

**MEMORANDUM**

**TO:** Mike Poland, Contract Planning Manager, City of Upland

**CC:** Rosemary Hoerning, Keri Johnson, Janice Elliott, Bill Velto, Ricky Felix, Rudy Zuniga, Debbie Stone, Robin Aspinall, Gary Schwary, Carolyn Anderson, Yvette Walker, Linden Brouse

**FROM:** Brinda Sarathy

**RE:** Bridge Point Upland Project

**DATE:** January 17, 2020

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Dear Upland City Planning Staff, Planning Commissioners, and City Councilors:

As a Professor of Environmental Analysis, Director of the Robert Redford Conservancy for Southern California Sustainability at Pitzer College, and Upland resident, I write to provide comments on the draft Mitigated Negative Declaration on the Bridge Point Upland Project (BPUP). Based on my comments below, I request that the Planning Commission and City Council **vote no** on the BPUP due to significant concerns with regard to: zoning requirements, air quality impacts, noise impacts, traffic impacts, GHG emissions, and inadequate mitigation measures to fully address the scope and long-term negative impacts of this project on the residents of Upland, and especially those living in closer proximity to the BPUP's transportation routes.

Upland as the Lead Agency is in its full rights to ask for an Environmental Impact Report (vs. MND). An EIR would provide a greater depth of analysis on the full scope of negative impacts of the Bridge Point Project for Upland residents. It behooves all our elected and appointed City officials to be as informed and prudent as possible prior to making such a consequential decision with regard to Upland's short and long-term well-being.

Respectfully,

Brinda Sarathy, Ph.D.

## SUMMARY OF COMMENTS

**MND Finding A:** “The proposed project would be compatible with the Upland General Plan and existing surrounding uses.”

The City’s General Plan land use designation for the Bridge Point Project site is Commercial/Industrial Mixed-Use (C/IN-MU). The City of Upland has claimed that the current zoning for the Project site is Commercial/Industrial Mixed-Use (C/I-MU).

The Project building has been described as: “one level and total approximately 201,096 square feet (sf), of which approximately 191,096 sf would be warehouse/parcel delivery uses and 10,000 sf would be office/retail uses.”

According to 17.05.010 the Purpose of Mixed-Use Zones are to:

1. Foster developments that provide a mix of related land uses close to one another, either within a single building, on the same parcel, or on adjacent parcels, in order to reduce reliance on the automobile, create pedestrian-oriented environments, and support social interaction by allowing residents to work or shop within walking distance to where they live;
2. Promote infill development, intensification, and reuse of currently underused sites consistent with the General Plan;
3. Establish design standards that improve the visual quality of development and create unified, distinctive, and attractive mixed-use corridors and centers;
4. Provide appropriate buffers and transition standards between commercial, industrial and residential uses to preserve non-residential and mixed-use feasibility and residential quality; and
5. Provide incentives for mixed-use (horizontal and vertical) development along main corridors and nodes to promote varied uses within a pedestrian-oriented environment.

Additional purposes of the Commercial/Industrial Mixed-Use (C/I-MU):

The C/I-MU Zone is intended to accommodate a variety of industrial, regional retail, and support commercial activities to satisfy a range of shopping needs for residents of the community. It is also intended to encourage development of businesses in the City and maximize the potential for job generation. This zone is situated at an important gateway into the City at the west end of Foothill Boulevard and along portions of Central and Benson avenues. *Development in this zone is expected to be of high quality design and address the street front with attractive building facades and pedestrian-friendly sidewalks, trees, and landscaping to facilitate the transformation of this area into an attractive and welcoming gateway into Upland.* Uses supported under this category include commercial and industrial, as well as limited residential in the form of live/work developments, subject to a conditional use permit process. The maximum permitted non-residential FAR is 1.0, exclusive of City and state density bonuses. The C/I-MU zone implements the Commercial/Industrial Mixed-Use (C/I-MU) land use designation in the General Plan.

