, adopted in 2002, requires that individual projects be reviewed for noise, overflight, safety and airspace protection.³ The Upland Basin Expansion Project, Phase 2 was reviewed for consistency with the following:</p> <ul style="list-style-type: none"> • Noise. As indicated in the Initial Study prepared for Phase 1 of the Upland Basin Expansion Project, the site is 1 ½ miles from Cable Airport and is not within the project 65 CNEL. (See Exhibit 7 – Noise Contour Map for Cable Airport.) • Overflight. According to the CALTRANS California Airport Land Use Planning Handbook, the project site is not within the designated overflight area for Cable Airport. (See Exhibit 8 – Airport Hazard Zones and Overflight Areas.)⁴ • Safety –According to the CALTRANS California Airport Land Use Planning Handbook, the project is within Zone 6.⁵ Zone 6 places no restrictions on development.⁶ (See Exhibit 8 – Airport Hazard Zones and Overflight Areas.) • Airspace Protection – The FAA Federal Aviation Regulation (FAR), Part 77 is the basic reference source for determining obstructions to air navigation. The FAA and both the CALTRANS and ALUC guidelines use the 				

³ California Airport Land Use Planning Handbook, State of California, Department of Transportation, Division of Aeronautics, January 2002

⁴ Final Environmental Impact Report for the Upland Crossing Project, LSA Associates, August 2006

⁵ Final Environmental Impact Report for the Upland Crossing Project, LSA Associates, August 2006

⁶ California Airport Land Use Planning Handbook, State of California, Department of Transportation, Division of Aeronautics, January 2002

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
<p>Part 77 as a reference to define hazards to air navigation. The FAA requires that a formal Notice of Intent to Construct be submitted if a proposed project is within a defined distance from an airport.⁷ The Upland Basin Expansion Project Phase 2 site is outside the FAA defined distance.</p> <p>The Cable Airport Comprehensive Airport Land Use Plan (CACALUP), adopted December 1981, establishes a series of areas in which certain types of land uses are discouraged due to potential aviation safety impacts. These areas include:</p> <ul style="list-style-type: none"> • Clear Zone (Extreme Crash Hazard) • Safety Area 1 (Significant Crash Hazard) • Safety Area 2 (Moderate Crash Hazard). <p>The project site lies outside these three areas and is consistent with the acceptable land uses described in the CACALUP. Exhibit 9 – Airport Land Use Hazard Zones from the CACALUP.⁸</p>				
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
<p>VII. g) and h). No Impact. These impacts were found to have no impact in the previously prepared Initial Study. The impacts are within the scope of and were adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.</p>				
<p>VIII. HYDROLOGY AND WATER QUALITY. Would the project:</p>				
a) Violate any water quality standards or waste discharge requirements?		X		
<p>VII. a), <i>Less than Significant with Mitigation</i>. This impact was found to be less than significant with mitigation in the previously prepared Initial Study.</p> <p>Currently gypsum materials exist in the basin. Gypsum contains elevated levels of specific conductance and sulfate that are related to TDS. According to the Santa Ana Integrated Watershed Management Plan, TDS is one of the constituents of concern related to water quality in the basin. The City consulted with the California Regional Water Quality Control Board, Santa Ana Region to properly handle the gypsum. Final remediation of the gypsum is included with the Phase 2 project. Groundwater recharge with storm water will introduce higher quality water into the Chino Basin groundwater, which currently has elevated levels of Nitrates (NO₃) and Total Dissolved Solids (TDS). This high quality storm water will assist in diluting the Nitrate and TDS levels thus improving the groundwater characteristics down gradient of the project. Through site clean-up and development, improved</p>				

⁷ Memo from Walter Gillfillan and Associates regarding the Wyeth Cove Specific Plan, date September 25, 2006.

⁸ Cable Airport Comprehensive Airport Land Use Plan, County of San Bernardino

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
<p>groundwater recharge, and natural filtration, the Project will improve ecological processes and enhance environmental resources.</p> <p>Again, the Phase 2 project is regionally beneficial and is consistent with the Chino Groundwater Basin Optimum Basin Management Plan and Chino Basin Peace Agreement, which complies with CWC 10753. The project is also consistent with the Basin Plan adopted by the Santa Ana Regional Water Quality Control Board and State Water Resources Control Board. By capturing high quality storm water and recharging it into the Chino Groundwater Basin, the water quality of the Chino Groundwater Basin will be improved. Overall, introducing high quality water into the groundwater aquifer is expected to improve and lower TDS and NO3 levels in the basin. The recharged water will percolate through alluvial materials providing natural filtration for use by down gradient water purveyors.⁹</p> <p>The following mitigation measures were required in the previous Initial Study.</p> <p>Mitigation Measures:</p> <ul style="list-style-type: none"> • An NPDES permit from the Regional Water Quality Control board will be obtained for the project. All terms of the permit shall be adhered to. • Best Management Practices will be employed when transporting material, including watering to control dust and ceasing work during periods of high winds. • The trucks hauling the material shall either cover the excess soils during transport or maintain at least 2 feet of freeboard between the top of the load and the top of the trailer as required by California Vehicle Code section 23114. • Streets adjacent to the project site shall be swept by the Construction Contractor, should upset occur or should soil or other materials be deposited during the transport of debris. The construction contractor shall have equipment and labor available at all times to respond to City request for street cleaning. <p>With the inclusion of these mitigation measures this impact is expected to be Less than Significant with Mitigation for the Phase 2 project.</p>				
<p>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</p>				X
<p>VI. b) <i>No Impact</i>. This impact was found to have no impact in the previously prepared Initial Study for Phase I. As a result, no mitigation measures were required in the previous Initial Study.</p>				

⁹ City of Upland Public Works Department

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
<p>Upland Basin Expansion Project Phase 2 will provide aquifer recharge enhancing local water supplies reducing the local dependence on imported water. The project is located within the middle Santa Ana Watershed Area over the Chino Groundwater Basin, which is the primary local water supply source for regional area. The Chino Groundwater Basin is managed by Chino Basin Watermaster to ensure the basin safe yield is maintained and water quality objectives are met and/or improved. Groundwater recharge is an essential component of the regional groundwater and watershed management programs. Currently, there are insufficient groundwater recharge facilities to meet the replenishment plan requirements in Chino Groundwater Basin. The project is estimated to provide for 3,650 acre-feet of groundwater recharge annually.</p> <p>Portions of the master planned drainage infrastructure exist to convey storm water to the basin. Required additional storm drains to capture and convey the storm water to the Upland Basin are identified in the West Upland Master Plan of Drainage, dated January 31, 2002. All of the infrastructure required to deliver imported State Project Water has been constructed and is operational. In addition, in the future recycled water may be recharged in the basin when the required recycled water pipelines have been constructed. Additional environmental compliance documents will be prepared for recycled water improvements at the appropriate time. These potential water supplies are currently lost to the Santa Ana River and ultimately flow to the ocean. The geographic location of the Upland Basin is at the most upper end of the Chino Groundwater Basin providing an opportunity to recharge water to improve the overall groundwater quality characteristics and groundwater water availability to a number of downstream agency users.</p> <p>The Upland Basin Project is included the Optimum Basin Management Plan and the Chino Basin Peace Agreement Groundwater Recharge Goals of approximately 1,100 acre-feet per year. In addition to the presented goal, the Chino Basin Peace Agreement suggests a maximum potential of 5000 acre-feet year. Without the project, these basin goals will not be achieved.</p>				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
<p>VIII. c) <i>No Impact.</i> This impact was found to have no impact in the previously prepared Initial Study. The impact is within the scope of and was adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.</p>				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of				X

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
polluted runoff?				
<p>VIII. d), e). These impacts were found to have no impact in the previously prepared Initial Study for Phase I. No mitigation measures were required in the previous Initial Study.</p> <p>The existing City basin is inadequate to meet City flood control needs as defined in the West Upland Master Plan of Drainage (WUMPD) of 1,154 acre-feet the storm runoff from the 818 acre tributary area. Therefore, the City acquired property for expansion of the basin. Prior to Phase I Construction, the basin contained 200 acre-feet capacity. After Phase I Construction, the capacity increased to 500 acre-feet. To meet flood control requirements, the basin must accommodate two (2) 100-year storm volumes or 1,154 acre-feet. Phase 2 of the project will increase the basin flood control volume to 1,020 acre-feet, and 200 acre-feet for imported water recharge storage for a total basin volume of 1,220 acre-feet, and will include an emergency spillway and low flow outlet (to release stored water retained by the jurisdictional berm) to the San Antonio Channel. The enlarged basin will retain 777 acre-feet of water. Water storage above 777 acre-feet or elevation 1,210 feet will be discharged to San Antonio Creek through a low flow storm drain outlet. Additionally, water storage above approximately 1,220 acre-feet or elevation 1,225 feet, the spillway crest, will discharge into San Antonio Creek Channel. San Antonio Channel is a fully improved concrete US Army Corp Storm Drainage Channel Facility.</p>				
f) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
h) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
i) Inundation by seiche or mudflow?				X
<p>VIII. g) and h). <i>No Impact.</i> These impacts were found to have no impact in the previously prepared Initial Study. The impacts are within the scope of and were adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.</p>				

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
IX. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
IX. a.) b) and c). <i>No Impact.</i> These impacts were found to have no impact in the previously prepared Initial Study. The impacts are within the scope of and were adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.				
X. MINERAL RESOURCES. 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?				X
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?				X
X. a), b). <i>No Impact.</i> These impacts were found to have no impact in the previously prepared Initial Study. The impacts are within the scope of and were adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.				
XI. NOISE. Would the project:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
XI. a). <i>Less than Significant with Mitigation.</i> This impact was found to be less than significant with mitigation in the previously prepared Initial Study. The environmental analysis for Phase 1 indicated that construction noise levels could exceed established standards and adopted appropriate mitigation measures. The impacts for Phase 2 are				

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
<p>within the scope of and were adequately analyzed in the adopted environmental document pursuant to applicable legal standards.</p> <p>The following mitigation measures were required in the previous Initial Study.</p> <p>Mitigation Measures:</p> <ul style="list-style-type: none"> All construction activity shall comply with normal City construction practices and applicable noise control measures, as specified in the Upland Municipal Code. Written City approval is required for any work to be conducted outside of normal working hours (7:00a.m. to 6:00p.m. Monday through Friday) (i.e., night work, switch over for detours or weekend work.) On-site bulldozer and tanker truck activity shall not commence until 7:00 a.m., except as may be approved by the Administrative committee for an emergency situation. Public notices shall be distributed for all significant after hour's activities (as determined by the City and SANBAG). The City shall approve any hours outside the normal working hours of 7:00 a.m. to 6:00 p.m. Monday through Friday in advance of the work being done. Operation of all contractor equipment, vehicles, engines, pneumatic tools, etc, shall be limited to normal working hours of 7:00 a.m. to 6:00p.m. Monday through Friday. All contractor equipment shall be kept in good working order, and shall be operated at speeds and noise levels so as to preclude any loud or unusual noise. All equipment shall be operated with the manufactures' recommended mufflers in a state of good repair. With the exception of automatic warning devices required by State law, no equipment or vehicles shall utilize horns or other loud singling devices. Engines and other equipment shall be turned off when not in use. <p>With the inclusion of these mitigation measures this impact is expected to be Less than Significant with Mitigation for the Phase 2 project.</p>				
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
<p><i>XI. b) Less than Significant Impact.</i> This impact was found to have a less than significant impact in the previously prepared Initial Study. The impact of Phase 2 is within the scope of and was adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study and no additional mitigation is required.</p>				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
<p><i>XI. c) No Impact.</i> This impact was found to have no impact in the previously prepared Initial Study on Phase I Improvements. The impact is within the scope of and was adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial</p>				

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
Study and no additional mitigation is required.				
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
<p><i>XI. d), Less than Significant with Mitigation.</i> This impact was found to be less than significant with mitigation in the previously prepared Initial Study. The environmental analysis for Phase I indicated that earthmoving and construction noise levels could exceed established standards but recognized that these activities would be short-term. Implementation of City codes, particularly the noise ordinance as well as appropriate mitigation measures would ensure that no permanent increases in noise levels would occur.</p> <p>The impacts for Phase 2 are within the scope of and were adequately analyzed in the adopted environmental document pursuant to applicable legal standards.</p> <p>Mitigation Measures: See Mitigation Measures listed in the response to Impact XI a).</p> <p>With the inclusion of this mitigation measure this impact is expected to be Less than Significant with Mitigation for the Phase 2 project.</p>				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two 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?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the Project Area to excessive noise levels?				X
<p><i>XI. e) and f). No Impact.</i> These impacts were found to have no impact in the previously prepared Initial Study for Phase I. The impacts for Phase 2 are within the scope of and were adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.</p>				
XII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through			X	

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
extension of roads or other infrastructure)?				
<p><i>XII.a) Less than Significant.</i> This impact was found to be less than significant in the previously prepared Initial Study for Phase 1. For Phase 2, the impact is within the scope of and was adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.</p>				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
<p><i>XII.b) and c). No Impact.</i> These impacts were found to have no impact in the previously prepared Initial Study for Phase 1. The impacts for Phase 2 are within the scope of and were adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.</p>				
<p>XIII. PUBLIC SERVICES. 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:</p>				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X
<p><i>XIII. a), b),c), d), e). No Impact.</i> These impacts were found to have no impact in the previously prepared Initial Study for Phase 1. The impacts for Phase 2 are within the scope of and were adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.</p>				
<p>XIV. RECREATION:</p>				
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?				X
b) Does the project include recreational facilities or require the construction or				X

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
expansion of recreational facilities that might have an adverse physical effect on the environment?				

XIV. a) and b). *No Impact.* These impacts were found to have no impact in the previously prepared Initial Study for Phase 1. The impacts for Phase 2 are within the scope of and were adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.

XV. TRANSPORTATION/ TRAFFIC. Would the project:

a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?		X		
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?		X		

XV. a) and b). *Less than Significant with Mitigation.* These impacts were found to be less than significant with mitigation in the previously prepared Initial Study. The environmental analysis for Phase I indicated that haul materials will be transported to an export site via a haul route along Monte Vista.

Mitigation Measure adopted for Phase I:

Flag persons must be employed by the contractor while accessing public streets to ensure that the project maintains a level of service of E in accordance with San Bernardino County Congestion Management Plan standards.

In Phase 2 the export has been substantially reduced from 700,000 cubic yards to about 100,000 cubic yards. Check with Mike on this wording. Transportation and traffic impacts created by the project will only occur during construction and will be limited to employees, maintenance vehicles, and hauling of excess materials. Employees will access and leave the site at the beginning and end of the work period. Maintenance vehicles will service construction equipment and are anticipated to access the site infrequently. Haul of excess materials generated by grading of the basin project will be transported to the proposed export sites via haul routes that primarily include Monte Vista Avenue and Arrow Route.

Per City of Upland requirements, the construction contractor will prepare and implement a Construction Access Plan (CAP). The CAP will include use of a flagman as required to control traffic. Adherence to provisions of the CAP and other applicable City standards will reduce potential impacts associated with this issue to a less than significant level.

The impacts for Phase 2 are within the scope of and were adequately analyzed in the adopted environmental document pursuant to applicable legal standards.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
<p>With the inclusion of the mitigation measure required for Phase 1 and implementation of the City Construction Access Plan, the impact is expected to be Less than Significant with Mitigation for the Phase 2 project.</p>				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
<p>XV. c) and d). <i>No Impact.</i> These impacts were found to have no impact in the previously prepared Initial Study for Phase 1. The impacts for Phase 2 are within the scope of and were adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.</p>				
e) Result in inadequate emergency access?			X	
f) Result in inadequate parking capacity?			X	
<p>XV. e) and f) <i>Less than Significant.</i> These impacts were found to be less than significant in the previously prepared Initial Study for Phase 1.</p> <p>The proposed Phase 2 project does not entail parking demand. Adequate control of haul vehicles will be provided by previously described mitigation. Parking for construction workers and staging of construction vehicles will be accommodated on site. As a result, the impacts are within the scope of and were adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.</p>				
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
<p>XI. g) <i>No Impact.</i> This impact was found to have no impact in the previously prepared Initial Study on Phase 1 Improvements.</p> <p>The proposed Phase 2 project does not include the construction of residential, commercial, industrial or community service uses; therefore, the provision of features to accommodate alternative modes of transportation is not necessary. The impact of Phase 2 is within the scope of and was adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study and no additional mitigation is required.</p>				

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
XVI. a) <i>No Impact.</i> This impact was found to have no impact in the previously prepared Initial Study on Phase I Improvements. The impact is within the scope of and was adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study and no additional mitigation is required.				
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
XVI. b) <i>Less than Significant.</i> This impact was found to be less than significant in the previously prepared Initial Study for Phase I. For Phase 2, the impact is within the scope of and was adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.				
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 as projected demand in addition to the provider's existing commitments?				X
XVI. c) <i>No Impact.</i> This impact was found to have no impact in the previously prepared Initial Study on Phase I Improvements. The impact is within the scope of and was adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study and no additional mitigation is required.				
d) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
XVI. d) <i>Less than Significant.</i> This impact was found to be less than significant in the previously prepared Initial Study for Phase I. For Phase 2, the impact is within the scope of and was adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.				

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
e) Have sufficient water supplies available to serve the project from existing entitlements and resources, or new or expanded entitlements needed?				X
XVI. e) <i>No Impact</i> . This impact was found to have no impact in the previously prepared Initial Study on Phase I Improvements. The impact is within the scope of and was adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study and no additional mitigation is required.				
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state and local statutes and regulations related to solid waste?			X	
XVI .f) and g: <i>Less than Significant</i> . These impacts were found to be less than significant in the previously prepared Initial Study for Phase I. For Phase 2, the impacts are within the scope of and were adequately analyzed in the earlier environmental document pursuant to applicable legal standards. No mitigation measures were required in the previous Initial Study.				

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
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, reduce the number or restrict the range of a rare or an endangered threatened species, or eliminate important examples of the major periods of California history or prehistory?			X	
<p><i>XVII. A. Less than Significant.</i> As discussed in Item IV above, there are No Impacts anticipated to biological resources. As discussed under Item V, above, and indicated in the analysis for Phase I no significant historical, archaeological or paleontological resources or human remains have been recorded in or around the project site and the impact is identified as Less than Significant. Therefore, the potential for the project to substantially degrade the quality of the environment is less than significant.</p>				
B. Does the project have impacts that are individually limited, but cumulatively considerable? (Are the incremental effects of the project considerable when viewed in connection with those of past projects, those of other current projects, and those of probable future projects)			X	
<p><i>XVII. B. Less than Significant.</i> The proposed project consists of grading for a water retention basin and trenching for construction of drainage improvements. The limited impacts of grading and the construction of the jurisdictional berm will occur for only an interim period. Only impacts to aesthetics will be permanent. All identified impacts are either insignificant or have mitigation measures specified to reduce impacts to levels of insignificance both individually and cumulatively. In addition, once the project is complete, most of the project-related impacts will no longer exist.</p>				
C. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X
<p><i>XVII. C. No Impact.</i> The proposed project will not involve the use or transport of hazardous materials that could affect human health. The project will not cause substantial adverse effects on human beings.</p>				

SOURCES CITED IN EVALUATION OF ENVIRONMENTAL IMPACTS:

Section 15150 of the State CEQA Guidelines permits an environmental document to incorporate by reference other documents that provide relevant data. The documents outlined below are hereby incorporated by reference, and the pertinent material is summarized throughout this Initial Study where that information is relevant to the analysis of impacts of the proposed project. All documents incorporated by reference are available for review at the City of Upland Planning Department, 460 N. Euclid Avenue, Upland, CA 91786-0460. The office hours are Monday through Friday between 8:00 a.m. and 5:00 p.m.

