

Responses to ECORP Third-party Review Comments on the Draft Mitigated Negative Declaration for the Bridge Point Upland Project

This document includes a reproduction of, and responses to, comments received by ECORP Consulting, Inc. provided in a letter memorandum dated January 31, 2020.

Where the same comment has been made more than once, a response may direct the reader to an earlier numbered comment and response so as to avoid repetition. Where a response requires revisions to the Draft IS/MND, the revisions are explained here and shown in Final IS/MND.

The list of supplemental attachments referenced in this Responses to Comments document are below:

List of Attachments

- Attachment E-1: Building Elevations
- Attachment E-2: Refined Airport Compatibility Zone Figure
- Attachment E-3A: Aerial and Map Views of Very High Fire Hazard Severity Zone
- Attachment E-3B: 2007 Aerial Image of Project Vicinity
- Attachment E-4: Supplemental Analysis Memorandum

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Comments from ECORP Third-party Review Comments on the Draft Mitigated Negative Declaration for the Bridge Point Upland Project , dated January 31, 2020		
E-1	<p>As a general observation, the IS/MND appears to have been prepared as an unbiased, objective statement of the impacts that would be anticipated from a warehouse type project of approximately the same size in a similar urban setting. For the most part, the analysis and impact conclusions appear to be supported by substantial evidence and sources referenced in the document. These sources include the General Plan, areawide plans, and project-specific technical documentation. The IS/MND includes the required contents under CEQA.</p>	Comment noted.
E-2	<p>II. Description of Proposed Project. The description of the Building Design should be supported by elevations of the warehouse building on all four sides, providing a representation of building architecture, massing and height. The Landscaping summary would benefit from additional detail as to tree types, particularly as to screening of the van loading areas. The Construction timeline of 7 months within 2020 appears to be particularly aggressive. Though not a part of the Project, is removal of existing sand, gravel and rock stockpiles factored in, along with remaining site demolition, site preparation, grading, construction, paving and painting included in this timeline? The project description should also describe infrastructure, including the onsite LID retention/water quality treatment system and offsite mainline storm drain extension. If proposed, any fuel storage and/or fleet vehicle maintenance facilities for vans should be identified. An estimate of the number onsite employees at the warehouse/parcel delivery site on a daily basis would be useful to support utility demand, risk of hazard, and traffic/parking analysis in other sections of the IS/MND. Project Design Features (PDF) should be identified under the Project Description or listed with the Mitigation Measures under a separate Project Design Features heading.</p>	<p>Comment noted. Elevations were provided with the publicly available Project applications submitted to the City, and have also been added to the Final IS/MND as Attachment E-1 of this Response to ECORP Comments. Tree types can be found on the landscape plan identifying all of the native plants and 1,000 trees to be planted on site that was provided with the Project applications and has been added to the Final IS/MND as Attachment 7 of the Responses to Public Comments. The construction schedule is accurate and does account for site preparation, grading, construction, paving and painting. As noted in the Draft IS/MND, removal of existing sand, gravel and rock stockpiles is not a part of the Project and will be conducted by the current operator prior to construction. There are no site demolition activities needed for construction of the Project. As such, the construction schedule assumes that construction would start once the current operator has removed all of the existing stockpiles from the site. While the construction schedule is aggressive, a slower construction schedule would reduce construction related air quality impacts because peak daily emissions from construction would be reduced, thus the aggressive schedule that was evaluated is a conservative estimate of peak construction related air quality impacts.</p> <p>Threshold VI.10 (a) includes a description of proposed post-construction BMPs consisting of the underground retention system for treatment via infiltration and for areas of the Project site that have technical constraints, a proprietary flow-based biofiltration unit will be constructed.</p>

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		<p>Fuel storage and vehicle maintenance are not currently proposed as a part of the Project. However, any future operator on the Project site would also be required to comply with the uses approved for the site and would be required to obtain any additional permits, including any permits from the San Bernardino County Fire Department (CUPA) for fuel storage and or/hazardous materials management if any potential fuel storage or vehicle maintenance areas were proposed in the future.</p> <p>While the tenant has not been determined at this time, it is anticipated that the facility will generate approximately 300 on-site employees; however, impacts such as utility demand, traffic and hazard risks are based on use and square footage. Per the City's General Plan, there are adequate water supplies, wastewater capacity and solid waste capacity to adequately serve the City's planned growth. The proposed Project is zoned as Commercial/Industrial Mixed-Use (C/I-MU) and would be consistent with the zoning designated for the parcels and included in the General Plan's analysis.</p> <p>As discussed in threshold VI. 9 (e) of the Draft IS/MND the Project site is located in the C1, C2 and C3 airport compatibility zones in the Airport Land Use Compatibility Plan (ALUCP). Consistent with Table 3A of the ALUCP, the warehouse/parcel delivery service building is not located within the C1 zone. The warehouse/parcel delivery service building would be located within the C2 and C3 zones. Warehouse uses are considered normally compatible in the C2 and C3 zones. The portion of the site in the C1 zone must meet intensity criteria for non-residential uses identified in the ALUCP. As the portion of the site within the C1 zone would not include a structure or outdoor uses noted in Table 3A of the ALUCP, no persons are expected to occupy the portion of the site within the C1 zone. Accordingly, the portion of the site within the C1 zone would comply with the maximum sitewide average intensity, which allows for 120 people per acre within the C1 zone, and the maximum single-acre intensity, which allows for 300 people per acre within the C1 zone. On average the project will have 6 people per acre (300 people/50 acre site) which is well below any of the ALUCP intensity criteria and therefore, would not create a safety hazard for people working in the Project area.</p>

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		Project Design Features are included in both the IS/MND under the Project Design Features heading, and are included in the Mitigation Monitoring and Reporting Program (MMRP) as PDFs.
E-3	IV. Environmental Factors Potentially Affected. It appears the Transportation box should be checked with inclusion of Mitigation Measure TRAF-1 Benson Avenue/Baseline Road.	Comment noted. This typographical error does not affect the conclusions of the IS/MND. As discussed in threshold VI. 17 (a) of the Draft IS/MND, the intersection of Benson Avenue/Baseline Road is operating at unacceptable conditions (LOS E) without the Project under the 2040 cumulative scenario. The mitigation measure TRAF-1 restores the intersection to better operations (LOS D) that in the without project scenario and is not required to mitigate the Project's contribution to the cumulative impact.
E-4	Aesthetics. Substantial evidence is provided to support the conclusions that impacts are less than significant or no impact. The discussion supporting the finding that the Project does not result in a substantial impact on views of the San Gabriel Mountains is adequately supported.	Comment noted.
E-5	Agricultural and Forestry Resources. The No Impact conclusions are adequately supported with standard references and facts.	Comment noted.
E-6	Air Quality and Greenhouse Gas Emissions. Adequacy of the air quality and greenhouse gas (GHG) analysis in the IS/MND and supporting Air Quality Assessment and Greenhouse Gas Emissions Assessment is addressed in Attachment A. With the City's Responses to Comments, additional project design features for Air Quality (PDF-AQ-1, PDF-AQ-2) and Greenhouse Gas Emissions (PDF- GHG-2, PDF-GHG-3) are added, providing additional support for Draft IS/MND findings. The review finds that the Air Quality and Greenhouse Gas analyses are adequate and fully defensible under CEQA.	Comment noted.
E-7	Biological Resources. A review of the biological resources section of the project IS/MND, the Habitat Assessment, and results of a supplemental biological survey is included as Attachment B. The review concludes that with the additional Mitigation Measures BIO-2 and BIO-3 potential impacts of the project on biological resources would be reduced below the level of	Comment noted.

