



Administrative Report

DATE:	September 15, 2023
CASE NUMBER:	Site Plan Review SPR 2022-004
APPLICANT:	6075 Lance LLC
PROPOSAL:	Request to construct an approximate 1.2 million square foot warehouse distribution center on 78 gross acres within the Industrial Specific Plan (I-SP) zoning designation of the North Apple Valley Industrial Specific Plan (NAVISP)
LOCATION:	Southeast corner of Lafayette and Dale Evans Parkway (APN: 0463-213-11 through -16 & 0463-231-34 through -37)
ENVIRONMENTAL	Based upon an Initial Study, pursuant to the State Guidelines to implement the California Environmental Quality Act (CEQA) a Subsequent Environmental Impact Report (EIR) has been prepared. The proposed project has been found to be within the scope of the previously certified EIR of the North Apple Valley Specific Plan (NAVISP). The previously certified EIR was adopted in 2006. The proposed project requires an updated EIR to determine if the project would result in any impacts greater than those previously analyzed and disclosed.
CASE PLANNER:	Orlando Acevedo, Assistant Town Manager Daniel Alcayaga, AICP, Planning Manager Yenifer Cid, Assistant Planner
RECOMMENDATION:	Approval

PROJECT SITE AND DESCRIPTION

A. Project Size:

The proposed project proposes the development of a 1,207,544 square foot warehouse distribution center with 1,147,167 square feet of warehouse space and 60,377 square foot of office space on approximately 78 gross acres.

B. General Plan Designations:

Project Site – North Apple Valley Industrial Specific Plan (NAVISP)
North – North Apple Valley Industrial Specific Plan (NAVISP)
East – North Apple Valley Industrial Specific Plan (NAVISP)
West – Medium Density Residential (MDR)

South – North Apple Valley Industrial Specific Plan (NAVISP)

C. Surrounding Zoning and Land Use:

Project Site – Industrial Specific Plan (I-SP), vacant
North – Industrial Specific Plan (I-SP), warehouse
East – Industrial Specific Plan (I-SP), warehouse
West – Industrial Specific Plan (I-SP), vacant
South – Industrial Specific Plan (I-SP), vacant

D. Site Characteristics:

The project site is vacant and bounded by Dale Evans Parkway to the west, Lafayette Street to the north, Dachshund Road to the east, and Burbank Avenue to the south. The project site as well as surrounding properties to the north, east, and south are designated to be within the North Apple Valley Industrial Specific Plan (NAVISP). The land to the west is designated to be Multi-Family Residential (MDR). The terrain in the project area is relatively level and no prior disturbance has occurred.

E. Building Area Analysis:

Warehouse – 1,147,167 square feet
Office – 60,377 square feet

Total Building – 1,207,544 square feet

F. Building Height:

Permitted Maximum – 50 feet
Proposed Maximum – 50 feet

G. Setback Analysis:

<i>Building Setback:</i>	Required	Proposed
Lafayette Street	25 feet	319 feet
Dachshund Avenue	25 feet	265 feet
Burbank Avenue	25 feet	317 feet
Dale Evans Parkway	50 feet	+190 feet
<i>Landscaping Setback:</i>		
Lafayette Street	15 feet	+15 feet
Dachshund Avenue	15 feet	+15 feet
Burbank Avenue	15 feet	+15 feet
Dale Evans Parkway	25 feet	+25 feet

H. Parking Analysis:

Total Parking Required:	1,218 spaces	1,272 spaces
-------------------------	--------------	--------------

I. Lot Coverage:

F.A.R. Maximum:	45%	36%
-----------------	-----	-----

J. Landscape:

Landscaping required:	5%	22%
-----------------------	----	-----

ANALYSIS

A. Background:

In 2006 the Town of Apple Valley prepared and approved the North Apple Valley Industrial Specific Plan (NAVISP). At the time, an Environmental Impact Report (SCH#2006031112) was also certified. Since the adoption, there have been six (6) amendments to the Specific Plan. Amendment Nos. 1 and 5 added acreage to the specific plan, while the other 4 amendments were text changes to the document only. In 2006, Amendment No. 1 was approved, which added 163 acres pursuant to the Mitigated Negative Declaration. In 2012, Specific Plan Amendment No. 5 was approved, which added an additional 1,120 acres (Annexation No. 2007-002) with impacts and mitigation measures addressed as part of General Plan update for which an Environmental Impact Report (SCH#2008091077) was certified.

Now, the Specific Plan encompasses approximately 6,220 acres. The NAVISP anticipates approximately 2,593,214 square feet of commercial and approximately 49,145,523 square feet of industrial. The total estimate of existing industrial building square footage within the specific plan is approximately 3,392,453 square feet.

The application review process for development in the NAVISP requires either a Conditional Use Permit, Special Use Permit, or Site Plan Review Permit. Conditional Use Permits and Special Use Permits shall be processed pursuant to the standards and requirements of Chapter 9.16 of the Development Code. Site Plan Review Permits shall be approved, approved with conditions, or denied by the Director or his designee. The Director's decision may be appealed to the Planning Commission pursuant to Chapter 9.12.250 of the Development Code (NAVISP, p. III-52).

B. General:

The project proposes to develop a 1,207,544 square foot warehouse distribution center on approximately 78 acres of land in the north Apple Valley. The project site consists of 10 existing parcels, identified as assessor's parcel numbers 0463-231-11, -12, -13, -14, -15, -16, -34, -35, -36, and -37 that will be merged into one parcel.

The project site will be developed to include a distribution warehouse with accompanying office spaces. The building footprint is proposed to total 1,207,544 square feet with 1,147,167 square feet of warehouse space and 60,377 square feet of office space.

C. Site Analysis:

The site is zoned as Industrial Specific Plan (I-SP) in the North Apple Valley Industrial Specific Plan (NAVISP). The Specific Plan I-SP District is intended to support the development of well-planned industrial, quasi-industrial and commercial uses within the NAVISP. Uses can range from manufacturing and warehousing to offices and retail facilities.

The project area lies in the northernmost portion of the Town of Apple Valley just northeast of Bell Mountain and northwest of the Apple Valley Airport (Attachment 3 – Vicinity Map). The property has retained its natural character with natural vegetation and no signs of previous disturbance. The adjacent properties are occupied by Big Lots and Walmart Distribution Centers.

Lands to the north, east, and south are planned for industrial development. However, lands to the west are zoned for Multi-Family Residential (MFR). These residential units, when constructed, will be located approximately 400 feet from the proposed building. This includes

the width of the roadway and the building setback on the project site. Since residential units are zoned next to industrial planned development, staff is requiring Condition P24 to screen the parking areas of the development with a decorative wall compatible with the architectural design of the building along Dale Evans Parkway.

The project proposes to use the building for warehousing and distribution of goods. The floor plan shows an open warehouse with office spaces of 6,401 square feet at each corner and loading doors on two sides (Attachment 4 – Sheet A1.1). Staff recommends Condition P12 to include outdoor furniture such as outdoor seating or patio area for employees. No user has been identified for the building.

D. Architecture Analysis:

The building complies with the design standards and guidelines outlined in the NAVISP. The building displays multiple roof lines with a maximum height of 50 feet. The east and west elevations have every other wall recessed in and out. The building uses concrete tilt-up construction with metal canopies at the office entries. All rooftop mechanical equipment is screened by concrete tilt-up parapet walls. The color scheme of the building proposes shades of brown, consistent with the earth tone colors from surrounding buildings. Loading docks are located on the south and north elevations (Attachment 4 – Sheet A4.1).

E. Parking:

Based on 1,204,544 square feet of building area, the Development Code requires a parking ratio of 1 space per 500 square feet of gross floor area for the first 10,000 square feet of warehouse use and 1 space per 1,000 square feet of gross floor area beyond the 10,000 square feet. The project requires a total of 1,218 parking spaces. The project proposes 1,272 parking spaces, including a surplus of 54 parking spaces. This includes both standard parking and truck/trailer parking spaces.

1. Traffic and Circulation:

Regional access to the project site is available from the I-15 Freeway via Stoddard Wells Road. The project site is bounded by Lafayette Street, a secondary road to the north; Dachshund Avenue, an industrial roadway to the east; Burbank Avenue, an industrial roadway to the south; and Dale Evans Parkway, a major divided arterial to the west. The project will include half-width improvements on all four of these streets in compliance with the General Plan Street Circulation Element.

The project is to construct the following improvements and design features in conjunction with development of the site:

- Dale Evans Parkway will be widened from Lafayette Street to Burbank Avenue. Cross-street stop sign control will adequately serve this intersection of Dale Evans Parkway and Lafayette Street for opening year cumulative conditions; however, horizon year (2040) projections indicate the need for a traffic signal at this location. Project fair share contribution towards the future traffic signal is recommended.
- Lafayette Street will be widened from Dale Evans Parkway to Dachshund Avenue.
- Dachshund Avenue will be constructed from Lafayette Street to the southernly project boundary. A cross-street stop control sign will adequately serve future traffic conditions with the project at this local street intersection of Burbank Avenue and Lafayette Street.
- Burbank Avenue will be constructed from Dale Evans Parkway to Dachshund Avenue. A cross-street stop control sign will adequately serve future traffic conditions with the

project at this local street intersection of Burbank Avenue and Dale Evans Parkway.

The project will have 7 access points (Attachment 5 – Driveway Plan):

- Driveway 1 and 2 off Lafayette Steet.
- Driveways 3, 4 and 5 off Dachshund Road.
- Driveways 6 and 7 off Burbank Road.
- Driveways 1, 2, 4, 6 and 7 are restricted to passenger cars only (no large trucks).
- There will be no access from Dale Evans Parkway.

2. Drainage:

The project has been designed and will be conditioned to retain 100 percent of the incremental increase in runoff of a 100-year storm resulting from the project, as required by the Town for all development projects. On-site surface and subsurface facilities will convey on-site runoff into on-site retention/infiltration basins. Off-site flows would be intercepted at the low point on Lafayette Street and conveyed through the on-site channels to retention basins along the southern frontage of the property. Runoff flows will exit the project site along the southern property line in a manner comparable to the existing, natural condition, following the current flow path.

Two drainage channels bisect on the project site. As part of Condition P38, the project will require a 1602 Streambed Alteration Agreement from California State Department of Fish and Wildlife (CDFW), as well as described in mitigation measure BIO-14 of the Biological Resource Study of the EIR.

3. Sewer Connection:

The project is required to connect to the Town’s sewage collection system. An on-site lift station and off-site force main are planned on the northeast of the project site that will connect the project to the Town’s sewage collection system to an existing sewer line off Navajo Road.

4. Water Connection:

The project would connect to the existing 16” water mains on Burbank Avenue and Dachshund Avenue right of way. Given that Liberty Utilities has adequate supplies to meet the project’s demand, and that the subject site has access to existing infrastructure, it is not anticipated that the project would require the relocation or construction of new or expanded water facilities.

F. Impact Fees:

In order to implement the goals and objectives of the General Plan of the Town of Apple Valley and to mitigate the impacts caused by new development within the Town, certain public improvement projects must be or had to be constructed. The Council determined that development impact fees are needed to finance their public improvements and to pay for development’s fair share of the construction cost of these improvements. Impact fees are paid at the time of the building permit issuance. The proposed project will be subject to the following Development Impact Fees.