1. City of Upland General Plan (current)
2. Zoning Code of the City of Upland (current)
3. CEQA Implementing Procedures, City of Upland
4. City of Upland Planning Division, *Initial Study for the Upland Basin Improvements Project*, April 23, 2003
5. *California Airport Land Use Planning Handbook*, State of California, Department of Transportation, Division of Aeronautics, January 2002
6. Final Environmental Impact Report for the Upland Crossing Project, LSA Associates, August 2006
7. Memo from Walter Gillfillan and Associates to the City of Upland providing the Airport Land Use Compatibility Analysis of the Wyeth Cove Specific Plan, date September 25, 2006
8. *Cable Airport Comprehensive Airport Land Use Plan*, County of San Bernardino

LIST BELOW THE PERSON OR PERSONS WHO PREPARED OR PARTICIPATED IN THE PREPARATION OF THE INITIAL STUDY:

1. Candida Neal, City Planner
2. Mike Thornton, Consulting Engineer
3. Rosemary Hoerning, City of Upland Public Works Department

ATTACHMENT Q

LIST OF EXHIBITS UPLAND BASIN EXPANSION APPLICATION FOR PROPOSITION 40 FUNDS

Exhibit A – Final Environmental Document

Appendix G – Negative Declaration
Initial Study

Exhibit B – Comments and Responses

Letter from San Bernardino County Department of Public Works dated May 28, 2003
Letter from Robert C. Hawkins on behalf of the Pomona Valley Protective Agency, dated May 22, 2003
Letter from Robert C. Hawkins on behalf of the Pomona Valley Protective Agency, dated June 6, 2003
Letter from Belle Newman, City of Claremont, dated May 20, 2003
Letter from Barrett Kehl, Chino Basin Water Conservation District, dated April 23, 2003
Letter from Terry Roberts, Governor's Office of Planning and Research, State of California, dated June 2, 2003

Exhibit C – Mitigation Monitoring Program

Mitigation Monitoring Program for the Upland Basin Expansion, CUP 02-13 and EAR 1414

Exhibit D – Notice of Determination

Appendix D – Notice of Determination for CUP 02-13 and EAR 1414 Upland Basin, dated June 23, 2003

Exhibit E – Certification of Adoption

City of Upland Planning Commission Resolution No. 4347 dated June 25, 2003

EXHIBIT A

NOTICE OF INTENT TO ADOPT A
MITIGATED NEGATIVE DECLARATION

TO: County Clerk, County of San Bernardino
385 N. Arrowhead Avenue, Third Floor
San Bernardino, CA 92415

FROM: City of Upland
Community Development Department
460 North Euclid Avenue
Upland, CA 91786
(909) 931-4142

TO: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

The City of Upland hereby gives notice that pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) and the CEQA Guidelines, Community Development Department staff has analyzed the request for:

PROJECT NAME: EAR-1414 and Conditional Use Permit No. CUP-02-13 to allow the expansion of storm water retention basin to meet the City's master plan storm water requirements and construction of additional storage for spreading of imported water to recharge the Chino Basin groundwater basin.

PROJECT LOCATION: The proposed project encompasses approximately 44.82-acres (inclusive of Assessor Parcels 1007-39113, 1007-39114, 1007-391-15) and is generally located along the south side of Arrow Highway between, Monte Vista and Central Avenues, just east of the Claremont/L.A. County boundary.

PROJECT DESCRIPTION: The City proposes expansion and development of basin in order to allow for ultimate retention of 1,050 acre-feet of storm water. Consistent with regional goals established by the Chino Basin Water Master to increase local water reliability, recharge groundwater aquifer and reduce dependence on imported water, the construction of a drainage conveyance system will deliver runoff to the retention basin and offsite street improvements along Arrow Route. Construction of the basin will require excavation of approximately 2.5 million cubic yards of material. Approximately 700,000 cubic yards are to be exported to an existing pit located along the southwest corner of Monte Vista Avenue and Arrow Route, as approved by Conditional Use Permit No. 96-09. An old city owned gravel pit, located north of Sixteenth Street is the intended import site for the remaining excess material.

After reviewing the Initial Study for the project, the Administrative Committee/Environmental Review Board determined that this project would not have a significant effect on the environment. Accordingly, a Mitigated Negative Declaration is recommended.


The City of Upland Planning Commission will consider this proposed Mitigated Negative Declaration and Conditional Use Permit, REF: CUP-02-13, at their meeting of May 28, 2003, at 6:30 p.m., also the close of the public comment period at the City of Upland, Community Development Department in City Hall, 460 North Euclid Avenue. Additional information on the time and location of the meeting will be available by calling (909) 931-4142.

The City will accept public comments on the Negative Declaration during a 30-day review period to run April 28, 2003 through May 28, 2003. Copies of all relevant material, including the project specifications and all documents referenced in the Mitigated Negative Declaration, are available for public inspection at Upland City Hall, Community Development Department.

The project site is not listed on any list of hazardous waste sites prepared pursuant to Government Code Section 65962.5. Any information contained in a Hazardous Waste Substances Statement is attached to this Notice.

Date: April 24, 2003

By:



Rosalie Staudenmayer, Senior Planner



City of Upland
**INITIAL STUDY AND
ENVIRONMENTAL CHECKLIST FORM**

Project Name: Upland Basin Improvements located on the South side of Arrow Route between Monte Vista Avenue and Central Avenue and related drainage facilities.

Project Sponsor Name and Address:

City of Upland
Public Works Department
1370 North Benson Avenue
Upland, CA 91786
Attn: Rosemary Hoerning, Ext 4260

Project Description:

The project includes expansion of storm water retention basin to meet the City's master plan storm water requirements and construction of additional storage for spreading of imported water to recharge the Chino Basin groundwater basin. In addition, the project includes construction of drainage conveyance system that will deliver runoff to the retention basin and offsite street improvements along Arrow Route. The project is consistent with regional goals established by the Chino Basin Water Master to increase local water reliability, recharge groundwater aquifer and reduce dependence on imported water. Expansion of the basin and construction of related facilities is consistent with the City's West Upland Master Plan of Drainage and will increase protection against potential flooding.

The basin site is approximately 44.82-acres generally located along the south side of Arrow Highway between Monte Vista and Central Avenues, just east of the Claremont/L.A. County boundary, in an ML (Light Industrial) Zone. The site is generally bounded by open space to the north and west, industrial and commercial along the east and northeast, San Antonio Channel to the west; and a proposed bike trail and the Montclair Metrolink Station to the south. Chino Basin Water Master is currently planning construction of a recharge basin project located north of the site and Arrow Route that includes construction of overflow facilities to the City's Basin.

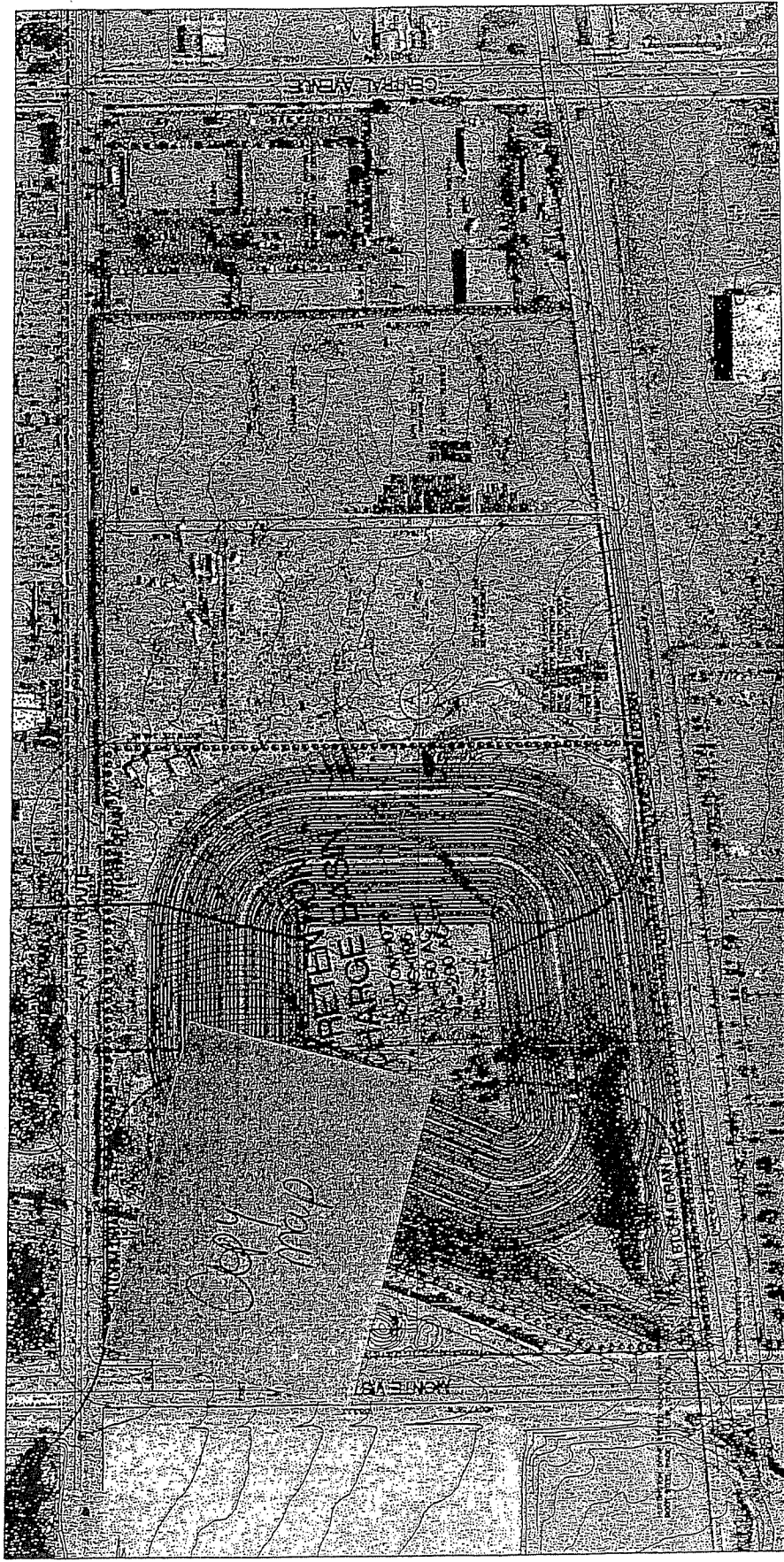
Construction of the site will require approximately 2.5 million cubic yards of grading including approximately 2 million of export. The property West of the site and Monte Vista Avenue will be used for placing 700,000 cubic yards of exported materials. The materials will be placed as compacted embankment in accordance with approved Conditional Use Permit No. 96-09 and EAR-1204. On April 23, 1997, the City of Upland's Planning Commission approved each. The remaining materials will be exported to the existing pit located on the North side of 16th Street West of Benson Avenue and Southeast of State Route 210 Freeway right-of-way. Materials will be hauled to the export sites by truck using local streets, primarily, Monte Vista Avenue. Loads will be covered and inspected. Access to local roadways will be monitored by traffic flagmen and will be limited to 4 loads per hour and travel will be permitted between the hours of 7:00 a.m. to 5:00 p.m.

Prior to the 1980's, the basin was larger in volume than it is currently. The basin had been partially filled with construction debris. Based on reviews of aerial photographs and exploration work performed at the site, it appears that approximately 100,000 cubic yards of construction debris including asphalt concrete, Portland cement concrete, and earth and have been placed on-site. The project will include sorting and processing of these construction materials and placing acceptable as compacted fill at the export sites.

The project provides for the expansion and development of the Upland Basin in order to allow for retention of 850 acre-feet of storm water, plus 200 acre-feet for groundwater recharge, thus ultimately retaining a total of 1,050 acre-feet of water. The site will be completely fenced and landscaped screening will be provided at the site's perimeter. The site will be in an annual maintenance program to maintain weed abatement and recharge percolation.

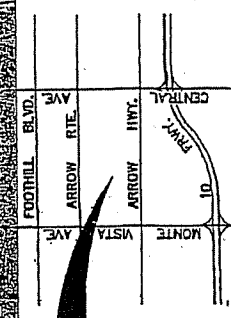
To convey drainage to the basin, the project will include construction of Storm Drain facilities. Storm Drain 'A' will be constructed across Arrow Route to the North and through easements across property owned by Chino Basin Water Conservation District to and across Foothill Boulevard. Storm Drain 'B' will be constructed to the West across Monte Vista Avenue along the Southern portion of the basin site. Street improvements will be constructed along the South side of Arrow Route adjacent to the project.

The project site shall consist of the Upland Basin, the site to receive export (Southwest corner of Monte Vista Avenue and Arrow Route and the North side of 16th Street between SR 210 and Benson Avenue) and the Conservation District property located East of San Antonio Channel between Foothill Boulevard and Arrow Route.



SCALE 1"=100'
 CITY OF UPLAND 4800VC
 UPLAND, CA 91786
 ATTY: ROBERTA L. HUGHES
 (909) 941-0300
 CITY OF UPLAND WATER
 RETENTION BASIN EXPANSION

PROJECT LOCATION



DATE: 03/14/2014

CITY OF UPLAND		UPLAND RETENTION BASIN IMPROVEMENTS		SITE PLAN	
APPROVED BY: _____		DATE: _____		DRAWN BY: _____	
REVIEWED BY: _____		DATE: _____		CHECKED BY: _____	
DESIGNED BY: _____		DATE: _____		PROJECT NO.: _____	
DRAWN BY: _____		DATE: _____		SHEET NO.: _____	
CHECKED BY: _____		DATE: _____		TOTAL SHEETS: _____	
DATE: _____		SCALE: _____		PROJECT LOCATION: _____	

REVISIONS

NO.	DATE	DESCRIPTION

TKE
 TECHNICAL KENNEDY DESIGN GROUP, INC. 2005
 1000 S. MAIN ST. SUITE 200
 UPLAND, CA 91786
 (909) 941-1111
 www.tkedesign.com

PROJECT NO. 1316-04
 SHEET NO. 1316-04-01
 DATE: 03/14/2014

BY: _____
 DATE: _____

DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment. 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 the mitigation measures described on an attached sheet have been added to the project, or agreed to, by the applicant. 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 significant effect(s) 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 upon the earlier analysis as described on attached sheets, if the effect is a "Potentially Significant Impact" or "Potentially Significant Impact Unless Mitigation Incorporated." An ENVIRONMENTAL IMPACT REPORT is required, but 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, there WILL NOT be a significant effect in this case because all potentially significant effects 1) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and 2) have been avoided or mitigated pursuant to that earlier EIR, including revision or mitigation measures that are imposed upon the proposed project.

Signed: *Rosalie Staudenmayer*
Rosalie Staudenmayer
Senior Planner

Date: 4/23/03

PART II ENVIRONMENTAL CHECKLIST

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. AESTHETICS — Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

a-d) **No scenic vistas or scenic resources exist onsite.** The proposed project includes expansion of an existing water retention basin and related facilities for storm water and import water recharge to the groundwater aquifer basin. The expansion of the basin will include extending the basin to the east and constructing it deeper than it exists. The site is currently fenced and includes boundary landscaping providing site screening. Similar fencing and screening is proposed for the project. Typical construction activities will occur providing for some light and glare during working hours only.

2. AGRICULTURE 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. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

The existing site includes a basin and an open space area previously utilized mining operation. Any historic agricultural uses of the site is not known.

3. AIR QUALITY — Would the project:

a) Conflict with or obstruct implementation of the Southern California Air Quality Management District's (SCAQMD) Air Quality Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

a-b) The project sites are located in the South Coast Air Basin (SCAB). Construction includes grading, trenching, compacting, material processing and transport of materials to offsite locations. These operations will create dust. The extent of dust will depend on contractors operations including maintained moisture content, and material silt content, wind speed, and areas of disturbance. In addition, the construction emissions to be released from construction equipment will contribute to air quality impacts. The following mitigation measures will be used to mitigate air quality impacts.

- e The Construction Contractor shall utilize dust control measures as required by South Coast Air Quality Management District (SCAQMD) Rules 402 and 403. Rule 402 requires measures

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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which prevent fugitive dust from creating an off-site nuisance, while Rule 403 requires the control of fugitive dust so that it does not remain visible in the atmosphere beyond the project limits.

- Where silt is carried over public roadways, the Construction Contractor shall maintain a regular program of street sweeping.
- The Construction Contractor shall plan/schedule construction activities to minimize as much as possible, disturbance of existing traffic patterns or detouring large numbers of vehicles.
- Earthmoving activities shall be scheduled to minimize the amount of exposed, excavated soils during and after the end of normal work periods.
- Where possible, temporary haul roads shall be covered with soil of lower silt content or soil stabilizers.
- The Construction Contractor shall utilize well-tuned construction equipment to minimize the volume of emissions from equipment and/or vehicles.
- Earthmoving and crushing operations shall be suspended during first and second stage smog alerts, and during high winds (i.e., greater than 25 mph).
- To assure proper dust control during periods of high wind, exposed surfaces shall be watered a minimum of 3 times per day or treated with a mulch tackifier/soil stabilizer once per each day.
- Disturbed areas that have been, or are expected to be unused for four or more consecutive days shall be treated with a mulch tackifier/soil stabilizer.
- All vehicles hauling dirt, sand, soil, or other loose substances shall be covered, or required to maintain a minimum freeboard of 2 feet between the top of the load and the top of the truck bed sides.
- Parking on untreated lots shall be prohibited.
- All unpaved road surfaces shall be treated with a mulch tackifier/soil stabilizer.
- All unpaved parking areas and vehicle storage areas shall be chemically treated.
- Construction vehicles/equipment shall utilize low-sulfur fuel.
- The maximum speed on unpaved haul and access roads shall not exceed 15 mph.
- Open storage piles of sand, dirt, or other soils shall be treated with a mulch tackifier/soil stabilizer.
- To control soil erosion from storm water, disturbed surfaces shall, wherever possible, utilize vegetative stabilization.
- Travel off designated haul and/or access roads shall be prohibited.

Adherence to applicable mitigation measures referenced above will reduce potential air quality impacts to a less than significant level.