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	significance under CEQA.	
E-8	Cultural Resources. We find no indication of a project-specific cultural records search or reference to a Cultural Resources Report in this section or the Appendices. Given the anticipated maximum depth of excavation (i.e. up to 25 feet bgs), it is reasonable to assume the possibility of undiscovered subsurface resources. Nevertheless, adequate mitigation measures for potential impacts to undiscovered resources and human remains are identified in the IS/MND.	Comment noted.
E-9	Energy. The conclusions that energy resources impacts are less than significant are strengthened with the addition of design features or mitigation measures requiring EV charging stations, EV van fleets, and solar PV roof for the warehouse buildings. The analysis in the Greenhouse Gas Emissions section provides additional support for the energy impact conclusions.	Comment noted.
E-10	Geology and Soils. Reliance upon conformance with the Geotechnical Investigation Report as mitigation for identified soil conditions is appropriate. If available, evidence should be provided of depth to groundwater if encountered with boring at the site.	As noted in the 2019 Geotechnical Investigation prepared for the Project (Appendix C-1 in the Draft IS/MND), groundwater was not encountered during the borings and excavations conducted for the Project site. Therefore, groundwater is assumed to be present at depth in excess of 10 feet.
E-11	Hazards and Hazardous Materials. The response to issue a) regarding routine transport, use, or disposal of hazardous materials, would be strengthened with an explanation as to why hazardous materials associated with operation of warehouse/parcel delivery service facility are differentiated from a traditional warehouse facility, which may involve transport and storage of hazardous materials other than the common hazardous materials listed (i.e. cleaners, paints, solvents, fertilizers and pesticides). This would provide additional support for impact conclusion for issue areas b) and c) that follow. With regard to issue e), to respond to public comments concerning Project location within Airport Compatibility Zones C1, C2, C3, a Figure 4 enlargement of these zones, the project	The proposed project will be a Last Mile warehouse providing direct delivery of commercial goods to the residents in the City of Upland and the surrounding area. Therefore, operations would not include the transport of hazardous materials other than the small amounts of household cleaners, solvents, and other household goods that may be purchased and delivered legally by consumers. As discussed in threshold VI. 9 (a) of the Draft IS/MND, the proposed Project would adhere to federal, State, and local health and safety requirements regarding the handling, transport and disposal of hazardous substances. A figure showing the building footprint in relation to the Airport Compatibility Zones has been added to the Final IS/MND as Attachment E-2 of this document.

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	<p>boundary and warehouse building footprint, is needed. An affirmative statement indicating use of drones for parcel delivery is not proposed, or if subsequently proposed would require further environmental review, possibly pursuant to a CUP. The response to issue f) regarding emergency evacuation during construction, could also reference PDF NOI-1. Construction Management Plan, for additional support. The discussion under issue g) concerning risk involving wildland fires fails to indicate why the Project site is included in a Very High Fire Hazard Severity Zone (VHFHSZ) on the LRA Map and General Plan Exhibit 5.14.-1.</p>	<p>The proposed Project does not include drone activity, which would be incompatible with the adjacent airport use. Any future operations inconsistent with the Project analyzed in this IS/MND would be subject to separate environmental analysis and any future use on the Project site would be required to comply with the uses approved for the site.</p> <p>The Project area is in a predominately developed area consisting of industrial and commercial uses. The site itself is not developed with any structures. As explained in a CalFire Fact Sheet released when the Local Responsibility Area map was updated in 2007 and available online here: https://www.sccgov.org/sites/dpd/DocsForms/Documents/Fire_Hazard_Zone_Fact_Sheet.pdf “[t]he Fire Hazard Severity Zones identify fire hazard, not fire risk. ‘Hazard’ is based on the physical conditions that give a likelihood that an area will burn over a 30 to 50-year period without considering modifications such as fuel reduction efforts.” One of the fire hazard elements is vegetation and “[f]ire hazard considers the potential vegetation over a 30- to 50- year time horizon. Vegetation is ‘fuel’ to a wildfire and it changes over time.” As seen in the Attachment E-3A and E-3B, the Very High Fire Hazard Severity Zone in Upland coincides directly with parcels that are not developed and have some level of wild vegetation that could be fuel to a fire. Moreover, as seen in the attached airphoto from 2007 when the LRA map was created, the Project site was covered with significant wild vegetation. The Project would redevelop the site and any potential wild vegetation that remains after Upland Rock clears the majority of the site, and could be fuel to a fire, would be removed from the site. Vegetation remaining onsite after construction of the Project would be maintained landscaping. This reduction in wild vegetation would reduce the fire hazard and will therefore result in a less than significant impact.</p> <p>As noted in ECORP’s memo, the Draft IS/MND with Responses to Comments provides substantial evidence to support adoption of the MND and does not appear to represent substantial revisions that would require recirculation of a negative declaration. Further, the ECORP memo concludes that there are no significant effects on the environment which cannot be avoided and all impacts are thoroughly evaluated, thus the</p>

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		IS/MND appears to be an appropriate environment document for the proposed Project.
E-12	<p>Hydrology and Water Quality. The Less than Significant and No Impact conclusions [a) through e)] are generally well supported by discussion of existing conditions, drainage plans and Project features. Under issue c)(i), the explanation of why the Project would not result in substantial erosion or siltation on- or off-site is not explicitly provided. Under the Cumulative Impacts discussion, are there projects downstream of the Proposed Project that are approved and pending implementation that would contribute additional storm flows to storm drains downstream of the Project site? If so, have these cumulative projects been taken into account in the storm drain capacity analysis?</p>	<p>The Project would not result in substantial erosion or siltation on or off-site because the Project would be required to comply with a Stormwater Pollution Prevention Plan (SWPPP) consistent with the General Permit for Stormwater Discharge Associated with Construction Activity (Construction Activity General Permit). The SWPPP would incorporate BMPs such as gravel bags, silt fence, and fiber rolls. Preparation and implementation of a SWPPP would reduce erosion and siltation on or off-site. As discussed in threshold VI.10 (c), the Project proposes to use underground infiltration retention systems and biofiltration units to treat stormwater runoff prior to discharge into the existing storm drain system. The proposed Project would comply with County Flood Control requirements of a maximum site discharge of 90% predeveloped flow. The total proposed 100-year peak flow from the Project site is approximately 178.0 cfs. The existing public storm drain in Foothill Boulevard is designed for a 100 year storm event and indicates a peak flow rate of 288.4 cfs. This leaves approximately 100 cfs for the smaller remaining developments at Foothill Boulevard. Therefore, downstream facilities will not be negatively impacted by the development of the Project site.</p>
E-13	<p>Land Use and Planning. The impact conclusions of Less than Significant and No Impact for issues a), b), and c) are supported by the analyses.</p>	Comment noted.
E-14	<p>Mining. The impact conclusions of Less than Significant for issues a) and b) are adequately supported by the analyses.</p>	Comment noted.
E-15	<p>Noise. Adequacy of the noise analysis and supporting Noise & Vibration Study is addressed in Attachment C. The review finds the acoustical analysis is adequate and fully defensible under CEQA.</p>	Comment noted.
E-16	<p>Population and Housing. The analysis under issue a) regarding unplanned population growth makes references to “the relatively small number of jobs created by the proposed Project compared to those on a regional basis”. An estimate of the number of jobs created by the Project should be</p>	<p>The proposed Project would result in approximately 300 onsite employees, and, as the MND discussed, the area has an unemployment rate such that there are available workers for the jobs that will be generated and would not result in unplanned population growth since it will not induce</p>

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	provided.	population growth to fill the jobs.
E-17	Public Services. The impact conclusions of Less than Significant and No Impact for issues a) (i through v) are adequately supported by the analyses.	Comment noted.
E-18	Recreation. The impact conclusions of No Impact for issues a) and b) are supported by the analyses. The statement that a warehouse project is not subject to a Development Impact Fee (DIF) should be confirmed.	Section 3.44.020 of the City’s Municipal Code states that the City Council shall determine by resolution, the specific amount of applicable park acquisition and development fees. Threshold VI.16 (a) of the Draft IS/MND refers to the Development Impact Fees posted on the City of Upland’s Development Services website that notes that Park Quimby fees are not applicable to commercial, office, or industrial land uses.
E-19	Transportation. A map of the locations of the projects in the vicinity of the Proposed Project is needed that corresponds with Table 27, Cumulative Projects. The Traffic Impact Analysis Peer Review by Fehr & Peers is attached (Attachment D).	Figure 9 in the Traffic Impact Analysis (Appendix H-1 of the IS/MND) provides a map that corresponds with Table 27, Cumulative Projects.
E-20	Tribal Cultural Resources. Compliance with AB 52 is demonstrated through the discussion of issue a) i and ii, and Mitigation Measures CR-1 through CR-7.	Comment noted.
E-21	Utilities and Service Systems. The impact conclusions of Less than Significant for issues a) through f) are adequately supported by the analyses.	Comment noted.
E-22	Wildfire. The impact conclusions of Less than Significant and No Impact for issues a) through d) are adequately supported by the analyses. Why is the Project site included in a Very High Fire Hazard Severity Zone (VHFHSZ) on the LRA Map and General Plan Exhibit 5.14.-1?	See response E-11 above. The Project area is in a predominately developed area consisting of industrial and commercial uses. The site itself is not developed with any structures. As explained in a CalFire Fact Sheet released when the Local Responsibility Area map was updated in 2007 and available online here: https://www.sccgov.org/sites/dpd/DocsForms/Documents/Fire_Hazard_Zone_Fact_Sheet.pdf “[t]he Fire Hazard Severity Zones identify fire hazard, not fire risk. ‘Hazard’ is based on the physical conditions that give a likelihood that an area will burn over a 30 to 50-year period without considering modifications such as fuel reduction efforts.” One of the fire hazard elements is vegetation and “[f]ire hazard considers the potential