Development Impact Fees:	Per Square Feet
Traffic Impact (high cube)	TBD
Law Enforcement	\$0.00

Storm Drainage, Industrial Uses	\$0.11
General Government Facilities	\$0.03
Quimby or General Park Fee	\$0.01
Sanitary Sewer Facilities, Industrial Uses	\$0.68
Fire District, Industrial Uses (pass through)	\$0.09

G. Environmental Assessment:

Based upon an Initial Study, pursuant to the State Guidelines to implement the California Environmental Quality Act (CEQA) an Environmental Impact Report (EIR) has been prepared.

The Draft EIR determined that impacts associated with the project could be mitigated to less than significant levels, with the exception of impacts associated with Vehicle Miles Traveled. Following a 45-day public comment period, the Town prepared a Response to Comments/Final EIR and distributed the document to all parties who had commented on the Draft EIR on September 5, 2023. In addition, the Town prepared Findings and a Statement of Overriding Considerations, enumerating in detail its analysis and substantial evidence in support of certification of the EIR. The Findings and Statement of Overriding Considerations are provided in Attachment 6 – Finding of Fact, Section 10: Adoption Of Statement Of Overriding Considerations. The Town will file a Notice of Determination.

In the event the Town Council has delegated authority to a subsidiary board or official to approve a project, the Town hereby delegates to that subsidiary board or official the authority to make all necessary CEQA determinations, including whether an EIR, Negative Declaration, Mitigated Negative Declaration or exemption shall be required for any project. A subsidiary board or official's CEQA determination shall be subject to appeal as set forth above (Reference: State CEQA Guidelines, §§ 15061(e), 15074(f), 15090(b)).

H. Noticing:

The project was noticed to surrounding property owners of a 700-foot radius on September 5, 2023.

I. Site Plan Review Findings:

As required under Section III (G)(1) of the North Apple Valley Industrial Specific Plan, prior to approval of a Site Plan Review, the Director must make specific required "Findings". The Findings, as well as a comment to address each are presented below and are supported by substantial evidence in the record.

1. That the location, size, design, density and intensity of the proposed development is consistent with the General Plan, the North Apple Valley Industrial Specific Plan, the Development Code, and the development policies and standards of the Town.

Comment: The project site zoning designation is Industrial Specific Plan (I-SP) in the North Apple Valley Industrial Specific Plan (NAVISP) and is in compliance with the General Plan Land Use and Specific Plan that allows warehouse development subject to approval of a Site Plan Review (SPR) permit. As proposed, the project complies with all applicable design and development standards. The site is approximately 78 gross acres with 1,147,167 square feet of warehouse space and 60,377 square feet of office space. When constructed, the project will meet parking, driveway aisle, and landscaping requirements. The development is also designed with an on-site

retention/detention system to accommodate the required capacity of a 100-year storm.

2. That the location, size and design of the proposed structures and improvements are compatible with the site's natural landforms, surrounding sites, structures and streetscapes.

Comment: The character of the surrounding area has been established by two large warehouse developments (Walmart and Big Lots), which are located adjacent to the subject property on its north and east sides and are consistent with the form and scale of the proposed project. The project is consistent with both the existing visual character in its immediate vicinity, and the overall character envisioned in the NAVISP and Town's General Plan. The proposed project will not have negative impacts on any natural landforms or scenic views.

3. That the materials, textures and details of the proposed construction are compatible with the adjacent and neighboring structures.

Comment: The proposed project design uses concrete tilt up with roof line variation and wall off-sets that break up the large singular building. The single building uses a color scheme of tan-like colors, which are consistent with the Town's desert setting and long-term traditional values. The proposed project will not have a significant negative impact upon the visual character or quality of the area.

4. That quality in architectural design is maintained in order to enhance the visual environment of the Town and protect the economic value of existing structures.

Comment: The building design uses concrete tilt up and architectural metal canopies, consistent with the intent of the Specific Plan and compatible with the surrounding land uses. The project's architectural design will therefore promote quality architecture within the NAVISP and protect the economic value of existing structures.

5. That there are public facilities, services and utilities available at the appropriate levels or that these shall be installed at the appropriate time to serve the project.

Comment: Town sewer facilities and other utilities are available at the project site or nearby to accommodate the use. The project meets Apple Valley Fire District standards for fire lanes, two points of access, fire truck turn-around, fire district connectors/post indicators valves, and fire hydrants. The project is required to obtain water service from Liberty Utilities. The Town has adopted a Traffic Impact Fee (TIF) program to fund construction of traffic improvements to maintain adequate levels of service standards. The developer is required to pay all applicable Town adopted TIFs as well as Development Impact Fees toward these improvements.

6. That access to the site and internal circulation are safe.

Comment: The site for the distribution facility has adequate access. The site design

and proposed conditions of approval require the site to be improved to provide legal and physical access to the site. The development also complies with the American with Disabilities Act (ADA) by providing accessible parking spaces with loading area and a 4-foot-wide path of travel to streets, parking areas, and all building entrances.

7. That the project is consistent with the uses described in the North Apple Valley Industrial Specific Plan and analyzed in the North Apple Valley Industrial Specific Plan Environmental Impact Report (SCH No. 2006031112).

Comment: The proposed project has been found to be within the scope of the previously certified EIR prepared for the NAVISP. The proposed project requires an updated EIR to determine if the project would result in any impacts greater than those previously analyzed and disclosed. As a result, less than significant impacts with mitigation were found for the following: Biological Resources, Cultural and Tribal Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Traffic and Transportation, and Tribal Cultural Resources. Findings that were not mitigated to a level of less than significant were Transportation, specifically Vehicles Miles Traveled (VMT). Since the project proposed is consistent with the General Plan and NAVISP, a No Project/Existing General Plan alternative was considered but not analyzed, since this alternative would be equivalent to the proposed Project. The Alternative Site alternative was also considered, but no alternative site was owned by the Project proponent or immediately available for sale on Dale Evans Parkway or met the Project objectives in this area of the Town (Attachment 6 - Findings of Fact, Section 19: Findings Regarding Alternatives).

J. Mitigation Monitoring and Reporting Program (MMRP):

1. As set forth in the Conditions of Approval, the project is subject to and shall comply with the mitigation measures set forth in the MMRP (Attachment 6 - Findings of Fact, Exhibit "A").

K. Authority:

Section III(G)(1) of the North Apple Valley Industrial Specific Plan (NAVISP) states, "All uses listed as Permitted in Table III-1, Allowable Uses, shall require the approval of a Site Plan Review (SPR) permit." It further states, "The Director or his designee shall approve, approve with conditions, or deny SPR permits." General warehousing, wholesaling, distribution, and showrooms are listed as Permitted under Table III-1 under the Industrial Specific Plan (I-SP) and Industrial General (I-G) land use designations. Section II(E)(3) describes the review process, "This Specific Plan includes provisions for the permitting of projects through an administrative process, called Site Plan Review. Qualifying projects will be reviewed and approved by the Director of Economic and Community Development or his representative."

Prepared by:

Reviewed By:

Yenifer Cid
Assistant Planner

Daniel Alcayaga
Planning Manager

Approved by:

Orlando Acevedo
Assistant Town Manager

ATTACHMENTS

1. Recommended Conditions of Approval
2. Zoning Map
3. Vicinity Map
4. Site Plan & Elevations
5. Driveway Plan
6. Findings of Fact

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Site Plan Review SPR 2022-004

Please note: *Many of the suggested Conditions of Approval presented herewith are provided for informational purposes and are otherwise required by the Municipal Code. Failure to provide a Condition of Approval herein that reflects a requirement of the Municipal Code does not relieve or alleviate the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.*

Planning Division Conditions of Approval

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The Site Plan Review shall become effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. The applicant shall agree to defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. Prior to the issuance of a Building Permit, the following agencies shall provide written verification as necessary to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
- Apple Valley Fire Protection District
Apple Valley Public Services Department
Apple Valley Engineering Division
Liberty Utilities
California State Fish and Wildlife
- P4. The approval of Site Plan Review SPR 2022-004 by the Director is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P5. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application for any structure to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances thereto that are to be installed or erected if approved by the Director.

Any such plans, specifications and/or illustrations that are reviewed and approved by the Director at an advertised public hearing shall accurately reflect the structures, facilities and appurtenances expected and required to be installed at the approved location without substantive deviations, modifications, alterations, adjustments or revisions of any nature.

- P6. Site Plan Review SPR 2022-004 may be reviewed annually or more often, if deemed necessary by the Economic and Community Development Department, to ensure compliance with the conditions contained herein. Additional conditions may be recommended to and imposed by the Director to mitigate any negative impacts resulting from the business operations not contained within the scope of this permit.
- P7. The filing of a Notice of Determination (NOD) made payable to the Clerk of The Board of Supervisors in the amount of \$3,839.25, plus a handling fee of \$50.00 shall be required. The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid.
- P8. Site Plan Review SPR 2022-004 shall adhere to all requirements of the North Apple Valley Industrial Specific Plan (NAVISP).
- P9. The rendering(s) presented shall be the anticipated and expected appearance of the structure upon completion.
- P10. A fifty (50)-foot building setback shall be provided from Dale Evans Parkway. A twenty-five (25)-foot building setback shall be provided from Lafayette Steet. A twenty-five (25)-foot building setback shall be provided from Dachshund Avenue and a twenty-five (25)-foot building setback shall be provided from Burbank Avenue.
- P11. Any equipment, whether on the roof, side of the structure or ground, shall be screened from public view from adjacent property or from a public right-of-way. The method of screening shall be integrated into the architectural design of the building and/or landscaping.
- P12. The project shall include outdoor furniture, including but not limited to a patio and seating areas for employees.
- P13. The minimum two-way drive aisle width within the parking area is twenty-four (24) feet in width.
- P14. Parking requirements shall be met and be in compliance with Town standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P15. Required parking spaces shall be provided for the handicapped in accordance with Town standards and in accordance with Title 24 of the California Administrative Code. The handicapped spaces shall be located as close as practical to the entrance of the center. Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code.
- P16. Landscaping shall be installed with appropriate combinations of drought tolerant trees, shrubs, and ground cover, consistent with North Apple Valley Industrial Specific Plan (NAVISP).

- P17. All front building setbacks and street right-of-way areas located between on-site improvements and the back of existing or future public sidewalks or street curbs, except needed access driveways, shall be fully landscaped.
- P18. All proposed landscaping shall be designed, installed, and maintained in accordance with the NAVISP Landscaping Design Standards.
- P19. A twenty-five (25)-foot landscape setback shall be provided from Dale Evans Parkway. A fifteen (15)-foot landscape setback shall be provided from Lafayette Steet. A fifteen (15)-foot landscape setback shall be provided from Dachshund Avenue and a fifteen (15)-foot landscape setback shall be provided from Burbank Avenue.
- P20. A landscape buffer shall be provided along Dale Evans Parkway and designed as outlined in the NAVISP.
- P21. Additional landscaping treatments shall be implemented to screen large buildings adjacent to on-site parkways and secondary roadways, and/or residential uses. Plant materials shall consist of compact evergreen plants. Such planting shall be of a kind or used in such a manner as to provide screening with a minimum thickness of two (2) feet within eighteen (18) months after initial installation. Permanent automatic irrigation shall be provided.
- P22. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.
- P23. Final landscape and irrigation plans shall be submitted and installed prior to issuance of occupancy permits, subject to approval by the Planning Division.
- P24. A decorative screen wall compatible with the architectural design of the building shall be required along Dale Evans Parkway as a buffer from the Multi-Family Residential (MFR) adjacent to the site.
- P25. Long expanses of wall surface or fence surface shall be offset and architecturally designed to avoid monotony. Pilasters shall be provided at regular intervals consistent with the length and scale of the wall but at a minimum of every fifty (50) feet and landscape pockets shall be provided.
- P26. Retaining walls of more than one hundred twenty (120) square feet shall be constructed of finished decorative material which is compatible with the primary material used on the main building.
- P27. The intensity of light at the boundary of any development onsite shall not exceed seventy-five (75) foot lamberts from a source of reflected light. Light standards should be limited to eighteen (18) to twenty-five (25) feet.
- P28. The design and architecture of all walls, retaining walls, and fences shall reinforce the Town's desert character by the use of natural looking materials which can be expected to withstand the extremes of the high desert climate. Walls design shall be compatible with the architectural character of the primary structures and the surrounding area.
- P29. A Wall Height Permit shall be required for a wall or fence above six (6) feet in height, up

to a maximum of eight (8) feet in height. A Conditional Use Permit shall be required for a wall or fence above eight (8) feet in height, up to a maximum of ten (10) feet in height.

