

**FACTS, FINDINGS, AND
STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE ENVIRONMENTAL EFFECTS FROM THE
ENVIRONMENTAL IMPACT REPORT
(STATE CLEARINGHOUSE NO. 2005101030)
FOR THE
UPLAND CROSSING SPECIFIC PLAN PROJECT**

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**SAN BERNARDINO COUNTY
UPLAND, CALIFORNIA**

August 2006 **LSA**

**FACTS, FINDINGS, AND
STATEMENT OF OVERRIDING CONSIDERATIONS**

**SAN BERNARDINO COUNTY
UPLAND, CALIFORNIA**

Prepared for:

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LSA Project No. LEW545

August 2006

LSA

1.0 INTRODUCTION

The City Council of the City of Upland, in approving the Final Environmental Impact Report (Final EIR) for the Upland Crossing Specific Plan Project, makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Project pursuant to the California Environmental Quality Act (CEQA) for purposes of the City's discretionary action is the approval of the Final EIR, which will now govern the development of the Project site as entitled by the City of Upland, subject to the terms and provisions of the Final EIR.

The 31.6-acre Upland Crossing Specific Plan site is currently designated Commercial/Industrial-Special Use Permit (CI-S). The "S," or Specific Plan overlay, indicates that a Specific Plan is required, which would include design guidelines to provide information related to site planning, architectural design, and site-specific development standards. With Project implementation, the property's General Plan land use designation would be changed to "Specific Plan."

The Upland Crossing Specific Plan site currently is zoned Highway Commercial (CH) and Light Industrial (ML). The CH zone is a designation for those areas that do not belong in either the neighborhood centers or the concentrated business district, but are related to highway use and to other types of drop-in trade. The zone allows many uses, including neighborhood shops, a commercial center, and "such other uses as may properly belong to a commercial center within the City of Upland." The ML zone is intended to provide for the development of industrial uses that include fabrication, manufacturing, assembly or processing of materials that are in already processed form. This zone is also intended to provide locations for Industrial Planned Unit Developments. A zone change to "Specific Plan" would be required to recognize the Upland Crossing Specific Plan.

The Findings contained herein are based upon the entire record before this Council. The EIR was prepared by the City of Upland acting as the Lead Agency according to CEQA.

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1.1 PROPOSED PROJECT DESCRIPTION WITH AND WITHOUT THE RESIDENTIAL OVERLAY

The 31.6-acre Upland Crossing Specific Plan site is located in San Bernardino County in the western portion of the City of Upland. The City of Upland is located approximately 35 miles east of Los Angeles and lies directly south of the San Gabriel Mountains, west of the City of Rancho Cucamonga, north of the City of Ontario, and east of the City of Claremont. Regional access is provided by Interstate 10 (I-10) to the south and State Route 210 (SR-210) to the north. The Project site is bounded on the north by Foothill Boulevard, on the south by the future extension of 11th Street, which connects to Monte Vista Avenue, on the east to the extension of Dewey Way, and on the west by Monte Vista Avenue. The Upland Crossing Specific Plan is located in a predominantly developed section of the City of Upland, as the majority of the Foothill Boulevard corridor has been developed over the years.

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The Project site, which is an L-shaped area, is generally vacant. It previously consisted of two Chino Basin Water Conservation District water recharge basins, which stored water for the purpose of reducing the volume of runoff by capturing precipitation and surface runoff for recharge to groundwater. Prior site usage included a small orchard in the 1950s. During the mid-1990s to early 2000s, the basins were filled, resulting in a relatively flat topography. Vegetation on the Project site is primarily ruderal, but native vegetation occurs along the length on both sides of the San Antonio Creek Channel. This Channel traverses the Project area diagonally from north to south.

Earthen channels that once fed the basins through two large concrete box culverts, approximately 10 to 15 feet wide and passing under Foothill Boulevard to the north, have been dammed and redirected through underground corrugated steel risers around the site to water recharge basins located to the south of the site. Two additional cement box culverts, approximately three to four feet wide, and one corrugated steel riser receive runoff from Foothill Boulevard.

The existing land uses of the Project site and surrounding area are illustrated in Table A.

Table A – On-Site and Adjacent Land Uses

Location	Land Use
On-site	Vacant
West	Commercial (Meisch Brothers Park: Baldy View Gymnastics, TLC Auto, and Southland Data Processing); JB’s Pool Services and Firewood, Steward Landscaping, a liquor store, and Penske Truck Rental; stormwater retention basin.
East	Commercial (day spa, tattoo shop, hair salon, fitness gym); residential; Monte Vista Water District water tanks and well; West Coast Communications is located farther to the east.
North	Business Park (College Business Park: office related businesses), and vacant land; Cable Airport is located farther north.
South	Stormwater detention basins.

Almost all residential land uses would be permitted with the proposed Project, including child day care, home occupations, multifamily and single-family housing, accessory uses, temporary dwellings, and three-story residential. Recreation facilities for the express use of the future occupants who would reside on the site would be permitted; however, places of worship and schools would require a conditional use permit (CUP). As for the category of communications facilities, satellite dishes and antennas are permitted, but a CUP would be required for wireless facilities.

The Upland Crossing Specific Plan is a mix of residential uses (355 multifamily attached and detached residential units), commercial/retail uses (up to 27,500 square feet), and public trails (1.5 acres) within four planning areas. The total acreage of the site is 31.6 acres, which also includes 5.3 acres for Project roads. The commercial/retail uses (Planning Area 1) would be up to 27,500 square feet on 2.6 acres. Planning Area 2, with 210 dwelling units on 10.5 acres, would have a density of 20.0 dwelling units per acre, and Planning Area 3 on 11.7 acres would have a density of 12.4 dwelling units per acre. There would be a total of 355 attached and detached condominiums.

Planning Areas 2 and 3 would include two private residential recreation areas (0.6-acre and 0.4-acre) near the San Antonio Creek Channel, and public trails (1.5 acres) would be located on both sides of

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the Channel. The commercial component (Planning Area 1) of the Upland Crossing Specific Plan contains a Residential Overlay that has an additional 20 dwelling units. Implementing the Residential Overlay would mean that the commercial/retail land uses would not occur, and there would be a total of 375 multifamily residential units (355 dwelling units plus 20 dwelling units). See Table B for an overview of the land uses, acreages, and densities.

Table B – Characteristics of Proposed Project With and Without Residential Overlay

Land Use	Planning Area	Acres	Dwelling Units Without Residential Overlay	<i>Dwelling Units With Residential Overlay*</i>	Maximum Density
Commercial-Retail/Residential Overlay	1	2.6		20	7.7
Attached Residential	2	10.5	210	210	20.0
Detached Residential	3	11.7	145	145	12.4
Public Trails	4	1.5			
Circulation		5.3			
TOTAL		31.6	355	375	

**Italics indicate those items associated with the proposed Project with Residential Overlay only.*

The Project is in substantial conformance to a Specific Plan, which is required for the site. Design guidelines are part of the Upland Crossing Specific Plan and provide information related to site planning, architectural design, and site-specific development standards. With Project implementation, the property’s General Plan land use designation, as well as the zone, would be changed to “Specific Plan.” For this reason, the City considers the Project to be consistent with all of the development regulations for the applicable district.

1.2 UPLAND CROSSING SPECIFIC PLAN PROJECT OBJECTIVES

The Upland Crossing Specific Plan is a residential development that includes a small commercial/retail component that is consistent with the stated desire of the City of Upland to revitalize the area specifically located at the intersection of Foothill Boulevard and Monte Vista Avenue, while creating a sense of place and a central activity focus.

The proposed Project would provide for attached and detached residential uses, a commercial/retail area, two residential recreation areas, and public trails, all of which would be integrated into one Specific Plan designed with common landscape and architectural themes. The Upland Crossing Specific Plan contains Project development standards and design guidelines that describe site planning, landscaping, lighting, architectural design, architectural theme, and community character.

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The goals and objectives of the Upland Crossing Specific Plan are to:

- Create a comprehensive plan that is consistent with the desire of the City of Upland to revitalize the area specifically located at the intersection of Foothill Boulevard and Monte Vista Avenue, while creating a sense of place and a central activity focus;
- Create a high-quality infill residential development that provides a combination of homes and lot types;
- Provide development guidelines so that the builders can develop around two complementary architectural themes (French and Spanish) that will allow a variety of elevations within their respective styles;
- Provide a new development that complements and strengthens the residential neighborhoods east and southeast of the Project site;
- Provide housing that meets the market demand with similar densities to those of the residential communities east and southeast of the site;
- Provide landscape and architecture elements that incorporate the City's theme of preserving the past with the current and future needs of the community; and
- Create a development that combines landscape and urban design elements to help create the urban gateway that the City desires.

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2.0 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City of Upland has conducted public environmental review for the approval of the Upland Crossing Specific Plan Final EIR. This public review included a Notice of Preparation (NOP), the Upland Crossing Specific Plan Initial Study and its 30-day comment period, a Public Scoping meeting, the Draft EIR 45-day comment period, and the Notice of Completion (NOC).

2.1 NOTICE OF PREPARATION AND UPLAND CROSSING SPECIFIC PLAN INITIAL STUDY

An NOP and the Initial Study identifying the scope of environmental issues were distributed to State, regional, and local agencies on November 5, 2005, for a 30-day review period. In addition, the NOP and Initial Study and its ten appendices associated with the proposed Project were made available on the City's website (<http://www.ci.upland.ca.us/>) during and after the 30-day comment period. The NOP was mailed to the State Clearinghouse, as well as the organizations and persons considered likely to be interested in the Project and its potential impacts.

Four comments were received and were used to help identify impacts that could result from implementation of the proposed Project. The NOP and Initial Study are included in Appendix 1 of the Draft EIR (under separate cover). Also included in Appendix 1 is a compact disc that holds the ten technical appendices to the Initial Study. The four comment letters received in response to the NOP are also included in Appendix 1

2.2 PUBLIC SCOPING MEETING FOR THE UPLAND CROSSING SPECIFIC PLAN DRAFT EIR

The Scoping Meeting for the Upland Crossing Specific Plan Draft EIR was held on October 19, 2005, at 6:30 p.m. at the City Hall located at 460 North Euclid Avenue, Upland, California. Private citizens, business owners, agency personnel, and other interested parties attended.

The purpose of the Scoping Meeting was to introduce the proposed Project, solicit input on its potential environmental impacts, and provide direction and scope of the analysis in the EIR. The remarks received at that meeting that were applicable to environmental effects of the proposed Project were incorporated into the Draft EIR.

2.3 DRAFT ENVIRONMENTAL IMPACT REPORT COMMENT PERIOD

The Draft EIR and a Notice of Availability was circulated for a 45-day review period that started on May 9, 2006, and closed on June 23, 2006. Seven comment letters were received during the comment period, and three were received after the comment period. The specific and general responses to comments in these eleven letters are in the Final EIR, Section 3, entitled *Response to Comments on the Upland Crossing Specific Plan Project Environmental Impact Report*.

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2.4 NOTICE OF COMPLETION

An NOC was sent with the Draft EIR to the State Clearinghouse on May 9, 2006.

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3.0 GENERAL FINDINGS OF THE UPLAND CROSSING SPECIFIC PLAN PROJECT

The following section focuses on general Findings, which include the independent review finding, the Final EIR finding, and the mitigation measures finding.

3.1 INDEPENDENT REVIEW FINDING

The applicant, SC Baldy View Development Corp., retained LSA Associates, Inc. to prepare the EIR, and an independent review of the EIR was carried out by RBF Consulting. The EIR was prepared pursuant to the direction and supervision of the City of Upland Community Development Department.

Finding: *The EIR reflects the independent judgment of the City of Upland. The City has exercised its independent judgment in accordance with Public Resources Code, §210821(c)(3) in retaining its own environmental consultant to review the EIR, directing LSA Associates, Inc. in preparation of the EIR, as well as reviewing, analyzing, and revising material presented.*

3.2 FINAL EIR FINDING

The Final EIR identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the Final EIR, these effects can be mitigated to a level of less than significance except for unavoidable significant impacts as discussed in this document

Finding: *The City Council hereby declares that the Final EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the Final EIR, these effects can be mitigated to a level of less than significance except for unavoidable significant impacts as discussed in these Findings.*

3.3 MITIGATION MEASURES FINDING

The City of Upland has reviewed the mitigation measures applicable to the Project. In the event that the mitigation measures in the *Mitigation Monitoring and Reporting Program* (Section 5 of the Final EIR) do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the mitigation measures in the *Mitigation Monitoring and Reporting Program* are intended to be identical or substantially similar to the recommended mitigation measures in the EIR. Any minor revisions were made for the purpose of improving clarity or to better define the intended purpose of the mitigation measure.

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Finding:

Unless specifically stated to the contrary in these Findings, it is the City's intent to adopt all mitigation measures recommended in the Final EIR. If a measure has, through error, been omitted from the Mitigation Monitoring and Reporting Program or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph.

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4.0 LESS THAN SIGNIFICANT IMPACTS IN THE DRAFT ENVIRONMENTAL IMPACT REPORT AND FINDING

The detailed analysis of potential environmental impacts and proposed mitigation measures for the Upland Crossing Specific Plan Project are presented in Chapter 4 of the Draft EIR. Any revisions or omissions are provided in Section 4 of the Final EIR, *Addendum to the Draft EIR*.