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		<p>vegetation over a 30- to 50- year time horizon. Vegetation is ‘fuel’ to a wildfire and it changes over time. As seen in the Attachment E-3A and E-3B, the Very High Fire Hazard Severity Zone in Upland coincides directly with parcels that are not developed and have some level of wild vegetation that could be fuel to a fire. Moreover, as seen in the attached airphoto from 2007 when the LRA map was created, the Project site was covered with significant wild vegetation. The Project would redevelop the site and any potential wild vegetation that remains after Upland Rock clears the majority of the site, and could be fuel to a fire, would be removed from the site. Vegetation remaining onsite after construction of the Project would be maintained landscaping. This reduction in wild vegetation would reduce the fire hazard and will therefore result in a less than significant impact.</p>
E-23	<p>Mandatory Findings of Significance. As Mitigation Measure BIO-1 is proposed, Mandatory Finding a) is arguably Less than Significant with Mitigation. The Habitat Assessment and adequacy of proposed mitigation are reviewed as part of Attachment B. Cumulative Impacts (Finding b) are identified as Less than Significant here and in the individual IS/MND topical sections. Adequacy of the key Transportation, Air Quality, Greenhouse Gas, and Noise findings are considered in the corresponding Attachments to this review.</p>	Comment noted.
E-24	<p>Notice of Availability/Notice of Intent (12/16/19)</p> <p>The NOA/NOI includes the required contents pursuant to CEQA Guidelines 15072 (g).</p>	Comment noted.
E-25	<p>Response to Comments</p> <p>ECORP has reviewed the City’s Responses to Comments (Draft). The responses are substantive, thorough and responsive to each of the comments provided by agencies and the public. The responses provide additional detail as to the operational characteristics of a Last Mile Delivery Station/Warehouse that facilitates the public’s understanding of this type of facility and the factors that distinguish them from other</p>	Comment noted.

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	<p>Warehouse centers. The additional mitigation measures for Biological Resources (BIO-2, BIO-3), and project design features for Air Quality (PDF-AQ-1, PDF-AQ-2) and Greenhouse Gas Emissions (PDF-GHG-2, PDF-GHG-3) provide additional support for Draft IS/MND findings.</p>	
E-26	<p>In ECORP’s estimation, the Draft IS/MND with Responses to Comments provide substantial evidence to support adoption of the MND. The additions to the Draft IS/MND do not appear to represent substantial revisions that would require recirculation of a negative declaration prior to adoption or preparation of an EIR pursuant to CEQA 15073.5. Section 15073.5 (d) states in part:</p> <p>“(d) If during the negative declaration process there is substantial evidence in light of the whole record, before the lead agency that the project, as revised, may have a significant effect on the environment which cannot be avoided, the lead agency shall prepare a draft EIR and certify a final EIR prior to approving the project.”</p> <p>The IS/MND and Responses to Comments indicate support of the conclusion that there are no significant effects on the environment which cannot be avoided. All impacts are thoroughly evaluated, and the IS/MND appears to be an appropriate environment document for the proposed Project. Please see Attachments A through D for additional CEQA adequacy and technical study review.</p>	Comment noted.
E-27	<p>Attachment A: Peer Review of Bridge Point Upland Project Air Quality Assessment and Greenhouse Gas Emissions Assessment (December 2019)</p> <p>a) Both the Air Quality Assessment and Greenhouse Gas Emissions Assessment meet regulatory requirements and “state of the practice” methods. A review of the CalEEMod modeling outputs do not show a change in operational trip length from 20 miles to 6.9 miles. All operational trip lengths rely on CalEEMod model defaults. It should be noted that the SCAQMD recommends adjusting CalEEMod model defaults associated with heavy-duty truck trip lengths accommodating cube warehouse projects to the average distance between the Project site and the Port of</p>	Comment noted.

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	<p>Los Angeles/Long Beach, the Project site and the Banning Pass, the Project Site and the San Diego County line, the Project site and the Cajon Pass, and the Project site and downtown Los Angeles. However, the nature of the Project as a “Last Mile” facility is ample justification for not instituting this recommendation in the case of the proposed Project.</p> <p>Instead of adjustments to default operational trip lengths in CalEEMod, the construction-related trip lengths associated with hauling excess soil material from the site has been adjusted from a default value of 20 miles to 10 miles. This deviation of the model default is justified with the following statement: “Export site is less than 1 mile from Project site”. Thus, modeling emissions based on haul trucks traveling 10 miles is conservative. (It is noted that “6.9 miles” represents the</p>	
E-28	<p>b) It is considered appropriate to employ the threshold of 10,000 metric tons of CO₂e annually in the case of the Project. As Ramboll notes in its January 27, 2020 Peer Review of the analysis, although this threshold was not specifically intended for such projects (it was initially intended for stationary source projects), it has evolved into an acceptable threshold through the “state of the practice” and has been consistently relied upon for several years. The use of this threshold will not draw critical comments from SCAQMD.</p> <p>Nonetheless, the updated Supplemental Greenhouse Gas Emissions analysis prepared by Kimley- Horn mandates several mitigation measures that reduce the Project’s increase of greenhouse gas emissions from existing conditions to levels below 3,000 metric tons.</p>	Comment noted.
E-29	<p>Attachment B: Peer Review of Bridge Point Upland Project Habitat Assessment (November 2019) and Supplemental Biological Survey (January 2020)</p> <p>ECORP agrees with most of the concerns raised in the comment letter from CDFW. Although the ELMT report generally accurately describes the relatively degraded/disturbed nature of the project site, it appears to mischaracterize the potential of the site to support burrowing owls, a California Species of Special Concern. In addition, the vegetation</p>	Comment noted.

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	<p>community description uses an outdated reference- Holland 1986 which is now generally relied on only to classify the very few plant communities not adequately described by more recent references.</p> <p>Although a delineation of waters potentially falling under the jurisdiction of the U.S. Army Corps of Engineers or CDFW (Aquatic Resources Delineation) was not conducted, review of aerial imagery and the results document in ELMT 2019 and Rocks 2020 show no evidence of jurisdictional waters.</p> <p>Following the receipt of comment letters and the updated survey (Rocks 2020), the City revised the IS/MND, adding mitigation measures to offset the impacts to and loss of scale broom scrub. In addition, mitigation measures were added to minimize or eliminate impacts to burrowing owls and other nesting birds protected under the Migratory Bird Treaty Act and consultation with CDFW, if burrowing owls are found, to develop any needed additional mitigation measures.</p> <p>We believe that the mitigation measures proposed will reduce potential impacts of the project on biological resources below the level of significance under CEQA. Furthermore, based on the documentation provided, we believe that the project is unlikely to result in the violation of any relevant laws related to biological resources (e.g., Endangered Species Act, California Endangered Species Act, Clean Water Act, Migratory Bird Treaty Act).</p>	
E-30	<p>Attachment C: Peer Review of Bridge Point Upland Project Acoustical Assessment (December 2019)</p> <p>ECORP finds that the acoustical analysis is adequate and fully defensible under CEQA. All impacts are evaluated sufficiently, and a mitigated negative declaration is an appropriate environment document to represent Project impacts.</p>	Comment noted.
E-31	<p>Attachment D: Upland Bridge Point Traffic Study Peer Review Mitigated Negative Declaration Review</p>	Comment noted, see Attachment E-4, Supplemental Analysis Memorandum.