- P30. Within the required front or street side setback, solid walls or fences are limited to forty-two (42) inches in height; open fences constructed of wrought iron incorporating decorative features, such as pilasters and spires or other embellishments, may be six (6) feet in height. The use of chain link fencing is discouraged, and approval is at the discretion of the Planning Division.
- P31. Lighting standards and fixtures shall be of a design compatible with the architecture of on-site buildings.
- P32. The trash enclosures shall be in accordance with Town Standards. Variation in its configuration may be approved by the Planning Division. Consistent with Town standard, the enclosure walls shall be block, masonry or similar with a solid metal gate.
- P33. All litter shall be removed from the exterior area around the premises including adjacent public sidewalk areas and parking areas no less frequently than once each day that the business is open.
- P34. The premises shall be maintained in a clean, weed-free and disease-free manner at all times.
- P35. All identification signs shall have a separate permit and are subject to final approval by the Town Planning Division.
- P36. No major deviation, modification, alteration, adjustment, or revision to or from the appearance, location, fixtures, features, or appurtenances thereto of any type or extent shall be approved without said changes being first submitted to the Director for consideration and approval. Said review shall not rise to the level of a revision to the original Permit or other discretionary review, therefore necessitating a new public hearing, but shall, instead, constitute a clarification of the Director's original approval.
- P37. Mitigation measures listed in the Environmental Impact Report (SCH # 2022120356) and Mitigation Monitoring and Reporting Program (MMRP) shall be implemented as part of the project.
- P38. The project shall comply with the Water Quality Certification from the RWQCB and a 1602 Streambed Alteration Agreement from the CDFW as described in EIR Mitigation Measures BIO-13 and BIO-14.

Engineering Division Conditions of Approval

- EC1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100-year design storm. (Town Resolution 2000-50; Development Code 9.28.050.C, 9.28.100)

- EC2. A final grading plan shall be approved by the Town Engineer prior to issuance of a grading permit.
- EC3. A 71-ft wide half-width road dedication along Dale Evans Road shall be granted to the Town of Apple Valley prior to Issuance of Grading Permit.
- EC4. A 44-ft wide half-width road dedication along Lafayette Road shall be granted to the Town of Apple Valley prior to Issuance of Grading Permit.
- EC5. A 44-ft wide half-width road dedication along Dachshund Road shall be granted to the Town of Apple Valley prior to Issuance of a Grading Permit.
- EC6. A 33-ft wide half-width road dedication along Burbank Road shall be granted to the Town of Apple Valley prior to Issuance of a Grading Permit.
- EC7. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC8. Dale Evans Parkway adjacent to the property shall be improved to the Town's half-width Major Divided Parkway standards. The plans shall show sidewalks, a Class 1 Bike path, and ADA access improvements along the frontage of the development.
- EC9. Lafayette Road adjacent to the property shall be improved to the Town's half-width Secondary Road standards.
- EC10. Dachshund Road adjacent to the property shall be improved to the Town's full-width Secondary Road standards. Town will provide reimbursement for the construction of the east side of Dachshund Road along the project's frontage.
- EC11. Burbank Road adjacent to the property shall be improved to the Town's half-width Industrial Road standards.
- EC12. Additional Rights of way (minimum 6' width) may be required from offsite properties to construct the half-width industrial half-width street for Burbank Road. The minimum half width for two-way traffic is 26' wide with shoulders. The additional right of way may come from adjacent properties or from the project's property.
- EC13. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC14. Final improvement plans and profiles shall indicate the location of any existing utility, which would affect construction and shall provide for its relocation at no cost to the Town.
- EC15. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC16. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC17. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.

- EC18. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.
- EC19. Easements, as required for roadway slopes, drainage facilities, utilities, etc., shall be submitted and recorded as directed by the Town Engineer. No structures shall be placed on any part of the easements except those directly related to the purposes of said easements.

Building and Safety Division Conditions of Approval

- BC1. An engineered grading report including soils report shall be submitted to and approved by the Building Official prior to recordation of the final map or issuance of permits for grading in excess of 1,000 cubic yards.
- BC2. Grading and drainage plans must be submitted to and approved by the Building Official, Planning Department and Town Engineer prior to permit issuance.
- BC3. Submit plans and obtain permits for all structures and retaining walls, signs.
- BC4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard native plant protection and desert tortoise habitat.
- BC5. A Notice of Intent (NOI) and Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- BC6. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- BC7. A cross lot drainage requires easements and may require improvements at the time of development.
- BC8. Comply with the State of California Disability Access requirements.
- BC9. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor, soils technician and any other parties required to be present during the grading process such as a Biologist and/or Paleontologist.
- BC10. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)
- BC11. Page two of the submitted building plans will be the Conditions of Approval.
- BC12. Construction must comply with the applicable California Building Codes and green Building Code.
- BC13. Best Management Practices (BMP's) are required for the site during construction.
- BC14. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

Public Works Conditions of Approval

- PW1. Sewer main extension required for sewage disposal.
 - a. A six (6) inch lateral is required for the project.
- PW2. Submit plans to Town of Apple Valley Public Works Department for review. Plans must be approved by VVWRA and the Town of Apple Valley Public Works Department.
- PW3. Sewer connection fees required.

Fire Protection District Conditions of Approval

- FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.
- FD2. All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.
- FD3. All combustible vegetation, such as dead shrubbery and dry grasses, shall be removed from each building site a minimum distance of thirty (30) feet from any combustible building material, including the finished structure. This does not apply to single specimens of trees, ornamental shrubbery, or similar plants, which are used as ground cover if they do not form a means of transmitting fire.
- FD4. Prior to combustible construction, the development, and each phase thereof, shall have two points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located.
- FD5. Fire lanes shall be provided with a minimum width of twenty-six (26) feet, maintained, and identified in the parking areas.
- FD6. Fire lanes shall be provided with a minimum width of thirty-six (36) feet, maintained, and identified in and throughout the facility.

Apple Valley Fire Protection District Ordinance 57
- FD7. A turnaround shall be required at the end of each roadway one hundred fifty (150) feet or more in length and shall be approved by the Fire District. Cul-de-sac length shall not exceed one thousand (1,000) feet.
- FD8. Turning radius on all roads within the facility shall not be less than 22 feet inside and minimum of 40 feet outside turning radius with no parking on street, or 47 feet with parking. Road grades shall not exceed twelve percent (12%) unless approved by the Chief.

Apple Valley Fire Protection District Ordinance 57

FD9. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.

Apple Valley Fire Protection District, Ordinance 57

Unless otherwise approved by the Fire Chief, on-site fire protection water systems shall be designed to be looped and fed from two (2) remote points.

System Standards:

*Fire Flow 3,000- 4,000 GPM @ 20 psi Residual Pressure

Duration 4 Hour(s)

Hydrant Spacing 330 Feet

*Fire Flow is determined by the type of construction

FD10. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

FD11. Commercial and industrial developments shall have street addresses and location approved by the Fire District.

FD12. Where the building setback exceeds 200 feet from the roadway, additional non-illuminated contrasting (18) inch numbers shall be displayed at the property entrance. When these developments have rear doors of each unit, the unit number shall be a minimum of 6 inches and shall contrast with their background.

Apple Valley Fire Protection District, Ordinance 57

FD13. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.

FD14. Prior to issuance of building permit, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.

FD15. A Knox Box Rapid Entry System shall be required for this project.

Apple Valley Fire Protection District Ordinance 57

Liberty Utilities Conditions of Approval

LU1. Offsite water mains do not exist on Dachshund Avenue and on Lafayette Street fronting this development.

LU2. Water mains must be extended to provide fire protection for this development in accordance with Apple Valley Fire Protection District's conditions.

LU3. Water main extension contract between the developer and Liberty Apple Valley is required

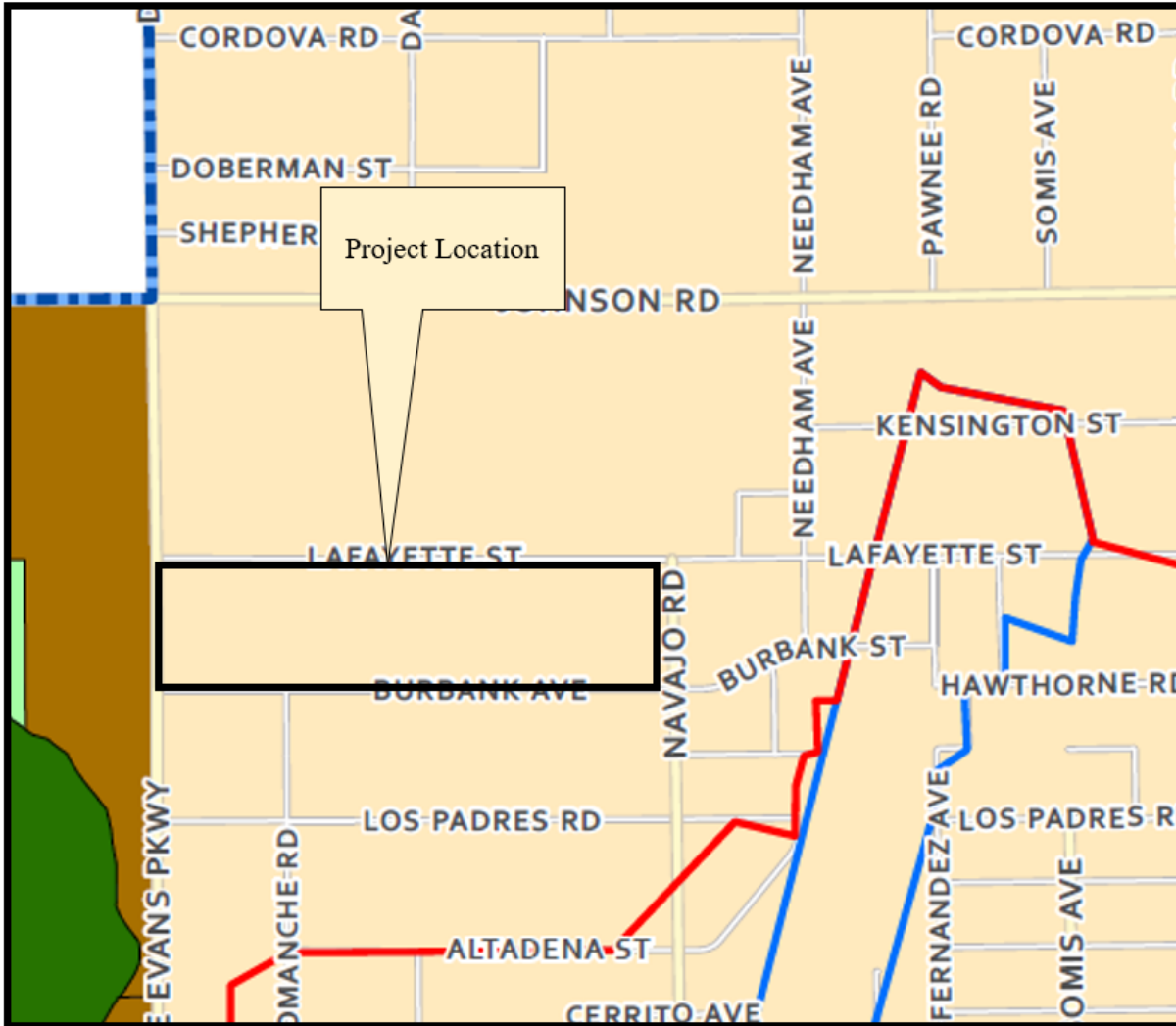
and must comply with Rule 15 of the California Public Utilities Commission. Subject to the terms of the contract, the cost of facilities installed as advances will be reimbursed to the developer at 2.5 percent per year for 40 years with no interest. Extend 16" diameter pipeline approximately 1,350 feet along Dachshund Avenue and about 5,300 feet along Lafayette Street to the east connecting to an existing main at Navajo Road and Lafayette Street.