Fourteen major environmental categories addressed in the EIR were found to be less than significant in the Draft EIR prepared for the Upland Crossing Specific Plan Project. These 14 environmental categories are the following:

- Aesthetics
- Agricultural Resources
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation and Parks
- Utilities and Service Systems

Finding: *The City of Upland concurs with the conclusions on fourteen environmental categories as outlined in the Draft EIR (Aesthetics, Agricultural Resources, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation and Parks, and Utilities and Service Systems) and finds that no significant impacts have been identified as to those categories identified in the Draft EIR, and no further analysis is required.*

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5.0 AIR QUALITY AND TRAFFIC IMPACTS FINDINGS

The EIR evaluated two major environmental categories (Air Quality and Traffic) for potential significant adverse impacts, including cumulative impacts. Both Project-specific and cumulative impacts were evaluated. For these two environmental categories, the City of Upland concurs with the conclusions in the Final EIR that the issues and sub-issues discussed below can be mitigated to below a significant impact threshold and for those issues that cannot be mitigated to below a level of significance, overriding considerations exist that make impacts acceptable.

5.1 LESS THAN SIGNIFICANT IMPACTS FOR AIR QUALITY AND TRAFFIC

The Air Quality and Traffic issues that were identified in the EIR as having no potential to cause significant impacts and, therefore, require no Project-specific mitigation, are discussed in this section.

5.1.1 Less Than Significant Air Quality Impacts (Without Residential Overlay)

Air quality management plan consistency, objectionable odors, long-term microscale impacts to sensitive receptors, and long-term project-related emissions impacts are the air quality impacts that had less than significant impact with the proposed Project without the Residential Overlay.

Air Quality Management Plan Consistency

The proposed Project could be inconsistent with the South Coast Air Quality Management District's Air Quality Management Plan. The Project site is currently within the Commercial Industrial Special Use Permit (C/I-S) district pursuant to the *City of Upland General Plan*. While the C/I-S designation permits all proposed uses, with multifamily residential allowed pursuant to a special use permit, implementation of the proposed Project would include a General Plan Amendment to change the land use designation of the Project site from C/I-S to Specific Plan (SP). The proposed Project includes a General Plan Amendment, but the proposed uses are permitted with the site's current designation; therefore, the proposed uses of the site have been included in growth projections for the City of Upland, which were subsequently used as input in development of the approved AQMP.

Finding: *Potential impacts associated with Air Quality Management Plan consistency caused by the proposed Project are discussed in Section 4.3 of the EIR. The analysis concluded that the proposed Project would be consistent with the AQMP and would not hinder implementation of its programs, resulting in a less than significant impact. No mitigation measures are required.*

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Objectionable Odors

The proposed Project could result in the creation of long-term objectionable odors, but they are not expected to occur at the proposed Project site. Activities conducted at the proposed Project would include typical residential activities, such as cooking and the use of gas barbecue grills, neither of which would generate substantial objectionable odors. The proposed commercial uses are not expected to generate offensive odors. Solid waste generated by the proposed on-site uses would be collected by a contracted waste hauler, ensuring that any odors resulting from on-site activities would be adequately managed, resulting in a less than significant impact. No mitigation is required.

Finding: *Potential impacts associated with the creation of objectionable odors caused by the proposed Project are discussed in Section 4.3 of the EIR. The analysis concluded that impacts from objectionable odors brought about by the implementation of the proposed Project would not be significant. No mitigation is required.*

Long-term Microscale Impacts to Sensitive Receptors

The increase in traffic volume resulting from the proposed Project could result in an increase in CO emissions. The future with and without Project conditions were analyzed to determine the Project's impact and whether a CO hot spot would occur. The highest CO concentrations would occur during peak traffic hours; hence, CO impacts calculated with peak traffic conditions represent a worst case analysis. Modeling of the CO hot spot analysis was based on traffic volumes generated by the Project's traffic study. The proposed Project would contribute, at most, 0.4 ppm to the one-hour concentration and 0.3 ppm to the eight-hour CO concentration at the intersections analyzed. Because no future CO levels would exceed the Federal and State one-hour and eight-hour standards, no CO hot spots would occur, resulting in a less than significant impact. No mitigation is required.

Finding: *Potential impacts associated with future increases in CO emissions are discussed in Section 4.3 of the Draft EIR. The analysis concluded that the future cumulative condition at the Project area would not result in CO hot spots with projected traffic volumes. The proposed Project would not have a significant impact on local air quality for CO, and no mitigation measures would be required.*

Long-Term Project-Related Emissions Impacts

The proposed Project could result in long-term operational emissions exceeding South Coast Air Quality Management District's daily emission thresholds. Long-term air emission impacts are those associated with stationary sources and mobile sources related to any change caused by the proposed Project. The stationary source emissions from the proposed Project would come from its consumption of natural gas and electricity. The proposed Project would generate 2,080 daily trips from the proposed multifamily residential uses in 2006. The proposed retail use in Planning Area 1 would be phased in between 2007 and 2011. In 2011, the proposed Project would add 2,641 daily trips from the proposed retail uses for a total of 4,721 daily trips. Emissions associated with Project-related vehicular trips were calculated and did not exceed South Coast Air Quality Management District's daily emission thresholds, resulting in a less than significant impact. No mitigation is required.

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Finding: *The Project's emissions would not exceed the South Coast Air Quality Management District's daily emissions thresholds in the milestone years analyzed. Therefore, the proposed Project's impact is less than significant, and no mitigation measures are required.*

5.1.2 Less Than Significant Air Quality Impacts (With Residential Overlay)

For the proposed Project with the Residential Overlay, air quality management plan consistency, objectionable odors, long-term microscale impacts to sensitive receptors, and long-term Project-related emissions impacts are the air quality impacts that had less than significant impacts.

Air Quality Management Plan Consistency

The proposed Project with Residential Overlay could be inconsistent with the South Coast Air Quality Management District's Air Quality Management Plan. The Project site is currently within the Commercial Industrial Special Use Permit (C/I-S) district pursuant to the *City of Upland General Plan*. While the C/I-S designation permits all proposed uses, with multifamily residential allowed pursuant to a special use permit, implementation of the proposed Project with Residential Overlay would include a General Plan Amendment to change the land use designation of the Project site from C/I-S to Specific Plan (SP). The proposed Project with Residential Overlay includes a General Plan Amendment, the proposed uses are permitted with the site's current designation; therefore, the proposed uses of the site have been included in growth projections for the City of Upland, which were subsequently used as input in development of the approved AQMP.

Finding: *Potential impacts associated with Air Quality Management Plan consistency caused by the proposed Project are discussed in Section 4.3 of the EIR. The analysis concluded that the proposed Project with Residential Overlay would be consistent with the AQMP and would not hinder implementation of its programs, resulting in a less than significant impact. No mitigation is required.*

Objectionable Odors

The proposed Project with Residential Overlay could result in the creation of long-term objectionable odors, but long-term objectionable odors are not expected to occur at the Project site. Activities conducted at the proposed Project with Residential Overlay would include typical residential activities, such as cooking and the use of gas barbecue grills, neither of which would generate substantial objectionable odors. Because the Residential Overlay does not contain any commercial uses, odors generated with the Residential Overlay would be restricted to those associated with typical residential activities described. Solid waste generated by the proposed on-site uses would be collected by a contracted waste hauler, ensuring that any odors resulting from on-site activities would be adequately managed, resulting in a less than significant impact. No mitigation is required.

Finding: *Potential impacts associated with the creation of objectionable odors caused by the proposed Project with Residential Overlay are discussed in Section 4.3 of the EIR. The analysis concluded that impacts from objectionable odors brought about by the*

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implementation of the proposed Project with Residential Overlay would not be significant. No mitigation is required.

Long-term Microscale Impacts to Sensitive Receptors

The increase in traffic volume resulting from the proposed Project with Residential Overlay could result in an increase in CO emissions. An assessment of Project related impacts on localized ambient air quality requires that future ambient air quality levels be projected. The proposed Project would contribute to an increase in traffic volume at intersections and along roadway segments in the Project vicinity, thereby causing deterioration in the level of service at adjacent intersections. The traffic level of service deterioration has the potential to result in a CO hot spot. Therefore, the future with and without Project conditions were analyzed to determine the Project's impact and whether a CO hot spot would occur.

The highest CO concentrations would occur during peak traffic hours; therefore, CO impacts during peak traffic conditions represent a worst case analysis. Modeling of the CO hot spot analysis was based on traffic volumes generated by the Project's *Traffic Impact Analysis* (LSA Associates, Inc., April 25, 2006), which identified the peak traffic levels generated in the Project area with and without the proposed Project for the year 2025. The proposed Project with Residential Overlay would contribute, at most, 0.4 ppm to the one-hour concentration and 0.3 ppm to the eight-hour CO concentration at the intersections analyzed. Because no future CO levels would exceed the Federal and State one-hour and eight-hour standards, no CO hot spots would occur, resulting in a less than significant impact. No mitigation is required.

Finding: *Potential impacts associated with future increases in CO emissions are discussed in Section 4.3 of the EIR. The analysis concluded that the future cumulative condition at the Project area would not result in CO hot spots with projected traffic volumes. The proposed Project with Residential Overlay would not have a significant impact on local air quality for CO, and no mitigation measures would be required.*

Long-Term Project-Related Emissions Impacts

The proposed Project with Residential Overlay could result in long-term operational emissions exceeding South Coast Air Quality Management District's daily emission thresholds. Long-term air emission impacts are those associated with stationary sources and mobile sources related to any change caused by the proposed Project with Residential Overlay. The proposed development would consist of residential uses, and the stationary source emissions from this land use would come from its consumption of natural gas and electricity. Based on the *Traffic Impact Analysis* prepared for this Project, the proposed Project would generate 2,198 daily trips from the proposed multifamily residential uses in 2006. Using the ARB model URBEMIS2002, emissions associated with Project-related vehicular trips were calculated. Emissions of criteria pollutants did not exceed South Coast Air Quality Management District's daily emission thresholds, resulting in a less than significant impact. No mitigation is required.

Finding: *The Project's emissions would not exceed the South Coast Air Quality Management District's daily emissions thresholds in the milestone years analyzed. Therefore, the*

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proposed Project's impact is less than significant, and no mitigation measures are required.

5.1.3 Less Than Significant Traffic Impacts (Without Residential Overlay)

Less than significant traffic impacts for the proposed Project without the Residential Overlay included the following:

- Air Traffic Patterns;
- Hazards Due to Design Features: Project Operations;
- Emergency Access
- Inadequate Parking Capacity; and
- Conflict with Adopted Policies, Plans, or Programs Supporting Alternative Transportation.

Air Traffic Patterns

The proposed Project is located within the *Cable Airport Comprehensive Airport Land Use Plan* and could be affected by air traffic patterns from the Cable Airport. Land use restrictions for the Project site associated with the airport's nearby proximity are established in the Federal Aviation Regulations, Part 77. In addition, the Cable Airport Comprehensive Airport Land Use Plan was reviewed for a determination of Project consistency, and the California Airport Land Use Planning Handbook was consulted for guidance in determining the Project's impacts associated with airport traffic patterns.

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Federal Aviation Regulation, Part 77. Federal Aviation Regulation, Part 77 establishes a series of imaginary surfaces in the airspace surrounding a runway or helicopter landing area. So that there is an obstruction free airspace for pilots using the airport, no object should penetrate into any of these surfaces. The proposed Project site does not penetrate any of these surfaces, but it does underlie parts of the Transitional Surface and the Horizontal Surface. The Horizontal Surface is 150 feet above the established airport elevation. Because the Upland Crossing Specific Plan restricts structure height on the proposed Project site to 45 feet, structures constructed as part of the proposed Project would not enter the Horizontal Surface area. Additionally, the Transitional Surface varies from 135 feet above the Project site to approximately 275 feet aboveground where it meets the Horizontal Surface. Structures located on-site are not expected to penetrate into the Transitional Surface area. The proposed Project does not include any uses that would produce smoke, emit electronic interference, or reflect glare.

Cable Airport Comprehensive Airport Land Use Plan. The proposed Project site is located within Safety Area 2 for the airport. Safety Area 2 is an area of moderate crash hazard. *The Cable Airport Comprehensive Airport Land Use Plan* establishes the following land use restrictions within Safety Area 2:

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No structure should be constructed or object permitted within Safety Area 2 that would penetrate the airport imaginary surfaces as defined in Federal Aviation Regulations Part 77. Because of the proximity to aircraft operations, structures in this area should not reflect glare, emit electronic interference, or produce smoke so as to endanger aircraft operations.

The City must consider the recommendations land use restrictions set forth in the Cable Airport Comprehensive Airport Land Use Plan.

Deleted: Development of the proposed Project site is required to comply with the requirements of Federal Aviation Regulation, Part 77 and

California Airport Land Use Planning Handbook. The *California Airport Land Use Planning Handbook* was utilized as guidance for considering the land use compatibility for the Project. Both the Short and Medium General Aviation Runway safety zones were plotted for Cable Airport. Using the *California Airport Land Use Planning Handbook* safety zones for both Short and Medium General Aviation Runway standards, the Zone 3 (Inner Turning) area overlies a portion of the Project site for both scenarios. The *California Airport Land Use Planning Handbook* recommends limited residential development in Zone 3 but does not recommend prohibiting such use. Using the *Handbook* as guidance, and considering the voluntary guidance requests (discussed in detail in Section 4.7) for flight paths, it was determined that planes utilizing Cable Airport would not normally fly over the Project site.

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Finding: *Potential impacts to air traffic patterns are discussed in Section 4.15 of the EIR. As planes would not normally fly over the Project site, nor does the Project include any of the prohibited uses pursuant to the requirements of Federal Aviation Regulation, Part 77 and the Project is consistent with the CACALUP, the Project would not result in changes to air traffic patterns that would result in an increase in traffic levels or a change in location that could result in substantial safety risks. Development of the proposed Project would not alter or affect the frequency or pattern of air traffic at Cable Airport; therefore, impacts are less than significant for this issue.*

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Hazards Due to Design Features: Project Operations

The proposed Project may result in hazards due to design features. As required by State Law, all Project-related transportation improvements would be designed by a licensed professional civil engineer and constructed by a licensed construction contractor. The Project would result in new traffic signals and lane restriping, providing safe and efficient access to and from the Project site and would not result in the creation of circulation design hazards.