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	<p data-bbox="369 261 541 289"><u>Address SB 743</u></p> <p data-bbox="369 310 1171 824">California Senate Bill (SB) 743 requires lead agencies under the California Environmental Quality Act (CEQA) to identify new methodologies for transportation analyses that will encourage “land use and transportation planning decisions and investments that reduce vehicle miles traveled [VMT] and contribute to the reductions in greenhouse gas emissions required in the California Global Warming Solutions Act of 2006.”¹ SB 743 changes the way that significance related to traffic impacts will be determined under CEQA. The significance of traffic impacts under CEQA are changed from measuring impacts to drivers, to measuring the impact of driving. The change is being made by replacing Level of Service (LOS) with Vehicle Miles Traveled (VMT) for land use and transportation projects that will help reduce future VMT growth. This shift in transportation impact focus is expected to better align transportation impact analysis and mitigation outcomes with the State’s goals to reduce greenhouse gas (GHG) emissions, encourage infill development, and improve public health through more active transportation.</p> <p data-bbox="369 846 1171 1230">In January 2019, the Natural Resources Agency finalized updates to the CEQA Guidelines including the incorporation of SB 743 modifications. The Guidelines changes were approved by the Office of Administrative Law and are now in effect. Specific to SB 743, Section 15064.3(c) states, “A lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide.” Section 21099 subdivision (b)(2) of the Public Resources Code notes that, “Upon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment....”</p> <p data-bbox="369 1252 1171 1307">In December of 2019, the 3rd District Court of Appeals in <i>Citizens for Positive Growth & Preservation v. City of Sacramento</i> found that vehicle</p>	

¹ California Legislative Information. 2013. Senate Bill No. 743 CHAPTER 386. Available: http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB743 Accessed: June 7, 2019.

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	<p>delay (e.g. level of service) cannot be used to define a CEQA impact. The key excerpt from the discussion is shown below:</p> <p><i>Although CEQA Guidelines section 15064.3 applies prospectively, Section 21099, subdivision (b)(2) provides that, “[u]pon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any.”</i></p> <p>The 3rd District Court of Appeals ruling provided clarity for CEQA documents; that, upon certification of the guidelines, vehicle delay (e.g. LOS) cannot be used to define CEQA impacts. Page 118 of the Mitigated Negative Declaration states the following related to environmental impacts:</p> <p><i>b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? Less Than Significant Impact.</i></p> <p><i>Section 15064.3 (b) of the CEQA Guidelines codifies the transition from Level of Service (LOS) to Vehicle Miles Traveled (VMT) as a metric for transportation impact analysis. This section was added to the CEQA Guidelines as a part of other modifications and finalized by the California Natural Resources Agency in late 2018. Section 15064.3 does not become applicable statewide until July 1, 2020. Until that time, pursuant to Section 15064.3(c), agencies are not required to use VMT as the basis for evaluation of traffic impacts and also may elect to use Section 15064.3 immediately. The City of Upland has not yet adopted a VMT methodology to address this updated Appendix G Checklist Question. Thus, at this time, traffic analyses within the City continue to be based on LOS to evaluate traffic impacts of a Project (consistent with Checklist Question XVII.b of the CEQA Guidelines prior to the latest update).</i></p> <p>As previously noted, the CEQA guidelines and the clarity provided by the court of appeals states that LOS should not be used to identify</p>	

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	<p>transportation impacts under CEQA; however, page 118 of the Mitigated Negative Declaration states that LOS was used to identify transportation impacts for this project.</p> <p><i>The supplemental assessment completed for the project (received February 6, 2020) evaluated VMT for the project. We would recommend updating the discussion within the Mitigated Negative Declaration or introduce it into the public record to reflect the provisions of the CEQA guidelines, the Public Resources Code, and the 3rd District Court of Appeals ruling.</i></p>	
E-32	<p>Summary of Responses to Public Comments on Bridge Upland’s MND</p> <p><u>Inapplicability of VMT Assessment</u></p> <p>Some of the responses are correct; others are false. Please see our notes to the responses provided (responses in italics):</p> <ul style="list-style-type: none"> • LOS (level of service) is the current required methodology for analyzing traffic impacts in the City of Upland and San Bernardino County (SBCTA), not VMT. <i>Fehr & Peers agrees that the City and SBCTA have guidelines related to LOS and neither have adopted VMT guidelines yet. However, CEQA no longer requires the use of LOS to identify transportation impacts (see discussion above).</i> • There are a number of problems with attempting to use VMT to analyze the project: <ul style="list-style-type: none"> ○ Neither the City nor SBCTA has an adopted methodology, thresholds, or procedures to analyze VMT in the area. <i>As noted, this response is correct that the City nor SBCTA has not yet adopted methodology, thresholds, or procedures. However, CEQA no longer recognizes the use of LOS to identify transportation impacts (see discussion above).</i> ○ VMT only measures passenger vehicles miles of travel, not 	<p>Comment noted, see Attachment E-4, Supplemental Analysis Memorandum.</p>

Comment Number	Comment	Response
	<p>truck trips or truck VMT.² Therefore, VMT would not account for the distances traveled by the trucks or van trips related to the project. <i>This statement is incorrect. VMT is a function of trip generation multiplied by trip length. As such, VMT can be estimated for any use and for any portion of the vehicle fleet. Although Section 15064.3 describes VMT related automobile travel as part of SB 743, VMT related to truck travel can be estimated. Additionally, the Office of Planning and Research's Technical Advisory state that lead agencies have the discretion to use total VMT inclusive of all vehicle types. Further, this form of VMT should have already been utilized in the Energy, GHG, and Air Quality assessment for the project.</i></p> <ul style="list-style-type: none"> <li data-bbox="464 667 1171 1047">○ Finally, VMT does not analyze the amount of traffic that would be experienced in the local community due to a new project. On the other hand, the current metric of LOS (level of service) measures the delay caused by vehicles waiting in traffic at intersections, and therefore measures the actual traffic congestion experienced by drivers before and after the opening of a project. <i>As previously noted, LOS relates to measuring impacts (or inconvenience) to drivers; whereas VMT measures the impact of driving on the environment. As such, this assessment is correct in how traffic impacts drivers, but it does not discuss how these metrics impact the environment.</i> <p>In general, and as described above, the provided responses do not address the following key concern noted above and should be addressed in the response:</p> <p>Section 21099 subdivision (b)(2) of the Public Resources Code notes that, "Upon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic</p>	

² Section 15064.3, subdivision (a), states, "For the purposes of this section, 'vehicle miles traveled' refers to the amount and distance of automobile travel attributable to a project." (emphasis added).

Comment Number	Comment	Response
	<p>congestion shall not be considered a significant impact on the environment....”</p> <p><i>As noted above, the February 6, 2020 technical memorandum generally addresses these concerns and we would recommend including them in the public record for consideration by the decision makers.</i></p>	
E-33	<p>Traffic Impact Study</p> <p><u>Trip Generation</u></p> <p>Truck trip generation was provided by the project applicant and states that two truck trip ends will occur during each peak hour and 50 daily truck trip ends will occur throughout the day. Although this estimate may be accurate, it does seem low for a 266,825 sq. ft. warehouse. It is recommended that the City request additional substantial evidence as to why the assumed truck trip generation estimates are appropriate and/or the project sponsor should provide a monitoring mechanism to ensure that no increases in truck trips are provided.</p> <p><i>The February 6, 2020 technical memorandum provides clarity on this subject and notes the monitoring of the site that will occur as part of a condition of approval for the project which addresses this concern.</i></p> <p><u>Signal timing input information</u></p> <p>Based on information in the study, it is difficult to know if current signal timing sheets were obtained and utilized in the Synchro analysis.</p> <p><i>The February 6, 2020 technical memorandum provides clarity on this subject and notes that signal timing utilized in the assessment was optimized based on CMP guidance. Please note that, if any of the corridors evaluated in the study are interconnected or have signal timing coordination implemented along the corridor, isolated timing optimization may not be an accurate representation of operations on the system.</i></p> <p><u>Capacity Assessment</u></p> <p>Saturation flow rates were used in the analysis are not documented in the report. Are they based on field- measured ideal saturation flow rates,</p>	<p>Comment noted, see Attachment E-4, Supplemental Analysis Memorandum. Please note that Supplemental Analysis Memorandum includes a commitment by the applicant to initiate a signal timing study within six months of project opening.</p>