- c-e) The proposed project would not result in an increase in the exposure of sensitive receptors to substantial pollutant concentrations. There would be no increase in pollutants generated by the project.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
4. BIOLOGICAL RESOURCES — 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a-b) Based on site inspections, the project areas are essentially clear of vegetation; therefore, no habitat exists. Development of the project will be consistent with existing conditions.
- c) The project sites and vicinity are located in the San Antonio Wash that has been extensively modified by flood control and groundwater recharge projects as well as mining and development of lands around this site. These activities over several decades have resulted in the destruction of any wetland features that may have occurred in the past. The project sites and adjacent areas have no federally protected wetlands as defined by Section 404 of the Clean Water Act.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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- d) The project site is within an existing industrial area. No impacts to wildlife corridors will occur as a result of the project.
- e-f) The site is not included in any habitat conservation effort or protected by local or other conservation planning policies.

5. CULTURAL RESOURCES — Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

DISCUSSION

a-d) The project sites have been disturbed by mining activities for several decades to various depths reducing the chance of identifying any past cultural activities, archeological and paleontological resources and human remains. Thereafter, it was used to dispose of construction materials. As a precaution, the following standards will be implemented during debris removal and storm drain trenching to ensure the protection of potential sub-surface cultural resources:

1. In the event any archeological or historical resources is uncovered during the course of the project, ground disturbing activities in the vicinity of the find would be redirected until the nature and extent of the find can be evaluated by a qualified archaeologist and/or other qualified specialists.

2. If human remains are encountered during construction, State Health and Safety code 7050.5 states that no further disturbance shall occur until the county coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The San Bernardino County Coroner must be notified within 24 hours. If the coroner determines that the burial is not historic, but prehistoric, the Native American Heritage Commission must be contacted to determine the most likely descendent (MLD) for this area.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
6. GEOLOGY AND SOILS — Would the project:				
a) Expose people or structures to 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a) The project sites are not located within the most recent Alquist-Priolo Earthquake Fault Zone and there are no known faults in the project area. Site materials are granular with low potential for consolidation. Groundwater table is at least 400 feet below the proposed project finish grades. Strong seismic ground shaking, seismic related ground failure (including liquefaction) or landslides are not anticipated.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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LOR Geotechnical has recently completed two geotechnical investigations of the site indicating that geologic conditions are consistent with proposed development. Reports are referenced in Section 19.

- b) The project will not result in substantial soil erosion or the loss of topsoil. Soils will be hauled to export sites and placed as compacted fill.
- c) The project area is not within a region known for landslides, lateral spreading, subsidence, liquefaction or surface. As indicated in the LOR Geotechnical reports referenced above. Therefore, impacts related to landslides, lateral spreading, subsidence, liquefaction or surface is not anticipated.
- d) Soils on-site consist of a variety of sands and gravels that are not considered expansive. In addition, there are no habitable structures proposed that may be affected by expansive soils.
- e) No septic systems are proposed.

7. HAZARDS AND HAZARDOUS MATERIALS —

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of (hazardous) materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site that 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

a-c) The proposed project entails the removal of construction related debris followed by temporary stockpiling, crushing operations and engineered fill placement at alternate sites together with excavation trenching and backfill for drainage system improvements. Geotechnical review of the site indicates that construction materials exist within the uncontrolled fill. However, no hazardous materials were encountered in their exploratory trenches and borings. Twenty-six trenches and 5 exploratory boring were completed as part of the site investigation. The proposed project anticipates no transport and disposal of hazardous materials; however, if any occurs, it is anticipated to be very minimal in nature.

The following standards will be implemented to ensure protection in the event that debris contains hazardous material.

If malodorous or discolored soils, liquids, or other materials such as containers suspected to contain contaminants are encountered during debris removal and/or on-site grading/earthmoving, all project activity in the vicinity of the said material shall be halted until the extent and nature of the material is determined by a qualified personnel. The removal and/or disposal of any such contaminate shall be in accordance with all applicable local, state, and federal standards.

There is no existing or proposed school within one-quarter mile of the proposed project sites.

d) The project sites are not listed as a hazardous materials site compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment.

e-f) There will be no increase in the safety hazard of people working or residing in the vicinity. The site will be completely fenced prior to beginning grading construction. The project sites are approximately 1 ½ miles South of Cable Airport.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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- g) The proposed projects do not anticipate large amounts of project related traffic on public roadways therefore the proposed project would not impair the implementation of or physically interfere with emergency response requirements. Passage of haul vehicles will be conducted in accordance with applicable standards and guidelines of the City of Upland. Adherence to applicable City standards will reduce potential impacts associated with this issue to a less than significant level.
- h) The proposed projects are the expansion of an existing pit for storm water retention and aquifer recharge construction of drainage facilities. The site is located in an industrial area of the City of Upland and is not near any wildlands area.

8. HYDROLOGY AND WATER QUALITY — Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

a) The proposed projects activities involve removing material and debris and trenching for construction of drainage improvements in a highly disturbed site. The debris material consists primarily of concrete, asphalt, rebar, and other associated material from construction activities. This material is believed to contain minimal amounts of substances that may adversely impact ground or surface water quality. However, while removing, transporting, replacing material, there is a risk of upset and introduction of the soil into surrounding area and a risk of increased pollutants in stormwater runoff from general construction activities. Because of this, a National Pollutant Discharge Elimination System permit (NPDES permit) issued by the Santa Ana Regional Water Quality Control Board is required for the proposed projects. The impact to water quality standards or waste discharge requirements would be less than significant with the incorporation of the following mitigation measures:

1. An NPDES permit from the Regional Water Quality Control Board will be obtained for the project. All terms of the permit shall be adhered to.
2. Best Management Practices will be employed when transporting material, including watering to control dust and ceasing work during periods of high winds.
3. The trucks hauling the material shall either cover the excess soils during transport or maintain at least 2 feet of freeboard between the top of the load and the top of the trailer as required by California Vehicle Code Section 23114.
4. Streets adjacent to the project site shall be swept by the Construction Contractor, should upset occur or should soil or other materials be deposited during the transport of debris. The construction contractor shall have equipment and labor available at all times to respond to City request for street cleaning.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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- b) The proposed projects would not deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the local groundwater table. The proposed project will increase amounts of groundwater recharge.
- c) The proposed projects do not alter the course of a stream or river or alter a drainage pattern that would result in substantial erosion or siltation on site or off-site. There will be no changes to off-site drainage patterns as a result of the proposed project. However, the basin will be increased in size to accommodate future drainage diversions.
- d) The proposed project does not alter the course of a stream or river or substantially increase the rate or amount of surface runoff in a manner that would result in flooding off-site. The basin is designed to retain 100-year storm water flows. Drainage facilities are sized to convey 100-year flood flows. Off-site drainage improvement will convey runoff to the basin.
- e) The projects will not create or contribute additional storm water runoff or provide sources for polluted runoff.
- f) The proposed projects will not substantially degrade surface or groundwater quality. The site is underlain by unconsolidated, coarse-grained, alluvium that functions as water-bearing sediments of the Chino Groundwater Basin. However, the depth to groundwater at the project site will be more than 400 feet at any given time. All materials will be removed as part of the proposed project will be inert. Therefore, it is unlikely the proposed project will have any impact on groundwater quality.
- g) The proposed projects consist of basin construction including debris removal, temporary material stockpile, crushing operations and replacement of engineered fill and trenching for drainage system improvements. The proposed project does not include housing. No impact will occur.
- h) The proposed projects will convey and retain 100-year flood flows relieving the adjacent channel of potential flooding. Therefore, the proposed projects will reduce potential flooding.
- i) There are currently no structures within the proposed project sites. The proposed project does not include the construction of any housing or other structures that may result in a significant risk of loss due to the failure of a levee or dam. No impact will occur.
- j) The project sites are not located near an existing body of water nor is it susceptible to mudflows.

9. LAND USE AND PLANNING — Would the project:

- a) Physically divide an established community?

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
b) Conflict with any applicable local or regional land use plans, policies, or regulations (including, but not limited to the general plan, specific plan, zoning ordinance, or regional plans) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be incompatible with existing land use in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a) **The implementation of the proposed projects will not result in the disruption to, or division of established communities.**
- b) **The implementation of the proposed projects will adhere to all applicable land use plans, policies, and regulations.**
- c) **The project sites are not located in an established conservation plan area. The sites have been disturbed by mining and related activities such that viable habitat is not present on site.**
- d) **The project site is an existing flood control basin. No new uses are proposed.**

10. MINERAL RESOURCES — 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a-b) **The project will increase water recharge in the Chino groundwater basin. Materials generated from the project will be placed as engineered fill at the export sites.**

11. NOISE — Would the project result in:

a) Exposure of persons to noise levels in excess of standards established in the City's general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

a) Noise caused by construction activities (grading, rock crushing, trenching and haul vehicles) is expected to exceed existing ambient levels. Noise levels will vary during the course of the workday. To reduce potential noise impacts associated with the proposed project, the following measures shall be followed throughout the duration of the proposed project.

1. All construction activity shall comply with normal City construction practices and applicable noise control measures, as specified in the Upland Municipal Code.

2. Written City approval is required for any work to be conducted outside of normal working hours (7:00 a.m. to 6:00 p.m. Monday through Friday) (i.e., night work, switch over for detours or weekend work.) On-site bulldozer and tanker truck activity shall not commence until 7:00 a.m., except as may be approved by the Administrative committee for an emergency situation. Public notices shall be distributed for all significant after hours activities (as determined by the City and SANBAG). The City shall approve any hours outside the normal working hours of 7:00 a.m. to 6:00 p.m. Monday through Friday in advance of the work being done.

3. Operation of all contractor equipment, vehicles, engines, pneumatic tools, etc., shall be limited to normal working hours of 7:00 a.m. to 6:00 p.m. Monday through Friday.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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4. All contractor equipment shall be kept in good working order, and shall be operated at speeds and noise levels so as to preclude any loud or unusual noise. All equipment shall be operated with the manufacturer's recommended mufflers in a state of good repair.

5. With the exception of automatic warning devices required by State law, no equipment or vehicles shall utilize horns or other loud singling devices.

6. Engines and other equipment shall be turned off when not in use.

b) Implementation of the proposed projects require the use of haul vehicles and a rock crusher, which may generate and/or increase the extent or amount of ground borne vibrations or the ground borne noise. The use of this equipment and vehicles will be limited to the project construction areas, as well as on-site haul roads and material placement sites.

c-d) While earthmoving and other construction activities will increase ambient noise levels in the vicinity of the proposed project sites, activities will be short-term and will follow required City codes, and no permanent increases in ambient noise levels will occur.

e) The nearest airport facility, Cable Airport, is located approximately 1 1/2 miles North of the proposed site.

f) The proposed project site is not located within the vicinity of a private airport.

12. POPULATION AND HOUSING — Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Induce substantial 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION

a) The projects are construction of drainage control and retention facilities that are necessary to accommodate the development previously authorized by the City's adoption of its General Plan-Plan for Land Use and Housing Element. The drainage facility will not induce any population or housing increase that has not previously been authorized by the General Plan and Housing

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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Element. This facility will allow the development in the western quadrant of the City to occur in a safe and reasonable manner by providing an integral part of the City's planned drainage system. Absent this facility drainage waters from approved development could pose an unreasonable health and safety risk to people and property.

b-c) No housing currently exists on the project site.

13. PUBLIC SERVICES —

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:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

a) The proposed project consists of the removal and placement of engineered fill and construction of drainage facilities, and does not include housing or other use that would result in an increase in demand for fire protection, police, schools, parks, or other facilities.

14. RECREATION —

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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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DISCUSSION

a-b) The proposed projects do not include housing or other use that would result in an increase in demand for recreational services or facilities.

15. TRANSPORTATION/TRAFFIC — Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION

a) Haul materials will be transported to the proposed export sites via a haul route that primarily include Monte Vista Avenue.

Per City of Upland requirements, the construction contractor has prepared a Construction Access Plan (CAP). The CAP proposes the use of a flagman at the proposed access to Monte Vista Avenue. Adherence to provisions of the CAP and other applicable City standards will reduce potential impacts associated with this issue to a less than significant level.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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- b) Increased traffic volumes will be limited to construction traffic only. The proposed construction traffic hauling routes will include utilization of flagman to control the haul road traffic accessing Monte Vista Avenue. The traffic control flagmen will be required to maintain a Level of Service of E in accordance with San Bernardino County Congestion Management Plan standards.
- c) The project does not involve the use of air traffic. The nearest airport facilities -- Cable Airport is located approximately 1 1/2 miles North of the proposed site.
- d) Haul roads will be designed to accommodate the turning radii of the haul vehicles. The location of the proposed access to Monte Vista Avenue will occur on a straight, and flat section of the roadway, providing excellent visibility. Signs indicating "Flagman Ahead" will be placed to warn motorists of the crossing.
- e) Adequate control over haul vehicles will be provided by a flagman. As a result, significant impacts to emergency access along Monte Vista Avenue will be avoided.
- f) The proposed projects do not entail parking demand. Parking for construction workers and staging of construction vehicles will be accommodated on site.
- g) The proposed projects do not include the construction of residential, commercial, industrial or community service uses; therefore, the provision of features to accommodate alternative modes of transportation is not necessary.

16. UTILITIES AND SERVICE SYSTEMS —

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the Santa Ana Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a) **The proposed projects will not contribute wastewater to local and/or regional wastewater treatment facilities.**
- b) **The proposed projects do not require the construction of structures or the installation of potable water or wastewater conveyance facilities. Sanitary facilities required during construction activities will be provided by temporary facilities.**
- c) **The projects are an expansion of stormwater drainage facilities.**
- d) **While the proposed projects do not include the construction of on-site structures, the proposed project will utilize water for various construction activities. Construction water will be obtained from the City. Onsite construction water holding facilities will be required.**
- e-g) **With the exception of solid waste generated by construction employees, the proposed projects do not include activities or uses that would generate solid waste. Excavated material not suited for use as engineered fill will either be transported to an appropriate off-site disposal facility or otherwise disposed of in accordance with any applicable local, State or Federal standard.**

17. MANDATORY FINDINGS OF SIGNIFICANCE—

- a) Potential to Degrade: Does the project have the potential to 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, 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?

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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DISCUSSION

a) The areas have been disturbed in the past by mining operations. Sparse habitat currently occupies the site. Focused surveys have revealed that the placement sites and surrounding lands do not support threatened or endangered species. Thus, due to past and ongoing disturbances, the absence of threatened or endangered species, and the isolation of the site from larger habitat areas, impacts to biological resources resulting from the project will not be significant. In addition as noted above, implementation of the proposed projects will not have any impacts on cultural resources.

b) Cumulative Effects: 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)?

DISCUSSION

b) The proposed projects consist of grading of a water retention basin and trenching for construction of drainage improvements. With the exception of alteration of plant and animal life conditions on site, which are deemed cumulatively insignificant, the limited impacts of the placement and grading of fill and trenching in former mining pits and adjoining areas will only occur for an interim period. All identified impacts are either insignificant or have mitigation measures specified to reduce impacts to levels of insignificance both individually and cumulatively. In addition, once the project is complete, project-related impacts will no longer exist.

c) Substantial Adverse Effects: Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

DISCUSSION.

c) The proposed projects have no direct impacts that are anticipated, which could cause substantial adverse effects on human beings.

19. REFERENCES (List author or agency, date, title)

Preliminary Site Characterization Construction Landfill Vulcan Pit Sand and Gravel Quarry Upland, California; by LOR Geotechnical Group, Inc.; March 1, 2002; Project No. 61561.9

Phase I Environmental Site Assessment 37.02 Acre Vulcan Pit Sec of Monte Vista Avenue and Arrow Route Upland, California; by LOR Geotechnical Group, Inc.; October 31, 2002; Project No. 61561.2

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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**Initial Study Proposed Inert Landfill Calmat Property City of Upland; by Planning Consultants
Research; December 1996; CUP-96-09**

20. ATTACHMENTS (List any attachments that will support the findings of the Initial Study)

- Attachment A – AQMD Rule 402. Nuisance and Rule 403. Fugitive Dust**
- Attachment B – City of Upland Development Code Chapter 4.5 Unnecessary Noise**
- Attachment C – Outten Engineering Plans**

ATTACHMENT A

AQMD RULE 402. NUISANCE AND RULE 403. FUGITIVE DUST

(Adopted May 7, 1976)

RULE 402. NUISANCE

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 provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

Rule 403 Fugitive Dust

(Adopted May 7, 1976)(Amended November 6, 1992)
(Amended July 9, 1993)(Amended February 14, 1997)
(Amended December 11, 1998)

RULE 403. FUGITIVE DUST**(a) Purpose**

The purpose of this rule is to reduce the amount of particulate matter entrained in the ambient air as a result of anthropogenic (man-made) fugitive dust sources by requiring actions to prevent, reduce or mitigate fugitive dust emissions.

(b) Applicability

The provisions of this rule shall apply to any activity or man-made condition capable of generating fugitive dust.

(c) Definitions

(1) **ACTIVE OPERATIONS** shall mean any activity capable of generating fugitive dust, including, but not limited to, earth-moving activities, construction/demolition activities, or heavy- and light-duty vehicular movement.

(2) **ANEMOMETERS** are devices used to measure wind speed and direction in accordance with the performance standards, and maintenance and calibration criteria as contained in the most recent Rule 403 Implementation Handbook, now or hereafter adopted by the Governing Board.

(3) **BEST AVAILABLE CONTROL MEASURES** represent fugitive dust control actions which are required to be implemented within the boundaries of the South Coast Air Basin. A detailed listing of best available control measures for each fugitive dust source type shall be as contained in the most recent Rule 403 Implementation Handbook, now or hereafter adopted by the Governing Board.

(4) **BULK MATERIAL** is sand, gravel, soil, aggregate material less than two inches in length or diameter, and other organic or inorganic particulate matter.

(5) **CHEMICAL STABILIZERS** mean any non-toxic chemical dust suppressant which must not be used if prohibited for use by the Regional Water Quality Control Boards, the California Air Resources Board, the U.S. Environmental Protection Agency (U.S. EPA), or any applicable law, rule or regulation; and should meet any specifications, criteria, or tests required by any federal, state, or local water agency. Unless otherwise indicated, the use of a non-toxic chemical stabilizer shall be of sufficient concentration and application frequency to maintain a stabilized surface.

(6) **CONSTRUCTION/DEMOLITION ACTIVITIES** are any on-site mechanical activities preparatory to or related to the building, alteration, rehabilitation, demolition or improvement of property, including, but not limited to the following activities; grading, excavation, loading, crushing, cutting, planing, shaping or ground breaking.

(7) **CONTINGENCY NOTIFICATION** means that the U.S. EPA has determined and notified

Rule 403 Fugitive Dust

the District in writing that PM_{10} contingency requirements must be implemented based on a finding that: (1) PM_{10} and PM_{10} precursor emissions reductions were less than required at any three-year milestone reporting interval, or (2) the region failed to attain the PM_{10} standards within the time frames allotted under the Federal Clean Air Act, or (3) if as part of an Attainment/Maintenance Plan, the region is no longer in attainment of the PM_{10} standards.