Finding: *Potential impacts associated with design feature hazards are discussed in Section 4.15 of the EIR. The Project would result in new traffic signals and lane restriping, providing safe and efficient access to and from the proposed Project site and would not result in the creation of circulation design hazards. For these reasons, impacts associated with this issue would be less than significant, and no mitigation measures would be required.*

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Emergency Access

The proposed Project would require adequate emergency access. 11th Street would be extended from its current terminus west of Central Avenue to intersect Monte Vista Avenue; and Dewey Way would be extended from Foothill Boulevard to the extension of 11th Street. Access to the site would be provided via three main driveways, with one each on Monte Vista Avenue (Access A), Foothill Boulevard (Access B), and the new section of 11th Street (Access C).

The Project access location on Foothill Boulevard would align with the existing office park driveway on the north side of Foothill Boulevard. The proposed Project proponents would be required to design, construct, and maintain structures, roadways, and facilities to comply with applicable local, regional, State and/or Federal requirements related to emergency access and evacuation plans. Construction activities, which may temporarily restrict vehicular traffic, would be required to implement standard procedures to facilitate the passage of persons and vehicles through or around any required road closures.

Finding: *Potential impacts associated with emergency access are discussed in Section 4.15 of the EIR. The proposed Project proponents would be required to design, construct, and maintain structures, roadways, and facilities to comply with applicable local, regional, State and/or Federal requirements related to emergency access and evacuation plans. Consequently, impacts associated with emergency access are considered to be less than significant, and no mitigation measures are required.*

Inadequate Parking Capacity Impacts

The proposed Project would require on-site parking. The Upland Crossing Specific Plan parking standards include vehicle parking requirements for the commercial portion of the Project site (Planning Area 1) and guest parking requirements for the residential portion of the site (Planning Areas 2 and 3).

Parking standards for Planning Area 1 are one space for every 150 square feet of gross floor area, and the requirement for one space for every five permanent restaurant seats. With the proposed 27,500 square feet of commercial uses, approximately 180 parking spaces are necessary to meet the Specific Plan requirement, and the proposed Project provides parking for commercial uses in compliance with the Specific Plan requirements. The guest parking requirement for Planning Areas 2 and 3 of the Project site is 0.5 guest space per unit. With 355 dwelling units, a total of 177 parking spaces are required. Proposed parking spaces for guests in Planning Areas 2 and 3 of the Project site currently total 206 spaces, exceeding the requirement for 0.5 guest spaces per unit. Parking for residents would be provided by garages constructed as part of the Project. Parking for the proposed Project site would be provided in compliance with Specific Plan requirements. The City's site planning review process would include a review of on-site parking.

Finding: *Potential impacts associated with on-site parking capacity are discussed in Section 4.15 of the EIR. The City's site planning review process and compliance with any City requirements would ensure that impacts resulting from inadequate parking capacity are less than significant, and no mitigation measures are required.*

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Conflict with Adopted Policies, Plans, or Programs Supporting Alternative Transportation

Consistency with adopted policies, plans, or programs supporting alternative transportation would be assured. There is a City goal related to alternative modes of transportations (see Goal 3 from the *City of Upland General Plan*, Circulation Element above), which includes the requirement for all new development to provide sidewalks in accordance with the *Master Plan of Streets and Walkways*. This goal also encourages pedestrian connections between commercial uses and adjacent residential development through the City's site planning review process. The design of the proposed Project would be required to adhere to applicable City standards that support and/or facilitate alternative means of transportation, which includes the requirement contained in the *City of Upland General Plan* for new development to provide sidewalks.

Finding: *Potential impacts to adopted policies, plans, or programs supporting alternative transportation are discussed in Section 4.15 of the EIR. The design of the proposed Project would be required to adhere to applicable City standards that support and/or facilitate alternative means of transportation. Consequently, impacts to adopted policies, plans, or programs supporting alternative transportation are considered to be less than significant.*

5.1.4 Less Than Significant Traffic Impacts (With Residential Overlay)

For the proposed Project with the Residential Overlay, the less than significant traffic impacts were the same:

- Air Traffic Patterns;
- Hazards Due to Design Features: Project Operations;
- Emergency Access
- Inadequate Parking Capacity; and
- Conflict with Adopted Policies, Plans, or Programs Supporting Alternative Transportation.

Air Traffic Patterns

The proposed Project is located within the *Cable Airport Comprehensive Airport Land Use Plan* and could be affected by air traffic patterns from the Cable Airport. Land use restrictions for the Project site associated with the airport's nearby proximity are established in the Federal Aviation Regulations, Part 77. In addition, the *Cable Airport Comprehensive Airport Land Use Plan* was reviewed for a determination of Project consistency, and the *California Airport Land Use Planning Handbook* was consulted for guidance in determining the Project's impacts associated with airport traffic patterns.

Federal Aviation Regulation, Part 77. Federal Aviation Regulation, Part 77 establishes a series of imaginary surfaces in the airspace surrounding a runway or helicopter landing area. So that there is an obstruction free airspace for pilots using the airport, no object should penetrate into any of these surfaces. The proposed Project site does not penetrate any of these surfaces, but it does underlie parts

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of the Transitional Surface and the Horizontal Surface. The Horizontal Surface is 150 feet above the established airport elevation. Because the Upland Crossing Specific Plan restricts structure height on the proposed Project site to 45 feet, structures constructed as part of the proposed Project would not enter the Horizontal Surface area. Additionally, the Transitional Surface varies from 135 feet above the Project site to approximately 275 feet aboveground where it meets the Horizontal Surface. Structures located on-site are not expected to penetrate into the Transitional Surface area. The proposed Project does not include any uses that would produce smoke, emit electronic interference, or reflect glare.

Cable Airport Comprehensive Airport Land Use Plan. The proposed Project site is located within Safety Area 2 for the airport. Safety Area 2 is an area of moderate crash hazard. *The Cable Airport Comprehensive Airport Land Use Plan* establishes the following land use restrictions within Safety Area 2:

No structure should be constructed or object permitted within Safety Area 2 that would penetrate the airport imaginary surfaces as defined in Federal Aviation Regulations Part 77. Because of the proximity to aircraft operations, structures in this area should not reflect glare, emit electronic interference, or produce smoke so as to endanger aircraft operations.

The City must consider the recommendations land use restrictions set forth in the *Cable Airport Comprehensive Airport Land Use Plan*.

California Airport Land Use Planning Handbook. The *California Airport Land Use Planning Handbook* was utilized as guidance for considering the land use compatibility for the Project. Both the Short and Medium General Aviation Runway safety zones were plotted for Cable Airport. Using the *California Airport Land Use Planning Handbook* safety zones for both Short and Medium General Aviation Runway standards, the Zone 3 (Inner Turning) area overlies a portion of the Project site for both scenarios. The *California Airport Land Use Planning Handbook* recommends limited residential development in Zone 3 but does not recommend prohibiting such use. Using the *Handbook* as guidance, and considering the voluntary flight paths (discussed in detail in Section 4.7), it was determined that planes utilizing Cable Airport would not normally fly directly over the Project site.

Finding: *Potential impacts to air traffic patterns are discussed in Section 4.15 of the EIR. As planes would not normally fly over the Project site, nor does the Project include any of the prohibited uses pursuant to the requirements of Federal Aviation Regulation, Part 77 and the Project is consistent with the CACALUP, the Project would not result in changes to air traffic patterns that would result in an increase in traffic levels or a change in location that could result in substantial safety risks. Development of the proposed Project would not alter or affect the frequency or pattern of air traffic at Cable Airport; therefore, impacts are less than significant for this issue.*

Deleted: The proposed Project with the Residential Overlay is located within the *Cable Airport Comprehensive Airport Land Use Plan* and may be affected by the airport. Land use restrictions for the Project site associated with the airport's nearby proximity include compliance with Federal Aviation Regulations, Part 77 and *Cable Airport Comprehensive Airport Land Use Plan* (CACALUP) requirements. Additionally, the *California Airport Land Use Planning Handbook* was consulted for guidance in determining the Project's impacts associated with airport traffic patterns.¶

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Cable Airport Comprehensive Airport Land Use Plan. The proposed Project site is located within Safety Area 2 for the airport. Safety Area 2 is an area of moderate crash hazard. The CACALUP establishes the following land use restrictions within Safety Area 2:¶

¶
No structure should be constructed or object permitted within Safety Area 2 that would penetrate the airport imaginary surfaces as defined in Federal Aviation Regulations Part 77. Because of the proximity to aircraft operations, structures in this area should not reflect glare, emit electronic interference, or produce smoke so as to endanger aircraft operations.¶

¶
Federal Aviation Regulation, Part 77. Federal Aviation Regulation, Part 77 establishes a series of imaginary surfaces in the airspace surrounding a runway or helicopter landing area. So that there is an obstruction free airspace for pilots using the airport, no object should penetrate into any of these surfaces. The proposed Project site does not penetrate any of these surfaces, but it does underlie parts of the Transitional Surface and the Horizontal Surface. The Horizontal Surface is 150 feet above the established airport elevation. Because the Upland Crossing Specific Plan restricts structure height on the proposed Project site to 45 feet, structures constructed as part of the proposed Project would not enter the Horizontal Surface area. Additionally, the Transitional Surface varies from 135 feet above the Project site to approximately 275 feet aboveground where it meets the Horizontal Surface. Structures loc... [1]

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Hazards Due to Design Features: Project Operations

The proposed Project's design may result in hazards due to design features. As required by State Law, all Project-related transportation improvements would be designed by a licensed professional civil engineer and constructed by a licensed construction contractor. The Project with Residential Overlay would result in new traffic signals and lane restriping, providing safe and efficient access to and from the proposed Project site and would not result in the creation of circulation design hazards.

Finding: *Potential impacts associated with design feature hazards are discussed in Section 4.15 of the EIR. The Project with Residential Overlay would result in new traffic signals and lane restriping, providing safe and efficient access to and from the proposed Project site and would not result in the creation of circulation design hazards. For these reasons, impacts associated with this issue would be less than significant.*

Emergency Access

The proposed Project would require adequate emergency access. 11th Street would be extended from its current terminus west of Central Avenue to intersect Monte Vista Avenue; and Dewey Way would be extended from Foothill Boulevard to the extension of 11th Street. Access to the site would be provided via three main driveways, with one each on Monte Vista Avenue (Access A), the new section of 11th Street (Access C), and Dewey Way (Access D). The proposed Project proponents would be required to design, construct, and maintain structures, roadways, and facilities to comply with applicable local, regional, State and/or Federal requirements related to emergency access and evacuation plans. Construction activities, which may temporarily restrict vehicular traffic, would be required to implement standard procedures to facilitate the passage of persons and vehicles through or around any required road closures.

Finding: *Potential impacts associated with emergency access are discussed in Section 4.15 of the EIR. The proposed Project proponents would be required to design, construct, and maintain structures, roadways, and facilities to comply with applicable local, regional, State and/or Federal requirements related to emergency access and evacuation plans. Consequently, impacts associated with emergency access are considered to be less than significant.*

Inadequate Parking Capacity

The proposed Project would require on-site parking. The proposed Project with the Residential Overlay would provide vehicle parking in compliance with Specific Plan requirements. The guest parking requirement for the residential portion (Planning Areas 1, 2, and 3) of the Project site is 0.5 guest spaces per unit. With 375 dwelling units, a total of 188 guest parking spaces are required. Parking for residents would be provided by garages constructed as part of the Project. Parking for the proposed Project site would be provided in compliance with Specific Plan requirements. The City's site planning review process would include a review of on-site parking.

Finding: *Potential impacts associated with on-site parking capacity are discussed in Section 4.15 of the EIR. The City's site planning review process and compliance with any*

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City requirements would ensure impacts resulting from inadequate parking capacity are less than significant.

Conflict with Adopted Policies, Plans, or Programs Supporting Alternative Transportation

Consistency with adopted policies, plans, or programs supporting alternative transportation would have to be incorporated within the Project. The design of the proposed Project would be required to adhere to applicable City standards, which support and/or facilitate alternative means of transportation.

Finding: *Potential impacts to adopted policies, plans, or programs supporting alternative transportation are discussed in Section 4.15 of the EIR. The design of the proposed Project would be required to adhere to applicable City standards that support and/or facilitate alternative means of transportation. Consequently, impacts to adopted policies, plans, or programs supporting alternative transportation are considered to be less than significant.*

5.2 SIGNIFICANT AIR QUALITY AND TRAFFIC IMPACTS THAT CAN BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE THRESHOLD

The following Air Quality and Traffic issues analyzed in the EIR were found to be potentially significant, but can be mitigated to a less than significant level with the imposition of mitigation measures. The City of Upland finds that all potentially significant impacts of the Project listed below can and will be mitigated, reduced, or avoided by imposition of the mitigation measures, and these mitigation measures are set forth in the Mitigation Monitoring and Reporting Program adopted by the City. Specific Findings of the City for each category of such impacts are set forth in detail below. Public Resources Code §21081 states that no public agency shall approve or carry out a project for which an Environmental Impact Report has been completed, which identifies one or more significant effects, unless the public agency makes one or more of the following Findings:

- Finding 1: Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment;
- Finding 2: Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; and/or
- Finding 3: Specific economic, legal, social, technological, or other considerations make the mitigation measures or alternatives identified in the Final EIR to be infeasible.

The City hereby finds, pursuant to §21081 that the following potential environmental impacts can and will be mitigated to below a level of significance, based upon the implementation of the mitigation measures contained in the Final EIR. Each mitigation measure discussed in this section of the Findings is assigned a designation correlating it with the environmental category used in the Mitigation Monitoring and Reporting Program included in the Final EIR (Section 5), and adopted by the City of Upland to provide for the enforcement of such mitigation measures.