Comment Number	Comment	Response
	<p>Synchro defaults, or San Bernardino County Congestion Management Program (CMP) recommendations? Note, it appears that CMP capacity was used based on the Synchro output files but additional clarity could be provided in the report.</p> <p><i>The February 6, 2020 technical memorandum provides clarity on this subject and notes that the saturation flow rates are consistent with CMP recommendations. Please note, Fehr & Peers measurements of saturation flow rates in the study area tend to exceed those referenced in the CMP; as such, use of the CMP capacities would provide a conservative assessment of the system.</i></p> <p><u>Forecasts</u></p> <p>Forecasts were developed using the SBTAM travel demand forecasting model, but there is no discussion as to whether the model includes all of the approved and pending projects noted in the study.</p> <p>Additionally, the City of Upland has a Citywide model (developed as part of their General Plan) which was locally calibrated for use in the City. Clarity could be added as to why SBTAM is superior to the Citywide model and whether the model includes the noted projects.</p> <p>The study utilized a growth rate to estimate opening year conditions – it would be informative to identify the appropriateness for using this growth factor (e.g. it matches the model growth, is consistent with historic growth in the area, etc.).</p> <p><i>The February 6, 2020 technical memorandum provides clarity on this subject and provides justification and reasonableness checks for the use of the SBTAM model and growth rates applied.</i></p> <p><u>Impact Analysis</u></p> <p>Page 36 documents outdated CEQA guideline questions (and is inconsistent with the CEQA guideline questions used in the Mitigated Negative Declaration). We would recommend updating this section accordingly.</p> <p>Additionally, although the report documents existing non-motorized</p>	

Comment Number	Comment	Response
	<p>facilities, it does not document planned non-motorized facilities in the study area (e.g. are there planned facilities in the area). Reviewing Figures 10 and 11 indicates significant gaps in the network; particularly along the project frontage. An assessment demonstrating policy consistency and how those identified gaps are addressed would be appropriate to support the study findings.</p> <p><i>The February 6, 2020 technical memorandum provides clarity on this subject and notes that the project will be providing a variety of pedestrian improvements along the adjacent corridors.</i></p>	

Attachment E-1

Building Elevations

KEYNOTES	
11	EXTERIOR CONCRETE STAIR W/CONCRETE WALLS, WALLS & RAILINGS PAINTED PER EXTERIOR COLOR SCHEDULE. REFER TO CIVIL AND STRUCTURAL DRAWINGS.
54	STOREFRONT. SEE ELEVATIONS & EXTERIOR COLOR SCHEDULE. STORE FRONT TO BE DESIGNED TO RESIST WIND LOAD AS REQUIRED BY BUILDING CODES AND LOCAL JURISDICTION. DESIGN OF STOREFRONT FRAMING SYSTEM AND STRUCTURAL CALCULATIONS TO BE DESIGN-BUILD BY G.C. AND UNDER DEFERRED SUBMITTAL.
55	CONCRETE TILT-UP PANEL. TYP. PAINTED. SEE EXTERIOR COLOR SCHEDULE. REFER TO ELEVATIONS AND STRUCTURAL DRAWINGS FOR ADDITIONAL INFORMATION.
56	EXTERIOR MAN DOOR 3'X7'. HOLLOW METAL. PAINTED. SEE EXTERIOR COLOR SCHEDULE & DOOR SCHEDULE FOR ADDITIONAL INFO.
57	EXTERIOR STOREFRONT DOOR. SEE DOOR SCHEDULE FOR ADDITIONAL INFO.
58	DOCK-HI LOADING DOOR. 9'X10'. WITH VISION GLAZING. PRE-FINISHED BY MANUFACTURER PER COLOR SCHEDULE.
64	KNOCK-OUT PANEL. REFER TO FLOOR PLAN & ELEVATIONS FOR SIZE. SEE STRUCTURAL DRAWINGS FOR ADDITIONAL INFO.
77	CANOPY. REFER TO ELEVATIONS - STRUCTURAL DETAILS.
78	DECORATIVE METAL BROW. REFER TO ARCHITECTURAL-STRUCTURAL DETAILS.
104	PANEL JOINT. TYP.
105	2" DECORATIVE CONCRETE REVEAL WITH CHAMFERED EDGES. TYP.
109	ROOF LINE BEYOND. SEE STRUCTURAL DRAWINGS.
112	METAL HANDRAIL. PAINTED PER COLOR SCHEDULE.
124	FUTURE SIGNAGE BY OWNER.
125	10'X10' ROLL-UP DOOR WITH HIGH SPEED FABRIC ROLL-UP DOOR.
152	ENTRY CANOPY.
252	PAINTED CONCRETE WITH FORMLINER.

GLAZING LEGEND	
VISION GLAZING:	
NON VISION GLAZING:	
TEMPERED:	

NOTE:
REFER TO ELEVATIONS FOR TEMPERED GLAZING LOCATIONS.

NON VISION GLAZING NOTES:
1. SINGLE PANE GLAZING PAINT FACE OF CONCRETE PANEL BEHIND BLACK. NO COATING REQUIRED.
2. PROVIDE BREATHABLE MULLION SYSTEM @ NON-VISION GLAZING SECTIONS. NO HOLES REQUIRED IN CONCRETE.
3. PROVIDE SHADE CLOTH BEHIND GLASS IN AREAS INTENDED TO BE NON-VISION WHEN THERE IS NO SPANDREL CONCRETE.
TENCATE MIRAFI 140N 12.5' X 360' FILTER FABRIC.

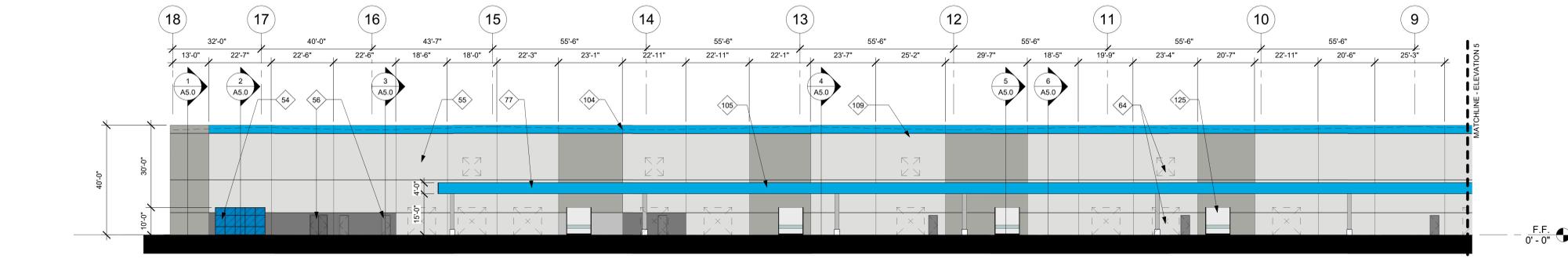
TEMPERED GLAZING NOTES:
1. IN OPERABLE DOORS, WINDOWS AND WITHIN 18" OF WALKING SURFACE TO BE TEMPERED.

EXTERIOR COLOR SCHEDULE	
	A SHERWIN WILLIAMS COLOR: SW 7066 GRAY MATTERS
	B LIGHT GREY EXTERIOR PAINT COLOR: SW 7065 ARGOS
	C BLUE EXTERIOR PAINT COLOR TO MATCH PANTONE 2995 C
	D WHITE EXTERIOR PAINT COLOR: SW 7063 NEBULOUS WHITE
	E PAINTED CONCRETE WITH FORMLINER

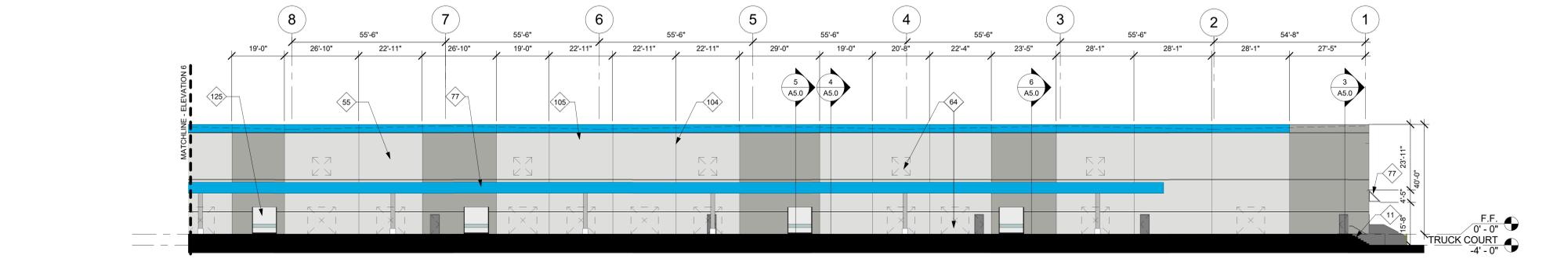
F	STOREFRONT BLUE REFLECTIVE GLAZING & CLEAR ANODIZED MULLIONS
G	DECORATIVE BREAK METAL TO MATCH MULLIONS

TYP. PAINT NOTES:
PAINT MAN DOORS, GUARD WALLS, RAMP WALLS, STAIRWALLS, GUARD RAILS, ROOF DRAINS, AND LOUVERS TO MATCH ADJACENT BUILDING WALL U.N.O.