- LU4. Offsite fire hydrants are required to be located in accordance with Apple Valley Fire Protection District's requirements and installed per Liberty Apple Valley standard drawings.
- LU5. Fire hydrants required onsite will be installed in accordance with Apple Valley Fire Protection District's requirements.
- LU6. Fire service lines are required for this development and will be installed in accordance with Apple Valley Fire Protection District's conditions and must comply with Rule 16 of the California Public Utilities Commission. Approved and tested customer owned backflow protection device is required.
- LU7. Water facilities need to be installed in dedicated public Rights-of-Ways and/or public utility easements and need to be identified and shown on the water improvement plans. These dedications and/or easements are needed to install, maintain, repair, connect, operate and inspect the proposed water facilities with unobstructed vehicular access.
- LU8. Domestic service lines will be installed from the existing water main to the street right-of-way line that fronts this development. Approved and tested customer owned backflow protection device is required.
- LU9. Supply Facility Fee is required, which will fund development of new wells. This fee will be collected on a per meter basis, which is presently at a rate of \$1,030 per 5/8" equivalent meter.
- LU10. Supplemental Water Acquisition Fee is also required in order for Liberty to have the water rights to provide water to this project. This is a one-time charge that is subject to change, to be determined at the time of construction. Presently, this fee is \$5,665 per residential lot or equivalent average residential water use.
- LU11. The water lines and appurtenances required are to be installed in accordance with Liberty Apple Valley standards and specifications.
- LU12. These conditions are for domestic water and offsite fire flow requirements, and do not include onsite private water lines or fire hydrants. To proceed further, we recommend the owner or developer set up a meeting with our Engineering Department so we can review and provide any additional design parameters and requirements for this project.

END OF CONDITIONS

Zoning/Location Map

Site Plan Review SPR 2022-004










Site Plan Review SPR 2022-004

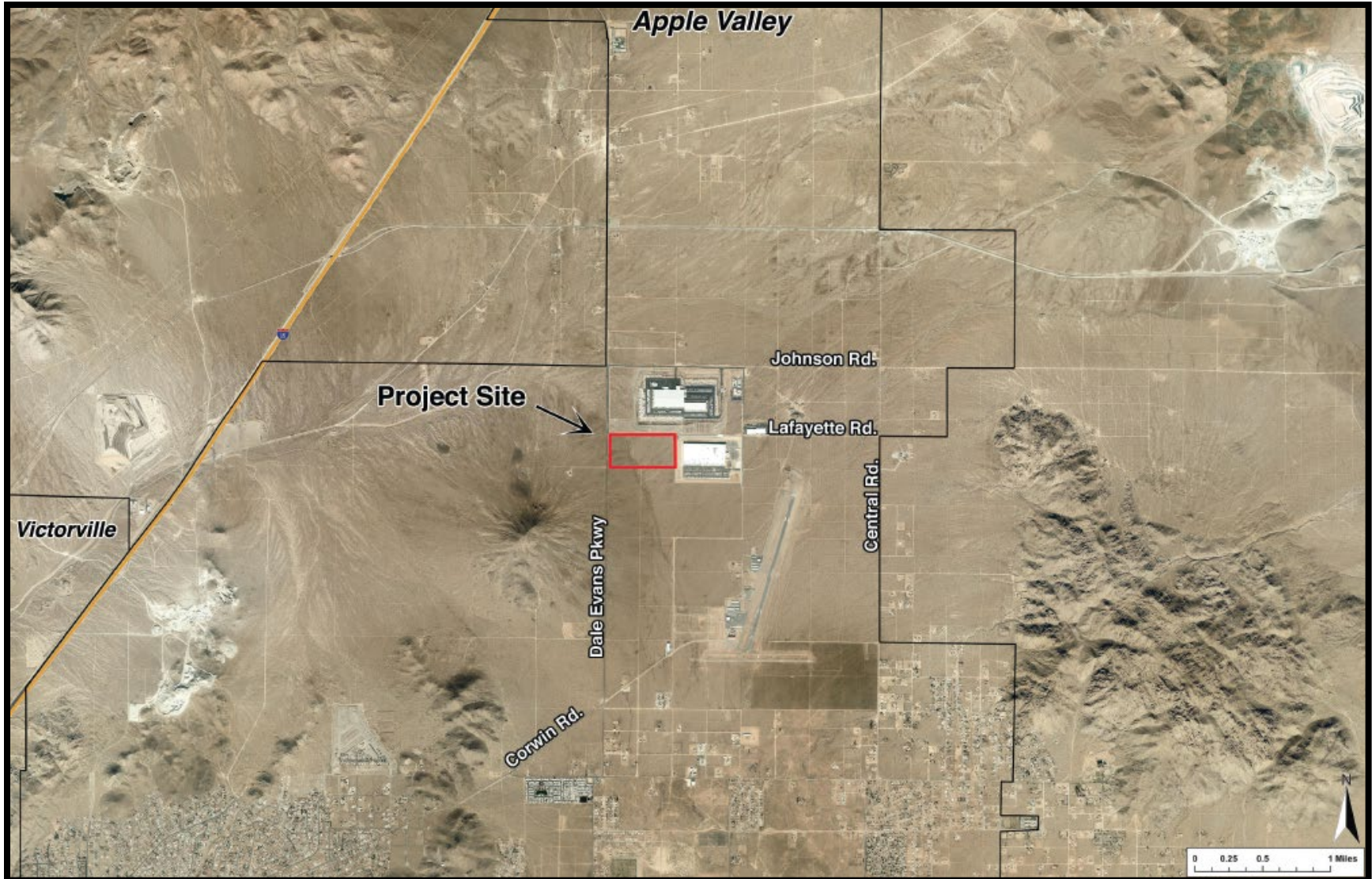
Northeast corner of Lafayette Street and Dale Evans Parkway

APNs: 0463-213-11 through -16 & 0463-231-34 through -37



-  SPR 2022-004
-  (R-M) Multi-Family Residential (2 to 20 du/net acre)
-  (OS-R) Open Space Recreation
-  (SP) Specific Plan
-  (A-1) Airport Overlay District
-  (A-2) Airport Overlay District
-  Town Boundary

Attachment 3 – Vicinity Map



THE TOWN OF APPLE VALLEY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1: SUMMARY OF FINDINGS

Based on all of the evidence presented and the entirety of the administrative record, including but not limited to the EIR, written and oral testimony given at public hearings, and the submission of testimony from the public, organizations and regulatory agencies, the following environmental impacts associated with the Project are either: (1) less than significant and do not require mitigation; or (2) potentially significant but will be avoided or reduced to a level of insignificance through the identified Mitigation Measures; or (3) significant and cannot be fully mitigated to a level of less than significant but will be lessened to the extent feasible by the identified Mitigation Measures.

SECTION 2: FINDINGS REGARDING NO IMPACT DETERMINATIONS IN THE INITIAL STUDY/NOTICE OF PREPARATION.

The Town prepared an Initial Study/Notice of Preparation for the Project and circulated it for public comment from December 16, 2022 to January 16, 2023. State CEQA Guidelines section 15091 does not require specific findings to address environmental effects that an EIR identifies as “no impact”. Nevertheless, the Town hereby finds that the Project would have no impact or on the following resource areas:

A. AESTHETICS

Thresholds:

- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

Finding: No Impact (IS/NOP page 12)

Explanation:

The Initial Study determined that the Project would result in “No Impact” to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway because the Project is not proposed to develop within a state scenic highway, and there are no notable rock outcroppings, trees, or other scenic resources on the Project site.

B. AGRICULTURE AND FORESTRY RESOURCES

Thresholds:

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

use?

- b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*
- c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*
- d) *Result in the loss of forest land or conversion of forest land to non-forest use?*
- e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

Finding: No Impact (IS/NOP page 14)

Explanation:

The Initial Study determined that the Project would result in “No Impact” to agriculture or forestry resources because no agricultural or forestry lands occur on the Project site, and the Project site is not located within an area mapped for farmland of statewide importance, is not zoned for agricultural or forestry uses, is not subject to a Williamson Act contract, and will not convert or result in the loss of existing agricultural or forestry uses.

C. GEOLOGY AND SOILS

Thresholds:

- a) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*
 - i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*
- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*
- f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Finding: No Impact (IS/NOP page 24-25)

Explanation:

The Project site is not located within or adjacent to an Alquist-Priolo Earthquake Fault Zone; therefore, the Project will have no impact on risks associated with ground rupture due to an earthquake on an underlying fault.

The Project will connect to existing sanitary sewer. There will be no need for septic system, and therefore no impacts on soils would occur.

The Project is located on the valley floor where soils to depth are largely comprised of recently deposited aeolian and alluvial sediments that typically do not harbor paleontological resources. Therefore, potentially sensitive paleontological resources are not expected to occur.

D. HAZARDS AND HAZARDOUS MATERIALS

Thresholds:

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*
- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

Finding: No Impact (IS/NOP page 29)

Explanation:

The Project is located in the NAVISP, which is planned for industrial and similar development. No school occurs within the area or its vicinity, and no school occurs within ¼ mile of the Project site. Therefore, the proposed Project would not create a significant hazard to a school.

The Project site is located well outside the airport planning boundary and operational and navigational hazard area. Therefore, the proposed Project would not result in a safety hazard or excessive noise for people residing or working in the Project area.

The Project site is located on the valley floor. There are no wildlands, slopes, foothills or similar areas occur in the vicinity of the proposed Project. Further, the desert floor is sparsely vegetated, and does not pose a risk for wildland fires. There will therefore not be any impact to the Project from wildland fires.

E. HYDROLOGY

Threshold:

- d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

Finding: No Impact (IS/NOP page 32)

Explanation:

The Town is located far inland and is not subject to tsunami. There are no dams or large water tanks in the vicinity of the proposed Project. There is therefore no potential for impact relating to Project inundation.