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5.2.1 Significant Air Quality Impacts That Can Be Mitigated to Below a Level of Significance and Associated Mitigations Measures (Without Residential Overlay)

An architectural coatings impact is the only significant air quality impact that was mitigated to below a level of significance for the proposed Project without the Residential Overlay.

Architectural Coatings

Volatile organic compounds (VOCs) may be emitted during application of architectural coatings on Project buildings and structures, creating a significant impact. Emissions associated with architectural coatings would be reduced by using precoated/natural-colored building materials, using water-based or low-VOC coating, and using coating transfer or spray equipment with high transfer efficiency. For example, a high-volume, low-pressure (HVLP) spray method is a coating application system operated at air pressure between 0.1 and 10 pounds per square inch gauge (psig), with 65 percent transfer efficiency. Manual applications such as paintbrush, hand roller, trowel, spatula, dauber, rag, or sponge have 100 percent transfer efficiency.

The use of an HVLP spray method would increase the transfer efficiency from 25 to 65 percent. This increase in efficiency would reduce the VOC emissions for residential coating to 46 pounds per day, which is below the SCAQMD threshold of 75 pounds per day. The use of manual application methods would further reduce the emissions.

Compliance with the SCAQMD Rule 1113 and implementation of mitigation measure **AIR-6** would reduce potential impacts associated with emissions from the application of architectural coatings to a less than significant level.

Finding: *The potential impacts associated with emissions of VOCs during the application of architectural coatings are discussed in Section 4.3 of the EIR. The EIR analysis concluded that the application of architectural coatings during the Project's construction would exceed South Coast Air Quality Management District's thresholds, resulting in a significant impact. Consistent with Finding 1, above, the conditions contained in the mitigation measure below will avoid or substantially lessen the significant environmental effects analyzed in the EIR such that no significant impacts remain.*

The following mitigation measure from the Final EIR will mitigate this impact to below a level of significance.

AIR-6 *The construction contractor shall utilize precoated/natural colored building materials, water-based or low-VOC coating, and coating transfer or spray equipment with high transfer efficiency, such as HVLP spray method, or manual coatings application such as a paintbrush, hand roller, trowel, spatula, dauber, rag, or sponge.*

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5.2.2 Significant Air Quality Impacts That Can Be Mitigated to Below a Level of Significance and Associated Mitigations Measures (With Residential Overlay)

For the proposed Project with the Residential Overlay, an architectural coatings impact is the only significant air quality impact that was mitigated to below a level of significance.

Architectural Coatings

Volatile organic compounds (VOCs) may be emitted during application of architectural coatings on Project buildings and structures, creating a significant impact. Emissions associated with architectural coatings would be reduced by using precoated/natural-colored building materials, using water-based or low-VOC coating, and using coating transfer or spray equipment with high transfer efficiency. For example, a high-volume, low-pressure (HVLP) spray method is a coating application system operated at air pressure between 0.1 and 10 pounds per square inch gauge (psig), with 65 percent transfer efficiency. Manual applications such as paintbrush, hand roller, trowel, spatula, dauber, rag, or sponge have 100 percent transfer efficiency.

The use of an HVLP spray method would increase the transfer efficiency from 25 to 65 percent. This increase in efficiency would reduce the VOC emissions for residential coating to 48 pounds per day, which is below the SCAQMD threshold of 75 pounds per day. The use of manual application methods would further reduce the emissions.

Compliance with the SCAQMD Rule 1113 and implementation of mitigation measure **AIR-6 RO** would reduce potential impacts associated with emissions from the application of architectural coatings to a less than significant level.

Finding: *The potential impacts associated with emissions of VOCs during the application of architectural coatings are discussed in Section 4.3 of the EIR. The EIR analysis concluded that the application of architectural coatings during the Project's construction would exceed South Coast Air Quality Management District's thresholds, resulting in a significant impact. Consistent with Finding 1, above, the conditions contained in the mitigation measure below will avoid or substantially lessen the significant environmental effects analyzed in the EIR such that no significant impacts remain.*

The following mitigation measure from the Final EIR will mitigate this impact to below a level of significance.

AIR-6 RO *The construction contractor shall utilize precoated/natural colored building materials, water-based or low-VOC coating, and coating transfer or spray equipment with high transfer efficiency, such as HVLP spray method, or manual coatings application such as a paintbrush, hand roller, trowel, spatula, dauber, rag, or sponge.*

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5.2.3 Significant Traffic Impacts That Can Be Mitigated to Below a Level of Significance and Associated Mitigations Measures (Without Residential Overlay)

There were two traffic impacts that could be mitigated to below a level of significance: traffic related hazards during construction and Year 2025 with Project intersection conditions.

Traffic Related Hazards during Construction

Construction of the proposed Project could substantially increase the potential for traffic-related hazards due to temporary conflicts between construction vehicles and ambient traffic. This is a significant impact requiring mitigation. During Project construction, vehicular conflicts between Project construction vehicles and ambient traffic on adjacent roadways may produce potential safety hazards. Potential conflicts would be created with the introduction of slow-moving construction vehicles onto Monte Vista Avenue, Dewey Way, Foothill Boulevard, 11th Street, and other vicinity roadways.

To minimize this potential hazard, construction Traffic Management Plans (TMPs) are routinely prepared by developers and/or cities to manage construction traffic so that adequate ingress/egress is ensured. Temporary traffic controls for street closures, lane closures, detours, or any other disruptions to traffic circulation are accommodated. The plans typically identify routes that construction vehicles would utilize to access the site, the hours of construction traffic, traffic controls and detours, off-site vehicle staging and parking, and a proposed Project construction phasing plan.

Finding: *The potential impacts associated with traffic related hazards are discussed in Section 4.15 of the EIR. The EIR analysis concluded that the Project's effect on traffic related hazards during construction is considered to be a significant impact. Consistent with Finding 1, above, the conditions contained in the mitigation measure below will avoid or substantially lessen the significant environmental effect analyzed in the EIR such that no significant impact remains.*

The following mitigation measure from the Final EIR will mitigate this impact to below a level of significance.

TRANS-1 *Prior to issuance of any permits, the applicant shall submit a construction Traffic Management Plan to the City of Upland for review and approval. The plan shall be prepared by a registered civil engineer and traffic engineer and shall address traffic controls for any street closure, lane closure, detour, or any other disruption to traffic circulation. The plan shall identify routes that construction vehicles shall utilize to access the site, the hours of construction traffic, traffic controls and detours, off-site vehicle staging and parking, and proposed construction phasing plan for the Project. The plan shall require the applicant to keep all haul routes clean and free of debris including but not limited to gravel, dirt, as a result of its operations.*

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Year 2025 with Project Intersection Conditions

Twelve study intersections are forecast to exceed the level of service standards or exceed the significance criteria for increases to intersection capacity utilization in the year 2025 plus Project scenario, creating a significant impact. These intersections are the following:

- Monte Vista Avenue/Foothill Boulevard (LOS F in p.m. peak hour);
- Monte Vista Avenue/11th Street (LOS F in p.m. peak hour);
- Monte Vista Avenue/Arrow Highway (LOS F in a.m. and p.m. peak hours);
- Monte Vista Avenue/I-10 Eastbound Off-ramp (LOS F in a.m. and p.m. peak hours);
- Monte Vista Avenue/Access A (LOS D in a.m. peak hour and LOS F in p.m. peak hour);
- Access B/Foothill Boulevard (LOS E in p.m. peak hour);
- Indian Hill Boulevard/Foothill Boulevard (LOS E in p.m. peak hour);
- Mills Avenue/Foothill Boulevard (LOS F in p.m. peak hour);
- Claremont Boulevard/9th Street (LOS F in p.m. peak hour);
- Claremont Boulevard/6th Street-Arrow Route (LOS E in p.m. peak hour);
- Monte Vista Avenue/Baseline Road (LOS F in p.m. peak hour); and
- SR-210 Ramps/Baseline Road (LOS F in a.m. and p.m. peak hours).

The Project creates or contributes to these unsatisfactory conditions, which is considered to be a significant impact. The proposed Project would contribute to future increased traffic volumes in the Project vicinity. Based on the year 2025 analysis prepared for this EIR, year 2025 impacts can be mitigated with implementation of the following specific improvement measures:

- Indian Hill Boulevard/Foothill Boulevard: Addition of an eastbound right-turn lane would result in improvement from LOS E in p.m. peak hour to LOS D operation in p.m. peak hour, reducing the impact to less than significant.
- Mills Avenue/Foothill Boulevard: Restriping the southbound through lane as a shared through/left-turn lane and modification of the existing traffic signal to provide split phasing for the northbound and southbound approaches and southbound right-turn overlap phasing would result in LOS F in p.m. peak hour. While the LOS would remain the same with the improvements, intersections in Los Angeles County at which a significant impact is identified are only required to be mitigated back to the without Project ICU. The recommended improvement would reduce the ICU to without Project levels, reducing the impact to less than significant.
- Monte Vista Avenue/Foothill Boulevard: The restriping of the northbound right-turn lane as a shared through/right-turn lane and stripe a third receiving lane on the north leg of the intersection and the restriping of the rightmost eastbound through lane as a combination through/right-turn lane would result in improvement from LOS F operation in p.m. peak hour to LOS D in p.m. peak hour, reducing impacts to a less than significant level.

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- Monte Vista Avenue/11th Street: Installation of a traffic signal would result in improvement from LOS F operation in p.m. peak hour to LOS A operation in p.m. peak hour, reducing the impact to less than significant.
- Monte Vista Avenue/Arrow Highway: Addition a southbound left-turn lane and modification of signal to provide westbound right-turn overlap phasing would result in improvement from LOS F in a.m. and p.m. peak hours to LOS C in a.m. peak hour and LOS D in p.m. peak hour, reducing the impact to less than significant.
- Monte Vista Avenue/I-10 Eastbound Off-ramp: Restriping the rightmost northbound through lane as a shared through/right-turn lane and restriping the eastbound left-turn lane as a shared through/left-turn lane would result in improvement from LOS F in a.m. and p.m. peak hours to LOS C in a.m. peak hour and LOS D in p.m. peak hour, reducing the impact to less than significant.
- Monte Vista Avenue/Access A: Prohibiting left-turn movements would result in improvement from LOS D in a.m. peak hour and LOS F in p.m. peak hour to LOS B in a.m. peak hour and LOS C in p.m. peak hour, reducing the impact to less than significant.
- Claremont Boulevard/9th Street: Installation of a traffic signal would result in improvement from LOS F in p.m. peak hour to LOS C in p.m. peak hour, reducing the impact to less than significant.
- Claremont Boulevard/6th Street-Arrow Route: Addition of a westbound left-turn lane would result in improvement from LOS E in p.m. peak hour to LOS D in p.m. peak hour, reducing the impact to less than significant.
- Monte Vista Avenue/Baseline Road: Addition of a northbound right-turn lane and modification of the existing traffic signal to provide northbound right-turn overlap phasing would result in LOS F in p.m. peak hour. While the LOS would remain the same with the addition of the improvements, intersections in Los Angeles County at which a significant impact is identified are only required to be mitigated back to the without Project ICU. The recommended improvement would reduce the ICU to without Project levels, reducing the impact to less than significant.
- Access B/Foothill Boulevard: Installation of a traffic signal would result in improvement from LOS E in p.m. peak hour to LOS B in p.m. peak hour, reducing the impact to less than significant.

Given the long-term time frame for when these improvements would be needed, their implementation is not needed in the 2006 opening day scenario and would not be needed until traffic volumes reach the levels estimated for the 2025 scenario. Consequently, the Project would be responsible for contributing its fair share toward the funding of the future improvements via payment of the City's traffic and signal impact fees (**TRANS-5**) and payment of fair-share fees (**TRANS-6**), resulting in a less than significant cumulative impact.

Finding: *The potential impacts related to year 2025 plus Project traffic impacts on area intersections are discussed in Section 4.15 of the EIR. The analysis concluded that all intersections examined are projected to continue to operate at satisfactory levels of service with the addition of Project traffic to the year 2025 background conditions, with the exception of the following:*

- Monte Vista Avenue/Foothill Boulevard (LOS F in p.m. peak hour);

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- Monte Vista Avenue/11th Street (LOS F in p.m. peak hour);
- Monte Vista Avenue/Arrow Highway (LOS F in a.m. and p.m. peak hours);
- Monte Vista Avenue/I-10 Eastbound Off-ramp (LOS F in a.m. and p.m. peak hours);
- Monte Vista Avenue/Access A (LOS D in a.m. peak hour and LOS F in p.m. peak hour);
- Access B/Foothill Boulevard (LOS E in p.m. peak hour);
- Indian Hill Boulevard/Foothill Boulevard (LOS E in p.m. peak hour);
- Mills Avenue/Foothill Boulevard (LOS F in p.m. peak hour);
- Claremont Boulevard/9th Street (LOS F in p.m. peak hour);
- Claremont Boulevard/6th Street-Arrow Route (LOS E in p.m. peak hour);
- Monte Vista Avenue/Baseline Road (LOS F in p.m. peak hour); and
- SR-210 Ramps/Baseline Road (LOS F in a.m. and p.m. peak hours).

For the intersection of SR-210 Ramps/Baseline Road, the Project does not create a significant impact and therefore no mitigation measures have been identified. For the remaining intersections, the Project contributes to these levels of service deficiencies, which are considered to be significant cumulative impacts requiring mitigation. Consistent with Finding 1, above, implementation of the mitigation measures stated below will substantially lessen the significant impact identified in the EIR to an acceptable level.

TRANS-5 *The applicant shall pay all applicable City of Upland traffic and signal fees prior to issuance of building permits.*

TRANS-6 *Prior to issuance of occupancy permits, the Project applicant shall participate in off-site traffic improvements to a level commensurate to its fair share of impacts as identified for year 2025 in the Draft EIR Section 4.15 and the Traffic Impact Analysis Report and as modified in the Final EIR. The fair-share contribution of off-site and timing of all on-site traffic improvements shall be incorporated into the conditions of approval for the Project.*

5.2.4 Significant Traffic Impacts That Can Be Mitigated to Below a Level of Significance and Associated Mitigations Measures (With Residential Overlay)

For the proposed Project with the Residential Overlay, there were also two traffic impacts that could be mitigated to below a level of significance:

- Traffic related hazards during construction; and
- Year 2025 with Project intersection conditions.