(8) **CONTRACTOR** means any person who has a contractual arrangement to conduct an active operation for another person.

(9) **DISTURBED SURFACE AREA** means a portion of the earth's surface which has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed natural soil condition, thereby increasing the potential for emission of fugitive dust. This definition excludes those areas which have:

(A) been restored to a natural state, such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby natural conditions;

(B) been paved or otherwise covered by a permanent structure; or

(C) sustained a vegetative ground cover over at least 95 percent of an area for a period of at least 6 months.

(10) **DUST SUPPRESSANTS** are water, hygroscopic materials, or non-toxic chemical stabilizers used as a treatment material to reduce fugitive dust emissions.

(11) **EARTH-MOVING ACTIVITIES** shall include, but not be limited to, grading, earth cutting and filling operations, loading or unloading of dirt or bulk materials, adding to or removing from open storage piles of bulk materials, landfill operations, or soil mulching.

(12) **FUGITIVE DUST** means any solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly as a result of the activities of man.

(13) **INACTIVE DISTURBED SURFACE AREA** means any disturbed surface area upon which active operations have not occurred or are not expected to occur for a period of ten consecutive days.

(14) **LARGE OPERATIONS** means any active operations on property which contains in excess of 100 acres of disturbed surface area; or any earth-moving operation which exceeds a daily earth-moving or throughput volume of 7,700 cubic meters (10,000 cubic yards) three times during the most recent 365-day period.

(15) **MEDIUM OPERATIONS** means any active operations on property which contains between 50 and 100 acres of disturbed surface area; or any earth-moving operation with a daily earth-moving or throughput volume of between 3,850 cubic meters (5,000 cubic yards) and 7,700 cubic meters (10,000 cubic yards) three times during the most recent 365-day period.

(16) **NON-ROUTINE** means any non-periodic active operation which occurs no more than three times per year, lasts less than 30 cumulative days per year, and is scheduled less than 30 days in advance.

- (17) OPEN STORAGE PILE is any accumulation of bulk material with 5 percent or greater silt content which is not fully enclosed, covered or chemically stabilized, and which attains a height of three feet or more and a total surface area of 150 or more square feet. Silt content level is assumed to be 5 percent or greater unless a person can show, by sampling and analysis in accordance with ASTM Method C-136 or other equivalent method approved in writing by the Executive Officer, the California Air Resources Board, and the U. S. EPA, that the silt content is less than 5 percent. The results of ASTM Method C-136 or equivalent method are valid for 60 days from the date the sample was taken.
- (18) PARTICULATE MATTER means any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.
- (19) PAVED ROAD means an improved street, highway, alley, public way, or easement that is covered by typical roadway materials excluding access roadways that connect a facility with a public paved roadway and are not open to through traffic. Public paved roads are those open to public access and that are owned by any federal, state, county, municipal or any other governmental or quasi-governmental agencies. Private paved roads are any paved roads not defined as public.
- (20) PM₁₀ is particulate matter with an aerodynamic diameter smaller than or equal to 10 microns as measured by the applicable State and Federal reference test methods.
- (21) PROPERTY LINE means the boundaries of an area in which either a person causing the emission or a person allowing the emission has the legal use or possession of the property. Where such property is divided into one or more sub-tenancies, the property line(s) shall refer to the boundaries dividing the areas of all sub-tenancies.
- (22) REASONABLY AVAILABLE CONTROL MEASURES are appropriate techniques and procedures used to prevent or reduce the emission and airborne transport of fugitive dust, outside the boundaries of the South Coast Air Basin. These include, but are not limited to, application of dust suppressants, use of coverings or enclosures, paving, enshrouding, planting, reduction of vehicle speeds, and other measures as specified by the Executive Officer. A detailed listing of reasonably available control measures for each fugitive dust source type shall be as contained in the most recent Rule 403 Implementation Handbook, now or hereafter adopted by the Governing Board.
- (23) SILT means any aggregate material with a particle size less than 74 micrometers in diameter which passes through a No. 200 Sieve.
- (24) SIMULTANEOUS SAMPLING means the operation of two PM₁₀ samplers in such a manner that one sampler is started within five minutes of the other, and each sampler is operated for a consecutive period which must be not less than 290 minutes and not more than 310 minutes.
- (25) SOUTH COAST AIR BASIN means the non-desert portions of Los Angeles, Riverside, and San Bernardino counties and all of Orange County as defined in California Code of Regulations, Title 17, Section 60104. The area is bounded on the west by the Pacific Ocean, on the north and east by the San Gabriel, San Bernardino, and San Jacinto Mountains, and on the

Rule 403 Fugitive Dust

south by the San Diego county line.

(26) STABILIZED SURFACE means:
 (A) any disturbed surface area or open storage pile which is resistant to wind-driven fugitive dust;

(B) any unpaved road surface in which any fugitive dust plume emanating from vehicular traffic does not exceed 20 percent opacity.

(27) UNPAVED ROADS are any unsealed or unpaved roads, equipment paths, or travel ways that are not covered by one of the following: concrete, asphaltic concrete, recycled asphalt, asphalt or other materials with equivalent performance as determined by the Executive Officer, the California Air Resources Board, and the U.S. EPA. Public unpaved roads are any unpaved roadway owned by Federal, State, county, municipal or other governmental or quasi-governmental agencies. Private unpaved roads are all other unpaved roadways not defined as public.

(28) VISIBLE ROADWAY DUST means any sand, soil, dirt, or other solid particulate matter which is visible upon paved road surfaces and which can be removed by a vacuum sweeper or a broom sweeper under normal operating conditions.

(29) WIND-DRIVEN FUGITIVE DUST means visible emissions from any disturbed surface area which is generated by wind action alone.

(30) WIND GUST is the maximum instantaneous wind speed as measured by an anemometer.

(d) Requirements

(1) A person shall not cause or allow the emissions of fugitive dust from any active operation, open storage pile, or disturbed surface area such that the presence of such dust remains visible in the atmosphere beyond the property line of the emission source.

(2) A person conducting active operations within the boundaries of the South Coast Air Basin shall utilize one or more of the applicable best available control measures to minimize fugitive dust emissions from each fugitive dust source type which is part of the active operation.

(3) A person conducting active operations outside the boundaries of the South Coast Air Basin may utilize reasonably available control measures in lieu of best available control measures to minimize fugitive dust emissions from each fugitive dust source type which is part of the active operation.

(4) A person shall not cause or allow PM_{10} levels to exceed 50 micrograms per cubic meter when determined, by simultaneous sampling, as the difference between upwind and downwind samples collected on high-volume particulate matter samplers or other U.S. EPA-approved equivalent method for PM_{10} monitoring. If sampling is conducted, samplers shall be:

(A) Operated, maintained, and calibrated in accordance with 40 Code of Federal Regulations (CFR), Part 50, Appendix J, or appropriate U.S. EPA-published documents for U.S. EPA-approved equivalent method(s) for PM_{10} .

(B) Reasonably placed upwind and downwind of key activity areas and as close to the property line as feasible, such that other sources of fugitive dust between the sampler and the property line are minimized.

(5) Any person in the South Coast Air Basin shall:

(A) prevent or remove within one hour the track-out of bulk material onto public paved roadways as a result of their operations; or

(B) take at least one of the actions listed in Table 3 and:

(i) prevent the track-out of bulk material onto public paved roadways as a result of their operations and remove such material at anytime track-out extends for a cumulative distance of greater than 50 feet on to any paved public road during active operations; and

(ii) remove all visible roadway dust tracked-out upon public paved roadways as a result of active operations at the conclusion of each work day when active operations cease.

(e) Contingency Requirements

When a contingency notification has occurred, the requirements of this subdivision shall become effective in the county subject to the notification 60 days after the first publication date in newspapers of general circulation in that county. Such publication shall specify that a contingency notification has occurred, and that any person who conducts or authorizes the conducting of a medium operation shall be required to comply with the provisions of subdivision (f), in addition to the requirements of subdivision (d).

(f) Special Requirements for Large Operations, and Medium Operations Under a Contingency Notification

(1) Any person who conducts or authorizes the conducting of either a large operation which is subject to the requirements of this rule, or a medium operation under a contingency notification as set forth in subdivision (e), shall either:

(A) take the actions specified in Tables 1 and 2 for each applicable source of fugitive dust within the property lines and shall:

(i) notify the Executive Officer not more than 7 days after qualifying as a large operation or as a medium operation under a contingency notification;

(ii) include, as part of the notification, the items specified in subparagraphs (f)(3)(A) and (f)(3)(B);

(iii) maintain daily records to document the specific actions taken;

(iv) maintain such records for a period of not less than 6 months; and

(v) make such records available to the Executive Officer upon request; or

(B) obtain an approved fugitive dust emissions control plan (plan).

- (2) Any person subject to paragraph (f)(1) who elects to obtain an approved fugitive dust emission control plan must submit the plan to the Executive Officer no later than 30 days after the activity becomes a large operation.
- (3) Any plan prepared pursuant to subparagraph (f)(1)(B) shall include:
- (A) The name(s), address(es), and phone number(s) of the person(s) responsible for the preparation, submittal, and implementation of the plan;
 - (B) A description of the operation(s), including a map depicting the location of the site;
 - (C) A listing of all sources of fugitive dust emissions within the property lines;
 - (D) A description of the required control measures as applied to each of the sources identified in subparagraph (f)(3)(C). The description must be sufficiently detailed to demonstrate that the applicable best available control measures or reasonably available control measures will be utilized and/or installed during all periods of active operations.
- (4) In the event that there are special technical (e.g., non-economic) circumstances, including safety, which prevent the use of at least one of the required control measure for any of the sources identified in subparagraph (f)(3)(C), a justification statement must be provided in lieu of the description required in subparagraph (f)(3)(D). The justification statement must explain the reason(s) why the required control measures cannot be implemented.
- (5) Within 30 calendar days of the receipt of a plan submitted pursuant to subparagraph (f)(1)(B), the Executive Officer will either approve, conditionally approve, or disapprove the plan, in writing. For a plan to be approved or conditionally approved, three conditions must be satisfied:
- (A) All sources of fugitive dust emissions must be identified (e.g., earth-moving, storage piles, vehicular traffic on unpaved roads, etc.).
 - (B) For each source identified, at least one of the required control measures must be implemented, or an acceptable justification statement pursuant to paragraph (f)(4) must be provided; and
 - (C) If, after implementation of the required control measures, visible dust emissions are crossing the property line(s), then high wind measures (e.g., increased watering) must be specified for immediate implementation.
- (6) Conditional approval will be made if conditions are met, but the stated measures do not satisfactorily conform to the guidance contained in the applicable Rule 403 Implementation Handbook. If a plan is conditionally approved, the conditions necessary to modify the plan will be provided in writing to the person(s) identified in subparagraph (f)(3)(A). Such modifications must be incorporated into the plan within 30 days of the receipt of the notice of conditional approval, or the plan shall be disapproved. A letter to the Executive Officer stating that such modifications will be incorporated into the plan shall be deemed sufficient to result in approval of the plan.
- (7) If a plan is disapproved by the Executive Officer:

(A) The reasons for disapproval shall be given to the applicant in writing.

(B) Within 7 days of the receipt of a notice of a disapproved plan, the applicant shall comply with the actions specified in Tables 1 and 2 for each applicable source of fugitive dust within the property lines.

(C) The applicant may resubmit a plan at any time after receiving a disapproval notification, but will not be relieved of complying with subparagraph (f)(7)(B) until such time as the plan has been approved.

(8) Failure to comply with any of the provisions in an approved or conditionally approved plan shall be a violation of subdivision (f).

(9) Any approved plan shall be valid for a period of one year from the date of approval or conditional approval of the plan. Plans must be resubmitted annually, at least 60 days prior to the expiration date, or the plan shall become disapproved as of the expiration date. If all fugitive dust sources and corresponding control measures or special circumstances remain identical to those identified in the previously approved plan, the resubmittal may contain a simple statement of no-change. Otherwise, a resubmittal must contain all the items specified in subparagraphs (f)(3)(A through D).

(10) Any person subject to the requirements of paragraph (f)(1) who no longer exceeds, and does not expect to exceed for a period of at least one year, the criteria for a large operation or a medium operation under a contingency notification may request a reclassification as a non-large operation not subject to subparagraph (f). To obtain this reclassification, a person must submit a request in writing to the Executive Officer specifying the conditions which have taken place to reduce the disturbed surface area and/or the earth-moving or throughput conditions to levels below the criteria for large operations. A person must further indicate that the criteria for large operations are not expected to be exceeded during the subsequent 12-month period. The Executive Officer shall either approve or disapprove the reclassification within 60 days from receipt of the reclassification request. The Executive Officer will disapprove the request if the indicated changes can not be verified to be below the criteria for large operations or a medium operation under a contingency notification. If approved, the person shall be relieved of all requirements under subdivision (f). Any person so reclassified would again be subject to the requirements of subdivision (f) if at any time subsequent to the reclassification the criteria for large operations or a medium operation under a contingency notification are met.

(11) A person responsible for more than one operation subject to subparagraph (f) at non-contiguous sites may submit one plan covering multiple sites provided that:

(A) the contents of the plan apply similarly to all sites; and

(B) specific information is provided for each site, including, map of site location, address, description of operations, and a listing of all sources of fugitive dust emissions within the property lines.

(g) Compliance Schedule

All the newly amended provisions of this rule shall become effective upon adoption of this Rule Amendment. Pursuant to subdivision (f), any fugitive dust emission control plan which has been approved or conditionally approved prior to the date of adoption of these amendments shall remain in effect and the plan approval date and annual resubmittal date shall remain unchanged. If any changes

to such plans are necessary as a result of these amendments, such changes shall not be required until the annual resubmittal date, pursuant to paragraph (f)(9).

(h) Exemptions

(1) The provisions of this rule shall not apply to:

(A) Agricultural operations outside the boundaries of the South Coast Air Basin, agricultural operations directly related to the raising of fowls or animals, and agricultural operations conducted within the boundaries of the South Coast Air Basin provided that the combined disturbed surface area within one continuous property line and not separated by a paved public road is 10 acres or less.

(B) Agricultural operations within the South Coast Air Basin, until June 30, 1999, whose combined disturbed surface area includes more than 10 acres. All provisions of this Rule shall become applicable to agricultural operations exceeding 10 acres beginning July 1, 1999, excluding those listed in (h)(1)(A), unless the person responsible for such operations voluntarily implements the conservation practices contained in the most recent Rule 403 Agricultural Handbook, now or hereafter adopted by the Governing Board. The person responsible for such operations must complete and maintain the self-monitoring form documenting sufficient conservation practices, as described in the Rule 403 Agricultural Handbook, and must make it available to the Executive Officer upon request.

(C) Any disturbed surface area less than one-half (1/2) acre on property zoned for residential uses.

(D) Active operations conducted during emergency life-threatening situations, or in conjunction with any officially declared disaster or state of emergency.

(E) Active operations conducted by essential service utilities to provide electricity, natural gas, telephone, water and sewer during periods of service outages and emergency disruptions.

(F) Any contractor subsequent to the time the contract ends, provided that such contractor implemented the required control measures during the contractual period.

(G) Any grading contractor, for a phase of active operations, subsequent to the contractual completion of that phase of earth-moving activities, provided that the required control measures have been implemented during the entire phase of earth-moving activities, through and including five days after the final grading inspection.

(H) Weed abatement operations ordered by a county agricultural commissioner or any state, county, or municipal fire department, provided that:

(i) mowing, cutting or other similar process is used which maintains weed stubble at least three inches above the soil; or

(ii) any discing or similar operation which cuts into and disturbs the soil is used and meets the following conditions:

[a] A determination is made by the issuing agency of the weed abatement

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order that, due to fire hazard conditions, rocks, or other physical obstructions, it is not practical to meet the conditions specified in clause (h)(1)(H)(i); and

[b] Such determination is made in writing and provided to the person conducting the weed abatement operation prior to beginning such activity; and

[c] Such written determination is provided to the Executive Officer upon request from the person conducting the weed abatement operation.

(Note: The provisions of clause (h)(1)(H)(ii) do not exempt the owner of any property from controlling fugitive dust emissions emanating from disturbed surface areas which have been created as a result of the weed abatement actions.)

(I) sandblasting operations.

(2) The provisions of paragraphs (d)(1) and (d)(4) shall not apply:

(A) When wind gusts exceed 25 miles per hour, provided that:

(i) The required control measures for high wind conditions are implemented for each applicable fugitive dust source type, as specified in Table 1, and;

(ii) Records are maintained in accordance with clauses (f)(1)(A)(iii), (f)(1)(A)(iv) and (f)(1)(A)(v); and

(iii) In the event there are technical (e.g., non-economic) reasons, including safety, why any of the required control measures in Table 1 cannot be implemented for one or more fugitive dust source categories, a person submits a "High Wind Fugitive Dust Control Plan" (HW-Plan). The HW-Plan must further provide an alternative measure of fugitive dust control, if technically feasible. Such plan will be subject to the same approval conditions as specified in subparagraphs (f)(5) and (f)(6).

(B) To unpaved roads, provided such roads:

(i) are used solely for the maintenance of wind-generating equipment; or

(ii) are unpaved public alleys as defined in Rule 1186; or

(iii) meet all of the following criteria:

[a] are less than 50 feet in width at all points along the road;

[b] are within 25 feet of the property line; and

[c] have a traffic volume less than 20 vehicle-trips per day.

(C) To any active operation, open storage pile, or disturbed surface area for which necessary fugitive dust preventive or mitigative actions are in conflict with the federal Endangered Species Act.

(D) To non-routine or emergency maintenance of flood control channels and water spreading basins.

(3) The provisions of paragraphs (d)(1), (d)(2), and (d)(4) shall not apply to:
(A) Blasting operations which have been permitted by the California Division of Industrial Safety; and

(B) Motion picture, television, and video production activities when dust emissions are required for visual effects. In order to obtain this exemption, the Executive Officer must receive notification in writing at least 72 hours in advance of any such activity and no nuisance results from such activity.

(4) The provisions of paragraph (d)(4) shall not apply if the dust control actions, as specified in Table 2, are implemented on a routine basis for each applicable fugitive dust source type. To qualify for this exemption, a person must:

(A) maintain records to document the dates of active operations, all applicable fugitive dust source types, and the actions taken consistent with Table 2;

(B) retain such records for a period of at least six months; and

(C) make such records available to the Executive Officer upon request.

(5) The provisions of paragraph (d)(5) shall not apply to earth coverings of public paved roadways where such coverings are approved by a local government agency for the protection of the roadway, and where such coverings are used as roadway crossings for haul vehicles.