F. LAND USE PLANNING

Thresholds:

- a) *Physically divide an established community?*

Finding: No Impact (IS/NOP page 33)

Explanation:

The Project site is vacant. Lands to the north and east are occupied by warehouse facilities. Lands to the south are vacant and planned for industrial development of a similar nature to the proposed Project. Lands to the west, across Dale Evans Parkway, are designated Medium Density Residential, but are currently vacant. Therefore, the Project has no potential to physically divide an established community, no impact will occur.

G. MINERAL RESOURCES

Thresholds:

- a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- b) *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

Finding: No Impact (IS/NOP page 34)

Explanation:

There are no mineral resources known to occur on the project site, nor has the project site been previously used for mining operations. The project site has been designated for urban land uses since the Town's incorporation, is within the NAVIASP area designated for industrial use, and has not been identified for mineral resource mining. Therefore, the Project will have no impact on the loss of availability of mineral resources.

H. NOISE

Thresholds:

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

Finding: No Impact (IS/NOP page 36)

Explanation:

The Project site is located approximately 1 mile northwest of the Apple Valley Airport and is well outside existing and modeled future airport noise contours. No impact will occur.

I. POPULATION AND HOUSING

Threshold:

- b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

Finding: No Impact (IS/NOP page 37)

Explanation:

The Project site is currently vacant, and will not require the displacement of people, or the construction of housing. No impact will occur.

J. WILDFIRE

Threshold:

- a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*
- b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*
- c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

- d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

Finding: No Impact (IS/NOP page 48)

Explanation:

The Project area is not located adjacent to a state responsibility area or a very high fire hazard severity zone. Because the Project area is not at high risk for wildfire, it is also not at risk for spread of wildfire, or for slope instability, flooding or landslides. Finally, there is no need for installation or maintenance of infrastructure that could exacerbate fire risk. No impacts associated with wildfire will result from development of the proposed project.

SECTION 3: FINDINGS REGARDING LESS THAN SIGNIFICANT IMPACTS NOT REQUIRING MITIGATION.

Consistent with Public Resources Code Section 21002.1 and Section 15128 of the State CEQA Guidelines, the EIR focused its analysis on potentially significant impacts, and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental impacts. State CEQA Guidelines section 15091 does not require specific findings to address environmental effects that an EIR identifies as “no impact” or a “less than significant” impact. Nevertheless, the Town hereby finds that the Project would have either no impact or a less than significant impact on the following resource areas.

A. AESTHETICS

1. Scenic Vistas

Threshold:

- a) *Would the Project have a substantial adverse effect on a scenic vista?*

Finding: Less than significant impact. (EIR, p. 2.3-7 through 2.3-10)

Explanation:

The proposed Project will facilitate new development on a site that is currently vacant. The proposed Project extends the development pattern already established by the existing industrial uses to the north and east. The Project proposes a single warehouse structure which uses color and variations in planes to provide visual interest. The scale and form of the Project building will be oriented in an east-west direction, presenting its narrowest elevation on Dale Evans Parkway.

The 2.4± miles distance of the Project from the I-15 corridor is sufficient to significantly diminish the effects of the proposed building. Furthermore, a berm has been constructed along much of the northbound lanes of I-15 in this area, which also obscures views of the subject property.

Lands to the north, east and south are planned for industrial development, therefore there will be no sensitive viewers from these directions. Lands to the west are currently vacant, however these lands are designated multi-family residential in the Town's General Plan, which will create sensitive viewers. These residential units, when constructed, will be located a minimum of 400 feet from the proposed Project building, including the width of the roadway and the building setback on the Project site. Viewers from the future multi-family residential units to the west will have some easterly views diminished, but the more vivid and intact viewsheds of distant mountains located to the south and southwest, including Bell Mountain, will not be affected by the Project, nor will views of the mountains at a distance to the west.

Overall, the Project will have a less than significant impact on scenic vistas for viewers on surrounding lands or public roadways.

2. Existing Visual Character

Threshold:

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

Finding: Less than Significant Impact. (EIR, pp. 2.3-11)

Explanation:

The proposed 78± acre Project is located in the heart of the North Apple Valley Industrial Specific Plan (NAVISP), which encompasses 5,100± acres in the northern portion of the Town. Although development in the Specific Plan area has been limited, the intent of the Specific Plan and its long-term goals are for an urbanized, industrial landscape. The character of the area surrounding the Project site has already been established by two large warehouse developments (Walmart and Big Lots), which are located adjacent to the subject property on its north and east sides and are of a form and scale consistent with the proposed Project. The Project is consistent with both the existing visual character in its immediate vicinity, and the overall character envisioned in the NAVISP and the Town's General Plan.

The proposed Project would be consistent with the development standards and design guidelines set forth in the NAVISP, including site coverage, building height, setbacks, landscaping, and aesthetic quality. Project impacts on the existing visual character of the area and the quality of public views will be less than significant.

2. Light and Glare

Threshold

- d) *Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?*

Finding: Less than Significant Impact. (EIR, pp. 2.3-11 and 2.3-12)

Explanation:

The Project is proposed on a major roadway, within the NAVISP, which is planned for industrial uses. Lighting on the Project site will be required to be consistent with Section III.F.3 of the NAVISP and the Town's Development Code. The Town will condition the Project to conform to the related standards and guidelines set forth in the NAVISP addressing all project lighting, including architectural and security lighting, landscape and parking lot lighting, and any and all signage lighting. The Project's lighting will also be required to comply with the Town's Dark Sky Policy. The Project must also assure that all parking lot lighting uses full cutoff shielding and prevents spillage onto adjacent streets and properties, consistent with both the NAVISP and Development Code.

Conformance with the NAVISP lighting standards and Development Code will ensure that the Project does not create new sources of light or glare that would adversely affect day or nighttime views. Impacts will be less than significant.

B. AIR QUALITY

1. Conflict with Air Quality Plan

Threshold:

- a) *Would the Project conflict with or obstruct implementation of the applicable air quality plan?*

Finding: Less than Significant Impact. (EIR, pp. 2.4-13 and 2.4-14)

Explanation:

Under CEQA, a significant air quality impact could occur if the Project is not consistent with the applicable air quality management plans or would obstruct the implementation of the policies or hinder reaching the goals of that plan. The Mojave Desert Air Quality Management District (MDAQMD) is responsible for monitoring criteria air pollutant concentrations and establishing management policies for the Mojave Desert Air Basin (MDAB), including the Planning Area. A project is considered to be "in conformity" if it complies with all applicable District rules and regulations, complies with all proposed control measures that are not yet adopted from the applicable plan(s), and is consistent with the growth forecasts in the applicable plan(s). A non-conforming project would be one that increases the gross number of dwelling units, increases the number of trips, and/or increases the overall vehicle miles traveled in an affected area relative to the applicable land use plan. Conformity with growth forecasts can be established by

demonstrating that the Project is consistent with the land use plan that was used to generate the growth forecast.

According to the NAVISP, the Project property is designated as Industrial – Specific Plan, which allows for “a broad range of clean manufacturing and warehousing uses... [including] warehouse distribution facilities.” The Project, which proposes the development of a warehouse distribution facility, is consistent with the land use and zoning designation established in the NAVISP, and will comply with the policies and regulations applicable to this designation. According to the MDAQMD CEQA Guidelines, given that the Project is consistent with the land use plan used to generate the growth forecast, it can be assumed that the Project conforms with the growth forecast itself.

The MDAQMD CEQA Guidelines also state that a project is considered conforming if it complies with all proposed control measures. According to the Apple Valley General Plan, the Town is subject to the provisions of the MDAQMD Rule Book, which establishes policies and other measures designed to help the District reach federal and state attainment standards. The proposed Project will be implemented in accordance with all applicable MDAQMD rules and regulations to ensure impacts to air quality are reduced to the greatest extent possible. The Town’s compliance with General Plan policies and standard MDAQMD rules and regulations will ensure that buildout of the Project is in accordance with applicable air quality management plans. Impacts will be less than significant.

2. Result in Cumulatively Considerable Net Increase in Criteria Pollutants

Threshold:

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

Finding: Less than significant impact. (EIR, p. 2.4-14 through 2.4-17)

Explanation:

A significant impact could occur if the Project would make a considerable cumulative contribution to federal or state non-attainment pollutants. Pollutants of primary concern in Apple Valley are ozone (O₃) and particulate matter (PM₁₀). For State designations, the MDAB is in non-attainment for ozone (O₃) and PM₁₀. For national area designations, the MDAB is in non-attainment (Severe-15) for the federal 8-hour ozone standard, and moderate non-attainment for the federal 24-hour PM₁₀ standard.

Construction

Construction of the Project will require a two-year buildout and would cause temporary, short-term emissions of various air pollutants. Table 2.4-5 in the EIR (p. 2.4-15) shows that the emissions generated by the Project construction activities will not exceed the MDAQMD thresholds for any criteria air pollutants. Given that MDAQMD’s thresholds for

criteria air pollutants will not be exceeded during unmitigated construction activities, impacts are anticipated to be less than significant.

**Table 2.4-5
Maximum Daily Construction-Related Emissions Summary (pounds per day)**

Construction Emissions	CO	NO_x	ROG	SO₂	PM₁₀	PM_{2.5}
Daily Maximum¹	69.43	36.28	122.62	0.20	21.15	11.33
MDAQMD Threshold	548	137	137	137	82	65
Exceeds?	No	No	No	No	No	No

¹ Average of winter and summer daily maximum emissions.

Operation

Daily activities of the proposed Project will result in the emission of air quality pollutants from the use of electricity and natural gas, and from area sources and moving sources. Table 2.4-6 in the EIR (p. 2.4-16) shows that the emissions generated by the Project operational activities will not exceed the MDAQMD thresholds for any criteria air pollutants. Given that MDAQMD's thresholds for criteria air pollutants will not be exceeded during unmitigated operational activities, impacts are anticipated to be less than significant.

**Table 2.4-6
Maximum Daily Operational-Related Emissions Summary (pounds per day)**

Operational Emissions¹	CO	NO_x	ROG	SO₂	PM₁₀	PM_{2.5}
Daily Max. (Passenger Car)²	43.811	5.397	36.49085	0.16465	20.2599	5.593
Daily Max. (Trucks)²	42.3898	121.92685	37.5786	0.68245	29.1742	9.36855
Daily Max. (Total)	86.20	127.32	74.07	0.85	49.43	14.96
MDAQMD Threshold	548	137	137	137	82	65
Exceeds?	No	No	No	No	No	No

¹ Average of winter and summer daily maximum emissions.

² Separate CalEEMod projections were prepared for passenger vehicle trips and truck trips to adjust for and control the trip lengths associated with each vehicle class. Combined, Daily Max emissions includes total area, energy and mobile source (truck and passenger) emissions.

Cumulative Impacts

The West Mojave Desert portion of the Mojave Desert Air Basin is a designated non-attainment region for PM₁₀ and ozone. Any development resulting in emissions of PM₁₀, ozone, or ozone precursors will, to some extent, contribute to existing regional non-attainment. The MDAQMD does not currently provide thresholds of significance for the cumulative emissions of multiple projects. A project's potential cumulative contributions can instead be analyzed using the criteria for project-specific impacts, assuming that if an individual development generates less than significant construction and operational emissions, then it would not generate a cumulatively considerable increase in non-attainment criteria pollutants.

Emissions of PM10, CO, NOx and ROG related to the Project are projected to be below the MDAQMD thresholds for project-specific impacts, as shown in Tables 2.4-5 and 2.4-6. Therefore, while the Project will contribute to incremental increases in emissions, the impacts on regional PM10 and ozone levels are not anticipated to be cumulatively considerable.