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Traffic Related Hazards during Construction

Construction of the proposed Project with Residential Overlay could substantially increase the potential for traffic-related hazards due to temporary conflicts between construction vehicles and ambient traffic. This is a significant impact requiring mitigation. Implementation of Mitigation Measure **TRANS-1 RO** would reduce impacts associated with construction vehicle traffic to less than significant.

Finding: *The potential impacts associated with traffic related hazards are discussed in Section 4.15 of the EIR. The EIR analysis concluded that the Project's effect on traffic related hazards during construction is considered to be a significant impact. Consistent with Finding 1, above, the conditions contained in the mitigation measure below will avoid or substantially lessen the significant environmental effect analyzed in the EIR such that no significant impact remains.*

The following mitigation measures from the Final EIR will mitigate this impact to below a level of significance.

TRANS-1 RO *Prior to issuance of any permits, the applicant shall submit a construction Traffic Management Plan to the City of Upland for review and approval. The plan shall be prepared by a registered civil engineer and traffic engineer and shall address traffic controls for any street closure, lane closure, detour, or any other disruption to traffic circulation. The plan shall identify routes that construction vehicles shall utilize to access the site, the hours of construction traffic, traffic controls and detours, off-site vehicle staging and parking, and proposed construction phasing plan for the Project. The plan shall require the applicant to keep all haul routes clean and free of debris including but not limited to gravel, dirt, as a result of its operations.*

Year 2025 with Project Intersection Conditions

Ten study intersections are forecast to exceed the level of service standards or exceed the significance criteria for increases to intersection capacity utilization in the year 2025 plus Project scenario, creating a significant cumulative impact. These intersections are the following:

- Monte Vista Avenue/Foothill Boulevard (LOS F in p.m. peak hour);
- Monte Vista Avenue/11th Street (LOS D in a.m. peak hour and LOS F in p.m. peak hour);
- Monte Vista Avenue/Arrow Highway (LOS F in a.m. and p.m. peak hours);
- Monte Vista Avenue/I-10 Eastbound Off-ramp (LOS F in a.m. and p.m. peak hours).
- Monte Vista Avenue/Baseline Road (LOS F in a.m. and p.m. peak hour);
- Claremont Boulevard/9th Street (LOS F in p.m. peak hour);
- Indian Hill Boulevard/Foothill Boulevard (LOS E in p.m. peak hour);
- Mills Avenue/Foothill Boulevard (LOS F in a.m. and p.m. peak hours);
- Claremont Boulevard/6th Street-Arrow Route (LOS E in p.m. peak hour);and

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- SR-210 ramps/Baseline Road (LOS F in a.m. and p.m. peak hours).

The Project creates or contributes to these unsatisfactory conditions, which is considered to be a significant impact. The proposed Project would contribute to future increased traffic volumes in the Project vicinity. Based on the year 2025 analysis prepared for this EIR, year 2025 impacts can be mitigated with implementation of the following specific improvement measures:

- Monte Vista Avenue/Foothill Boulevard: Restripe the northbound right-turn lane as a shared through/right-turn lane and stripe a third receiving lane on the north leg of the intersection. Add a northbound right-turn lane.
- Monte Vista Avenue/11th Street: Install a traffic signal.
- Monte Vista Avenue/Arrow Highway: Add a southbound left-turn lane. Modify signal to provide westbound right-turn overlap phasing. Monte Vista Avenue/I-10 Eastbound Off-ramp: Restripe the rightmost northbound through lane as a shared through/right-turn lane and restripe the eastbound left-turn lane as a shared through/left-turn lane.
- Monte Vista Avenue/Baseline Road: Add one dedicated northbound right-turn lane.
- Claremont Boulevard/9th Street: Install a traffic signal.

Given the long-term time frame for when these improvements would be needed, their implementation is not needed in the 2006 opening day scenario and would not be needed until traffic volumes reach the levels estimated for the 2025 scenario. Consequently, the Project would be responsible for contributing its fair share toward the funding of the future improvements via payment of the City's traffic and signal impact fees (**TRANS-4 OR**) and payment of CMP fair-share fees (**TRANS-5 RO**), resulting in a less than significant cumulative impact.

Finding: *The potential impacts related to year 2025 plus Project traffic impacts on area intersections are discussed in Section 4.15 of the EIR. The analysis concluded that ten of the study intersections are forecast to operate at unsatisfactory levels of service in the year 2025 plus Project scenario. At four of the intersections, although the intersections are operating at unsatisfactory levels of service, the Project does not create a significant impact. Therefore, no mitigation measures have been identified. These intersections are as follows:*

- Indian Hill Boulevard/Foothill Boulevard (LOS E in p.m. peak hour);
- Mills Avenue/Foothill Boulevard (LOS F in a.m. and p.m. peak hours);
- Claremont Boulevard/6th Street-Arrow Route (LOS E in p.m. peak hour);and
- SR-210 ramps/Baseline Road (LOS F in a.m. and p.m. peak hours).

For the remaining six intersections, the Project has a significant impact. These intersections are as follows:

- Monte Vista Avenue/Foothill Boulevard (LOS F in p.m. peak hour);
- Monte Vista Avenue/11th Street (LOS D in a.m. peak hour and LOS F in p.m. peak hour);

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- Monte Vista Avenue/Arrow Highway (LOS F in a.m. and p.m. peak hours);
- Monte Vista Avenue/I-10 Eastbound Off-ramp (LOS F in a.m. and p.m. peak hours).
- Monte Vista Avenue/Baseline Road (LOS F in a.m. and p.m. peak hour) ; and
- Claremont Boulevard/9th Street (LOS F in p.m. peak hour).

The Project contributes to these levels of service deficiencies, which are considered to be significant cumulative impacts requiring mitigation. Consistent with Finding 1, above, implementation of the mitigation measures stated below will substantially lessen the significant impact identified in the EIR to an acceptable level.

TRANS-4 RO *The applicant shall pay all applicable City of Upland traffic and signal fees prior to issuance of building permits.*

TRANS-5 RO *Prior to issuance of occupancy permits, the Project applicant shall participate in off-site traffic improvements to a level commensurate to its fair share of impacts as identified for year 2025 in the Draft EIR Section 4.15 and the Traffic Impact Analysis Report and as modified in the Final EIR. The fair-share contribution of off-site and timing of all on-site traffic improvements shall be incorporated into the conditions of approval for the Project.*

5.3 SIGNIFICANT AIR QUALITY AND TRAFFIC IMPACTS THAT CANNOT BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE THRESHOLD

With the implementation of all available and feasible mitigation measures recommended in the EIR, the following adverse impacts of the proposed Project stated below are considered to be significant and unavoidable, both individually and cumulatively, based upon information in the EIR, in the record, and based upon testimony provided during the public hearings on this Project. These impacts are considered to be significant and unavoidable despite the mitigation measures that are imposed, which would reduce impacts to the extent feasible.

5.3.1 Significant Air Quality Impacts That Cannot Be Mitigated to Below a Level of Significance and Associated Mitigations Measures (Without Residential Overlay)

Short-term Construction Related Impacts

Peak grading and construction emissions would exceed the emissions thresholds for the criteria pollutant PM₁₀, which is 150 pounds per day. Emissions of other criteria pollutants would be below the emission thresholds. Implementation of mitigation measures would minimize air quality impacts, but the impacts would remain significant.

Fugitive dust emissions are generally associated with demolition, land clearing, exposure, and cut and fill operations. Dust generated daily during construction would vary substantially, depending on the level of activity, the specific operations, and weather conditions. Nearby sensitive receptors and on-site workers may be exposed to blowing dust, depending upon prevailing wind conditions.

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Fugitive dust would also be generated as construction equipment or trucks travel on unpaved roads on the construction site. Development of this site would require that all fill placed in the west basin and loose fill that presently occurs in the northern portion of the basin (for a total of 575,000 cubic feet) be removed and recompacted. This would be completed during the initial stages of the grading operation.

PM₁₀ emissions from grading operations during a peak construction day are estimated to be approximately 501 pounds of PM₁₀ per day (before mitigation measures are incorporated) during the peak construction phase. This level of dust emission would exceed the SCAQMD threshold of 150 pounds per day.

The Project implementation is required to comply with regional rules that assist in reducing short-term air pollutant emissions. SCAQMD Rule 403 requires that fugitive dust be controlled so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. Adherence to Rule 403 is a standard requirement for any development project occurring within the SCAQMD. Assuming a mitigating efficiency of 50 percent by implementation of the standard dust-control measures, daily PM₁₀ emissions from soil disturbance would be reduced to approximately 251 pounds, which still exceeds the SCAQMD threshold of 150 pounds per day.

Other building construction activities make use of different types of equipment on the Project site. Similarities do exist in terms of equipment exhaust emissions and fugitive dust emissions; however, it is anticipated that emissions during building construction would be below peak grading day emissions. Therefore, standard dust-control measures implemented for the peak grading day emissions would be adequate to reduce emissions during the building construction period.

Daily total construction emissions without mitigation measures would exceed the SCAQMD threshold for PM₁₀. This is a significant impact, requiring mitigation measures. Other emission from CO, ROC, SO_x, and NO_x would be below the daily thresholds established by the SCAQMD without mitigation. Despite implementation of the above stated mitigation measures, a significant and unavoidable air quality impact remains.

Finding: *Issues associated with the proposed Project on air quality are discussed in Section 4.3 of the EIR. The EIR identifies that implementation of the mitigation measures stated below would not reduce the criteria pollutant emissions for PM₁₀ associated with construction of the proposed Project to a less than significant level under current standards. Despite implementation of the stated mitigation measures significant and unavoidable impacts remain. Consistent with Finding 3, above, the impact is overridden by the Project's benefits as set forth in the statement of overriding considerations.*

The following mitigation measures from the EIR are applicable and will mitigate these impacts to the extent feasible; however, short-term air quality impacts would remain significant and unavoidable.

AIR-1 *The construction contractor shall select the construction equipment used on-site based on low emission factors and high energy efficiency. The construction contractor shall ensure that construction grading plans include a statement that all*

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construction equipment shall be tuned and maintained in accordance with the manufacturer's specifications.

AIR-2 The construction contractor shall utilize electric or diesel-powered equipment in lieu of gasoline-powered engines where feasible.

AIR-3 The construction contractor shall ensure that construction grading plans include a statement that work crews shall shut off equipment when not in use. During smog season (May through October), the overall length of the construction period shall be extended, thereby decreasing the size of the area prepared each day, to minimize vehicles and equipment operating at the same time.

AIR-4 The construction contractor shall time the construction activities so as not to interfere with peak hour traffic and to minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flagperson shall be retained to maintain safety adjacent to existing roadways.

AIR-5 The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.

Cumulative Air Quality Impacts

Construction and operational emissions of the proposed Project would contribute toward the creation of basin-wide O₃ and PM₁₀ levels. Implementation of mitigation measures during construction would minimize air quality impacts, but the cumulative impact would remain significant. The region is currently designated as "nonattainment" with respect to State and Federal ozone ambient air quality standards and also PM₁₀ ambient air quality standards. It was determined that the Project would exceed the SCAQMD significance threshold for PM₁₀ emissions during construction. Although operational emissions for NO_x and ROC (which are precursors for ozone) and PM₁₀ and construction emissions for NO_x and ROC do not exceed SCAQMD thresholds, they contribute toward the creation of basin-wide O₃ and PM₁₀ levels.

Finding: *It was determined that the Project would exceed the SCAQMD significance threshold for PM₁₀ emissions during construction. Although operational emissions for NO_x and ROC (which are precursors for ozone) and PM₁₀ and construction emissions for NO_x and ROC do not exceed SCAQMD thresholds, they contribute toward the creation of basin-wide O₃ and PM₁₀ levels; therefore, the development of the proposed Project constitutes significant cumulative air quality impacts. Despite implementation of mitigation measures for construction impacts, cumulative air quality impacts remain significant and unavoidable. Consistent with Finding 3, above, the impact is overridden by the Project's benefits as set forth in Section 7 (Upland Crossing Specific Plan Project Benefits).*

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5.3.2 Significant Air Quality Impacts That Cannot Be Mitigated to Below a Level of Significance and Associated Mitigations Measures (With Residential Overlay)

Short-term Construction Related Impacts

Peak grading and construction emissions would exceed the emissions thresholds for the criteria pollutant PM₁₀, which is 150 pounds per day. Emissions of other criteria pollutants would be below the emission thresholds. Implementation of mitigation measures would minimize air quality impacts, but the impacts would remain significant.

Fugitive dust generated by the development of the Project site with the Residential Overlay would be the same as fugitive dust generated by the development of the Project site with the proposed Project without Residential Overlay. Similarly, as construction activities would be comparable, peak grading day construction emissions would be equivalent. Similar to the proposed Project without Residential Overlay, the development of the proposed Project with Residential Overlay would result in peak grading day emissions of PM₁₀ at levels exceeding the SCAQMD standard of 150 lbs/day, resulting in a significant impact.

Despite the implementation of the above-stated measures, there is no evidence to suggest that emissions would be reduced to below pre-mitigation levels; therefore, potential impacts associated with construction emissions of PM₁₀ remain significant and unavoidable.