(6) The provisions of subdivision (f) shall not apply to:

(A) officially-designated public parks and recreational areas, including national parks, national monuments, national forests, state parks, state recreational areas, and county regional parks;

(B) any construction and/or earth-moving activity in which the completion date is expected to be less than 60 days after the beginning date. To qualify for this exemption, a person must:

(i) notify the Executive Officer not more than 7 days after qualifying as a large operation or a medium operation under a contingency notification;

(ii) include, as part of the notification, the items specified in subparagraphs (f)(3)(A) and (f)(3)(B); and

(iii) take the actions specified in Tables 1 and 2 at such time as the construction and/or earth-moving activities extend more than 60 days after qualifying as a large operation or a medium operation under a contingency notification.

(C) any large operation or a medium operation under a contingency notification which is required to submit a dust control plan to any city or county government which has adopted a District-approved dust control ordinance. To qualify for this exemption, a person must submit a copy of the city- or county-approved dust control plan to the

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Executive Officer within 30 days of the effective date of this rule or within 30 days of receiving approval from the city or county government, whichever is later.

(D) any large operation or a medium operation under a contingency notification subject to Rule 1158, which has an approved dust control plan pursuant to Rule 1158, provided that all sources of fugitive dust are included in the Rule 1158 plan.

(i) Fees

(1) Any person subject to a plan submittal pursuant to subparagraph (f)(1)(B) or clause (h)(2)(A)(iii) or subparagraph (h)(1)(B) shall be assessed applicable filing and evaluation fees pursuant to Rule 306. Any person who simultaneously submits a plan pursuant to subparagraph (f)(1)(B) and clause (h)(2)(A)(iii) shall, for the purpose of this rule, be deemed to submit one plan.

(2) The submittal of an annual statement of no-change, pursuant to paragraph (f)(9), shall not be considered as an annual review, and therefore shall not be subject to annual review fees, pursuant to Rule 306.

(3) The owner/operator of any facility for which the Executive Officer conducts upwind/downwind monitoring for PM₁₀ pursuant to paragraph (d)(4) shall be assessed applicable Ambient Air Analysis Fees pursuant to Rule 304.1. Applicable fees shall be waived for any facility which is exempted from paragraph (d)(4) or meets the requirements of paragraph (d)(4).

TABLE 1
BEST [REASONABLY] AVAILABLE CONTROL MEASURES FOR HIGH WIND
CONDITIONS

FUGITIVE DUST SOURCE CATEGORY		CONTROL MEASURES
Earth-moving	(1A)	Cease all active operations; OR
	(2A)	Apply water to soil not more than 15 minutes prior to moving such soil.
Disturbed surface areas	(0B)	On the last day of active operations prior to a weekend, holiday, or any other period when active operations will not occur for not more than four consecutive days: apply water with a mixture of chemical stabilizer diluted to not less than 1/20 of the concentration required to maintain a stabilized surface for a period of six months; OR
	(1B)	Apply chemical stabilizers prior to wind event; OR
	(2B)	Apply water to all unstabilized disturbed areas 3 times per day. If there is any evidence of wind driven fugitive dust, watering frequency is increased to a minimum of four times per day; OR
	(3B)	Take the actions specified in Table 2, Item (3c); OR
	(4B)	Utilize any combination of control actions (1B), (2B), and (3B) such that, in total, these actions apply to all disturbed surface areas.
Unpaved roads	(1C)	Apply chemical stabilizers prior to wind event; OR

	(2C)	Apply water twice [once] per hour during active operation; OR
	(3C)	Stop all vehicular traffic.
Open storage piles	(1D)	Apply water twice [once] per hour; OR
	(2D)	Install temporary coverings.
Paved road track-out	(1E)	Cover all haul vehicles; OR
	(2E)	Comply with the vehicle freeboard requirements of Section 23114 of the California Vehicle Code for both public and private roads.
All Categories	(1F)	Any other control measures approved by the Executive Officer and the U.S. EPA as equivalent to the methods specified in Table 1 may be used.

* Measures in [brackets] are reasonably available control measures and only apply to sources not within the South Coast Air Basin.

TABLE 2
DUST CONTROL ACTIONS FOR EXEMPTION FROM PARAGRAPH (d)(4)

<u>FUGITIVE DUST SOURCE CATEGORY</u>	<u>CONTROL ACTIONS</u>	
Earth-moving (except construction cutting and filling areas, and mining operations)	(1a)	Maintain soil moisture content at a minimum of 12 percent, as determined by ASTM method D-2216, or other equivalent method approved by the Executive Officer, the California Air Resources Board, and the U.S. EPA. Two soil moisture evaluations must be conducted during the first three hours of active operations during a calendar day, and two such evaluations each subsequent four-hour period of active operations; OR
	(1a-1)	For any earth-moving which is more than 100 feet from all property lines, conduct watering as necessary to prevent visible dust emissions from exceeding 100 feet in length in any direction.
Earth-moving: Construction fill areas:	(1b)	Maintain soil moisture content at a minimum of 12 percent, as determined by ASTM method D-2216, or other equivalent method approved by the Executive Officer, the California Air Resources Board, and the U.S. EPA. For areas which have an optimum moisture content for compaction of less than 12 percent, as determined by ASTM Method 1557 or other equivalent method approved by the Executive Officer and the California Air Resources Board and the U.S. EPA, complete the compaction process as expeditiously as possible after achieving at least 70 percent of the optimum soil moisture content. Two soil moisture evaluations must be conducted during the first three hours of active operations during a calendar day, and two such evaluations during each subsequent four-hour period of active operations.

* Measures in [brackets] are reasonably available control measures and only apply to sources not within the South Coast Air Basin.

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TABLE 2 (Continued)

FUGITIVE DUST SOURCE CATEGORY		CONTROL ACTIONS
Earth-moving: Construction cut areas and mining operations:	(1c)	Conduct watering as necessary to prevent visible emissions from extending more than 100 feet beyond the active cut or mining area unless the area is inaccessible to watering vehicles due to slope conditions or other safety factors.
Disturbed surface areas (except completed grading areas)	(2a/b)	Apply dust suppression in sufficient quantity and frequency to maintain a stabilized surface. Any areas which cannot be stabilized, as evidenced by wind driven fugitive dust must have an application of water at least twice per day to at least 80 [70] percent of the unstabilized area.
Disturbed surface areas: Completed grading areas	(2c)	Apply chemical stabilizers within five working days of grading completion; OR
	(2d)	Take actions (3a) or (3c) specified for inactive disturbed surface areas.
Inactive disturbed surface areas	(3a)	Apply water to at least 80 [70] percent of all inactive disturbed surface areas on a daily basis when there is evidence of wind driven fugitive dust, excluding any areas which are inaccessible to watering vehicles due to excessive slope or other safety conditions; OR
	(3b)	Apply dust suppressants in sufficient quantity and frequency to maintain a stabilized surface; OR
	(3c)	Establish a vegetative ground cover within 21 [30] days after active operations have ceased. Ground cover must be of sufficient density to expose less than 30 percent of unstabilized ground within 90 days of planting, and at all times thereafter; OR
	(3d)	Utilize any combination of control actions (3a), (3b), and (3c) such that, in total, these actions apply to all inactive disturbed surface areas.

* Measures in [brackets] are reasonably available control measures and only apply to sources not within the South Coast Air Basin.

TABLE 2 (Continued)

FUGITIVE DUST SOURCE CATEGORY		CONTROL ACTIONS
Unpaved Roads	(4a)	Water all roads used for any vehicular traffic at least once per every two hours of active operations [3 times per normal 8 hour work day]; OR
	(4b)	Water all roads used for any vehicular traffic once daily and restrict vehicle speeds to 15 miles per hour; OR

	(4c)	Apply a chemical stabilizer to all unpaved road surfaces in sufficient quantity and frequency to maintain a stabilized surface.
Open storage piles	(5a)	Apply chemical stabilizers; OR
	(5b)	Apply water to at least 80 [70] percent of the surface area of all open storage piles on a daily basis when there is evidence of wind driven fugitive dust; OR
	(5c)	Install temporary coverings; OR
	(5d)	Install a three-sided enclosure with walls with no more than 50 percent porosity which extend, at a minimum, to the top of the pile.
All Categories	(6a)	Any other control measures approved by the Executive Officer and the U.S. EPA as equivalent to the methods specified in Table 2 may be used.

* Measures in [brackets] are reasonably available control measures and only apply to sources not within the South Coast Air Basin.

TABLE 3
TRACK-OUT CONTROL OPTIONS
PARAGRAPH (d)(5)(B)

CONTROL OPTIONS

(1)	Pave or apply chemical stabilization at sufficient concentration and frequency to maintain a stabilized surface starting from the point of intersection with the public paved surface, and extending for a centerline distance of at least 100 feet and a width of at least 20 feet.
(2)	Pave from the point of intersection with the public paved road surface, and extending for a centerline distance of at least 25 feet and a width of at least 20 feet, and install a track-out control device immediately adjacent to the paved surface such that exiting vehicles do not travel on any unpaved road surface after passing through the track-out control device.
(3)	Any other control measures approved by the Executive Officer and the U.S. EPA as equivalent to the methods specified in Table 3 may be used.

ATTACHMENT B

**CITY OF UPLAND DEVELOPMENT CODE CHAPTER 4.5
UNNECESSARY NOISE**

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Upland, County of San Bernardino, State of California, and more particularly described as follows:

DATED: This ___ day of _____, 19___
(Acknowledgement)

City Manager of the
City of Upland, Cali-
fornia"

(Ord. No. 1069, § 7, 11-17-75)

Sec. 5400.40. Alternative remedies.

Nothing in this chapter shall be deemed to prevent the city from commencing civil or criminal proceedings to abate a public nuisance under applicable Civil or Penal Code provisions as an alternative to the proceedings set forth in this chapter. (Ord. No. 1069, § 7, 11-17-75)

Sec. 5400.43. Violations.

(a) The owner or other person having charge or control of any such buildings or premises who maintains any public nuisance defined in this chapter, or who violates an order of abatement made pursuant to section 5400.22, is guilty of a misdemeanor.

(b) Any occupant or lessee in possession of any such building or structure who fails to vacate the building or structure in accordance with an order given as provided in this chapter is guilty of a misdemeanor.

(c) Any person who removes any notice or order posted as required in this chapter, for the purpose of interfering with the enforcement of the provisions of this chapter, is guilty of a misdemeanor.

(d) No person shall obstruct, impede or

interfere with any representative of the city council or with any representative of a department or with any person who owns or holds any estate or interest in a building which has been ordered to be vacated, repaired, rehabilitated or demolished and removed, or with any person to whom any such building has been lawfully sold pursuant to the provisions of this Code whenever any such representative of the city council, representative of the city, purchaser or person having any interest or estate in such building is engaged in vacating, repairing, rehabilitating or demolishing and removing any such building pursuant to the provisions of this chapter, or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant to this chapter. (Ord. No. 1069, § 7, 11-17-75)

CHAPTER 4.5. UNNECESSARY NOISE*

Sec. 5400.100. Purpose.

The purpose of this chapter is to establish criteria and standards for the regulation of noise levels within the City of Upland. (Ord. No. 1501, § 1, 3-25-91)

Sec. 5400.200. Findings.

It is hereby found and declared that:

.010 The making and creation of excessive, unnecessary or unusually loud noises within the limits of the City of Upland is a condition which has existed for some time and the extent and volume of such noises is increasing;

.020 The making, creation or maintenance of such excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and

*Editor's Note: Previous ordinances contained herein include Ordinance No. 947.

§ 5400.400

reference pressure, which reference pressure shall be explicitly stated. (Ord. No. 1501, § 1, 3-25-91)

Sec. 5400.400. Noise level measurement criteria.

Any noise level measurement, made pursuant to the provisions of this chapter, shall be determined by using a sound level meter that meets the minimum requirements of the American National Standard Institute for sound level meters, or by using an instrument with associated recording and analyzing equipment that will provide equivalent data.

The factors which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

The sound level of the objectionable noise.

The sound level of the ambient noise.

The proximity of the noise to residential sleeping facilities.

The nature and zoning of the area within which the noise emanates.

The number of persons affected by the noise source.

The time of day or night the noise occurs.

The duration of the noise and its tonal, informational, or musical content.

Whether the noise is continuous, recurrent, or intermittent.

Whether the noise is produced by a commercial or non-commercial activity.

The above considerations shall be considered in addition to the noise levels set forth in this section in determining a violation. However, noises do not necessarily need to exceed those noise level limits to be considered unnecessary or unusual so as to cause discomfort or annoyance to persons in the area. (Ord. No. 1501, § 1, 4-8-91)

Sec. 5400.500. Base ambient noise level.

All ambient noise measurements shall commence at the base ambient noise levels in decibels within the respective times and zones as follows:

Decibels	Time	Zone Use
45 dB(A)	10:00 p.m.-7:00 a.m.	Residential
55 dB(A)	7:00 a.m.-10:00 p.m.	Residential
65 dB(A)	Anytime	Uses not specified
75 dB(A)	Anytime	Industrial and commercial

Actual decibel measurements exceeding the above levels at the times and within the zones corresponding thereto shall be employed as the "base ambient noise level" referred to in this chapter. Otherwise, no ambient noise shall be deemed to be less than the above specified levels. (Ord. No. 1501, § 1, 4-8-91)

Sec. 5400.600. Exterior noise level measurement.

Exterior noise levels shall be measured at any point relative to the closest point of the source of the noise at the property line on the affected property. Measurements will not be made during extraordinary times, such as during the movement of a nearby train or airplane. (Ord. No. 1501, § 1, 4-8-91)

Sec. 5400.700. Excessive noise unlawful.

It shall be 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 for the cumulative time periods specified below in section 5400.800 and section 5400.900.

Furthermore, notwithstanding any specified noise level, it shall also be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnece

- .060 *Motor driven vehicles:* It shall be unlawful for any person to operate any motor driven vehicle within the city that, due to the nature of the operation of the vehicle, or due to the operating condition of the vehicle, or due to any modification made to the vehicle, generates noise so that a reasonable person is caused discomfort or annoyance.
- .070 *Horns, signaling devices:* It shall be unlawful for any person to cause the sounding of any horn or signaling device on any automobile, motorcycle, street car or other motor driven vehicle on any street or public place of the city, except as a danger warning; to create by means of any such signaling device any unreasonably loud or harsh sound; and to create the sounding of any such device for an unnecessary and unreasonable period of time. It shall be unlawful for any person to use any signaling device except one operated by hand or electricity; to use any horn, whistle or other device operated by engine exhaust; or to use any such signaling device when traffic is for any reason held up.
- .080 *Loudspeakers, amplifiers for advertising:* It shall be unlawful for any person to use, operate or permit to be played, used, or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- .090 *Yelling, shouting:* It shall be unlawful for any person to yell, shout, hoot, whistle, or sing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in the vicinity.
- .100 *Animals and fowl:* It shall be unlawful for any person to keep or maintain, or to permit such activity, upon any premises owned, or occupied, or controlled by such person any animal or fowl otherwise permitted to be kept which, by any sound, cry, or behavioral noise, causes annoyance or discomfort to a reasonable person in any residential neighborhood.
- .110 *Exhaust:* It shall be unlawful for any person to discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor driven vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- .120 *Loading, unloading, opening boxes:* It shall be unlawful for any person to create any loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.
- .130 *Construction or repairing of buildings:* It shall be unlawful for any person to engage in or permit the erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues, and which permit may be renewed for periods of three (3) days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be im-

ORDINANCE NO. 1598

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UPLAND AMENDING THE UPLAND MUNICIPAL CODE BY AMENDING ARTICLE V, CHAPTER 4.5 PERTAINING TO ESTABLISHING NOISE LEVELS FOR THE SAND AND GRAVEL MINING INDUSTRY AND ALSO TO REPLACE UPLAND MUNICIPAL CODE ARTICLE IX, CHAPTER 9481, "OS" OPEN SPACE ZONE, WITH A NEW CHAPTER 9481, "OS" OPEN SPACE

The City Council of the City of Upland does hereby ordain as follows:

SECTION 1. Subsection .015 is hereby added to Section 5400.300 (Definitions) of Chapter 4.5 (Unnecessary Noise) is hereby added to read as follows:

.015 *Average noise level* shall mean the logarithmic average of noise samples taken over a specified length of time.

SECTION 2. Subsection .025 is hereby added to Section 5400.300 of Chapter 4.5 (Unnecessary Noise) is hereby added to read as follows:

.025 *Construction material manufacturer* is any use located on the same property as the mining industry, manufacturing products including concrete, asphalt, concrete blocks, concrete pipe, roofing tile or other similar materials.

SECTION 3. Subsection .065 is hereby added to Section 5400.300 (Definitions) of Chapter 4.5 (Unnecessary Noise) is hereby added to read as follows:

.065 *Mining Industry* is any industry which extracts sand and gravel resources from the ground.

SECTION 4. Section 5400.950 is hereby added to Chapter 4.5 (Unnecessary Noise) to read as follows:

SEC. 5400.950. MINING INDUSTRY ALLOWED NOISE LEVELS FOR RESIDENTIAL PROPERTY.

.010 *Exemptions.* This section shall supersede all the provisions of Sec. 5400.500 and Section 5400.100.010 relative to allowed noise for Mining Industry.

.020 *Allowed levels.* The allowed maximum exterior average sound level in any hour at any property zoned for residential use shall be as follows:

controlled, then an ambient measurement will be made at some other location in the vicinity that, in the judgment of the measurement technician, is representative of the situation at the affected property.

If the ambient level is below the source level by ten (10) dBA or more, then the measurement with the source in operation will be equivalent to the source alone within the prescribed resolution. If the ambient level is less than ten (10) dBA lower than the source, then the ambient level will be subtracted logarithmically from the combined measurement to determine the actual source level. If the ambient level is higher than the source level, the source will be considered to comply regardless of its level.

.080 **Record Keeping.** When applying this section for an enforcement action, the following information, as a minimum, shall be recorded and maintained:

The date, start time, stop time, Average "A" weighted sound level, meter scale when appropriate, slow or fast response, equipment manufacturer, model number and serial number, and the ambient sound level shall be documented.

The location of the source, the property measurement point, and the ambient measurement point shall be documented and scaled dimensionally. Photos are not necessary but encouraged. The data sheets shall be signed and dated by the measurement technician.

In the event auxiliary recording devices are used for data storage, their settings shall be listed, and equipment type, manufacturer, model and serial number listed.

.090 **Verification.** If data is to be used for enforcement purposes, the technician will certify, in writing, that the data recorded was from the source and that all procedures have been complied with in the measurement and reporting.

SECTION 5. The existing Chapter 9481 ("OS" Open Space Zone) is hereby deleted and replaced with a new Chapter 9481 to read as follows:

CHAPTER 9481. "OS" OPEN SPACE ZONE

SEC. 9481.010. DESCRIPTION AND PURPOSE. The "OS" open space zone is intended to provide for permanent open spaces in the community and to safeguard the health, safety, and welfare of the people by limiting development in areas containing high-quality rock, sand, and gravel deposits and surface mining operations. The Open Space Zone also makes allowance for water spreading basins and groundwater recharge as part of the City's water conservation program.

SEC. 9481.020. PERMITTED PRIMARY USES AND STRUCTURES.