## 17.05.020 Land Use Regulations for Mixed-Use Zones

Permitted Land Uses. Table 17.05-1 (Permitted Land Uses in the Mixed-Use Zones) identifies land uses permitted in the mixed-use zones. *Use classifications not listed in the table are prohibited.*

It should be noted that although the classification of “warehouse” exists in the Table, the definition provided for a “warehouse” under 17.51.010 Definitions is as follows:

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<b>Warehousing</b>	“Warehousing” means the provision of facilities used primarily for the storage of commercial goods, including documents. “Warehousing” does not include mini-storage.
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Source: <http://www.qcode.us/codes/upland/>

**Concern:** Mischaracterization and/or misrepresentation of the Bridge Point Upland Project as a “warehouse” permitted under the zoning category of Commercial/Industrial Mixed-Use in the Upland General Plan.

At its face, the City of Upland claims that the Bridge Point Upland Project is as a “warehouse” and is thus permissible under the Commercial/Industrial Mixed-Use (C/I-MU) zoning.

Yet, this is a significant misrepresentation of the actual operations of the BPUP which is not a mere warehouse for the “primary storage of commercial goods,” but rather a soon-to-be node in the (Amazon) **delivery station distribution network characterized by the *on-going and continuous sorting and distribution of goods on a 24/7 basis.*** A “delivery station distribution center” or “truck terminal” would be a more appropriate land use designation for this Project. However, the City of Upland has heretofore not explicitly identified, defined, or accounted for this type of land use in its General Plan. It is thus not a permitted land use under the existing General Plan.

MWPVL International, a leading global supply chain and logistics consulting services firm (which, incidentally, already cites Amazon as the interested tenant for this Project), helps us better understand the context and operations of the BPUP:

“In late 2013, Amazon launched a build-out of its delivery station distribution network consisting of smaller facilities that are typically in the 60,000 to 100,000 sq. ft. range. These buildings are typically positioned within larger metropolitan cities across the country and quite often they are positioned near airports. *The delivery station’s primary role is to sort packages for outbound routes to enable last mile delivery to customers within a tightly defined urban area. Often deliveries are performed by multiple local courier companies that are contracted by Amazon to service specific routes and also by independent Amazon Flex drivers.* These deliveries may consist of multi-temperature fresh food totes being delivered on a same day basis to markets where Amazon Fresh is up and running.”

Source:

[http://www.mwpvl.com/html/amazon\\_com.html](http://www.mwpvl.com/html/amazon_com.html)

As a delivery station (and/or type of trucking terminal) whose primary purpose is “sorting and delivering packages for outbound routes,” the characterization of the Bridge Point Upland Project as a storage “warehouse” is inadequate, misleading, and inaccurate.

Moreover, as a transportation-oriented facility, a delivery station and/or truck terminal facility directly conflicts with some of the stated purpose of Upland’s Mixed Use Zones such as to:

“Foster developments that... reduce reliance on the automobile, create pedestrian-oriented environments, and support social interaction by allowing residents to work or shop within walking distance to where they live.”

“Provide incentives for mixed-use (horizontal and vertical) development along main corridors and nodes to promote varied uses within a pedestrian-oriented environment.”

Finally, the City of Upland’s General Plan notes that development in the C/I-MU Zone *“is expected to be of high quality design and address the street front with attractive building facades and pedestrian-friendly sidewalks, trees, and landscaping to facilitate the transformation of this area into an attractive and welcoming gateway into Upland.”*

I contest the assertion that an (Amazon) e-commerce delivery station and/or truck terminal—dependent as it is on the continuous use of semi-trucks and thousands of delivery vans traversing Foothill Boulevard, Central Avenue, Benson Avenue, and Baseline Avenue—comports with “an attractive and welcoming gateway into Upland.” On the contrary, the Bridge Point Upland Project will make the gateway into Upland an experience of mounting frustration for drivers already dealing with increased levels of traffic and congestion, and pose a hazard for bicyclists and pedestrians, both of whom will be exposed to higher levels of air pollution and vehicular traffic.