Finding: *Issues associated with the proposed Project on air quality are discussed in Section 4.3 of the EIR. The EIR identifies that implementation of the mitigation measures stated below would not reduce the criteria pollutant emissions for PM₁₀ associated with construction of the proposed Project to a less than significant level under current standards. Despite implementation of the stated mitigation measures significant and unavoidable impacts remain. Consistent with Finding 3, above, the impact is overridden by the Project's benefits as set forth in the statement of overriding considerations.*

The following mitigation measures from the EIR are applicable and will mitigate these impacts to the extent feasible; however, short-term air quality impacts would remain significant and unavoidable.

AIR-1 RO *The construction contractor shall select the construction equipment used on-site based on low emission factors and high energy efficiency. The construction contractor shall ensure that construction grading plans include a statement that all construction equipment shall be tuned and maintained in accordance with the manufacturer's specifications.*

AIR-2 RO *The construction contractor shall utilize electric or diesel-powered equipment in lieu of gasoline-powered engines where feasible.*

AIR-3 RO *The construction contractor shall ensure that construction grading plans include a statement that work crews shall shut off equipment when not in use. During smog season (May through October), the overall length of the construction period shall be extended, thereby decreasing the size of the area prepared each day, to minimize vehicles and equipment operating at the same time.*

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AIR-4 RO The construction contractor shall time the construction activities so as not to interfere with peak hour traffic and to minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flagperson shall be retained to maintain safety adjacent to existing roadways.

AIR-5 RO The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.

Cumulative Air Quality Impacts

Construction and operational emissions of the proposed Project with Residential Overlay would contribute toward the creation of basin-wide O₃ and PM₁₀ levels. Implementation of mitigation measures during construction will minimize air quality impacts, but the cumulative impact will remain significant. The region is currently designated as “nonattainment” with respect to State and Federal ozone ambient air quality standards and also PM₁₀ ambient air quality standards. It was determined that the Project would exceed the SCAQMD significance threshold for PM₁₀ emissions during construction. Although operational emissions for NO_x and ROC (which are precursors for ozone) and PM₁₀ and construction emissions for NO_x and ROC do not exceed SCAQMD thresholds, they contribute toward the creation of basin-wide O₃ and PM₁₀ levels.

Finding: *It was determined that the Project would exceed the SCAQMD significance threshold for PM₁₀ emissions during construction. Although operational emissions for NO_x and ROC (which are precursors for ozone) and PM₁₀ and construction emissions for NO_x and ROC do not exceed SCAQMD thresholds, they contribute toward the creation of basin-wide O₃ and PM₁₀ levels; therefore, the development of the proposed Project constitutes significant cumulative air quality impacts. Despite implementation of mitigation measures for construction impacts, cumulative air quality impacts remain significant and unavoidable. Consistent with Finding 3, above, the impact is overridden by the Project’s benefits as set forth in the statement of overriding considerations.*

5.3.3 Significant Traffic Impacts That Cannot Be Mitigated to Below a Level of Significance and Associated Mitigations Measures (Without Residential Overlay)

Year 2006 with Project Intersection Conditions

Six intersections are forecast to exceed the level of service threshold or exceed the significance criteria for increases to intersection capacity utilization in the Year 2006 With Project scenario. These intersections are the following:

- Access B/Foothill Boulevard (LOS F p.m. peak hour);
- Indian Hill Boulevard/Foothill Boulevard (LOS E in p.m. peak hour);
- Claremont Boulevard/6th Street-Arrow Route (LOS E p.m. peak hour);
- Monte Vista Avenue/Baseline Road (LOS F p.m. peak hour);

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- Mills Avenue/Foothill Boulevard (LOS E in a.m. peak hour); and
- SR-210 Ramps/Baseline Road (LOS F in a.m. and p.m. peak hours).

These levels of service deficiencies are also forecast to occur in the Year 2006 without the Project; thus, the Project does not produce them alone. For the intersections of Mills Avenue/Foothill Boulevard and the SR-210 Ramps/Baseline Road, the Project does not create a significant impact and therefore no mitigation measures have been identified. For the remaining three intersections (Indian Hill Boulevard/Foothill Boulevard, Claremont Boulevard/6th Street-Arrow Route, Monte Vista Avenue/Baseline Road) the Project does contribute to the level of service deficiencies, resulting in a significant impact, and mitigation is required.

The year 2006 plus Project condition considers the addition of traffic generated by the proposed Project at opening day to the roadways in the Project vicinity. The proposed Project would contribute traffic to six intersections currently operating at unsatisfactory levels of service, and the Project creates significant impacts at four of the six intersections forecast to operate at deficient levels of service.

Implementation of Mitigation Measures **TRANS-2** through **TRANS-5** would result in full and complete mitigation of the impacts to the Access B/Foothill Boulevard intersection. Although the *Traffic Impact Analysis* prepared for the Project identified mitigation measures that, if implemented, would mitigate impacts to the Indian Hill Boulevard/Foothill Boulevard, Claremont Boulevard/6th Street-Arrow Route, and Monte Vista Avenue/Baseline Road intersections, they are located in the City of Claremont and are not under the control of the City of Upland. There is no existing mechanism for Upland to require and control the timing of improvements outside of its jurisdiction.

The City of Claremont has approved the College Park project, which is adjacent to the 6th Street/Claremont Boulevard/Arrow Route intersection. Improvements to this intersection required of the College Park project will improve conditions and result in an acceptable LOS at peak hours. In addition, the City of Claremont is currently processing an application for development of the area adjacent to the intersection of Baseline Road and Monte Vista Avenue. It is anticipated that improvements to this intersection required of that project will improve conditions and result in an acceptable LOS at peak hours. Nonetheless, as Lead Agency, the City of Upland cannot work in conjunction with the applicant to require and/or control the timing of when these improvements would be installed. Consequently, impacts to these three intersections would remain significant and unavoidable.

Finding: *Traffic related impacts of the proposed Project are discussed in Section 4.15 of the EIR. The EIR identified the mitigation measures to reduce the impact of Project traffic at the effected intersections. Despite implementation of the identified mitigation, significant unavoidable impacts remain. Consistent with Finding 2 and Finding 3 above, the impact is overridden by the Project benefits and jurisdictional limitations as set forth in the statement of overriding considerations. The following mitigation measures from the EIR are applicable and will mitigate these impacts to the extent feasible; however, traffic impacts would remain significant and unavoidable.*

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TRANS-2 Prior to issuance of first occupancy permits, the applicant shall construct and install all Project-related traffic improvements including, but not limited to, street improvements and landscaping for the following:

- Foothill Boulevard between Monte Vista Avenue and Dewey Way;
- Dewey Way between Foothill and 11th Street;
- 11th Street between Dewey Way and Monte Vista Avenue; and
- Monte Vista Avenue between 11th Street and Foothill Boulevard.

TRANS-3 Prior to issuance of first occupancy permits, the applicant shall submit plans for review, receive approval, and construct a right in/out only access controlled driveway at the Access B/Foothill Boulevard intersection.

TRANS-4 Prior to issuance of first occupancy permits, the applicant shall submit plans for review, receive approval, and construct new traffic signals and/or signal modifications at the Monte Vista Avenue/Foothill Boulevard, Dewey Way/Foothill Boulevard, and Monte Vista/ 11th Street intersections.

TRANS-5 The applicant shall pay all applicable City of Upland traffic and signal fees prior to issuance of building permits.

TRANS-a Prior to issuance of first occupancy permits, the applicant shall submit plans for review, receive approval, and construct a second westbound left turn lane at the Foothill Boulevard/Monte Vista Avenue intersection.

5.3.4 Significant Traffic Impacts That Cannot Be Mitigated to Below a Level of Significance and Associated Mitigations Measures (With Residential Overlay)

Year 2006 with Project Intersection Conditions

Five intersections are forecast to exceed LOS standards in the Year 2006 with Project scenario. Of these five intersections, one intersection is forecast to exceed the significance criteria for increases to intersection capacity utilization in the Year 2006 With Project scenario, creating a significant impact. The intersection of Monte Vista Avenue/Baseline Road intersection, located within Los Angeles County, is forecast to operate at LOS F in both a.m. and p.m. peak hours.

Implementation of Mitigation Measures **TRANS-2 RO** through **TRANS-4 RO** would partially mitigate impacts to the Monte Vista Avenue/Baseline Road intersection. Although the *Traffic Impact Analysis* prepared for the Project identified mitigation measures that, if implemented, would fully mitigate impacts to the Monte Vista Avenue/Baseline Road intersection, this intersection is located in the City of Claremont. Improvements to this intersection are not under the control of the City of Upland, and there is no existing mechanism for the City of Upland to require and control the timing of improvements outside of its jurisdiction.

The City of Claremont is currently processing an application for development of the area adjacent to the intersection of Baseline Road and Monte Vista Avenue. It is anticipated that improvements to this intersection required of that project will improve conditions and result in an acceptable LOS at peak

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hours. Nonetheless, as Lead Agency, the City of Upland cannot work in conjunction with the applicant to require and/or control the timing of when this improvement would be installed. Consequently, the impact to this intersection would remain significant and unavoidable.

Finding: *Traffic related impacts of the proposed Project are discussed in Section 4.15 of the EIR. The EIR identified the mitigation measures to reduce the impact of Project traffic at the effected intersections. Despite implementation of the identified mitigation, significant unavoidable impacts remain. Consistent with Finding 2 and Finding 3 above, the impact is overridden by the Project benefits and jurisdictional limitations as set forth in the statement of overriding considerations. The following mitigation measures from the EIR are applicable and will mitigate these impacts to the extent feasible; however, traffic impacts would remain significant and unavoidable.*

TRANS-2 RO *Prior to issuance of first occupancy permits, the applicant shall construct and install all Project-related traffic improvements including, but not limited to, street improvements and landscaping for the following:*

- Foothill Boulevard between Monte Vista Avenue and Dewey Way;
- Dewey Way between Foothill and 11th Street;
- 11th Street between Dewey Way and Monte Vista Avenue; and
- Monte Vista Avenue between 11th Street and Foothill Boulevard.

TRANS-3 RO *Prior to issuance of first occupancy permits, the applicant shall submit plans for review, receive approval, and construct new traffic signals and/or signal modifications at the Monte Vista Avenue/Foothill Boulevard, Dewey Way/Foothill Boulevard, and Monte Vista/ 11th Street intersections.*

TRANS-4 RO *The applicant shall pay all applicable City of Upland traffic and signal fees prior to issuance of building permits.*

TRANS-a RO *Prior to issuance of first occupancy permits, the applicant shall submit plans for review, receive approval, and construct a second westbound left turn lane at the Foothill Boulevard/Monte Vista Avenue intersection.*

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6.0 PROJECT ALTERNATIVES

Six Project alternatives and the potential significance of impacts resulting from these alternatives are discussed in Section 6 of the Draft EIR. The City of Upland has considered three of these six alternatives for the development of the proposed Project in detail and makes the following Findings.

The subsequent discussion includes two Findings for each alternative for impacts from or to the sixteen environmental issues:

- Those environmental issues that are similar in impacts to the proposed Project; and
- Those environmental issues that are different than the proposed Project.

6.1 OFF-SITE LOCATION ALTERNATIVE

The Off-Site Location Alternative is located on the northeast corner of Monte Vista Avenue and Arrow Route. The alternative site is currently vacant and contains two stormwater retention basins, one of which is an old quarry. The site, at about 33.7 acres, is adequate in size for the implementation of the proposed Project and Residential Overlay. The Off-Site Location Alternative has the same General Plan designation as the Project site: Commercial/Industrial-Special Use Permit, with a required Specific Plan. With implementation, the property's General Plan land use designation would be changed to Specific Plan, which would require a General Plan Amendment. The entire site is zoned Light Industrial, which is for the development of industrial uses that include fabrication, manufacturing, assembly or processing of materials that are in already processed form. This zone is also intended to provide locations for Industrial Planned Unit Developments. The main difference with this site and the Project site is that the Project site also contains a Highway Commercial zoning designation.

To develop this alternative, the two existing stormwater retention basins would need to be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials, and by scarifying to provide a bond with the new fill. The existing soil may be unsuitable with respect to density (mass per unit volume). In addition, the soil may be highly fractured or contain a high organic content or may not be competent to support other soil or fill or to support structures. All fills would have to be compacted to a certain density. Furthermore, erosion protection facilities may be necessary to protect adjacent property from sediment deposition.

In the Draft EIR, there are thirteen environmental issues that were found to be similar to those of the proposed Project. These include the following:

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- Aesthetics
- Agricultural Resources
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation and Parks
- Utilities and Service Systems

Finding: *The City of Upland concludes that thirteen of the sixteen environmental issues (Aesthetics, Agricultural Resources, Biological Resources, Cultural Resources, Geology and Soils, Hazard and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation and Parks, and Utilities and Service Systems) of the Off-Site Location Alternative would result in a similar level of impact when compared to the proposed Project.*

In the Draft EIR, there were three environmental issues that were found to have impacts that were somewhat greater than the proposed Project. These include the following:

- Air Quality
- Noise; and
- Transportation and Traffic.

Discussion follows summarizing the analysis for these three issues with the Off-Site Location Alternative.

6.1.1 Air Quality

As with the proposed Project, impacts associated with the short-term emission of particulates less than ten microns (PM₁₀) during construction would remain significant and unavoidable. Air quality impacts associated with long-term operation activities of the Off-Site Location Alternative could be greater because of increased traffic trip lengths and increased idling caused by lack of convenient egress and ingress from Foothill Boulevard. (To reach the Off-Site Location Alternative site, traffic would be routed through secondary access routes because of its lack of frontage on Foothill Boulevard or another main thoroughfare).

6.1.2 Noise

Noise impacts would be the same for the Off-Site Location Alternative as for the proposed Project except for increased traffic noise. While the number of daily vehicle trips generated with this alternative would be similar to that associated with the proposed Project, development of the proposed Project at the alternative site at the northeast corner of Monte Vista Avenue and Arrow Route means that a convenient Foothill Boulevard entry could not be offered. Traffic from Foothill

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Boulevard would turn on Monte Vista Avenue or circle around to Arrow Route, thereby increasing the time spent in traffic for each vehicle trip and increasing idling time waiting to get into the Off-Site Alternative Project site. Development of the Off-Site Location Alternative may require mitigation measures that are larger in scope than those required of the proposed Project.