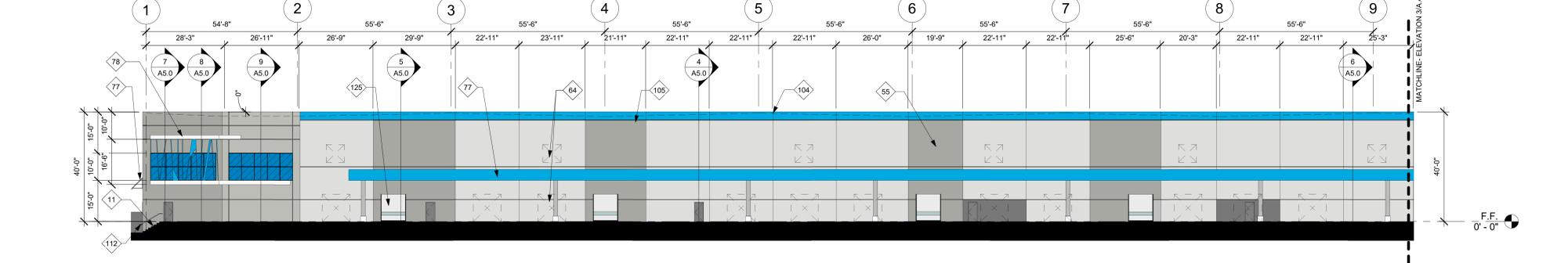
TRUCK DOORS TO BE PRE-FINISHED BY MANUFACTURER IN WHITE FINISH



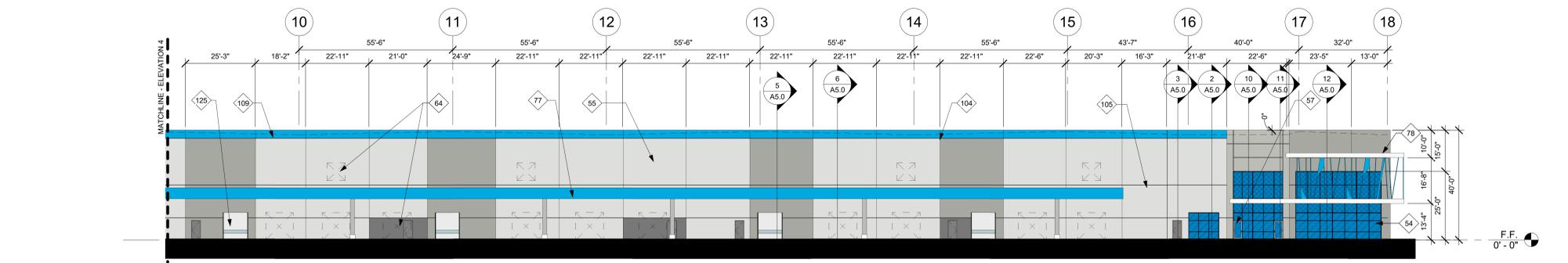
6 PROPOSED NORTH ELEVATION - A
1" = 20'-0"



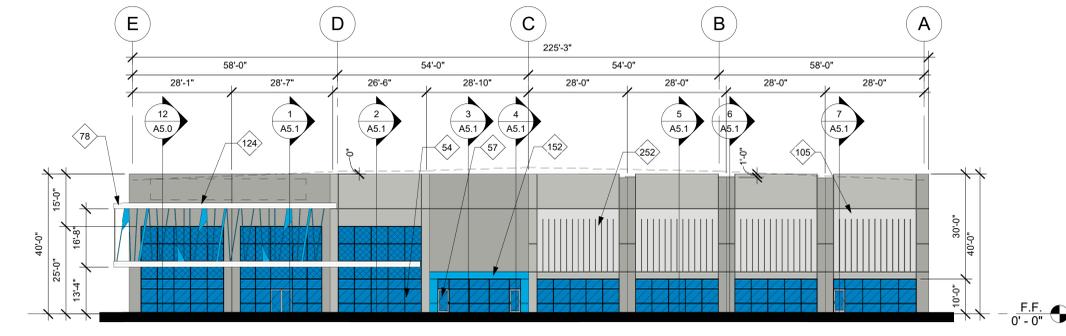
5 PROPOSED NORTH ELEVATION - B
1" = 20'-0"



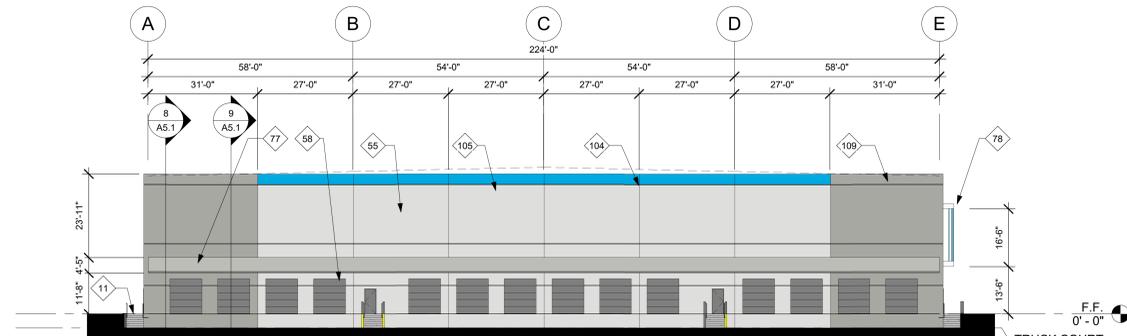
4 PROPOSED SOUTH ELEVATION - A
1" = 20'-0"



3 PROPOSED SOUTH ELEVATION - B
1" = 20'-0"



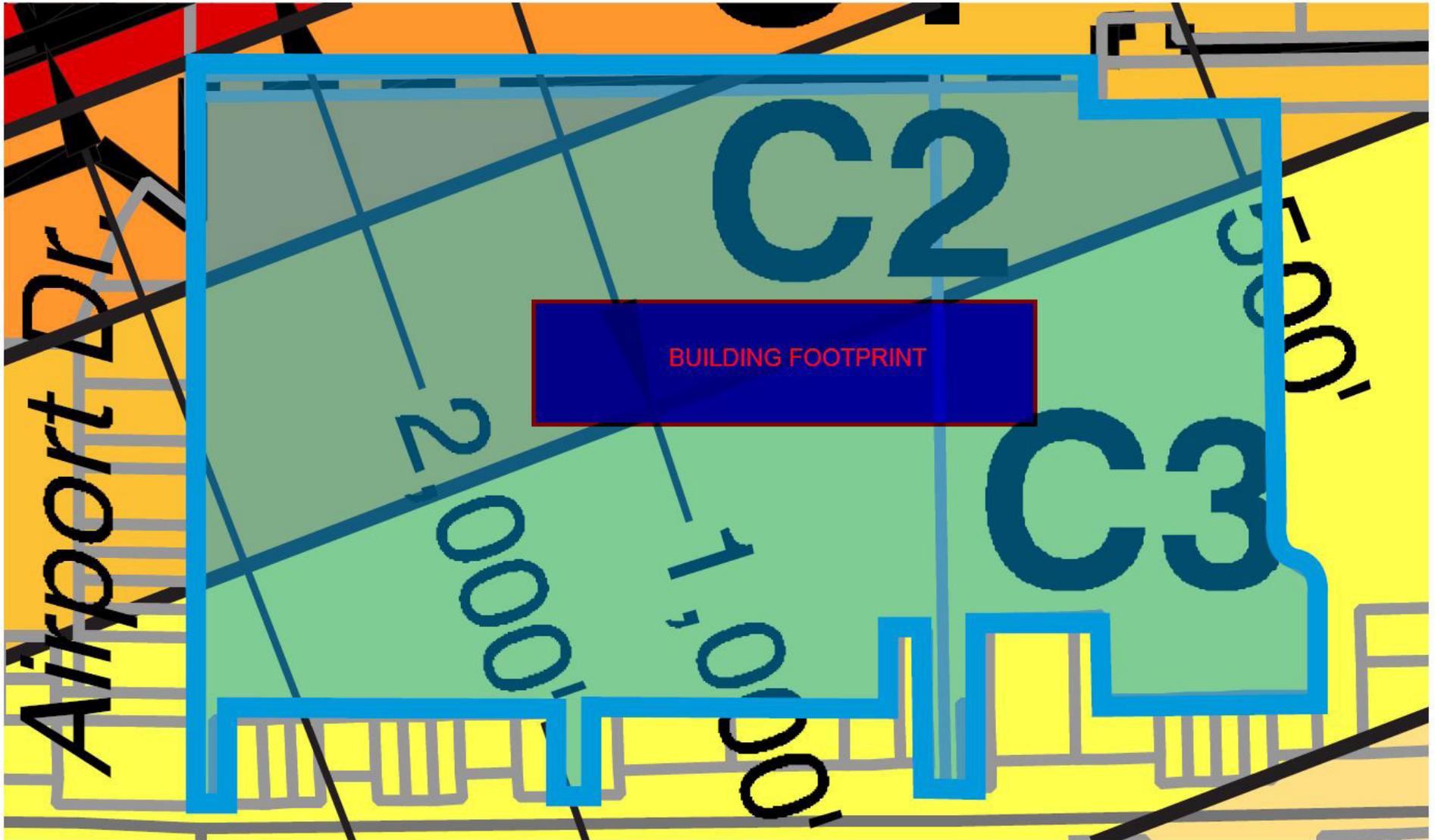
2 PROPOSED EAST ELEVATION - A
1" = 20'-0"