.010 **Public Uses:**

.011 Flood control channels and groundwater spreading basins and water retention basins.

.012 Freeways and parkways.

.040 Residential uses, excepting those specifically listed in Section 9481.030.010.

SEC. 9481.100. SITE DEVELOPMENT STANDARDS. Any uses heretofore permitted as primary uses conditional uses in the Open Space Zone, together with the structures, ancillary to those uses existing as of the date of adoption of this ordinance, shall conform to the operation and requirements for said uses in accordance with the requirements of Sec. 9481.102.

SEC. 9481.101. SURFACE MINING OPERATION SITE REQUIREMENTS.

In addition to all other applicable regulations the City shall enforce the following standards:

- .010 **Separation of Uses.** The rock crushing plant used for the manufacture of, or processing of, rock, sand, or gravel, except primary crushing operations in conjunction with the excavation, shall be located not closer to property lines and/or zoning districts boundaries than as follows:
- .011 **All Zones, Excepting Residential Zones:** A minimum of fifty (50) ft.
- .012 **Residential Zones:** A minimum of seven hundred and fifty (750) ft.
- .013 **Highways, Streets, or Flood-Control Channels:** A minimum of fifty (50) ft.
- .020 **Hours of Operation:** The hours of operation for surface mining operations shall be subject to the provisions of Sec. 5400.950 and the conditional use permit conditions of approval.
- .030 **Liability Insurance:** Every owner, before commencing operations within any area, shall be insured to the extent of a minimum of one million dollars (\$1,000,000) against liability in tort arising from production or activities or operations incidental thereto conducted or carried on under or by virtue of any law or ordinance, and such insurance shall be kept in full force and effect during the period of such operations and shall name the City of Upland as additionally insured. Such insurance shall be primary and non contributory.
- .040 **Pollution Control:**
- .041 **Noise and Vibration.** All equipment and premises used for such purpose shall be constructed, maintained, and operated in such a manner as far as practicable, to minimize and eliminate noise and vibration, which negatively effect persons and/or property in the surrounding vicinity, pursuant to the City of Upland's noise and vibration regulations.
- .042 **Air.** All operations shall be conducted in compliance with all requirements of the South Coast Air Quality Management District, the provisions of the Air Quality Element of the General Plan and all applicable rules, regulations, statutes and
- All private truck roads, processing plants, and/or stockpiles of processed materials shall be hard-surfaced, wetted and maintained so as to prevent the creation of dust.
- .043 **Aesthetics.** All equipment and mining operations shall be reasonable screened from view of adjacent residential, industrial, and/or commercial zones, to the reasonable satisfaction of the Community Development Director. Screening materials shall be wood, block, or other materials which will completely screen the mining operations.

.010 Directional Signs Permitted. No outdoor advertising structures shall be permitted in the "OS" zone except directional signs not exceeding seventy-five (75) square feet in area erected to the convenience of the public as determined by the Planning Commission.

SEC. 9481.111. LANDSCAPING. The provisions of Upland Municipal Code Chapter 9410 shall apply.

SEC. 9481.120. DEVELOPMENT REVIEW AND PERMITS. The provisions of Section 9480.120 shall apply.

SEC. 9481.140. AMENDMENTS, CONDITIONAL USE PERMITS, AND VARIANCES. The provisions of Section 9480.140 shall apply.

SEC. 9481.150. PENALTY FOR VIOLATION OF ORDINANCE. It shall be unlawful for any person, firm, partnership, or corporation to violate any provision, or to fail to comply with any of the requirements of this Ordinance. Any person, firm, partnership, or corporation violating any provision of this Ordinance, or failing to comply with any of its requirements, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each such person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of this Ordinance is committed, continued, or permitted by such person, firm, partnership, or corporation, and shall be deemed punishable therefore as provided in this Ordinance.

SEC. 9481.160. CIVIL REMEDIES AVAILABLE. The violation of any of the provisions of this ordinance shall constitute a nuisance and may be abated by the city through civil process by means of a restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of nuisance.

SEC. 9481.170. SEVERABILITY. The City Council declares that, should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this Ordinance shall remain in full force and effect.

SECTION 6. This ordinance shall be signed by the Mayor, attested by the City Clerk, and published in the Inland Valley Daily Bulletin in pursuant to the requirements of the California Government Code.


MAYOR OF THE CITY OF UPLAND

ATTEST:


CITY CLERK OF THE CITY OF UPLAND

EXHIBIT B

DEPARTMENT OF PUBLIC WORKS

FLOOD CONTROL • REGIONAL PARKS • SOLID WASTE MGMT • SURVEYOR • TRANSPORTATION

COUNTY OF SAN BERNARDINO
ECONOMIC DEVELOPMENT
AND PUBLIC SERVICES GROUP

5 East Third Street • San Bernardino, CA 92415-0835 • (909) 387-8104
Fax (909) 387-8130



KEN A. MILLER
Director of Public Works

RECEIVED

May 28, 2003

MAY 28 2003

Ms. Rosalie Staudenmayer, Senior Planner
Community Development Department
City of Upland
460 North Euclid Avenue
Upland, CA 91786

COMMUNITY DEVELOPMENT

File #10(ENV)-4.01

RE: NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION –
EXPANSION OF STORM WATER RETENTION BASIN AND CONSTRUCTION OF
ADDITIONAL STORAGE FOR SPREADING OF IMPORTED WATER TO RECHARGE
THE CHINO BASIN GROUNDWATER BASIN, CITY OF UPLAND

Dear Ms. Staudenmayer:

Thank you for giving the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project.

After reviewing the submitted document, our Department has comments regarding the project site. The project site shall consist of the Upland Basin, the site to receive export (southwest corner of Monte Vista Avenue and Arrow Route and the north side of 16th Street between State Route 210 and Benson Avenue), and the Conservation District property located east of San Antonio Channel between Foothill Boulevard and Arrow Route, City of Upland.

The Water Resources Division's comments are as follows:

1. We have reviewed the Environmental Checklist and find that the Flood Control District's areas of concern have been adequately identified.
2. A permit will be required from the Flood Control District's Operation's Division, Permit Section, prior to encroachment on Flood Control District right-of-way. Other onsite or offsite improvements may be required which cannot be determined at this time.
3. It is also assumed that the City will establish adequate provisions for intercepting and conducting the accumulated drainage around or through the site in a manner that will not adversely affect adjacent or downstream properties.

WALLY HILL
County Administrative Officer

JOHN GOSS
Assistant County Administrator
Economic Development and
Public Services Group

Board of Supervisors			
BILL POSTMUS	First District	DENNIS HANBERGER	Third District
PAUL BLANE	Second District	FRED AGUIAR	Fourth District
JERRY EAVES	Fifth District		

Page 2
May 28, 2003
Ms. Staudenmayer

RE: NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION --EXPANSION OF STORM WATER RETENTION BASIN AND CONSTRUCTION OF ADDITIONAL STORAGE FOR SPREADING OF IMPORTED WATER TO RECHARGE THE CHINO BASIN GROUNDWATER BASIN, CITY OF UPLAND

Should there be any changes to this project, please notify our Department so that we may have the opportunity to comment on the changes. If you have any questions or need additional information, please contact Kelly A. Rozich, Senior Associate Planner, at (909) 387-8114.

Sincerely,



NARESH P. VARMA, Chief
Environmental Management Division

NPV:KR/UplandStormWaterBasinExpansion-MitNegDec-Response

cc: Mike Fox, Water Resources
Kelly Rozich, EMD
KAM/PJM Reading File

LAW OFFICES OF ROBERT C. HAWKINS

RECEIVED

May 22, 2003

MAY 23 2003

COMMUNITY DEVELOPMENT

Via Facsimile and U.S. Mail

Rosalie Staudenmayer, Senior Planner
City of Upland
Community Development Department
460 N. Euclid Ave.
Upland, California 91786

Re: Upland Basin Improvements to former CalMat Pit No. 3 (the "Project")

Dear Ms. Staudenmayer:

As you may know, this firm represents the Pomona Valley Protective Association which owns, controls and has spreading rights over lands in the San Antonio Wash including the former CalMat Pit No. 3 which is the subject of the captioned Project. Thank you for providing us with a copy of the Mitigated Negative Declaration ("MND") for the captioned Project which we just received today.

Although the MND indicates that the City will hold a hearing under CEQA in connection with the Project and close public comments on May 28, 2003, your note indicated that City Staff is recommending that the hearing be continued to June 25, 2003. Because I was concerned about the close of the public comment period, I attempted to reach you to ask whether the public comment period would be extended to June 25, 2003. I was unsuccessful in reaching you, but I spoke with Mr. Robert Turner, Public Works Director, who indicated that the public comment period would likewise be continued.

In reliance on these statements that the hearing and the comment period will be continued, we will make our comments by June 25, 2003. However, to the extent that the comment period is not continued, this letter serves as our opposition to the project to the extent that it adversely affects PVPA's ability to spread native surface water in the Six Basins Area and/or the San Antonio Wash. As indicated above, PVPA has spreading and surface water rights over Pit No. 3 which we have exercised frequently in the past. In addition, we have worked with the Department of Transportation ("Caltrans") in connection with the planning and right of way acquisition process for the extension of the Route 210 Freeway to insure that our ability to spread surface waters in, around and on Pit No. 3 and other areas in the San Antonio Wash are preserved.

110 Newport Center Drive, Suite 200
Newport Beach, California 92660
(949) 650-5550
Fax: (949) 650-1181


As indicated above, we reserve the right to supplement these comments with additional and further comments by June 25, 2003.

Thank you for the opportunity to participate in the CEQA process in connection with the important water resources in the San Antonio Wash area.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

LAW OFFICES OF ROBERT C. HAWKINS

A handwritten signature in black ink, appearing to read "Robert C. Hawkins", written over a horizontal line.

By: Robert C. Hawkins

RCH/kw

LAW OFFICES OF ROBERT C. HAWKINS

June 6, 2003

RECEIVED

Via Facsimile and U.S. Mail

Rosalie Staudenmayer, Senior Planner
City of Upland
Community Development Department
460 N. Euclid Ave.
Upland, California 91786

JUN 09 2003

COMMUNITY DEVELOPMENT

Re: Comments on the Upland Basin Improvements including Filling a Portion of the Former CalMat Pit No. 3 (the "Project")

Dear Ms. Staudenmayer:

As you may recall, this firm represents the Pomona Valley Protective Association which owns certain lands in the San Antonio Wash and owns, controls and has spreading rights over those and other lands in the Wash including the former CalMat Pit No. 3 which is part of the captioned Project. As you may also recall, we earlier provided preliminary comments on the Mitigated Negative Declaration ("MND") for the captioned Project. Please find below our final comments on the MND.

First, the Project description is inadequate. As you may know, the project description is one of the key parts of any environmental document, and an inadequate project description affects the entire document. As the County of Inyo Court noted long ago,

"Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the 'no project' alternative) and weigh other alternatives in the balance. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR."

County of Inyo v. City of Los Angeles (1977) 71 Cal. App. 3d 185, 199. In addition, the CEQA Guidelines section 15124 requires that an EIR describe the project "in a way that will be meaningful to the public, to the other reviewing agencies, and to the decision-makers." Discussion, Guidelines section 15124.

Here, the MND's Project description fails in all respects. It fails to state the current use of " . . . the existing pit located on the North side of 16th Street West of Benson Avenue and Southeast of State Route 210 Freeway right of way." The MND appears to recognize that this "existing pit" is a "former mining pit." MND, page 22. As you may know, this former mining pit was established by the former CalMat, Inc. and is known as Pit No. 3.

110 Newport Center Drive, Suite 200
Newport Beach, California 92660
(949) 650-5550
Fax: (949) 650-1181

Among other things, the Project proposes to remove 2.5 million cubic yards of material which includes construction debris and asphalt from a former mining pit south of Arrow Route between Monte Vista Avenue and Central Avenue. This former mining pit located at Arrow Route was recently reclaimed and much of this material was placed in the pit for reclamation. Approximately 700,000 cubic yards will be placed west of this site on Arrow Route. The MND states that the remaining 1.8 million cubic yards of material will be placed in the former CalMat Pit No. 3 near Benson Avenue and Baseline Road.

The MND fails to appreciate the importance of Pit No. 3: it is the southern most pit in PVPA's spreading program at the San Antonio Spreading Grounds located north of Baseline Road, south of the San Antonio Dam, west of Benson Ave. in Upland and east of Monte Vista Ave./Padua Ave. in the City of Claremont. As the southernmost pit in the San Antonio Spreading Grounds, it is crucial that Pit No. 3 remain available for spreading the maximum amount of water during periods of high runoff. The MND should be revised to recognize the importance of this feature of the Project, include an analysis of the impacts of such a feature and provide the necessary mitigation. Preferably, the City should prepare a draft environmental impact report ("DEIR") for the Project and include the revised description, impacts analysis and mitigation referred to above.

The MND or DEIR should also recognize that the San Antonio Creek has been subject to significant high water and flash floods. As you know, on March 2, 1938, a historic storm struck the area including the City of Upland and caused an estimated \$1,687,000 (1938 dollars) in damage and, for sixty (60) days, east west traffic including traffic along Baseline Road was disrupted. To prevent similar and future disruption, Pit No. 3 is essential for flood control.

Also, as you know, the City together with PVPA and other water interests in the area executed the Six Basins Stipulated Judgment. Among other things, the Judgment through a referenced agreement requires PVPA to spread water in historic quantities. In order for PVPA to spread water in similar historic quantities, it is essential that the major mining pits whose reclamation plan calls for water conservation remain available for such purposes. The addition of nearly two million cubic yards of fill material will have a substantial and adverse effect on PVPA's ability to spread waters in such historic amounts. PVPA's spreading program is the primary groundwater recharge program for the Six Basins Area in and near the City of Upland and from which the City receives much of its water.

Further, as you may know, Pit No. 3 and the other CalMat pits near and in the San Antonio Spreading Grounds are required by San Bernardino County Flood Control District and by the United States Army Corps of Engineers to receive and accept up to nine hundred (900) cubic feet per second (cfs) from the San Antonio Dam and Flood Control Channel in times of heavy rainfall and maximum releases from the Dam. For your convenience, please find attached a copy of the Resolution by the Flood Control District as Exhibit "A."

In addition, as you know, the City of Upland recently completed a storm drain facility which collects flows from a watershed of over four hundred (400) acres of many residential properties located north of Benson Ave. and west of Mountain Ave. in the City of Upland. This storm drain facility drains into Vulcan/CalMat Pit No. 4 at a rate of up to 794 cfs. This water places additional demands on Pit No. 4 and the other pits down gradient including Pit No. 3.

Also, the MND's Project description fails to discuss the current character of the 45 acre site proposed for the Project. We understand that Vulcan/CalMat only recently completed the reclamation plan for this site including filling the site. The City approved this plan. For the City to remove this fill for the Project after Vulcan/CalMat's reclamation is needless waste.

More importantly, as you know, the Department of Transportation has recently completed and opened the Route 210 Freeway from La Verne to Interstate 15. Among other items, Caltrans took a portion of CalMat Pit No. 3 and filled it with approximately 787,386 cubic yards of material for the Freeway. We estimate that this took about one-quarter (1/4) of the useable water storage space of Pit No. 3. For your information, PVPA received compensation and damages for this taking and injuries to its water spreading rights in the amount of \$360,000.

Hence, the MND's Project description is inadequate and must be revised to include a description of Pit No. 3: this pit is also a primary flood control and water conservation pit which PVPA and others regularly use during periods of high rainfall and surface flows. Moreover, Pit No. 3 is, in its current state and configuration, an existing flood control and water conservation facility. That is, Pit No. 3 is an improved site and functions as a key feature of PVPA's spreading program.

The MND or DEIR should be revised to include these aspects of the fill feature of the Project in the Project description, include an analysis of the Project impacts which discusses each of the above impacts and discusses any others which the City may uncover, and provide an adequate analysis of mitigation measures including mitigation of the substantial impacts to PVPA's spreading operations and commitments, as well as an analysis of the flood control impacts. Also, we encourage the City to obtain comments from the San Bernardino County Flood Control District which has interests that the Project will also affect.

As for the Environmental Checklist, this also requires further information and analysis. First and most importantly, the problems with the Project description affects the entire Checklist: having failed to understand the importance of the fill pit— Pit No. 3— the Checklist drastically underestimates the nature, extent and importance of the significant environmental impacts of the Project and fails to recognize the need for substantial mitigation to avoid significant impacts.

The Section entitled "Hydrology and Water Quality," the Checklist notes that

"[The Project] would not deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the local groundwater table."

MND, page 14. However, as indicated above, the Project will substantially interfere with spreading in the Six Basins Area. Further, because the Project including removing construction debris including asphalt and place almost 2 million cubic yards of this material in Pit No. 3, the Project will have substantial adverse impacts on PVPA's spreading operation, surface water quality and groundwater quality. By placing this material in Pit No. 3, the Project will **effectively remove this pit** from the crucial inventory of large spreading facilities in the San Antonio Spreading Grounds.

More importantly, this section has other problems. For instance, the MND states:

"There are currently no structures within the proposed project sites."

MND, page 14, paragraph i). However, Pit No. 3 is such a structure: it is a crucial structure or feature of the San Antonio Spreading Grounds and provides substantial flood control and water conservation capacity.

Also, the MND states that the Project does not:

"... alter the course of a stream or river or substantially increase the rate or amount of surface runoff in a manner that would result in flooding off-site. The basin is designed to retain 100-year storm water flows."

MND, page 14, paragraph d). However, as indicated above, at times, Pit No.3 which the Project proposes to fill receives substantial storm water flows. This pit is a major part of the 100 year storm design for the San Antonio Dam and the San Antonio Spreading Grounds. The Project's filling of Pit No. 3 may have a substantial and adverse impact on the ability of Pit No. 3 to take historic flows.

Further, the MND advises:

"The proposed projects will not substantially degrade surface or groundwater quality. The site is underlain by unconsolidated, coarse-grained, alluvium that functions as water-bearing sediments of the Chino Groundwater Basin. However, the depth to groundwater at the project site will be more than 400 feet at any given time. All materials will be removed as part of the proposed project will be inert."

MND, page 14, paragraph f). This discussion is simply wrong. The Project with its placement of asphalt in Pit No. 3 may substantially degrade both surface and groundwater flows. The depth to groundwater at Pit No. 3 is, as discussed above, much higher than 400 feet below the surface. Also, the presence of asphalt which is removed from the Upland Basin and placed at Pit No. 3 may render the conclusion about "inert" materials incorrect.

Other areas have problems as well. The section on "Geology and Soils" is also flawed. The MND states that groundwater in the Project area is more than 400 feet below the surface. As for Pit No. 3, this is incorrect: groundwater levels in this area have reached as high as thirty (30') feet below

the surface. Also, the MND states that the area is not in a fault zone. This too is incorrect: the San Jose Fault which separates the Six Basins Area from the Chino Basin is in the vicinity of the Project. Other faults may also affect the Project. Further, within the past fifteen years, the area has experienced a major earthquake. The City should revise the MND or prepare a DEIR. All of this should be discussed in any revised MND or DEIR.