6.1.3 Transportation and Traffic

This site would be accessible from Monte Vista Avenue, Arrow Route, and 11th Street; however, as stated previously, a convenient Foothill Boulevard entry could not be offered. Although this alternative has adequate land, access, and services, and is compatible with adjacent land uses, it would create more traffic impacts than the Project site. Traffic volumes would be routed through secondary access routes. Trip generation for this alternative would be the same as for the proposed Project, but development of the proposed Project at the alternative site would result in the redistribution of traffic, most likely increasing the number of vehicle trips on Arrow Highway, Monte Vista Avenue, 11th Street and other nearby or adjacent roadways. Any such increase in vehicle volumes would exceed current conditions, or the traffic volumes for these roadways forecast for the proposed Project. It is likely that with the Off-Site Location Alternative, intersection operations in the vicinity would worsen without improvements or other traffic mitigation measures.

Finding: *The City of Upland finds that Air Quality, Noise, and Traffic impacts would be somewhat greater than the proposed Project and finds that this alternative is less desirable than the proposed Project and rejects this alternative for the following reasons:*

- 1. Relative to the Project, this alternative would likely result in increased traffic noise.*
- 2. Relative to the Project, this alternative would likely result in increased air quality impacts associated with long-term operation activities because of increased traffic trip lengths and idling.*
- 3. Relative to the Project, redistribution of traffic under this alternative could increase the number of vehicle trips on nearby or adjacent roadways.*

6.2 INDUSTRIAL AND EXPANDED COMMERCIAL ALTERNATIVE

The Industrial and Expanded Commercial Alternative would result in the development of the Project site with expanded commercial uses, as well as industrial uses. This alternative includes the entire Project site area, as well as four parcels located at the southeast corner of the intersection of Monte Vista Avenue and Foothill Boulevard, adjacent and to the west of the Project site. The inclusion of these four additional parcels would add approximately 4.5 acres to the Project site. Total acreage proposed for development with this alternative is approximately 34.6 acres.

For the Industrial and Expanded Commercial Alternative, the Project site would be developed consistent with the existing *City of Upland General Plan* designation of C/I-S and with the existing zoning designations. Using a floor-to-area ratio of 50 percent, the Project site would be developed with approximately 318,000 square feet of commercial uses on approximately 14.6 acres on the

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northern portion, and approximately 309,000 square feet of industrial uses on approximately 14.2 acres on the southern portion. The remaining 5.8 acres would be utilized for circulation (internal roads, driveways, etc.).

In the Draft EIR, there are ten environmental issues of the total of sixteen issues that were found to be similar to those of the proposed Project. These include the following:

- Agricultural Resources
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Recreation and Parks
- Utilities and Service Systems

Finding: *The City of Upland concludes that ten of the sixteen environmental issues (Agricultural Resources, Biological Resources, Cultural Resources, Geology and Soils, Hazard and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Recreation and Parks, and Utilities and Service Systems) for the Industrial and Expanded Commercial Alternative would result in a similar level of impact when compared to the proposed Project.*

In the Draft EIR, there were six environmental issues for the Industrial and Expanded Commercial Alternative that were found to have impacts that were different than the proposed Project. These include the following:

- Aesthetics;
- Air Quality
- Noise;
- Population and Housing;
- Public Services; and
- Transportation and Traffic.

Public services impacts were reduced somewhat, and the other five environmental issues had somewhat greater impacts with this alternative. Discussion follows summarizing the analysis for these six issues with the Industrial and Expanded Commercial Alternative.

6.2.1 Aesthetics

The construction and operation of the Industrial and Expanded Commercial Alternative would require the installation of on-site lighting to accommodate nighttime activities and for safety purposes. As development for this alternative includes an additional 4.5 acres of land, on-site lighting required would exceed that of the proposed Project. Additionally, as this alternative includes industrial uses and commercial uses, it is likely to require more on-site lighting than the proposed Project. Lighting would also likely be required because of safety concerns for patrons at the commercial uses during

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nighttime hours, and for the industrial uses for site safety and security of equipment. The Industrial and Expanded Commercial Alternative could produce potential impacts from spillover light onto adjacent properties. While development with this alternative may require additional lighting over and above that required for the proposed Project, supplemental mitigation measures in the form of glare shields and cut-off light optics would be required, rendering the impact less than significant.

6.2.2 Air Quality

With a larger area to be graded, grading activities may occur for a greater number of days when compared to the proposed Project. The short-term construction impacts associated with emissions of PM₁₀ that were identified for the proposed Project would also be created with development of this alternative for an increased number of days. Consequently, similar to the proposed Project, short-term construction air quality impacts would remain significant and unavoidable with the Industrial and Expanded Commercial Alternative, even after mitigation measures are incorporated.

Average daily traffic volumes would be increased by 11,526 daily trips (approximately 144%) in comparison to the proposed Project without the Residential Overlay and would be increased by 14,049 daily trips (approximately 540%) in comparison to the proposed Project with Residential Overlay. The volume of each operational pollutant emitted during operation of this alternative would be correspondingly increased. Because of the large increase in traffic with this alternative, emissions of the criteria pollutants, carbon monoxide (CO), nitrogen oxides (NO_x), reactive organic compounds (ROC), sulfur dioxide (SO₂), and PM₁₀ would exceed South Coast Air Quality Management District (SCAQMD) significance thresholds as identified for the proposed Project. Emissions of ROC would be reduced to below the threshold of significance.

6.2.3 Noise

The nearest noise sensitive receptor is at the same distance to noise generating uses as the proposed Project; however, the noise generated would be emanating from commercial and industrial uses. Short-term construction noises would be the same as the proposed Project with or without the Residential Overlay and would be reduced to a less than significant level by mitigation measures. Noises caused by operations of the commercial and industrial uses, however, especially if operating 24 hours, would exceed those of the proposed Project.

As stated previously, the average daily traffic volumes would be increased by approximately 144 percent when compared to the proposed Project and approximately 540 percent when compared to the Residential Overlay. Traffic noise levels would be correspondingly increased and could exceed significance thresholds. Noise levels would have to be mitigated considerably. Noise impacts, as compared with the proposed Project with or without the Residential Overlay, are greater.

6.2.4 Population and Housing

Population and Housing impacts for the Industrial and Expanded Commercial would be somewhat greater when compared to the proposed Project. With this alternative, no development of essential residential dwelling units would occur on the Project site. Development would result in the construction and operation of approximately 318,000 square feet of commercial uses and

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approximately 309,000 square feet of industrial uses. Assuming one employee for every 500 square feet of commercial uses and one employee for every 1,000 square feet of industrial uses, development of this alternative would result in the creation of approximately 945 jobs. The increase in jobs associated with development of this alternative could result in a lower unemployment rate in the City. While development of the proposed Project would result in the addition of dwelling units on the Project site and add approximately 980 residents, development of the Industrial and Expanded Commercial Alternative would not result in the development of any housing that is required for City of Upland residents. Development according to the Industrial and Expanded Commercial Alternative would not induce substantial population growth directly by proposing new homes and businesses or indirectly through extension of roads or other infrastructure. Similar to the proposed Project, development of the Industrial and Expanded Commercial Alternative would not result in the displacement of any existing housing or people, as the Project site is currently vacant. However, the development of this alternative would not add to housing stock within the City of Upland, thereby creating a somewhat greater impact on housing than the proposed Project.

6.2.5 Public Services

This alternative would require a decreased level of public services when compared to the proposed Project. Development of this alternative would result in less than significant impacts to fire and police protection services, and library services, which is the same as for the proposed Project. In contrast to the proposed Project, development of the Industrial and Expanded Commercial Alternative would not result in an increase in students. Compared to the proposed Project, Public Services impacts, therefore, would be reduced somewhat.

6.2.6 Transportation and Traffic

Average daily traffic volumes would be increased by 11,526 daily trips (approximately 144%) in comparison to the proposed Project and would be increased by 14,049 daily trips (approximately 540%) in comparison to the proposed Project with Residential Overlay. Transportation and Traffic impacts would be somewhat greater than the proposed Project.

Finding: *The City of Upland finds that Aesthetics, Air Quality, Noise, Population and Housing, and Traffic impacts would be somewhat greater than the proposed Project and that Public Services impacts would be reduced somewhat from those of the proposed Project because this alternative would not create an increase in students. While this alternative could create less student demand and increase jobs relative to the proposed Project, the City of Upland finds that this alternative is infeasible and less desirable than the proposed Project and rejects this alternative for the following reasons:*

- 1. Relative to the Project, Additional aesthetic lighting impacts (glare) would likely occur at the commercial uses during nighttime hours, and for the industrial uses for site safety and security of equipment.*
- 2. This alternative would cause a large increase in traffic relative to the Project, resulting in emissions of criteria pollutants in excess of SCAQMD significance thresholds.*

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3. *Noises caused by operations of the commercial and industrial uses, especially if operating 24 hours a day, would exceed those of the proposed Project. Traffic noise levels would be correspondingly increased and could exceed significance thresholds.*
4. *Average daily traffic volumes would be increased by approximately 144 percent when compared to the proposed Project and approximately 540 percent when compared to the Residential Overlay.*
5. *Unlike the Project, the development of this alternative would not add to housing stock within the City of Upland, thereby creating a greater impact on housing than the proposed Project.*

6.3 PUBLIC PARK ALTERNATIVE

The Public Park Alternative would be similar to the proposed Project and Residential Overlay; however, there would be a public access linear park covering the San Antonio Creek Channel from Foothill Boulevard to 11th Street and containing a combined bike path and trail. A bridge suitable for vehicles would connect the east and west sides of the park. In addition, a 2.5-acre neighborhood park would be on both sides of the San Antonio Creek Channel with approximately half the park area on each side. The size of the Project site and the character and mix of development on the Project site would be the same as called for in the proposed Project, with and without the Residential Overlay. This alternative would emphasize the development of a public-access park owned by the City of Upland that the entire region would utilize. This public park would contain a daytime use ball field, campsites, and picnic facilities.

In the Draft EIR, fifteen environmental issues were found to be similar to those of the proposed Project. These include the following:

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|--------------------------|-----------------------------------|---------------------------------|
| • Aesthetics | • Hazards and Hazardous Materials | • Population and Housing |
| • Agricultural Resources | • Hydrology and Water Quality | • Public Services |
| • Air Quality | • Land Use and Planning | • Recreation and Parks |
| • Biological Resources | • Mineral Resources | • Transportation and Traffic |
| • Cultural Resources | • Noise | • Utilities and Service Systems |
| • Geology and Soils | | |

With regard to the environmental issues above, impacts that would occur with the Public Park Alternative would be similar to those that would occur with the proposed Project. Development of this alternative would result in similar aesthetic, air quality, noise, population and housing, public services, and traffic impacts as compared to the proposed Project. Because the type and scale of development with the Public Park Alternative are similar to the proposed Project, no reduction in the emission of construction or operational air pollutants would occur. The small increase in traffic trips that would occur as a result of public access to the park would not result in any discernable changes to traffic impacts. The Draft EIR concluded that this was the environmentally superior alternative.

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Finding: *The City of Upland agrees with the conclusion that fifteen environmental issues (Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazard and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation and Parks, Transportation and Traffic, and Utilities and Service Systems) for the Public Park Alternative would result in a similar level of impact when compared to the proposed Project.*

The Final EIR found that the Recreation and Parks impact for the Public Park Alternative had a different impact than the proposed Project. The Public Park Alternative would involve reduced recreation and park benefits relative to the proposed Project, because the Public Park Alternative would include dedication of public parkland that would be credited toward an in-lieu reduction of park fees. On the other hand, the proposed Project includes:

- Land, development and maintenance costs for a 1.0-acre private park to serve the future residents of the proposed Project;
- 1.5 acres of public trails; and
- Payment of the full City Park Acquisition and Development Fee to be used by the City for the acquisition and development of public parks.

Thus, the impact of the Public Park Alternative to Recreation and Parks would be somewhat greater than that of the proposed Project, because the benefits the alternative would provide would be less than the proposed Project.

Finding: *The City of Upland finds that Recreation and Parks impacts would be somewhat greater under this alternative than under the proposed Project, thus this alternative is less desirable than the proposed Project, and the City of Upland rejects this alternative.*

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7.0 UPLAND CROSSING SPECIFIC PLAN PROJECT BENEFITS

The benefits derived from the approval of the Upland Crossing Specific Plan will ensure the consistent and rational development of the site in accordance with functional and aesthetic standards established by the City of Upland. Two major benefits are:

- Creation of cohesive neighborhoods with compatible land use patterns; and
- The promotion of an economic development strategy that includes approaches for broadening the City's economic base, enhancing the City's tax base.

7.1 COMPATIBLE LAND USE PATTERNS

The Upland Crossing Specific Plan includes a mix of attached and detached residential that would meet the demand for diverse types of housing within the City of Upland. Based on the design features and design guidelines incorporated into the Specific Plan, the proposed Project would provide a comprehensive plan that achieves the development goals of the City of Upland for this portion of Upland, and would create a high-quality infill residential development that provides a variety of homes and lot types. To create cohesive neighborhoods, one of the proposed Project's goals is to provide housing that meets the market demand with similar densities to those of the residential communities east and southeast of the site, thereby creating a desirable residential environment.

Properly related amenities and facilities, such as the recreation areas in the residential Planning Areas, would be provided for residents. Public trails would be located on both sides of the San Antonio Creek Channel, thereby providing access to these amenities.