1 PROPOSED WEST ELEVATION - A
1" = 20'-0"

Attachment E-2

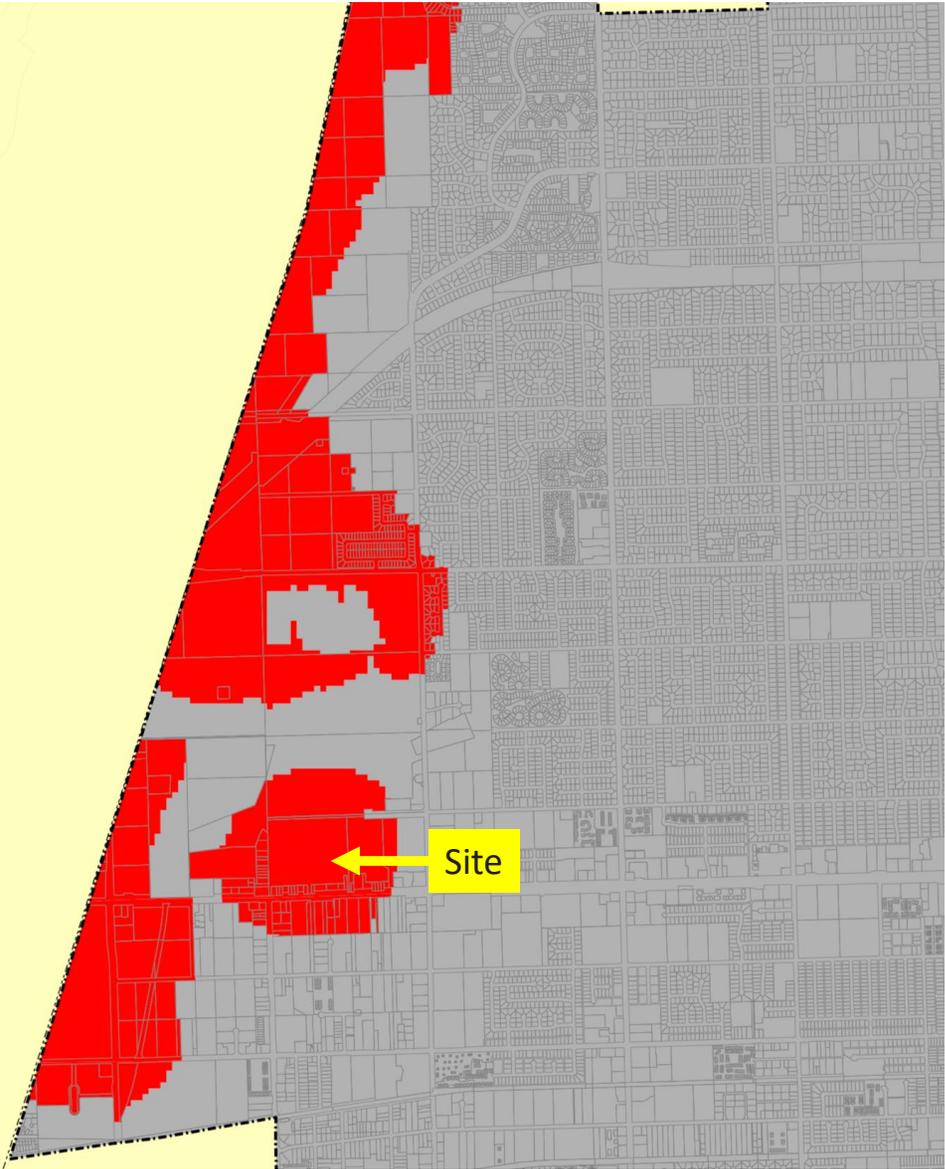
Refined Airport Compatibility Zone Figure



Attachment E-3A and Attachment E-3B

Attachment E-3A: Aerial and Map Views of Very High Fire Hazard Severity Zone

Attachment E-3B: 2007 Aerial Image of Project Vicinity



ATTACHMENT E-3A: Aerial and Map Views of Very High Fire Hazard Severity Zone

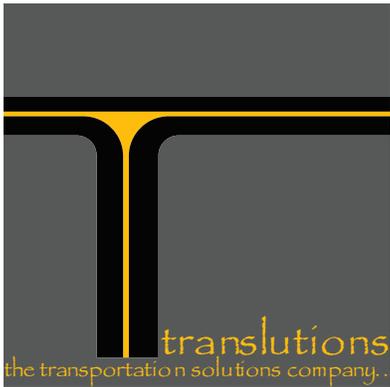
Bridge Point Upland
Upland, CA



ATTACHMENT E-3B: 2007 Aerial Image of Project Vicinity
Bridge Point Upland
Upland, CA

Attachment E-4

Supplemental Analysis Memorandum



memorandum

DATE: February 6, 2020
TO: Casey Schooner, Kimley-Horn
FROM: Sandipan Bhattacharjee, P.E., T.E., AICP, ENV-SP
SUBJECT: Supplemental Analysis Memorandum

This memorandum provides additional information regarding the methodology and procedures used in the Traffic Impact Analysis (TIA) prepared for the Bridge Point Upland project.

Trip Generation. The Applicant has agreed to an enforceable condition of approval that would limit the Project trucks to a maximum of 5 during the daytime, and 25 in total per day (50 truck daily truck trips). In addition, the Applicant has agreed to pay the City \$10,000 a year for 20 years to enforce this condition based on periodic monitoring of the daily truck traffic.

Signal Timing Inputs. Based on the San Bernardino County CMP, 2016 Update, Appendix B, “Normally, the existing LOS analysis for intersections will be run using optimized signal timing, since the future analysis will normally need to be run using optimized timing”. Therefore, the analysis was based on optimized signal timing for all analysis scenarios. The applicant has agreed on an enforceable condition of approval to initiate a signal timing study for the existing traffic signals included in the Transportation Impact Analysis conducted for the project within six months of project opening. This study is to assist the City in optimizing traffic flow in the project vicinity, and will be conducted in coordination with the City.

Capacity Assessment. The analysis was based on saturation flow rates from the San Bernardino County CMP, 2016 Update, Appendix B.

Forecasts. Based on discussion with the City, opening year traffic volumes were developed by applying a growth rate of 2% per annum and adding traffic from cumulative projects provided by the cities of Upland, Claremont, and Montclair. This growth rate is higher than what is anticipated based on the SBTAM and therefore, presents a conservative worst-case analysis. Forecast 2040 traffic volumes were based on the latest version of the SBTAM. The socio-economic data (SED) for Traffic Analysis Zones (TAZs) within and near the study area were checked and updated to include all of the approved and pending cumulative projects in the area. The version of the SBTAM used in the analysis has a base year of 2012 and a future year of 2040 and was developed after the City’s General Plan was updated. The City of Upland’s Citywide model was not used for the analysis because it is older than the SBTAM travel demand forecasting model and has a base year of 2008 and a future year of 2035. The SED in the SBTAM also represent a later version of the SCAG RTP than the Citywide traffic model. Therefore, for this analysis, the SBTAM was identified to be a superior model. It should be noted that for intersections that were included in both the TIA and the General Plan EIR, Translutions compared the General Plan LOS with the 2040 LOS in the TIA. The results were comparable.