3. Expose Sensitive Receptors to Substantial Pollutant Concentrations

Threshold:

- c) *Would the Project expose sensitive receptors to substantial pollutant concentrations?*

Finding: Less than significant impact. (EIR, p. 2.4-17 through 2.4-19)

Explanation:

Sensitive Receptors

According to the MDAQMD CEQA Guidelines, projects within a specified distance of a sensitive receptor must be evaluated using significance threshold criteria. MDAQMD lists specific distance thresholds for industrial projects, like the proposed Project. Given that the Project is well beyond the specified distance from any sensitive receptor land uses, it does not need to be evaluated using significance criteria, and impacts can be considered less than significant.

Health Impacts

MDAQMD does not currently have a methodology to correlate the expected air quality emissions of a project to the likely health consequences of those emissions consistently and meaningfully; however, MDAQMD does recommend the use of tools such as CalEEMod for the purposes of project evaluation. The results of the CalEEMod projections indicate that the Project's emissions are below the MDAQMD thresholds, and the application of the MDAQMD sensitive receptor guidelines also indicate that the Project is not within the threshold distance. Based on these findings, it is therefore anticipated that the Project's impacts and associated health effects resulting from criteria pollutants will overall be less than significant.

4. Objectionable Odors

Threshold:

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

Finding: Less than significant impact. (EIR, pp. 2.4-19 and 2.4-20)

Explanation:

The Project proposes the development of a warehouse/distribution facility, which will not include any industrial production or processing activity. While the proposed warehouse may produce some odors, it is not anticipated to produce any objectionable odors long term. While some odors may be generated on site during the construction process, their production will be short term. Any odors generated on site during construction or operations are expected to disperse quickly with distance. Existing regulations such as MDAQMD Rule 402, Nuisance, would continue to minimize odor impacts. There are no sensitive receptors in the immediate vicinity of the proposed Project, and adjacent sites are either similar distribution facilities or are vacant. There are therefore no land uses nearby that are likely to be impacted by any nuisance related to odors. As such, impacts from objectionable odors are expected to be less than significant.

C. BIOLOGICAL RESOURCES

1. Habitat Conservation Plan

Threshold:

- f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*

Finding: Less than Significant Impact. (EIR, p. 2.5-14)

Explanation:

The CEQA review process for the Apple Valley MSHCP/NCCP was underway at the time the Project Draft Environmental Impact Report was prepared. If adopted, the Project will be required to adhere to the requirements set forth in the MSHCP/NCCP. Given that the subject property is not situated on federal lands, the Project is not subject to the West Mojave Habitat Conservation Plan. The Project will not conflict with the provisions of an adopted Habitat Conservation Plan or Natural Community Conservation Plan. Impacts will be less than significant.

D. CULTURAL RESOURCES

1. Historical Resources

Threshold:

- a) *Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5.*

Finding: Less than significant (EIR, p. 2.6-10)

Explanation:

The cultural resources study prepared for the Project identified five previously unrecorded cultural resources within the Project area, including two sites of historical origin, two historic-period isolates, and one prehistoric isolate. None of the resources meet the significance guideline set forth by the California Office of Historic Preservation due to the lack of contextual integrity and are not considered potential “historical resources” and require no further consideration in the CEQA-compliance process. Therefore, development of this Project will not cause a substantial adverse change in the significance of an historical resource pursuant to CEQA § 15064.5 and impacts will be less than significant.

2. Archaeological Resources

Threshold:

- b) Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?*

Finding: Less than significant (EIR, p. 2.6-10)

Explanation:

The Project cultural resources report identified five previously unrecorded isolates during the field survey. The Project would require the removal of one prehistoric isolate, a small white-and-grey chert core exhibiting two flake scars and one microflake scar. As a single artifact this isolate does not qualify as an archaeological site nor does it meet the guideline set forth by the California Office of Historic Preservation due to the lack of contextual integrity and not considered potential “historical resources” and require no further consideration. Therefore, the Project will not result in a substantial adverse change in the significance of an archaeological resource and impacts will be less than significant.

E. ENERGY

1. Energy Consumption

Threshold:

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

Finding: Less than significant (EIR, p. 2.7-8 through -12)

Explanation:

Construction

During construction of future development, energy would be consumed in petroleum-based fuels for equipment, electricity associated with water conveyance and site lighting, and energy used in the production of construction materials. Overall, construction impacts would be temporary, minimal and would not be wasteful or inefficient.

Operation

Long-term operation of the proposed Project will consume electricity, natural gas, and transportation-related energy sources such as gasoline and diesel.

Electricity/Natural Gas Demand: The Project is estimated to consume a total of 9,812,480 kilowatts per year of electricity and 11,433,050 kBtu (114,357.80 therms) per year of natural gas.

The Project's estimated annual use of 9,812,480 kilowatts per year of electricity represents approximately 2.97% of the total 329,848,695 kilowatt-hours used by the Town in 2019. Per the Town's CAP, the Project will be required to comply with applicable standards in the California Building Code and Energy Code Title 24 Energy Efficiency Standards. This includes meeting or exceeding the state performance standards for water heating and space heating and cooling. Furthermore, in accordance with §140.10 of Part 6 of Title 24, the Project will be required to install a photovoltaic system on the building's roof and will also be required to have a battery storage system. Given that the Project will be generating and storing electricity on-site, it can be assumed that its electricity consumption from external sources will be significantly lower than estimated above. Overall, compliance with state requirements will ensure that the Project's electricity consumption is not wasteful, inefficient, or unnecessary.

Operation of the proposed Project is estimated to use approximately 114,358 therms per year of natural gas.¹⁵ This represents approximately 0.7% of the Town's total 2019 natural gas usage of 15,526,732 therms.¹⁶ As previously stated, compliance with the Title 24 Energy Efficiency Standard will ensure that the Project is not wasteful, inefficient, or unnecessary in its consumption of natural gas during operations. Impacts would therefore be less than significant.

Transportation-related Energy Demand: Based on an annual VMT of 18,432,060 miles during Project operations, the proposed development would represent approximately 2% of the Town-wide total VMT generated in 2019. Federal and State agencies, namely the state and federal EPA and CARB, continue to increase vehicle fuel efficiency standards. While the Project will contribute to the Town's VMTs, increased fuel efficiency and shifts to non-fossil fuels over time will result in lower emissions and less fuel energy required per mile traveled. The Project will not conflict or interfere with the implementation of these fuel efficiency standards, and will not be wasteful, inefficient, or unnecessary in its consumption of transportation energy resources during operation. Impacts would therefore be less than significant.

2. Energy Efficiency

Threshold:

- b) *Conflict or obstruct a state of local plan for renewable energy or energy efficiency?*

Finding: Less than significant (EIR, p. 2.7-12)

Explanation:

The proposed Project would be designed, built, and operated in accordance with all applicable state and local regulations that would reduce the energy demand of the Project. Such standards and regulations include the Part 6 and Part 11 of Title 24 of the California Code of Regulations, all applicable policies in the Town of Apple Valley General Plan Energy and Mineral Resources Element, as well as the Town's 2019 Climate Action Plan. Adherence to the applicable state standards and compliance with Town policies would ensure that the Project does not conflict with or obstruct any applicable plans for renewable energy or energy efficiency. Impacts would be less than significant.

F. GEOLOGY AND SOILS

1. Landslides

Threshold:

- a) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving;*
- iv) *Landslides?*

Finding: Less than significant (EIR, p. 2.8-10)

Explanation:

The Project site is located 0.5 miles southwest of the nearest area with potential landslide hazards. Distance alone reduces this local landslide threat to less than significant for the subject property. No other hillside occurs in the Project area. The potential for landslides to adversely impact the Project site are less than significant.

2. Loss of Topsoil

Threshold:

- b) *Result in substantial soil erosion or the loss of topsoil?*

Finding: Less than significant (EIR, p. 2.8-10)

Explanation:

Soils found on the Project site are well drained, generate negligible to low runoff, and have moderately high and high saturated hydraulic conductivity. The potential for wind

erosion of soils on the Project site is considered low to moderate. The Town will require the implementation of a dust control plan, consistent with MDAQMD Rule 403 (please see Section 2.4). This standard requirement will assure that impacts associated with soil erosion are reduced to less than significant levels.

3. Unstable Soils

Threshold:

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

Finding: Less than significant (EIR, p. 2.8-11)

Explanation:

There are no active (or inactive) faults on site or in the vicinity. The liquefaction hazard and associated hazards at the site are considered to be low. The subject property is not underlain by either unstable geologic units or soils, and will not result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Impacts will be less than significant.

G. GREENHOUSE GAS EMISSIONS

1. Compliance with Reduction Plans

Threshold:

- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.*

Finding: Less than significant (EIR, p. 2.9-16 through 2.9-17)

Explanation:

The California Air Resources Board (CARB) 2022 Scoping Plan puts forward the bold target of achieving carbon neutrality in state-wide emissions by 2045 or earlier. This plan builds on the efforts of the three previous scoping plans, which established goals to meet 1990 levels by 2020 and 40 percent below 1990 levels by 2030, in compliance with Senate Bill 32 (SB 32). The 2022 Scoping Plan Update aims to further reduce anthropogenic emissions in California to 85 percent below 1990 levels by 2045.

The Town's 2019 Climate Action Plan Update (CAP) provides Apple Valley's comprehensive strategy to meet the SB 32 emission targets by reducing the Town's emissions 15% below 2005 levels by 2020 and 40% below 2005 levels by 2030. According to the MDAQMD CEQA Guidelines, a project is deemed to conform with an emissions plan if it is consistent with the existing land use plan. As described in Section 2.4, Air Quality, the Project is located in the North Apple Valley Industrial Specific Plan

(NAVISP) area, on a site designated and zoned as Industrial – Specific Plan. This designation permits clean industrial uses such as warehouse distribution facilities. The Project proposes a warehouse distribution facility that aligns with the permitted uses for the site. It also complies with all development standards for the I-SP zone, including maximum building coverage, maximum building height, and water efficient landscape requirements pursuant to the Town’s Water Conservation/Landscaping Regulations.

Given that the Apple Valley Climate Action Plan (CAP) is based on the growth projected from buildout of the Town’s General Plan, the Project’s conformance with the NAVISP implies compliance with the CAP. The Project, including all components of construction and operation, will also be subject to the current MDAQMD Rules as applicable to greenhouse gases. Conformance with the land use plan and implementation of applicable policies in the CAP ensure that the Project will not conflict with applicable plans, policies or regulations adopted for the purpose of reducing the emissions of greenhouse gases. Project impacts are therefore anticipated to be less than significant.

H. HAZARDS AND HAZARDOUS MATERIALS

1. Emergency Response and Evacuation Plans

Threshold:

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.*

Finding: Less than significant (EIR, p. 2.10-13 and 2.10-14)

Explanation:

Apple Valley’s Emergency Operations Plan integrates with the Town’s General Plan, zoning regulations, and other plans. Given that the Project’s proposed industrial land uses align with the policies established in the NAVISP, it can be assumed that the Project will not interfere with the Emergency Operations Plan.

The Project does not propose to alter an emergency evacuation route, nor would it impede implementation of an emergency response plan. The proposed development would continue the pattern of industrial park development consistent with the NAVISP, would not interfere with or impair the Town’s emergency response capability, and would improve roadways resulting in improved access in the area. Impacts are therefore anticipated to be less than significant.