The proposed Project would provide, through the application of state-of-the-art site planning techniques, an efficient, desirable residential environment for inhabitants of the Project and would enrich the visual quality of the City. As illustrated in the Upland Crossing Specific Plan document, this is accomplished by providing development guidelines so that the builders can develop around two complementary architectural themes (French and Spanish) that would allow a variety of elevations within their respective styles.”

7.2 ECONOMIC DEVELOPMENT

The design features and design guidelines identified in the Upland Crossing Specific Plan support the desire of the City of Upland to have quality development. In addition, the development of residential and commercial uses would augment the City's existing tax base by replacing an undeveloped lot with revenue (tax) producing uses. The development of commercial uses would also promote economic development within the City of Upland by augmenting the City of Upland's commercial base.

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7.3 ADDITIONAL HOUSING OPPORTUNITIES

The development of residential land uses proposed in the Upland Crossing Specific Plan would provide for sale housing opportunities for the general population. The Upland Crossing Specific Plan would provide additional housing within the City, which would make available new housing for people living in the City, as well as bringing new residents to the City.

7.4 CONTINUE THE TRANSITION OF THE PROJECT AREA FROM SAND AND GRAVEL USES TO HIGHER DEVELOPMENT INTENSITY LAND USES

Development of the Upland Crossing Specific Plan project site will continue the transition of the project area from sand and gravel uses to the establishment of higher intensity land uses that will contribute additional sales revenue to the City of Upland.

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8.0 STATEMENT OF OVERRIDING CONSIDERATIONS

8.1 SIGNIFICANT UNAVOIDABLE IMPACTS

The City of Upland adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts identified in the Final EIR, which are the following:

- Air quality impacts related to:
 1. Short-term construction related impacts;
 2. Cumulative air quality impacts.
- Traffic impacts related to the addition of Project traffic in the year 2006 to projected traffic at the following intersections:
 1. Indian Hill Boulevard/Foothill Boulevard;
 2. Claremont Boulevard/6th Street-Arrow Route; and
 3. Monte Vista Avenue/Baseline Road.

The City's Findings set forth in the preceding sections have identified all the adverse environmental impacts and the feasible mitigation measures, which can reduce impacts to less than significant levels where feasible, or to the lowest feasible levels where significant impacts remain.

Finding: *Having considered the unavoidable adverse impacts of the Upland Crossing Specific Plan Project, the City hereby determines that all feasible mitigation has been adopted to reduce or avoid the potentially significant impacts identified in the Final EIR and that no additional feasible mitigation is available to further reduce significant impacts. Further, Consistent with Finding 3, above, the City finds that economic, social, and other considerations of the Upland Crossing Specific Plan Project outweigh the unavoidable adverse impacts described above. Finally, Consistent with Finding 2, above, mitigation of traffic impacts related to Project traffic in the year 2006 is additionally hindered by such mitigation measures being within the jurisdiction of another public agency. The reasons for accepting these remaining unmitigated impacts are described in Section 7. In making this finding, the City has balanced the benefits of the Upland Crossing Specific Plan Project against its unavoidable environmental impacts and has indicated its willingness to accept those impacts.*

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8.2 BENEFITS OUTWEIGH SIGNIFICANT UNAVOIDABLE IMPACTS

This section of Findings specifically addresses the requirements of §15093 of the *CEQA Guidelines*, which require the Lead Agency to balance the benefits of a proposed project against its unavoidable significant impacts and to determine whether the impacts are acceptably overridden by the Project's benefits. The City of Upland finds that the previously stated major Project benefits (Section 7) of the

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Upland Crossing Specific Plan Project outweigh the unavoidable significant adverse environmental impacts noted above.

Each of the separate benefits of the Upland Crossing Specific Plan is hereby determined to be, in itself and independent of other Project benefits, a basis for overriding all unavoidable environmental impacts identified in the Final EIR and in these Findings. Further, the City of Upland finds that the benefits are substantial and override each unavoidable impact of the Project. Each overriding consideration is presented in the following paragraphs.

8.2.1 Findings Regarding Air Quality Impacts (Without Residential Overlay)

Short-Term Construction Emissions Impacts

Finding: *Construction activities occurring at the Upland Crossing Specific Plan Project area, including mass grading, will result in short-term increases in air emissions that exceed applicable thresholds of the SCAQMD, despite the imposition of mitigation measures. Short-term increases in air emissions from construction can be mitigated but are not entirely avoidable, as construction activities within this region will continue to provide necessary and vital residential units and commercial activities. Consistent with Finding 3, above, this impact is overridden by benefits provided by the Upland Crossing Specific Plan Project, including the creation of cohesive neighborhoods with compatible land use patterns, the promotion of an economic development strategy, the provision of new housing in the City, and the continued transition of the project area to higher intensity land uses.*

Cumulative Air Quality Impacts

Finding: *The region is currently designated as “nonattainment” with respect to State and Federal ozone ambient air quality standards and also PM₁₀ ambient air quality standards. Construction and operational emissions for the Upland Crossing Specific Plan will contribute toward the creation of basin-wide O₃ and PM₁₀ levels. Although mitigation measures are provided to reduce construction emissions for the Project, and operational emissions were determined to be less than significant, the creation of any NO_x, ROC, and PM₁₀ emissions would contribute to the creation of basin wide ozone and PM₁₀, creating a significant and unavoidable impact. Consistent with Finding 3, above, this impact is overridden by benefits provided by the Upland Crossing Specific Plan Project, including the creation of cohesive neighborhoods with compatible land use patterns, the promotion of an economic development strategy, the provision of new housing in the City, and the continued transition of the project area to higher intensity land uses.*

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8.2.2 Findings Regarding Air Quality Impacts (With Residential Overlay)

Short-Term Construction Emissions Impacts

Finding: *Construction activities occurring at the Upland Crossing Specific Plan Project area, including mass grading, will result in short-term increases in air emissions that exceed applicable thresholds of the SCAQMD, despite the imposition of mitigation measures. Short-term increases in air emissions from construction can be mitigated but are not entirely avoidable, as construction activities within this region will continue to provide necessary and vital residential units and commercial activities. Consistent with Finding 3, above, this impact is overridden by benefits provided by the Upland Crossing Specific Plan Project, including the creation of cohesive neighborhoods with compatible land use patterns, the promotion of an economic development strategy, the provision of new housing in the City, and the continued transition of the project area to higher intensity land uses.*

Cumulative Air Quality Impacts

Finding: *The region is currently designated as “nonattainment” with respect to State and Federal ozone ambient air quality standards and PM₁₀ ambient air quality standards. Construction and operational emissions for the Upland Crossing Specific Plan will contribute toward the creation of basin-wide O₃ and PM₁₀ levels. Although mitigation measures are provided to reduce construction emissions for the Project, and operational emissions were determined to be less than significant, the creation of any NO_x, ROC, and PM₁₀ emissions would contribute to the creation of basin wide ozone and PM₁₀, creating a significant and unavoidable impact. Consistent with Finding 3, above, this impact is overridden by benefits provided by the Upland Crossing Specific Plan Project, including the creation of cohesive neighborhoods with compatible land use patterns, the promotion of an economic development strategy, the provision of new housing in the City, and the continued transition of the project area to higher intensity land uses.*

8.2.3 Findings Regarding Traffic Impacts (Without Residential Overlay)

Year 2006 Plus Project: Indian Hill Boulevard/Foothill Boulevard, Claremont Boulevard/6th Street-Arrow Route, and Monte Vista Avenue/Baseline Road intersections

Finding: *The Year 2006 plus Project condition considers the addition of traffic generated by the proposed Project at opening day to the roadways in the Project vicinity. The proposed Project will contribute traffic at the Indian Hill Boulevard/Foothill Boulevard, Claremont Boulevard/6th Street-Arrow Route, and Monte Vista Avenue/Baseline Road intersections, contributing to level of service deficiencies.*

Consistent with Finding 2, above, these intersections are located in the City of Claremont and are not under the control of the City of Upland; therefore, the City of Upland cannot work in conjunction with the applicant to require and/or control the timing of when these improvements would be installed.

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The proposed Project will have significant and unavoidable impacts at the Indian Hill Boulevard/Foothill Boulevard, Claremont Boulevard/6th Street-Arrow Route, and Monte Vista Avenue/Baseline Road intersections. Consistent with Finding 3, above, these traffic impacts are overridden by benefits provided by the Upland Crossing Specific Plan Project, including the creation of cohesive neighborhoods with compatible land use patterns, the promotion of an economic development strategy, the provision of new housing in the City, and the continued transition of the project area to higher intensity land uses.

8.2.4 Findings Regarding Traffic Impacts (With Residential Overlay)

Year 2006 Plus Project: Monte Vista Avenue/Baseline Road intersection

Finding: *The year 2006 plus Project condition considers the addition of traffic generated by the proposed Project with Residential Overlay at opening day to the roadways in the Project vicinity. The proposed Project will contribute traffic at the Monte Vista Avenue/Baseline Road intersection, contributing to level of service deficiencies. Consistent with Finding 2, above, improvements to this intersection are not under the control of the City of Upland, and there is no existing mechanism for Upland to require and control the timing of improvements outside of its jurisdiction. The proposed Project with Residential Overlay will have a significant and unavoidable impact at the Monte Vista Avenue/Baseline Road intersection. Consistent with Finding 3, above, this traffic impact is overridden by overridden by benefits provided by the Upland Crossing Specific Plan Project, including the creation of cohesive neighborhoods with compatible land use patterns, the promotion of an economic development strategy, the provision of new housing in the City, and the continued transition of the project area to higher intensity land uses.*

8.3 ANALYSIS OF ALTERNATIVES

The Findings have also analyzed three alternatives to determine whether there are reasonable or feasible alternatives to the proposed Project or whether they might reduce or eliminate the significant adverse impacts of the proposed Project.

Finding: *Feasible alternatives to the Upland Crossing Specific Plan Project, which are capable of reducing identified impacts, have been considered and rejected because the alternatives offer a reduced level of benefit when compared to the Upland Crossing Specific Plan Project.*

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9.0 ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CEQA MITIGATION MEASURES

Section 21081.6 of the Public Resources Code requires the Lead Agency to adopt a monitoring or reporting program regarding the changes in the Project and mitigation measures imposed to lessen or avoid significant effects on the environment. Included as Section 5 of the Final EIR, the *Mitigation Monitoring and Reporting Program* is adopted by the City of Upland as modified, which fulfills the CEQA mitigation monitoring requirements:

- The *Mitigation Monitoring and Reporting Program* is designed to ensure compliance with the changes in the Project and mitigation measures imposed on the Project during Project implementation; and
- Measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements or other measures.

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The proposed Project with the Residential Overlay is located within the *Cable Airport Comprehensive Airport Land Use Plan* and may be affected by the airport. Land use restrictions for the Project site associated with the airport's nearby proximity include compliance with Federal Aviation Regulations, Part 77 and *Cable Airport Comprehensive Airport Land Use Plan* (CACALUP) requirements. Additionally, the *California Airport Land Use Planning Handbook* was consulted for guidance in determining the Project's impacts associated with airport traffic patterns.

Cable Airport Comprehensive Airport Land Use Plan. The proposed Project site is located within Safety Area 2 for the airport. Safety Area 2 is an area of moderate crash hazard. The CACALUP establishes the following land use restrictions within Safety Area 2:

No structure should be constructed or object permitted within Safety Area 2 that would penetrate the airport imaginary surfaces as defined in Federal Aviation Regulations Part 77. Because of the proximity to aircraft operations, structures in this area should not reflect glare, emit electronic interference, or produce smoke so as to endanger aircraft operations.

Federal Aviation Regulation, Part 77. Federal Aviation Regulation, Part 77 establishes a series of imaginary surfaces in the airspace surrounding a runway or helicopter landing area. So that there is an obstruction free airspace for pilots using the airport, no object should penetrate into any of these surfaces. The proposed Project site does not penetrate any of these surfaces, but it does underlie parts of the Transitional Surface and the Horizontal Surface. The Horizontal Surface is 150 feet above the established airport elevation. Because the Upland Crossing Specific Plan restricts structure height on the proposed Project site to 45 feet, structures constructed as part of the proposed Project would not enter the Horizontal Surface area. Additionally, the Transitional Surface varies from 135 feet above the Project site to approximately 275 feet aboveground where it meets the Horizontal Surface. Structures located on-site are not expected to penetrate into the Transitional Surface area. The proposed Project does not include any uses that would produce smoke, emit electronic interference, or reflect glare. As development of the proposed Project site is required to comply with the requirements of Federal Aviation Regulation, Part 77 and the CACALUP, the Project would not result in changes to air traffic patterns that could result in an increase in traffic levels or a change in location that could result in substantial safety risks. Development of the proposed Project would not alter or affect the frequency or pattern of air traffic at Cable Airport.

California Airport Land Use Planning Handbook. The *California Airport Land Use Planning Handbook* was utilized as guidance for considering the land use compatibility for the Project. Both the Short and Medium General Aviation Runway safety zones were plotted for Cable Airport. Using the *California Airport Land Use Planning Handbook* safety zones for both Short and Medium General Aviation Runway standards, the Zone 3 (Inner Turning) area overlies a portion of the Project site for both scenarios. The *California Airport Land Use Planning Handbook* recommends limited residential development in Zone 3 but does not prohibit such use. Using the *Handbook* as guidance, and considering the voluntary guidance requests (discussed in detail in Section 4.7) for flight paths, it was determined that planes utilizing Cable Airport should not normally fly over the Project site.

Finding:

Potential impacts to air traffic patterns are discussed in Section 4.15 of the EIR. As planes would not normally fly over the Project site, and as development of the proposed Project site is required to comply with the requirements of Federal Aviation Regulation, Part 77 and the CACALUP, the Project would not result in changes to air traffic patterns that could result in an increase in traffic levels or a change in location that could result in substantial safety risks. Development of the proposed Project with the Residential Overlay would not alter or affect the frequency or pattern of air traffic at Cable Airport; therefore, impacts are less than significant for this issue.