As for the "Mineral Resources" Section, it indicates that materials generated will be placed at the export sites. However, the Checklist does not consider or analyze the possibility of removing valuable material for reprocessing.

Finally and most importantly, the Cumulative Analysis section of the Checklist is inadequate. Because of the inadequate Project description, this analysis fails to consider the cumulative impacts of the Project with other activities in the area including the Route 210 Freeway.

As indicated above, in connection with the construction of the Route 210 Freeway, Caltrans and SANBAG placed almost 787,386 cubic yards of material in Pit No. 3. Caltrans and SANBAG paid PVPA over \$360,000 for this interference with PVPA's spreading rights and severance injuries. The Project's proposed filling of Pit No. 3 will have a significant and adverse impact on Pit No. 3's water resource service, on PVPA's water conservation activities, on water quality, on flood control and on groundwater recharge in the Six Basin Area.

Also, as noted above, the City has recently improved its storm drain system and has directed more flows into the San Antonio Spreading Grounds. The MND or DEIR should discuss and analyze the ability of the area to handle such drainage with the Project's proposed placement of fill in Pit No. 3.

Because the MND is woefully inadequate, we encourage the City to prepare a full environmental impact report to analyze and discuss these and other environmental issues. In addition to these impacts, **the DEIR should consider and discuss substantial mitigation including:**

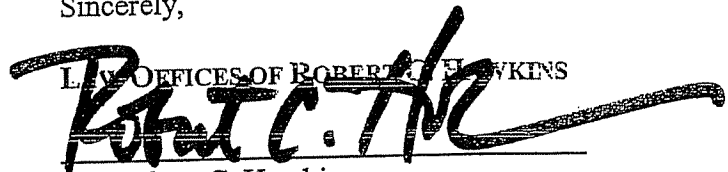
- Placing the fill material to another site which does not have sensitive resources, does not have the important function in groundwater recharge in the Six Basin Area, and does not affect important and valuable property rights such as PVPA's spreading rights.
- If the Project includes placing fill at Pit No. 3, the City should construct replacement and substantial spreading facilities at the north end of PVPA's Spreading Grounds for operation by PVPA.
- If the Project includes placing fill at Pit No. 3 without any additional mitigation, the City should pay PVPA in excess of \$750,000 for this taking and injury to PVPA's spreading rights and other real property interests.

A final note: the header for the MND is "Initial Study for Upland Basin Improvements." However, on page 5, the header becomes "Initial Study for Holliday Rock Foothill Plant Site." Please advise as to the nature of this change.

Thank you for the opportunity to participate in the CEQA process in connection with the important water resources in the San Antonio Wash area.

Should you have any questions, please do not hesitate to contact me.

Sincerely,


LAW OFFICES OF ROBERT C. HAWKINS
By: Robert C. Hawkins

RCH/kw



CITY OF CLAREMONT

Community Development Department

City Hall
207 Harvard Avenue
P.O. Box 880
Claremont, CA 91711-0880
FAX (909) 399-5327

Building • (909) 399-5471
Planning • (909) 399-5470
Engineering • (909) 399-5465
Community Improvement • (909) 399-5467
Economic Development • (909) 399-5341

May 20, 2003

Rosalie Staudenmayer
Senior Planner
City of Upland
460 N. Euclid Avenue
Upland, CA 91786

Dear Ms. Staudenmayer:

UPLAND BASIN IMPROVEMENTS – CUP-02-13 and EAR-1414

Thank you for returning my telephone call on May 1, 2003, regarding the initial study for the proposed Upland Basin Improvements on the south side of Arrow Route between Monte Vista Avenue and Central Avenue. This letter summarizes our conversation.

The City of Claremont does not have concerns with the proposed transport of 700,000 cubic yards of excavated materials from the basin site to the property located west of Monte Vista and south of Arrow Route provided it is done in accordance with approved Conditional Use Permit No. 96-09 and EAR-1204. We understand that a traffic flagman will monitor the truck traffic between the two sites.

Claremont does have some concern with the potential transport of excavated materials to a pit located on the north side of 16th Street, west of Benson Avenue, if Monte Vista is used as the haul route. This would impact Claremont in terms of increased traffic, pavement deterioration, noise, and dust. We ask that you consider alternative haul routes including using Benson Avenue. I understand that no final determination has been made regarding the use of the pit north of 16th Street and the excess material may be taken to other sites, which of yet have not been identified. I also understand that before the material can be placed in the pit north of 16th Street, it will require separate project approval and environmental review.

If you are considering alternative sites, I recommend that you contact the Claremont Colleges to determine if they would be interested in having the material transported to their pit located east of Monte Vista Avenue and north of Arrow Route.

Rosalie Staudenmayer
May 20, 2003
Page 2 of 2

If you have any questions regarding the above, please call me at (909) 399-5485. We very much appreciate Upland's willingness to work together on issues that are of concern to Claremont.

Sincerely,

A handwritten signature in cursive script that reads "Belle Newman". The signature is written in black ink and is positioned above the typed name and title.

Belle Newman
Principal Planner

c: Anthony Witt, Director of Community Development
Craig Bradshaw, City Engineer

BN/UPLAND/RETBAS/LTR050503



Chino Basin Water Conservation District

April 23, 2003

Rosalie Staudenmayer, Senior Planner
City of Upland
460 North Euclid Avenue
Upland, CA 91786

Subject: Upland Basin Drainage Facilities

Dear Rosalie,

The City of Upland's Public Works staff is working with Chino Basin Water Conservation District (District) to acquire drainage easements through the District's property located East of the San Antonio Channel between Foothill Boulevard and Arrow Route. The District has been advised that the City's Public Works staff is beginning preparation of environmental documents for construction of the drainage improvements.

As required by the City's Planning Department, the District authorizes the City Public Works staff to process environmental compliance documents for construction of the drainage facilities within the District's properties.

If you need anything further, please advise.

Sincerely,

Barrett Kehl, General Manager
Chino Basin Water Conservation District

Enclosure: Notary

DIRECTORS
TERENCE M. KING
Division 1
KATI OOTEN-PARKER
Division 2
JOHN T. REDDICK
Division 3
PAUL HOFER
Division 4
GILBERT ALDACO
Division 5
HENRY DE HAAN JR.
Division 6
GEOFFREY VANDEN HEUVEL
Division 7

OFFICERS
PAUL HOFER
President
JOHN T. REDDICK
Vice President
HENRY DE HAAN JR.
Treasurer
BARRETT KEHL
Secretary - Manager

DISTRICT COUNSEL
WILLIAM BRUNICK

4594 SAN BERNARDINO
P.O. BOX 2400
MONTCLAIR, CA
(909) 626-2777
FAX (909) 626-2777

CALIFORNIA NOTARY ACKNOWLEDGMENT

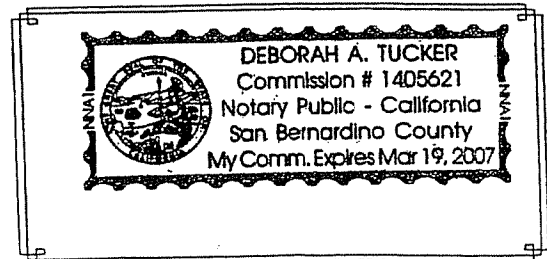
State of California

County of San Bernardino

} ss

On April 28, 2003, before me, *Deborah A. Tucker, Notary Public,*
personally appeared Barrett Kehl, personally
known to me (or proved to me on the basis of satisfactory evidence) to be the
person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed
the instrument.

WITNESS my hand and official seal



Deborah A. Tucker
Letter dated April 23, 2003
to Rosalie Staudenmayer

(This area for official notarial seal)



Gray Davis
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse



Tal Finney
Interim Director

June 2, 2003

RECEIVED

JUN 03 2003

Rosalie Staudenmayer
City of Upland
460 North Euclid Avenue
Upland, CA 91786

COMMUNITY DEVELOPMENT

Subject: EAR-1414 and Conditional Use Permit No. CUP-02-13
SCH#: 2003051010

Dear Rosalie Staudenmayer:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on May 30, 2003, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2003051010
Project Title EAR-1414 and Conditional Use Permit No. CUP-02-13
Lead Agency Upland, City of

Type Neg Negative Declaration
Description Provide for the expansion and development of the Upland Basin in order to allow for retention of 850 acre-feet of storm water, plus 200 acre-feet for groundwater recharge, thus ultimately retaining a total of 1,050 acre-feet of water. The request consists of removing approximately 2.5 million cubic yards of excavated material from the site. Approximately 700,000 cubic yards are to be exported to an existing pit located along the southwest corner of Monte Vista Avenue and Arrow Route.

Lead Agency Contact

Name Rosalie Staudenmayer
Agency City of Upland
Phone 909 931-4142 **Fax**
email
Address 460 North Euclid Avenue
City Upland **State** CA **Zip** 91786

Project Location

County San Bernardino
City Upland
Region
Cross Streets Arrow Route and Monte Vista Avenue
Parcel No. 1007-391-13,14,15&16
Township **Range** **Section** **Base**

Proximity to:

Highways
Airports
Railways
Waterways
Schools
Land Use ML (Light Industrial)

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Flood Plain/Flooding; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Schools/Universities; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 6; Department of Parks and Recreation; Reclamation Board; Department of Water Resources; Office of Emergency Services; California Highway Patrol; Caltrans, District 8; Department of Food and Agriculture; Department of Health Services; Integrated Waste Management Board; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage Commission

Date Received 05/01/2003 **Start of Review** 05/01/2003 **End of Review** 05/30/2003

Notice of Completion & Environmental Document Transmittal

SCH # _____

Mail to: State Clearinghouse, PO Box 3044, Sacramento, CA 95812-3044 916/445-0613

Project Title: EAR-1414 and Conditional Use Permit No. CUP-02-13

Lead Agency: City of Upland Contact Person: Rosalie Staudenmayer
Street Address: 460 N. Euclid Avenue Phone: (909) 931-4142
City: Upland Zip: 91786 County: San Bernardino

Project Location:

County: San Bernardino City/Nearest Community: Upland
Cross Streets: Arrow Route and Monte Vista Avenue Zip Code: 91786 Total Acres: 44.82
Assessor's Parcel No. 1007-391-13, 14, 15 & 16 Section: Twp. Range: Base:
Within 2 Miles: State Hwy #: Waterways:
Airports: Railways: Schools:

Document Type:

CEQA: [] NOP [] Supplement/Subsequent EIR NEPA: [] NOI Other: [] Joint Document
[] Early Cons (Prior SCH No.) [] EA [] Final Document
[x] Neg Dec [] Other [] Draft EIS [] Other
[] Draft EIR [] FONSI

Local Action Type:

[] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [x] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [] Other

Development Type:

[] Residential: Units Acres
[] Office: Sq.ft. Acres Employees
[] Commercial: Sq.ft. Acres Employees
[] Industrial: Sq.ft. Acres Employees
[] Educational
[] Recreational
[] Water Facilities: Type MGD
[] Transportation: Type
[] Mining: Mineral
[] Power: Type Watts
[] Waste Treatment: Type
[] Hazardous Waste: Type
[x] Other: Water Retention/Recharge Basin

Funding (approx.): Federal \$ NA State \$ NA Total \$ NA

Project Issues Discussed in Document:

[x] Aesthetic/Visual [x] Flood Plain/Flooding [x] Schools/Universities [x] Water Quality
[x] Agricultural Land [] Forest Land/Fire Hazard [] Septic Systems [x] Water Supply/Groundwater
[x] Air Quality [x] Geologic/Seismic [] Sewer Capacity [x] Wetland/Riparian
[x] Archeological/Historical [] Minerals [x] Soil Erosion/Compaction/Grading [x] Wildlife
[] Coastal Zone [x] Noise [x] Solid Waste [x] Growth Inducing
[] Drainage/Absorption [x] Population/Housing Balance [x] Toxic/Hazardous [x] Landuse
[] Economic/Jobs [x] Public Services/Facilities [x] Traffic/Circulation [x] Cumulative Effects
[] Fiscal [] Recreation/Parks [x] Vegetation [] Other

Present Land Use/Zoning/General Plan Designation:

ML (Light Industrial) Zoning and General Plan Land Use Designation

Project Description:

Provide for the expansion and development of the Upland Basin in order to allow for retention of 850 acre-feet of storm water, plus 200 acre-feet for groundwater recharge, thus ultimately retaining a total of 1,050 acre-feet of water. The request consists of removing approximately 2.5 million cubic yards of excavated material from the site. Approximately 700,000 cubic yards are to be exported to an existing pit located along the southwest corner of Monte Vista Avenue and Arrow Route.

EXHIBIT C

ATTACHMENT C

UPLAND BASIN EXPANSION MITIGATION MONITORING PROGRAM ENVIRONMENTAL ASSESSMENT NO. EAR 1414 AND CONDITIONAL USE PERMIT NO. 02-13

Negative Declaration Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Agency	Verification of Completion	
					Date	Initial
Air Quality 3b	<p>The Construction Contractor shall utilize dust control measures as required by South Coast Air Quality Management District (SCAQMD) Rules 402 and 403. Rule 402 requires measures which prevent fugitive dust from creating an off-site nuisance, while Rule 403 requires the control of fugitive dust so that it does not remain visible in the atmosphere beyond the project limits.</p> <p>Where silt is carried over public roadways, the Construction Contractor shall maintain a regular program of street sweeping.</p> <p>The Construction Contractor shall plan/schedule construction activities to minimize as much as possible, disturbance of existing traffic patterns or detouring large numbers of vehicles.</p> <p>Earthmoving activities shall be scheduled to minimize the amount of exposed, excavated soils during and after the end of normal work periods.</p> <p>Where possible, temporary haul roads shall be covered with soil of lower silt content or soil stabilizers.</p> <p>The Construction Contractor shall utilize well-tuned construction equipment to minimize the volume of emissions from equipment and/or vehicles.</p>	Site Inspection	Prior to filing of the Notice of Project Completion	City of Upland Public Works Department		

UPLAND BASIN EXPANSION
 MITIGATION MONITORING PROGRAM
 ENVIRONMENTAL ASSESSMENT NO. EAR 1414 AND CONDITIONAL USE PERMIT NO. 02-13
 Page 2 of 5

Negative Declaration Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Agency	Verification of Completion	
					Date	Initial
	<p>Earthmoving and crushing operations shall be suspended during first and second stage smog alerts, and during high winds (i.e., greater than 25 mph).</p> <p>To assure proper dust control during periods of high wind, exposed surfaces shall be watered a minimum of 3 times per day or treated with a mulch tackifier/soil stabilizer once per each day.</p> <p>Disturbed areas that have been, or are expected to be unused for four or more consecutive days shall be treated with a mulch tackifier/soil stabilizer.</p> <p>All vehicles hauling dirt, sand, soil, or other loose substances shall be covered, or required to maintain a minimum freeboard of 2 feet between the top of the load and the top of the truck bed sides.</p> <p>Parking on untreated lots shall be prohibited.</p> <p>All unpaved road surfaces shall be treated with a mulch tackifier/soil stabilizer.</p> <p>All unpaved parking areas and vehicle storage areas shall be chemically treated.</p> <p>Construction vehicles/equipment shall utilize low-sulfur fuel.</p> <p>The maximum speed on unpaved haul and access roads shall not exceed 15 mph.</p> <p>Open storage piles of sand, dirt, or other soils</p>					

**UPLAND BASIN EXPANSION
MITIGATION MONITORING PROGRAM
ENVIRONMENTAL ASSESSMENT NO. EAR 1414 AND CONDITIONAL USE PERMIT NO. 02-13
Page 3 of 5**

Negative Declaration Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Agency	Verification of Completion	
					Date	Initial
	<p>shall be treated with a mulch tackifier/soil stabilizer.</p> <p>To control soil erosion from storm water, disturbed surfaces shall, wherever possible, utilize vegetative stabilization.</p> <p>Travel off designated haul and/or access roads shall be prohibited.</p>					
Hydrology and Water Quality 8a	<p>An NPDES permit from the Regional Water Quality Control Board will be obtained for the project. All terms of the permit shall be adhered to.</p> <p>Best Management Practices will be employed when transporting material, including watering to control dust and ceasing work during periods of high winds.</p> <p>The trucks hauling the material shall either cover the excess soils during transport or maintain at least 2 feet of freeboard between the top of the load and the top of the trailer as required by California Vehicle Code Section 23114.</p> <p>Streets adjacent to the project site shall be swept by the Construction Contractor, should upset occur or should soil or other materials be deposited during the transport of debris. The construction contractor shall have equipment and labor available at all times to respond to City request for street cleaning.</p>	Site Inspection	Prior to filing of the Notice of Project Completion	City of Upland Public Works Department		
Noise 11a	All construction activity shall comply with normal City construction practices and applicable noise control measures, as specified in the Upland Municipal Code.	Site Inspection	Prior to filing of the Notice of Project Completion	City of Upland Public Works Department		

**UPLAND BASIN EXPANSION
MITIGATION MONITORING PROGRAM
ENVIRONMENTAL ASSESSMENT NO. EAR 1414 AND CONDITIONAL USE PERMIT NO. 02-13
Page 4 of 5**

Negative Declaration Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Agency		Verification of Completion	
				Date	Initial	Date	Initial
	<p>Written City approval is required for any work to be conducted outside of normal working hours (7:00 a.m. to 6:00 p.m. Monday through Friday) (i.e., night work, switch over for detours or weekend work.) On-site bulldozer and tanker truck activity shall not commence until 7:00 a.m., except as may be approved by the Administrative committee for an emergency situation. Public notices shall be distributed for all significant after hours activities (as determined by the City and SANBAG). The City shall approve any hours outside the normal working hours of 7:00 a.m. to 6:00 p.m. Monday through Friday in advance of the work being done.</p> <p>Operation of all contractor equipment, vehicles, engines, pneumatic tools, etc., shall be limited to normal working hours of 7:00 a.m. to 6:00 p.m. Monday through Friday.</p> <p>All contractor equipment shall be kept in good working order, and shall be operated at speeds and noise levels so as to preclude any loud or unusual noise. All equipment shall be operated with the manufacturer's recommended mufflers in a state of good repair.</p> <p>With the exception of automatic warning devices required by State law, no equipment or vehicles shall utilize horns or other loud signaling devices.</p> <p>Engines and other equipment shall be turned off when not in use.</p>						
Noise 11d	All construction activities must comply with City ordinances for ambient noise levels during construction. No permanent increase in	Site Inspection	Prior to filing of the Notice of Project Completion	City of Upland Public Works Department			

UPLAND GASIN EXPANSION
 MITIGATION MONITORING PROGRAM
 ENVIRONMENTAL ASSESSMENT NO. EAR 1414 AND CONDITIONAL USE PERMIT NO. 02-13
 Page 5 of 5

Negative Declaration Section	Mitigation Measures	Method of Verification	Timing of Verification	Responsible Agency	Verification of Completion	
					Date	Initial
Transportation/Traffic 15b	<p>ambient noise levels will be permitted.</p> <p>Flag persons must be employed by the contractor while accessing public streets to ensure that the project maintains a level of service of E in accordance with San Bernardino County Congestion Management Plan standards.</p>	Site Inspection	Prior to filing of the Notice of Project Completion	City of Upland Public Works Department		

EXHIBIT D

APPENDIX D
Notice of Determination

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: (Public Agency) CITY OF UPLAND
460 N. EUCLID AVENUE
(Address)
UPLAND, CA 91786

County Clerk
County of SAN BERNARDINO
385 N. ARROWHEAD AVENUE, 2ND FLOOR
SAN BERNARDINO, CA 92415-0130

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

GUP-02-13, EAR-1414
Project Title

State Clearinghouse Number (if submitted to Clearinghouse)	Lead Agency (Contact Person)	Area Code/Telephone/Extension
<u>44.8 ACRES ALONG THE SOUTH SIDE OF ARROW ROUTE, BETWEEN MONTE VISTA AVE. AND CENTRAL AVE., UPLAND, SAN BERNARDINO COUNTY, CALIFORNIA</u> Project Location (include County)		

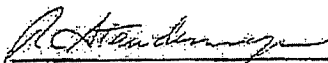
Project Description:

EXPANSION AND DEVELOPMENT OF A STORM WATER RETENTION BASIN

This is to advise that the CITY OF UPLAND has approved the above-described project on:
 Lead Agency Responsible Agency
JUNE 25, 2003 and has made the following determinations regarding the above-described project.
(Date)

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provision of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not made a condition of the approval of the project.
4. A statement of Overriding Considerations was was not adopted for this project.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:
COMMUNITY DEVELOPMENT DEPT., CITY OF UPLAND, 460 N. EUCLID AVE., UPLAND, CA 91786

	JUNE 26, 2003	SENIOR PLANNER
Signature (Public Agency)	Date	Title

Date received for filing at OPR: _____

EXHIBIT E

RESOLUTION NO. 4347

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UPLAND
GRANTING A PETITION FOR CONDITIONAL USE PERMIT NO. CUP-02-13

WHEREAS, Public Works Department, 460 N. Euclid Ave., Upland, CA 91786, filed an application with the City of Upland for a Conditional Use Permit No. CUP-02-13 to allow for expansion of the Upland Basin, located within an ML(Light Industrial) Zone, on property generally described as:

The southeast corner of Arrow Route and Monte Vista Avenue. More specifically described as:

Lots 16 through 21 and 24 through 26 of Tract No. 1836 recorded in Map Book 26 at Page 60 records of San Bernardino County, State of California, together with those portions of Central Avenue immediately West of said Lots 18, 19, and 26. vacated by the City of Upland by Instrument No. 84-034845, February 14, 1984, Officials Records of said County.