If the Bridge Point Upland Project is to be considered, then it is incumbent on Upland City Staff and the Planning Commission to first define “delivery station” and/or “truck terminal” as a specific, designated land use in the City’s General Plan and only then consider what Zoning Areas such a land use would be appropriate. Right now, it appears as if the City of Upland is attempting to shoehorn the singularly unique Bridge Point Upland Project into an existing land use definition of “warehouse,” which grossly mischaracterizes the nature of this facility and its 24/7 sorting and delivery station operations.

**MND Finding B:** “Criteria pollutant emissions from the proposed Project would remain below their respective thresholds. Although impacts would be considered less than significant, the proposed Project would be subject to SCAQMD Rules 402, 403, and 1113, as identified in mitigation below, to further reduce specific construction-related emissions.”

**Concern:** Underestimates Localized Air Quality Impacts

The Mitigated Negative Declaration states that there are no significant air quality impacts from the BPUP. Project-generated vehicle emissions were estimated based on trip generation data within the Project traffic study. I have concerns about the methods of measurement used to assess air quality

impacts. Specifically, rather than total daily trips (2,583 passenger car equivalent trips), why were total Vehicle Miles Traveled also not considered?

The report further notes that off-site mobile emissions were not included in the analysis of Localized Significance Thresholds for air pollutants. Because the BPUP is a truck terminal/delivery station operation, air quality in the localized area (including CO) will be heavily impacted by vehicles (semi-trucks and delivery vans) entering and leaving the facility on a continuous basis, and driving along major routes to and from the site (primarily Foothill Boulevard, Benson Avenue, Baseline Avenue, and Central Avenue). Measurements and impacts of off-site air pollution, along the full length of these routes, should thus be accounted for on residences and other sensitive receptors. This will give a more comprehensive picture of the localized air quality impacts stemming from the Project and its operations within Upland.

**Concern:** Insufficient Mitigation Measure under AQ-3

The mitigating measure to promote alternative fuels and “clean” truck fleets by the mere provision of relevant information (i.e. Carl Moyer Program, other retrofit programs, etc.) is insufficient to address air pollution emissions or transition to zero emission vehicles. Because the BPUP is a heavily transportation-oriented operation, with over 1100 vans and 25 semi-trucks traveling to and from the site on a daily basis, a more meaningful mitigation measure to ensure zero emission vehicles is required. The City might, for example, require heavily trafficked delivery station facilities (should such a land use designation eventually be permitted by the General Plan) to run majority zero emissions fleets. Independent contractors will not necessarily have the financial means or incentives to purchase zero emissions vehicles so the mere provision of information is an ineffective mitigation measure to address and reduce localized impacts of air pollution and GHG emissions.

**MND Finding G:** “Although the proposed project would not result in potentially significant temporary noise impacts as a result of project construction, implementation of project design features listed below would minimize potential temporary impacts. Operational noise (resulting from trucks and loading/unloading activities) levels would be in compliance with City of Upland property line noise limits. Offsite noise caused by proposed project traffic would be less than significant.”

**Concern:** Significant investments have been made by private Upland residents buying or renting residential property along Central Avenue (i.e. Upland Central and Park Central developments), one of the major transportation routes of the BPUP. The noise studies in the IS/MND did not measure sound within these residences and it would be prudent to do so in order to assess impacts on public health. Vegetative buffers have been shown to be effective in absorbing both localized air pollutants and noise and should be considered as minimum mitigation measures along all major transportation routes of the Project.

**MND Finding H:** “Although Project implementation would not result in a significant impact related to traffic, the San Bernardino County Management Program (CMP) recommends circulation improvements at any intersection which operates at an unsatisfactory level of service. Accordingly, implementation of the mitigation measure identified below would minimize circulation impacts at the Benson Avenue/Baseline Road intersection during the (a.m. peak hour) under year 2020 and 2040 Conditions.”