I. HYDROLOGY AND WATER QUALITY

1. Surface and Groundwater Quality

Threshold:

- a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.*

Finding: Less than significant (EIR, p. 2.11-16 and -17)

Explanation:

Town and Regional Water Quality Control Board reviews will ensure that construction and operational best management practices (BMPs) satisfy local, state, and federal standards. In addition, the Town will require preparation of a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the National Pollutant Discharge Elimination System (NPDES) prior to the issuance of grading permits.

The Project will be required to connect to the existing municipal sewer system in compliance with applicable standards that minimize impacts to regional groundwater quality. An on-site lift station and off-site force main are planned that will connect the Project to the municipal sewage collection system.

The implementation of existing regulations and standards will ensure that development in the Project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Impacts are expected to be less than significant.

2. Groundwater Supplies

Threshold:

- b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

Finding: Less than significant (EIR, p. 2.11-15 through 2.11-16)

Explanation:

Based on the analysis in this Water Supply Assessment, the projected total water demand for the Project will be 65.42 acre-feet per year (AFY), which accounts for approximately 1.69 percent of Liberty Utilities' total planned increases in demand of 3,881 AF by 2045. The WSA approved by the water purveyor demonstrates that sufficient water supplies will exist to meet the projected demands of the Project, in addition to current and future water demands within Liberty Utilities' service area in normal, single-dry, and multiple-dry years over a 20-year projection.

Based upon a comprehensive review of the Liberty Utilities 2020 Urban Water Management Plan and the Water Supply Assessment prepared for the Project, it will not substantially decrease groundwater supplies or interfere with groundwater recharge, nor

will it otherwise substantially impede sustainable groundwater management of the basin serving the Project and area. Impacts will be less than significant.

2. Alter Drainage Patterns: Erosion/Siltation

Threshold:

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

i) result in substantial erosion or siltation on-or off-site;

Finding: Less than significant (EIR, p. 2.11-16 and 2.11-17)

Explanation:

While the Project is crossed by two small drainages, it lies outside a FEMA-mapped flood hazard zone and is subject to limited off-site flows from a circumscribed tributary watershed area. Stormwater runoff generated on site by Project improvements will be captured and retained in on-site retention/infiltration basins and will not be co-mingled with tributary storm flows to be passed through the site. The proposed Project facilities will intercept but will not significantly alter the course of off-site flows through methods of site grading, construction of new impervious surfaces, or by other types of development. Drainage facilities will include desilting basins and/or de-siltation devices upstream of the point of discharge off-site, as required by Town and County standards. Therefore, the Project will not result in substantial erosion or siltation on- or off-site and impacts will be less than significant.

3. Alter Drainage Patterns: Surface Runoff

Threshold:

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

ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site;

Finding: Less than significant (EIR, p. 2.11-17)

Explanation:

While development of the Project will increase the potential for stormwater runoff from these lands due to increased impervious surfaces, the Project has been designed and will be conditioned to retain 100 percent of the incremental increase in runoff of a 100-year storm resulting from the Project, as required by the Town for all development

projects. On-site surface and subsurface facilities will convey on-site runoff into on-site retention/infiltration basins. Tributary flows will be released in a controlled manner to flow across Burbank Avenue in a manner consistent with existing conditions, and without increase in volume or velocity, as required by the Town. Therefore, the Project will not substantially increase the rate or amount of surface runoff nor convey this runoff in a manner which would result in flooding on- or off-site, and impacts will be less than significant.

4. Alter Drainage Patterns: Exceed Drainage System Capacities

Threshold:

c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

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

Finding: Less than significant (EIR, p. 2.11-17 and 2.11-18)

Explanation:

The Project provides for onsite retention basins to store the incremental runoff from a 100-yr 1-hour design storm volume in accordance with Town standards and regulations, including those imposed by NPDES permit requirements. The use of bio-remediation, enhanced infiltration and the depth to groundwater help ensure that neither surface nor groundwater quality will be affected by the stormwater runoff from the development. With the provision of on-site stormwater retention and implementation of required BMPs, no significant or substantially increased rate or amount of surface runoff will occur that would result in flooding or siltation on- or offsite. Impacts will be less than significant.

5. Alter Drainage Patterns: Impede or Redirect Flow

Threshold:

c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

i) impede or redirect flood flows?

Finding: Less than significant (EIR, p. 2.11-18)

Explanation:

The proposed Project will construct on-site channels to capture and shunt tributary flows west, south and east to the approximate point where these flows have historically passed off site. Tributary flows will be discharges from the site in a manner similar to the existing condition. Therefore, the Project will not significantly impede or redirect flood flows.

6. Conflict with Water Quality Control

Threshold:

- e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

Finding: Less than significant (EIR, p. 2.11-18)

Explanation:

The provisions of planned on-site stormwater retention/infiltration facilities and implementation of required Best Management Practices (BMPs) will ensure no significant or substantially increased rate or amount of runoff occurs as a result of the Project. The Project is also required to conform with applicable water quality regulations of the Town and the Regional Water Quality Control Board. The Water Quality Management Plan prepared for the Project will further ensure that the Project will not conflict with or obstruct implementation of a water quality control or sustainable groundwater management plan. Impacts will be less than significant.

J. LAND USE AND PLANNING

1. Conflict with Land Use Plan, Policy or Regulation

Threshold:

- b) *Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

Finding: Less than significant (EIR, p. 2.12-5 through 2.5-6)

Explanation:

The proposed Project would result in the development of a warehouse distribution center which is permitted under the NAVISP and is consistent with that plan's development standards and guidelines. The Project lies outside the Airport Influence Area of the Apple Valley Airport and is not subject to any special land use or development provisions associated with the airport land use compatibility plan. The Project, the Town and surrounding lands are located within the boundaries of the Draft Apple Valley Multi-Species Habitat Conservation Plan/Natural Community Conservation Plan (AVMSHCP/NCCP). Lands within the NAVISP planning area are not planned for

conservation under the Plan but would be subject to and conditioned to comply with the Plan's provisions.

Overall, the proposed Project is consistent with the Town General Plan, the NAVISP, the Apple Valley Airport Land Use Compatibility Plan and the forthcoming AVMSHCP/NCCP. Impacts are less than significant.

K. NOISE

1. Noise Generation

Threshold:

- a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;*

Finding: Less than significant (EIR, p. 2.13-9 through 2.13--13)

Explanation:

The proposed Project is consistent with the land use designation for that site in the NAVISP and the General Plan. It can therefore be assumed that the Project's impacts to ambient noise levels would not exceed those accounted for in the General Plan or NAVISP. Compliance with the allowable construction hours provided in the Town's Noise Ordinance would ensure that construction of the Project would have less than significant temporary impacts on ambient noise levels. The Project is consistent with the General Plan and is currently surrounded by industrial and vacant properties with no sensitive receptors who could experience permanent and excessive increases in ambient noise levels. Furthermore, project-specific noise analysis and implementation of noise alleviating design measures will ensure that future residential properties on the west side of Dale Evans Parkway would not be subject to noise levels exceeding the local and state standards. Overall, the proposed Project would not generate any significant increases in ambient noise levels in the vicinity of the project in excess of standards established by the Town. Impacts would be less than significant.

2. Groundborne Vibration and Noise Levels

Threshold:

- b) *Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?*

Finding: Less than significant (EIR, p. 2.13-13 through 2.13-15)

Explanation:

Construction of the Project could result in some ground vibration due to the use of heavy

machinery, such as bulldozers. Buildout of the proposed warehouse and distribution facility would be required to comply with the Town's Noise Ordinance, §9.73.060(g), which prohibits the operation of any device that creates a vibration which is above the vibration perception threshold of an individual at or beyond the property line. Given the temporary nature of construction vibration, the subject site's distance from any sensitive receptors and the requirements of the Town's Noise Ordinance, the construction of the Project would have less than significant impacts regarding the generation of excessive groundborne vibration or noise.

Operation of the proposed warehouse and distribution facility is not expected to generate groundborne vibration. Operation of the Project would be subject to §9.73.060(g) of the Town's Noise Ordinance. Given that the operation of any device that creates a vibration perceptible beyond the property boundary is prohibited, potential future residential units on the west side of Dale Evans Parkway would not be impacted by any vibration generated by the operation of the Project. Impacts would therefore be less than significant.

L. POPULATION AND HOUSING

1. Population Growth

Threshold:

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

Finding: Less than significant (EIR, p 2.14-4 through -7)

Explanation:

The proposed Project would not directly induce growth through the building of new homes. However, the jobs generated by the Project may induce growth by attracting new residents to the Town. Given that the proposed Project complies and is consistent with the Industrial (I-SP) land uses under the Specific Plan, it can be assumed that the Project is within the scope of additional employment projected and planned for by the Town. The housing required for employees of the Project would come from the supply of vacant units within the Town, assuming future employees are not current residents. While the jobs generated by the Project could require that additional housing in the Town be built at a faster rate than previous years, this accelerated growth should not be considered unplanned. Furthermore, with the existing demand for more local jobs, and the ability for neighboring jurisdictions to share the provision of housing, impacts are anticipated to be less than significant.

M. PUBLIC SERVICES

Threshold:

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

- Fire Protection
- Police Projection
- Schools
- Parks
- Other public facilities

Finding: Less than significant (EIR, p. 2.15-6 through -11)

Explanation:

Fire Protection

Development of the proposed Project would result in a 1,207,544 sq ft warehouse, to be staffed by an estimated 1,172 people. Buildout of the Project would not extend AVFPD's service area, but it would add an additional structure requiring fire protection. The Project will undertake standard measures to minimize its demand on the fire protection service. These measures include compliance with local and state fire codes, compliance with the applicable building codes, and providing sprinklers, fire hydrants, as well as sufficient emergency vehicle access on-site.

Population growth associated with the jobs created by the Project, as well as fire protection for the proposed Project facility, would be offset in part by additional funding from tax revenue. Furthermore, in accordance with the Municipal Fee Schedule J, the Project will be required to pay the development impact fee (DIF) of \$0.089 per square foot, a total of \$107,471.40, for fire protection services.

Overall, while buildout of the Project and any resulting residential development would marginally increase demand on fire protection services, adherence to standard fire safety practices, review of Project plans by the AVFPD, and payment of taxes and fees will ensure that Project-related impacts to fire protection services will be less than significant.

Police Protection

The Project area is served by the Apple Valley Station of the San Bernardino County Sheriff's Department. The proposed Project will not directly increase the population of the Town, however the jobs created by the Project could draw new residents. The Project will generate an estimated 1,172 new jobs. The current officer-to-population ratio is approximately 1:1510, which is slightly below the target set in the General Plan for a ratio of 1:1500. The addition of new residents to the Town would further lower the officer-to-population ratio by a marginal degree. In the unlikely scenario that 100% of the Project's

staff are new residents of the Town, the resulting officer-to-population ratio would be approximately 1:1600.

The Project plans will be subject to review by the Police Department to ensure that they provide adequate access for police vehicles and would not interfere with such services. The Project will be required to pay \$0.001 per square feet, or a total of \$1,207.50, towards law enforcement facilities. The Project will also increase property tax revenues in the Town, some of which goes towards funding police services. In addition, residential development built for Project employees would contribute to property tax revenues as well. The Project's contributions to fees and tax revenues will ensure that any impacts would be less than significant.