Excepting therefrom:

Parcel 1

The North 75.00 feet of said Lots 16, 17, and 18 and said vacated Central Avenue West of said Lot 18 deeded to Metropolitan Water District of Southern California per Deed Recorded in Book 8046 at Page 375, Official Records of said County.

Parcel 2

The East 272.50 feet of said Lot 21, together with the North 237.19 feet of the West 75.00 feet of the East 347.50 feet of said Lot 21 together with the South 289.31 of the West 75.00 feet of the East 347.50 feet of said Lot 21.

Parcel 3

A parcel of land within said Lot 17 being 100.00 feet square with each side either being North and South or East and West and the center located 163.65 feet West of East line and 191.82 feet North of the South line of said Lot 17.

Parcel 4

A parcel of land within said Lot 21 being 100.00 feet square with each side either being North and South or East and West and the center located 372.52 feet East of West line and 286.19 feet South of the North line said Lot 21.

Parcel 5

A portion of Lots 17 through 20 and said vacated Central Avenue described as follows:

Commencing at the intersection of the West line of Central Avenue and the West prolongation of the South line of Parcel 'B' of the lands granted to Metropolitan Water District of Southern California per deed recorded in Book 8046 at Page 375, Official Records of said County;

Thence North $89^{\circ}43'32''$ East along said the West prolongation of said South line and said South line of said Parcel 'B', a distance of 421.40 feet to the Point of Beginning;

Thence continuing North $89^{\circ}43'32''$ East along said South line, a distance of 799.66 feet to a point on the East line of said Lot 17;

Thence South $00^{\circ}16'05''$ East along said East line, a distance of 308.53 feet to a point on the East prolongation of the North line of Parcel 3 described above;

Thence South $89^{\circ}59'59''$ West along said East prolongation, a distance of 213.65 feet to the Northwest corner of Said Parcel 3;

Thence South $50^{\circ}51'46''$ West, a distance of 1193.79 feet;

Thence North $65^{\circ}51'46''$ West, a distance of 72.88 feet to a point on the West line of vacated Central Avenue;

Thence North $00^{\circ}58'28''$ West along said West line, a distance of 491.79 feet to a point 536.07 feet (measured along the said West line) from the Point of Commencement;

Thence North $67^{\circ}10'54''$ East, a distance of 71.10 feet;

Thence North $51^{\circ}44'19''$ East, a distance of 596.48 feet;

Thence North $40^{\circ}45'45''$ West, a distance of 186.25 feet to the Point of Beginning.

Parcel 6

A portion of Lots 17 and 18 and said vacated Central Avenue described as follows:

Beginning at the intersection of the West line of Central Avenue and the West prolongation of the South line of Parcel 'B' of the lands granted to Metropolitan Water District of Southern California per instrument recorded in Book 8046 at Page 375, Official Records of said County;

Thence South $00^{\circ}58'28''$ East along the West line of Central Avenue, a distance of 536.07 feet;

Thence North $67^{\circ}10'54''$ East, a distance of 71.10 feet;

Thence North $51^{\circ}44'19''$ East, a distance of 596.48 feet;

Thence North $40^{\circ}45'45''$ West, a distance of 186.25 feet to a point on the South line of said Parcel 'B';

Thence South 89°43'32" West along said South line, a distance of 421.40 feet to the Point of Beginning.

Contains 55.7 acres, more or less.

Site 3-Storm Drain Alignment

Assessor Parcel Numbers

APN 1007-321-04, APN 1007-331-04, APN 1007-031-01, and APN 1007-021-07

General Description

East of San Antonio Channel between Arrow Route and Foothill Boulevard

Property Legal Description; and

WHEREAS, notice of public hearing on said petition has been given in the manner and for time required by law; and

WHEREAS, at the time set, to wit: at 6:30 p.m., on the 25th day of June, 2003, in the Council Chambers of the City of Upland, said petition was heard by the Planning Commission for the City of Upland; and

WHEREAS, at said time and place, said Planning Commission heard and considered both oral and written evidence.

I. FINDINGS:

It was determined that:

1. That the use applied for at the location set forth in the application is one for which a conditional use permit is authorized by this part, in that Section 9473.050.140 & 9473.050.160 of the City's Planning and Zoning Law subject to a conditional use permit.
2. That the said use is necessary or desirable for the development of the community, is not contrary to the objectives of the general plan, and is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located, in that, the proposed use provides a public improvement necessary to capture and retain valuable water resource and maintain proper drainage of public roads.
3. That the site for the intended use is adequate in size and shape to accommodate said use and all of the yards, setbacks, parking, walls or fences, landscaping and other features required in order to accommodate said use to those existing or possible future uses on adjoining land in the neighborhood, in that, the project site is approximately 45-acres and will be able to hold approximately 1,050 acre feet of runoff.
4. That the site for the proposed use relates to streets and highways which are properly designed and improved so as to carry the type and quantity of traffic generated or to be generated by the

proposed use amendment, in that, the amendment does not increase the rate of production from existing levels.

5. Pursuant to the provisions of Section 15072 of the CEQA guidelines, the Community Development Director and the Administrative Committee have recommended that a Mitigated Negative Declaration be issued for this project.

II. DETERMINATION:

Therefore, please be advised that in light of the evidence presented at the hearing on this case, and in conformity with the requirements necessary for the granting of a conditional use permit, the petition is granted subject to compliance with all applicable provisions of the Upland Municipal Code and the following:

SPECIAL CONDITIONS:

1. Subject to Planning Commission issuance of Negative Declaration No. EAR-1414 and Conditional Use Permit No. CUP-02-13 (PHASE 1).
2. Ultimate import site for 1.3 million cubic yards of earth material, to be exported from project site during the second phase, is to be determined by environmental and conditional use permit process separate from EAR-1414 and CUP-02-13 (PHASE 1 & 2).
3. The approval of this project is subject to, and contingent upon, the recordation of Lot Merger (PHASE 1).
4. Prior to recordation, the applicant shall submit two copies of the "before and after" legal descriptions for each lot for plan check by the Public Works Department (PHASE 1).
5. Concurrently with recordation of the Lot Merger, the applicant shall do the following: 1) Record a Quit Claim Deed or Grant Deed transferring ownership; and 2) Record a conforming Grant Deed describing each new lot(s) in conformance with State law (PHASE 1).
6. The submittal, approval, and recordation of a Lot Merger map shall be in accordance with the provisions of the State Subdivision Map Act and the City Subdivision Ordinance. The final map shall be recorded prior to the issuance of any permits (PHASE 1).
7. Phase 2 construction shall include, but not limited to, all off-site improvements, undergrounding overhead utilities, improvements of on-site utilities, on-site and off-site landscaping, lighting, on-site street paving, curb and gutter, sidewalk, handicapped ramp, etc., to the City's satisfaction. All future phase building sites shall be filled with gravel to the City's satisfaction (PHASE 2).
8. Adequate drainage/erosion control shall be provided at all times during each phase of the development. Submit appropriate erosion control plans to the Public Works Director for approval (PHASE 1 AND 2).

STANDARD CONDITIONS:

9. Relocation of any public water or sewer lines shall be subject to approval by the Public Works Director (PHASE 2)
10. The developer shall comply with Assembly Bill 1414, which was enacted into law and effective January 1, 1995. This bill amended Section 8771 of the Business and Professions Code (of the Land Surveyors Act). The County Surveyor requires that two corner records be filed; they are when (PHASE 1):
 - A. Monuments exist that controls the location of subdivisions or tracts, streets or highways; or provides survey control. The monuments are located and referenced by a licensed Land Surveyor before any streets or highways are reconstructed or relocated. The corner record(s) of the references are filed with the County Surveyor.
 - B. Monuments are reset in the surface of the new construction and a corner record is filed with the County Surveyor before recording of a Certificate (Notice) of Completion for the project.
11. Permanent survey monuments shall be set at the intersection of street centerlines, beginning and end of curves in centerlines, and at other locations designated by the Director of Public Works/City Engineer. All other centerline monuments shall be in accordance with standard survey practice. A complete set of all street centerline ties (a minimum of three per monument) shall be submitted prior to final project acceptance (PHASE 2).
12. All deficient public improvements shall be upgraded to current City Standards and to the satisfaction of the Public Works Director (PHASE 2).
13. Existing driveways shall be reconstructed and/or new driveways constructed in accordance with commercial standards as indicated on Engineering Standard Drawing Number CU-P-4 Type "B" (PHASE 2).
14. Full standard street improvements are required for the south half of Arrow Route from the east abutment of the San Antonio Bridge to a point east approximately 880 feet as shown on the Master Plan of Streets and Highways. This includes: construction of roadway grading and paving, curb and gutter, the installation of parkway trees and street lights, all roadway striping, pavement markings, traffic signing, and other improvements to the satisfaction of the Public Works Director. The street improvements will not include the installation of sidewalk or any traffic signals (PHASE 2).
15. All public street and/or alley right-of-way improvements and the location of driveways shall require the approval of the Public Works Director (PHASE 2).
16. Ramps and other handicap facilities (sidewalk, walk, appurtenances) shall be constructed for the physically handicapped in locations specified by the Director of Public Works/City Engineer and the Director of Community Development. Handicap facilities shall be constructed and existing facilities shall be reconstructed within the project limits, as necessary, in accordance with California Building Code, Title 24, and Americans with Disabilities Act (ADA) requirements (PHASE 2).

17. The developer/owner is responsible for research on private utility lines (gas, Edison, telephone, cable, irrigation, etc.) to ensure there are no conflicts with the site (PHASE 1).
18. All existing on-site utility lines that conflict with this project shall be relocated removed or sealed to the satisfaction of the Public Works Director (PHASE 1).
19. The existing overhead utility lines and poles (including telephone, gas, cable TV, and SCE distribution lines) on the fronting the project site shall be placed underground and to the satisfaction of the Public Works Director (PHASE 2).
20. This project will disturb one or more acres of land, therefore is subject to the General Construction Permit for stormwater discharges. The owner/developer is required to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) for construction activities. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and be available at the job site at all times. A copy of the Waste Discharger's Identification Number (WDID) from the SWRCB shall be provided to the City prior to the issuance of grading or building permits (PHASE 1).
21. The developer shall verify the existence and adequacy of an approved RP Backflow Prevention Device, and if necessary, upgrade or install a new system per City Std. W6-15 (PHASE 1).
22. A separate water meter shall be provided for each parcel (including any necessary easements to provide such services) (PHASE 1).
23. All new and upgraded developments shall meet the requirements of Chapter 7 "Municipal Water System", Article VII, of the Upland Municipal Code. This Code pertains to water system connection fees, water additive fees, and the transfer of water stock to the City of Upland (PHASE 1).
24. The provision of Fire Protection Water Systems, hydrants, and appropriate easements shall be in conformance with the Upland Fire and Public Works Department Standards (PHASE 1).
25. All landscape meter(s) and approved Backflow Device(s) shall be installed and inspected, in accordance with the Public Works Department Standards (PHASE 1).
26. All water facilities shall be installed outside any driveways and drive approaches, and shall be in accordance with the Public Works Department Standards (PHASE 1).
27. A copy of all San Antonio Water Company plans shall be submitted to the Upland Public Works Department for review and comment before issuance of building permits (PHASE 1).
28. Storm drain system(s) shall be constructed in accordance with the City's Master Plan applicable to the project site and to the satisfaction of the Public Works Director (PHASE 2).
29. A hydrology/hydraulics analysis is required to the satisfaction of the Public Works Director. Any offsite drainage, which may impact this development, or additional drainage created by this development, shall be addressed in accordance with the mitigation measures required in the hydrology report prior to issuance of any permits (PHASE 1).
30. Location, direction and devices for conveying site drainage directed to a street shall be subject to review and approval by the Public Works Director (PHASE 1).

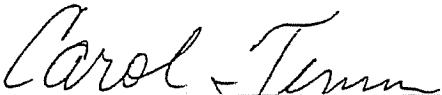
31. Temporary drainage controls may be required during construction phases as directed by the Public Works Director (PHASE 1).
32. All catch basins and storm drain inlet facilities shall be stenciled with the appropriate "No Dumping" message as supplied by the Public Works Department, Environmental Division (PHASE 2).
33. Grading plan shall be prepared per all applicable Engineering Directives and the CU-E Series Standard Drawings and be approved by the Public Works Department prior to issuance of a grading permit (PHASE 1).
34. An erosion control plan shall be required as directed by the Public Works Director (PHASE 1).
35. Any landscaping proposed within a City utility easement is subject to approval by the Public Works Director and Community Development Director (PHASE 2).
36. The developer shall provide landscape maintenance of the 12-foot wide parkway on Arrow Route during the plant establishment period following City approval of the landscaping. The developer shall also include provisions for the perpetual maintenance of said parkway(s) by the owner. The owner's maintenance responsibility shall commence at the completion of the plant establishment period (PHASE 2).
37. The parkway on Arrow Route (along the project frontage) shall be fully landscaped. The parkway landscaping will include an automatic irrigation system in accordance with an approved plan, which shall be subject to review and approval by the Community Development Director and the Public Works Director (PHASE 2).
38. Any landscaping plans for work within public rights-of-way shall include a note stating: "A permit shall be obtained from the Public Works Director's Office prior to any work commencing in the public street parkway. The approved Civil Engineering street plans shall be assumed to be correct if they conflict with these plans" (PHASE 2).
39. Approval and/or permits may be required from the following agencies (PHASE 1):
 - A. San Bernardino County:
 - i. Transportation Department
 - ii. Health Department
 - iii. Flood Control District
 - B. Inland Empire Utility Agency
 - C. San Antonio Water Company
 - D. California Regional Water Quality Control Board, Santa Ana Region for an NPDES Permit or Clearance Letter

- E. Other: City of Montclair
- F. Other: Army Corp of Engineers
- 40. A Soils Report shall be submitted for review prior to the issuance of a grading permit (PHASE 1).
- 41. Developer is required to arrange for a PRE-CONSTRUCTION MEETING with the Public Works Department prior to the issuance of any permits for work within public right-of-way or public easements (PHASE 1).
- 42. The developer shall employ a qualified PROFESSIONAL ENGINEERING FIRM to perform design and inspection services as outlined in Engineering Directive General Series prior to issuance of any permits (ED-G-2) (PHASE 1).
- 43. All plans (including Landscaping Plans) depicting any work to be plan checked by Development Services shall be prepared on 24"x36", 4 mil mylars on City Standard title block. This includes street, sewer, water grading, storm drain, grading, erosion control, private street design, and landscape plans. No "cut and paste," "sticky-backs," "zip-a-tone", "Kroy lettering", or other tape will be permitted on final originals (PHASE 1).
- 44. Public improvement plans and grading plans shall be submitted for plan check to the Public Works Department as a complete package. A complete package includes street; sewer, water, grading, drainage, and any appropriate reports and back up documents. Incomplete submittals shall be rejected (PHASE 1).
- 45. As-built plans (including street, sewer, water, and storm drain and grading plans) shall be submitted prior to occupancy release. Electronic drawing files on compact disc (CD's) shall be submitted to the City for file in the format acceptable by the City prior to occupancy release (PHASE 2).
- 46. All Ordinances, Policy Resolutions, and Standards of the City in effect at the time this project is approved shall be complied with as a condition of this approval. This condition shall not apply to the amount of fees to be paid (PHASE 1).
- 47. Permanent survey monuments shall be set at the intersection of street centerlines, beginning, and end of curves in centerlines, and at other locations designated by the Public Works Director (PHASE 2).
- 48. Termination of approval if development has not been diligently commenced within a one (1) year period from the date of approval (i.e., prior to June 25, 2004) and actively pursued to completion thereafter.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly passed and adopted by the Planning Commission of the City of Upland at a regular adjourned meeting thereof held on the 25th day of June, 2003 by the following roll call vote:

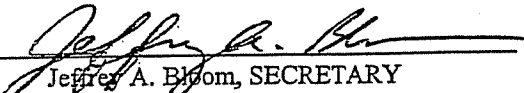
AYES: Commissioners Brodie, Morris, Nisbet, Schwary, Sheridan, Timm

NAYS: None ABSENT: Commissioner Tundis



Carol Timm, CHAIR

ATTEST:



Jeffrey A. Bloom, SECRETARY