**Concern:** The traffic study inadequately captures the negative impact of traffic and levels of congestion associated with the BPUP. Only a limited number of intersections were studied using the Level of Service (LOS) method. It is likely that semi-trucks and delivery vans going to and from the project site will take “paths of least resistance.” If, for example, traffic is backed up along Baseline Road from the east (partly due to the Sycamore Hills shopping and residential development), it is reasonable to assume that semi trucks and delivery vans will go up Monte Vista Avenue to access the 201 Freeway from the west. Similarly, if traffic is backed up on Central Avenue, it is reasonable to assume that delivery vehicles and semi trucks will enter and/or exit the 10 Freeway via Monte Vista Avenue. These routes and intersections have not been studied for traffic or congestion impacts.

In addition, using measures of Vehicle Miles Traveled (VMT) and trip length would more accurately capture the true negative impacts of the BPUP with regard to GHG emissions and traffic congestion. The California Land Use & Development Report provides some context for understanding the differences between using “LOS” vs. “VMT” measures:

“Following years of development and public comment, the Office of Planning and Research (OPR) and the Natural Resources Agency have issued new CEQA Guidelines for analyzing transportation impacts. These new regulations represent a significant shift in analyzing transportation impacts under CEQA. By July 1, 2020, all CEQA lead agencies must analyze a project’s transportation impacts using vehicle miles traveled (VMT). VMT measures the per capita number of car trips generated by a project and distances cars will travel to and from a project, rather than congestion levels at intersections (level of service or “LOS,” graded on a scale of A – F). California’s largest cities have already adopted VMT standards and abandoned LOS, but many other jurisdictions will continue to require LOS analysis — not for CEQA purposes, but because their general plans or other policies require LOS analysis.”

“Under the existing framework of congestion-based analysis using LOS, infill and transit-oriented development is often discouraged because such projects are in areas of existing traffic congestion. *As policymakers and legislators have recognized, congestion-based analysis does not necessarily improve the time spent commuting and is often at odds with state goals of reducing vehicle usage and promoting public transit. Indeed, a frequent solution to reducing level of service at intersections is to increase roadway capacity, which studies have found can actually lead to an increase in system-wide congestion and an increase in travel time. It is also now better understood that LOS does not accurately reflect vehicle travel as it only focuses on individual local intersections and roadway segments and not on the entire vehicle trip.*

VMT is not a new tool for assessing environmental impacts under CEQA. It is used to assess a project’s impact on greenhouse gas emissions, air quality, and energy. Using VMT for analyzing transportation impacts will emphasize reducing the number of trips and distances vehicles are used to travel to, from, or within a development project.”

Sources: <https://www.californialandusedevelopmentlaw.com/2019/01/07/new-regulations-for-assessing-transportation-impacts-under-ceqa-finalized/>

[http://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf)

Per the Draft EIR conducted in 2019 for the Slover/Cactus Warehouse Project—similar in size and scope of operations to the BPUP, and located in the County of San Bernardino:

“In the last five years, the SCAQMD has provided numerous comments on the trip length for warehouse/distribution and industrial land use projects. The SCAQMD asserts that the model-default trip length in CalEEMod™ and the URBan EMISSIONS (URBEMIS) 2007 model (version 9.2.4) would underestimate emissions. It should be noted that for warehouse, distribution center, and industrial land use projects, most of the heavy-duty trucks would be hauling consumer goods, often from the POLA and POLB and/or to destinations outside of California. The SCAQMD states that for this reason, the CalEEMod™ and the URBEMIS model default trip length (approximately 12.6 miles) would not be representative of activities at like facilities. The SCAQMD generally recommends the use of a 40-mile one-way trip length.”

Source: South Coast Air Quality Management District. Review of the Draft Environmental Impact Report (Draft EIR) for the Oakmont Olive Grove Project. [Online] June 2, 2010.

<http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2010/june/oakmont-olive-grove-june-2010.pdf>

Source: <https://ceqanet.opr.ca.gov/2019039033/2/Attachment/WGc1Aa>

Given the heavily transportation-oriented operations of the BPUP as a delivery station, the full scope of Vehicle Miles Traveled have not been accounted for by the IS/MND. It is also unclear whether widening intersections via the LOS analysis is an adequate way to mitigate traffic congestion in the long run (see above). The Traffic Study (using LOS measures) does not fully capture the full negative impacts of this Project on traffic congestion. Nor are the GHG emissions fully captured (see Concern below).