Non-Motorized Facilities. The Project includes driveways off of Foothill Boulevard, but does not include any frontage on Foothill Boulevard. Foothill Boulevard in the vicinity of the project does not currently include any sidewalks or bike lanes. However, the Project will be paying for and installing new landscaping, curbs, gutters and sidewalks over approximately 1,000 linear feet of Foothill Boulevard as detailed in the Development Agreement. These improvements will enhance the aesthetics and attractiveness of the street and will improve gaps in pedestrian connectivity along Foothill Boulevard.

Impact Analysis. We recognize that the CEQA Appendix G checklist questions for transportation were modified in December 2018. All of the information provided in the traffic impact analysis and this supplemental memo were used by the City and its CEQA consultant to determine the significance of impacts based on the updated CEQA checklist that is included in the Initial

Study/Mitigated Negative Declaration. As explained below, CEQA Guidelines Section 15064.3 (which requires traffic impacts to be analyzed using VMT) does not apply statewide until July 1, 2020. The City has not elected to be governed by CEQA Guidelines Section 15064.3 and has not developed VMT thresholds of significance.

Vehicle Miles Traveled. In December 2019, a new case (*Citizens for Positive Growth & Preservation v. City of Sacramento*) was published by the Third District Court of Appeal. In that case, the City of Sacramento relied on a new General Plan policy to determine there would be no significant and unavoidable traffic impacts as a result of a General Plan update that would cause several roadway segments to operate at unacceptable LOS. Citing CEQA section 21099(b)(2), the court held that the General Plan’s impacts on LOS “cannot constitute a significant environmental impact.” However, the court also held that an analysis of Vehicle Miles Travelled (VMT) was not required until July 1, 2020 because CEQA Guidelines Section 15064.3 apply prospectively. As explained above, neither SBCTA nor the City has adopted thresholds of significance under VMT and is not required to do so until July 1, 2020. Because the City has not elected to be governed by CEQA Guidelines Section 15064.3, a VMT analysis is not required under the holding of *Citizens for Positive Growth & Preservation v. City of Sacramento*. The City properly analyzed and disclosed traffic impacts based on LOS and imposed mitigation on the project to improve traffic conditions. As held in *Citizens for Positive Growth & Preservation v. City of Sacramento*, the City is not required to do this analysis and could have instead found that the Project had no significant impact simply based on the low number of peak hour trips generated by the project.

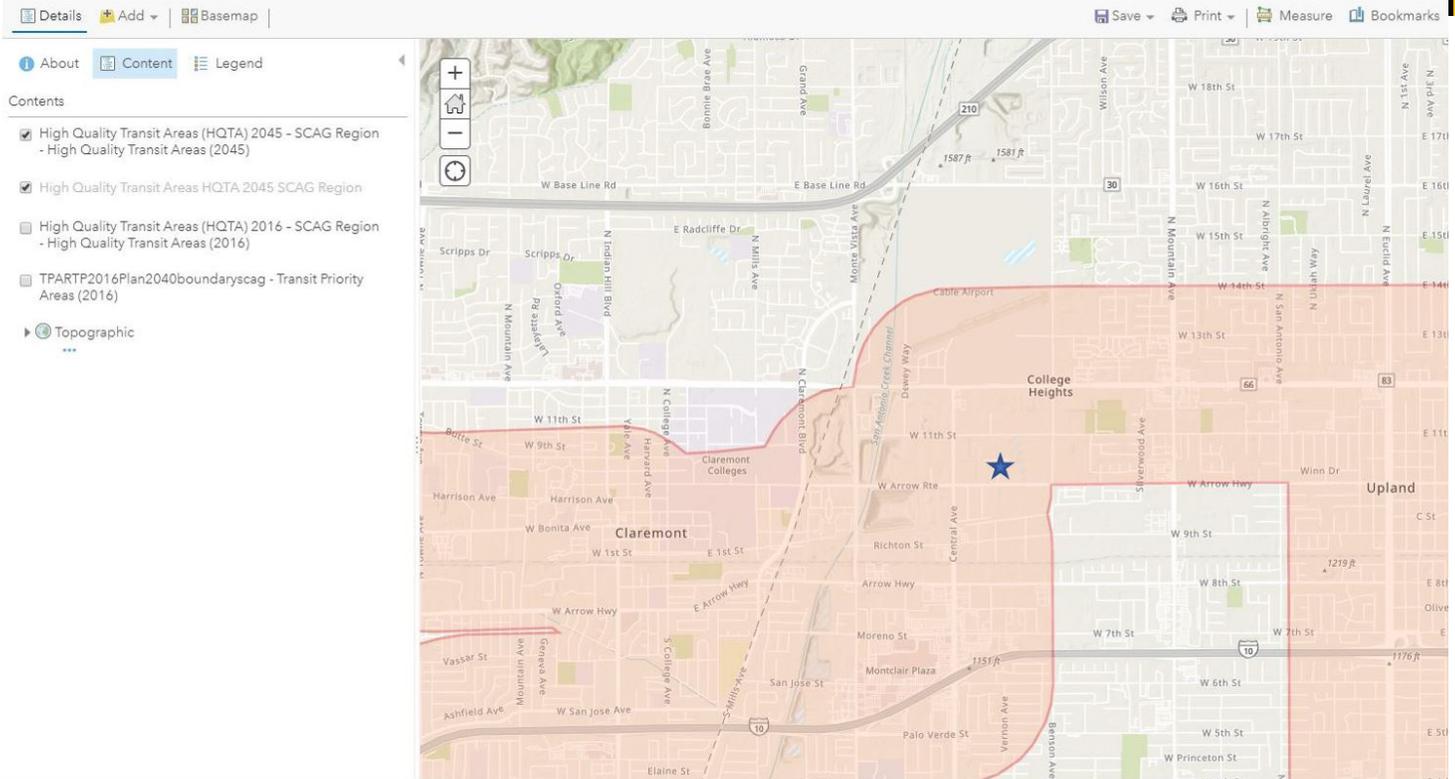
In addition to the LOS analysis presented in the IS/MND, a VMT analysis consistent with CEQA Guidelines section 15064.3 and the Technical Advisory published by OPR (available online here: http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf) was subsequently conducted for the project for informational purposes. The analysis was based on the SBTAM (Year 2012). Consistent with standard modeling practice, to identify VMT from the project, a traffic analysis zone (TAZ) for the project was included in the model and select zone runs were conducted. VMT related home-based passenger vehicle travel are reported for the Project, the City of Upland and San Bernardino, since the primary purpose of SB-743 is to reduce home-based automobile travel. This is an “apples-to-apples” comparison as contemplated in OPR’s Technical Advisory. Although it is possible to include Heavy-duty truck VMT, agencies have discretion as to whether to do so. Further, based on the enforceable conditions of approval for the project, truck traffic will be limited to 50 truck trips per day. Since the SED based SBTAM does not allow manual editing of truck trip generation, and generates trucks based on the number of employees, the truck trip generation for the project based on the model would not be consistent to the actual truck traffic anticipated from the project. Therefore, truck VMTs for the project, City, and County were not included in this analysis to reflect the project accurately and to be consistent with the OPR Technical Advisory.

The findings of the analysis are shown in the table below.

Region	Total Work VMT (miles)	Total Employees*	VMT/Employee (miles)	% Reduction
Project	5,919	322	18.4	--
City of Upland	608,056	30,929	19.7	-6.50%
San Bernardino County	4,444,573	212,001	21.0	-12.32%

The table above shows that the project per capita VMT is anticipated to be 6.5% less than the per capita VMT for employees in Upland, and 12.32% lower than the County of San Bernardino. While SBCTA and the City have not yet adopted thresholds, it is anticipated that a significance threshold of “no more than existing”, similar to what several cities in Riverside County have

done following WRCOG guidance. It should also be noted that while the project area is not within the 2016 SCAG High Quality Transit Area (HQTA), it is within the 2045 SCAG HQTA area (see figure below). In the cumulative scenario, the employee VMT is likely to be lower than those under existing conditions. Therefore, the Project would have a less than significant impact were VMT to be adopted as a threshold.



SCAG 2045 High Quality Transit Areas