The City of Upland as the Lead Agency has discretionary authority to require additional methods for fully assessing the negative impacts associated with traffic, air quality and GHG emissions.

**MND Finding I:** “The proposed project would not result in direct or indirect significant impacts to aesthetics, agriculture and forestry resources, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation/traffic, utilities and service systems, and wildfires.”

**Concern:** In addition to the comments already noted, the BPUP underestimates Greenhouse Gas Emissions because it uses an improper Tier III Numerical Screening Threshold

Air pollutant emissions sources are typically grouped into two categories: stationary and mobile sources. Stationary sources are large, fixed sources of air pollution and include, but are not limited to, power plants, refineries, and factories characterized by their manufacturing, production, fabrication, or other industrial processing activities. Mobile sources include “off-road” sources such as construction equipment and “on-road” sources such as passenger cars, trucks, and buses. The South Coast AQMD’s interim GHG significance threshold of 10,000 MT/year CO<sub>2</sub>eq applies to industrial projects, consisting

of primarily stationary sources during operation. The primary source of air pollution for warehouse projects during operation is trucks, which are mobile sources.

However, for commercial and mixed-use projects, the GHG CEQA Significance Threshold Stakeholder Working Group #15 “presented two options that lead agencies could choose: option #1 – separate numerical thresholds for residential projects (3,500 MTCO<sub>2</sub>e/year), commercial projects (1,400 MTCO<sub>2</sub>e/year), and mixed use projects (3,000 MTCO<sub>2</sub>e/year) and; option #2 – a single numerical threshold for all nonindustrial projects of 3,000 MTCO<sub>2</sub>e/year. If a lead agency chooses one option, it must consistently use that same option for all projects where it is lead agency. The current staff proposal is to recommend the use of option #2, but allow lead agencies to choose option #1 if they prefer that approach.”

Source: [September 28, 2010 minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #15](#))

For the MND, the City of Upland as the Lead Agency has discretionary authority to choose which Tier III Numerical Screening Threshold to apply to assess GHG emissions for the BPUP project.

Appendix A-2 (Greenhouse Gas Emissions Assessment) of the MND states:

“As the Project involves the construction of a new warehouse, the 10,000 MTCO<sub>2</sub>e per year industrial screening threshold has been selected as the significance threshold, as it is most applicable to the proposed Project.”

Appendix A-2 goes on to note:

“The Project’s construction-related GHG emissions would be generated from off-road construction equipment, on-road hauling and vendor (material delivery) trucks, and worker vehicles. The Project’s operations-related GHG emissions would be generated by vehicular traffic, area sources (e.g., landscaping maintenance, consumer products), electrical generation, natural gas consumption, water supply and wastewater treatment, and solid waste.”

Finally, it is notable that the Slover/Cactus Warehouse Project Draft EIR in the County of San Bernardino—a warehouse project of similar size and operation as the BPUP—uses the Tier 3 Threshold of 3,000 MTCO<sub>2</sub> equivalent/year to assess its GHG emissions. Per that Draft EIR:

“The County of San Bernardino adopted the GHG Plan in September 2011, which provides guidance on how to analyze greenhouse gas (GHG) emissions and determine significance during the CEQA review of proposed development projects within the County of San Bernardino (County) (50). The County includes a GHG Development Review Process (DRP) that specifies a two-step approach in quantifying GHG emissions (51). First, a screening threshold of 3,000 MT CO<sub>2</sub>e per year is used to determine if additional analysis is required. Projects that exceed the 3,000 MTCO<sub>2</sub>e per year will be required to either achieve a minimum 100 points per the Screening Tables or a 31% reduction over 2007 emissions levels. Consistent with CEQA guidelines, such projects would be determined to have a less than significant individual and cumulative impact for GHG emissions.”

Source: <https://ceqanet.opr.ca.gov/2019039033/2/Attachment/WGc1Aa>



In sum, I am concerned that no substantive justification has been provided as to why the industrial screening threshold was considered the most applicable standard to use for the “construction of a new warehouse,” especially given alternative thresholds for similar project used in other environmental reports (see above). The BPUP it is not a heavy industrial stationary facility such as a power plant or factory. Yet, the City of Upland has applied the industrial numerical threshold of 10,000 MTCO<sub>2</sub>e/year to assess the Project’s GHG emissions. This resulted in a finding of “no significance” for GHG emissions for the BPUP project. Based on the description of GHG emission sources cited in Appendix A-2, the BPUP more appropriately falls under the *mixed-use/commercial* threshold of 3,000 MTCO<sub>2</sub>e/year for GHG emissions. If the mixed-use/commercial threshold of 3,000 MTCO<sub>2</sub>e/year were used, the BPUP’s net increase for GHG emissions (5,222 MTCO<sub>2</sub>e/year) exceed the threshold (see table below) and would require further study and mitigation.

The City of Upland as the Lead Agency should choose a threshold most reflective of the actual project (rather than applying a higher industrial threshold to find “no significance” and/or dismiss the need for further study and added mitigation measures).

The fact that the City of Upland as Lead Agency did not use the more stringent numerical threshold to assess GHG emissions is cause for concern. It indicates that the full impacts of this project related to GHG emissions have not been accurately reported. For this reason, a full EIR is warranted, using the more stringent (and more project relevant) screening threshold of 3,000 MTCO<sub>2</sub> e/year.

<b>Emissions Source</b>	<b>MTCO<sub>2</sub>e per Year</b>
Construction Amortized Over 30 Years	34
Area Source	0.03
Energy	418
Mobile	5,114
Off-road	211
Waste	66
Water and Wastewater	278
<i>Total</i>	<i>6,121</i>
Existing Emissions	899
<b>Net Increase</b>	<b>5,222</b>
SCAQMD Industrial Project Threshold	10,000
<b>Exceeds SCAQMD Threshold?</b>	<b>No</b>

Source: CalEEMod version 2016.3.2. Refer to Appendix A for model outputs.

**Concern:** Insufficient landscaping and negative impacts related to the removal of chaparral and other native plants on site.

According to the IS/MND: “The Project building would include 1,000 new trees and in excess of 10 acres (464,380 sf) of landscaping, which would account for more than 21% landscape coverage, more than four times the City’s minimum requirement of 5%. The warehouse/parcel delivery service building would be setback more than 200 feet on the southern building frontage and would exceed minimum setback requirements of 5 feet for front and side setbacks and rear setbacks of 10 feet. Trees and other vegetation would serve to screen the van loading areas on the southern side of the building from Foothill Boulevard.”

The fact that the BPUP has more than four times the City’s minimum requirement of 5% does not fully account for the unique and transportation heavy nature of the as yet undesignated land use of a station delivery facility. What types of trees are being proposed and what is their carbon dioxide sequestration potential? What are the particular properties of these tree species with regard to absorbing air pollutants? Why are off-site vegetative buffers not also considered as part of mitigation measures for both GHG emissions and localized air pollutants?

What is the current GHG sequestration capacity of existing chaparral and other native flora on this site? Recent studies have shown that “old-growth chaparral shrub ecosystem can be a significant sink of carbon under normal weather conditions and, therefore, be an important component of the global carbon budget.”

Sources: [http://www.californiachaparral.com/images/Luo\\_et\\_al\\_Chaparral\\_as\\_carbon\\_sink\\_2007.pdf](http://www.californiachaparral.com/images/Luo_et_al_Chaparral_as_carbon_sink_2007.pdf)

<https://ww3.arb.ca.gov/cc/natandworkinglands/draft-nwl-ip-1.7.19.pdf>

<https://selectree.calpoly.edu/search-trees-by-characteristics>

How does the removal/loss of existing plant cover and chaparral ecosystems compare with the planting of 1,000 new trees, both in terms of carbon sequestration and in terms of habitat and food sources for wildlife? Such questions are not adequately addressed in the IS/MND.