Schools

The Project does not propose the development of any residential units. The proposed industrial development thus will not directly generate additional demand on schools. However, the Project is estimated to create 1,172 new jobs in the Town, which could generate approximately 260 elementary school students, 73 middle school students, and 138 high school students. The Project would fill approximately 10% of the new student enrollment project by the Apple Valley Unified School District by 2035. The construction of new housing units associated with new households related to future Project employees will be required to pay into development impact school fees of \$4.79 per livable square foot. Payment of this fee would help offset any impacts to school facilities related to new students generated by the Project. Impacts are anticipated to be less than significant.

Parks

Potential impacts to parks are analyzed in Section 2.16, Recreational Resources.

Other Public Facilities: Libraries

If 100% of jobs created by the proposed Project were to be filled by new residents of the Town, Apple Valley would have a total population of 76,800 people. These additional residents would result in a library allocation of 0.249 square feet per capita, which is a marginal change from the existing rate of 0.253. Project related impacts to library facilities would be less than significant.

N. RECREATIONAL RESOURCES

1. Increased Park Usage, Recreational Facilities

Threshold:

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

- b) *Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.*

Finding: Less than significant (EIR, p. 2.16-5 through 2.16-7)

Explanation:

The Project does not propose any residential development and will not directly increase the Town's population. However, the potential population growth associated with the jobs created by the Project could increase the demand on local recreational opportunities. However, payment of the Quimby Fee and Park Development Impact Fees would help to offset any Project-related impacts. Any new residential developments built to accommodate population growth related to the Project would also be required to pay these fees.

Overall, given that the proposed development will not significantly affect the Town's parks level of service, and that the Project will contribute to increases in Town revenues and will be required to pay the Quimby and Park Development Fees for both its direct impacts and the impacts of new residential units which may be needed to house Project employees, it can be assumed that impacts to parks and recreational caused by the Project will be off-set, and that impacts will be less than significant.

O. TRAFFIC AND TRANSPORTATION

1. Emergency Access

Threshold:

- d) *Result in inadequate emergency access.*

Finding: Less than significant (EIR, p. 2.17.21)

Explanation:

The proposed Project does not propose any physical changes or impacts to the local or regional roadway network that would result in inadequate emergency access. The Project provides several points of access that can be used by emergency responders to access the site and building. As required, the Town Fire and Police Departments and other appropriate agencies are expected to review site-specific traffic control plans and inspect the new development to assure adequate emergency access is provided including, but not limited to, adequate vehicular access and turn-around spaces, fire lanes, signage, secondary access points, and access to gated and locked entrances. Proposed driveways and segregation of traffic by type, and future bus turnouts will enhance overall roadway efficiency and safety and result in net positive benefits for emergency access. Project-related impacts to emergency access would be less than significant.

P. UTILITIES AND SERVICE SYSTEMS

1. Water, Wastewater, Storm Drainage, Electric, Natural Gas and Telecom

Thresholds:

- a) *Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*
- b) *Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*
- c) *Would the Project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

Finding: Less than significant (EIR, p. 2.19-9 through -14)

Explanation:

Domestic Water Supply and Infrastructure

The Project site is located within the water service area boundary for Liberty Utilities – Apple Valley, a retail water purveyor that receives supplies from the Mojave Water Agency (MWA). As calculated in the Water Supply Assessment (WSA) prepared for the Project, the total projected water demand for the proposed development is 65.42 acre-feet per year. Analysis of the water provider's projected water supplies and demand for normal, single-dry, and multiple dry years indicate that Liberty Utilities will be able to meet demand in those conditions for the next 25 years. The Project would connect to the existing 16" water mains in the Burbank Avenue and Dachshund Avenue right of ways. Given that Liberty Utilities has adequate supplies to meet the Project's demand, and that the subject site has access to existing infrastructure, it is not anticipated that the Project would require the relocation or construction of new or expanded water facilities. Impacts are thus anticipated to be less than significant.

Wastewater Services and Infrastructure

The proposed Project would generate 116,925 gallons of wastewater per day. A lift station and force main will be constructed in the Lafayette Street right of way to connect the Project to the nearest sewer line, in the Navajo Road right of way. Upon connection to the existing sewer system, wastewater will be conveyed to the new Apple Valley Sub-Regional Wastewater Treatment Plant as well as the Regional Wastewater Reclamation Facility (RWWRF), both operated by the Victor Valley Wastewater Reclamation Authority (VWVRA). The Apple Valley Sub-Regional Plant has a 1 mgd (million gallons per day)

capacity, treating a portion of local wastewater for irrigation use, while the remainder and all solids will continue to the main RWWRF. The RWWRF has a design capacity of 18 mgd and currently treats approximately 10.7 mgd. The Project is estimated to produce 116,925 gallons per day, or 0.117 million gallons per day, of wastewater. The Project's wastewater generation would therefore represent approximately 11.7% of the Apple Valley Sub-Regional Plant's capacity or 0.6% of the RWWRF's total capacity. The Project would marginally increase the amount treated at RWWRF from 10.7 mgd to 10.8 mgd, which remains far below the facility's design capacity.

Sewer construction plans must be designed based on and will be reviewed for compliance with the San Bernardino County Special District Department Standards for Sanitary Sewers. Sewer system plans will also be reviewed by the Town. The Town's plan check process includes thorough review of plans for development projects to ensure that sewers are properly designed. Based on existing facilities and capacities, and improvements to be constructed by the developer, impacts of the proposed Project on the existing sewer system will be less than significant.

Stormwater Drainage

For the Project, off-site flows would be intercepted at the low point on Lafayette Street and conveyed through the on-site channels to retention basins along the southern frontage of the property. Runoff flows will exit the Project site along the southern property line in a manner comparable to the existing, natural condition, following the current flow path. Off-site flows from the west and northwest are intercepted by Dale Evans Parkway and Lafayette Street, where they are conveyed to a low point on Lafayette. The Project would not require the construction or expansion of any off-site stormwater drainage infrastructure, and thus no such facilities could have adverse effects on the environment. Impacts related to drainage will be less than significant.

Electric Power

The Project will receive electric services from Southern California Edison (SCE). Operation of the proposed Project is estimated to consume approximately 9,812,480 KWh per year of electricity. This represents approximately 2.97% of the total 329,848,695 KWh used by the Town in 2019. The Project proposes the addition of an underground power line in the Lafayette Street right of way, connecting to the existing line on Navajo Street. It is not otherwise anticipated that the Project would require the expansion or construction of new electricity facilities. Impacts will be less than significant.

Natural Gas

The Project will receive natural gas from Southwest Gas (SWG). Operation of the proposed Project is estimated to use approximately 114,358 therms per year of natural gas. This represents approximately 0.7% of the Town's total 2019 natural gas usage of 15,526,732 therms. An extension would be required to connect the Project to the existing Southwest Gas system, which is expected to occur within the disturbed and partially improved Dale Evans Parkway. No significant impacts to biological, cultural or other resources are expected to result from the installation of the natural gas line to the Project site. Other than the extension of the gas lines to connect to the Project site, no additional

or expanded natural gas facilities are expected to be required in order to supply the Project's natural gas use. Impacts will be less than significant.

Telecommunication

The Project site is situated within Frontier Communications' and Charter Communications' services areas for telecommunications services. The Project will connect to the existing fiber optic line in Dale Evans Parkway immediately west of the subject property. No new backbone infrastructure is expected to be required, and thus no impacts are anticipated.

2. Solid Waste

Threshold:

- d) *Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

- e) *Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

Finding: Less than significant (EIR, p. 2.19-14 and 2.19-15)

Explanation:

The proposed Project would generate solid waste during the construction and operations phases. Solid waste generation associated with construction of the Project would be short-term and local landfills have sufficient capacity to accommodate it. All construction debris must be disposed of in accordance with local and state requirements, and a construction waste management plan must be prepared and submitted to the Town during the building permit application process.

The Project would generate approximately 17,147.12 pounds of solid waste per day once operational. Assembly Bill 939 requires a 50% diversion of solid waste from landfills. Accounting for this diversion, the Project is estimated to generate 8,573.56 pounds of solid waste per day, or 1,564.67 tons per year. Victorville Sanitary Landfill, which serves the Project area, has a remaining capacity of about 79,400,000 cubic yards as of 2020. The Project would contribute approximately 0.04% annually to the remaining capacity. Based upon estimates of the Project operational waste stream, it would not exceed the landfill capacity or constitute a significant demand for remaining landfill capacity.

The Project, well as the Town of Apple Valley, Burrtec, and the Victorville Landfill are required to comply with all applicable solid waste management statutes and regulations. The Project will also comply with all applicable solid waste policies in the County of San Bernardino Integrated Waste Management Plan and the Town of Apple Valley General Plan. The proposed Project will not interfere with the County's compliance with AB 939 or other applicable regulations. Project impacts related to solid waste would be less than significant.

SECTION 4: FINDINGS REGARDING ENVIRONMENTAL IMPACTS MITIGATED TO A LESS THAN SIGNIFICANT LEVEL.

The Town hereby finds that feasible Mitigation Measures have been identified in the EIR and this Resolution that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts, and the Mitigation Measures that will reduce them to a less than significant level, are as follows:

A. BIOLOGICAL RESOURCES

1. Habitat Modifications, Riparian Habitat, and Migratory Corridors

Threshold:

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

Finding: Less than significant with mitigation incorporated. (EIR, p. 2.5-12 through -15)

Explanation:

The Biological Resources Assessment prepared for the Project analyzed the potential effects, as they might occur either directly or through other habitat modifications, to special status plants, invertebrates, desert tortoise, mammals, and birds, including migratory birds and burrowing owl. Several special status plants, insects, birds, and other animals have the potential to occur on the Project site, and thus proper implementation of mitigation measures will be required.

Implementation of BIO-1 through BIO-12, where applicable, will ensure that potential impacts to special status species will be less than significant.

Mitigation Measure BIO-1

A Spring (April-May) plant survey shall be completed prior to any ground disturbance on the site. If any of the eight special status plant species known to occur in the Project area (see Table 2.5-3) are found on site during Spring surveys, the population size of the species and importance to the overall population should be determined. If a species occurs on the site, is found to be important to the overall population, and cannot be avoided, it should be transplanted and/or have seeds/topsoil collected. The Town of Apple Valley must also be consulted if species proposed for coverage under the MSHCP/NCCP are found.

**EIR Table 2.5-1
Potentially Occurring Special Status Plants**

Scientific Name	Common Name	Status	Occurrence Probability
<i>Canbya candida</i>	White pygmy-poppy	CRPR ¹ MSHCP/NCCP ²	Moderate
<i>Cymopterus deserticola</i>	Desert cymopterus	CRPR MSHCP/NCCP	Moderate
<i>Diplacus (Mimulus) mohavensis</i>	Mojave monkeyflower	CRPR MSHCP/NCCP	Moderate
<i>Eriophyllum mohavense</i>	Barstow woolly sunflower	CRPR MSHCP/NCCP	Moderate
<i>Lycium torreyi</i>	Torrey's box-thorn	CRPR	Very Low - Absent
<i>Mentzelia eremophila</i>	Solitary blazing star	CRPR	Moderate
<i>Pediomelum castoreum</i>	Beaver dam breadroot	CRPR MSHCP/NCCP	Moderate
<i>Sclerocactus polyancistrus</i>	Mojave fish-hook cactus	CRPR	Very Low - Absent

Source: "Dale Evans/Lafayette Warehouse/Distribution Facility Project Delineation of Jurisdictional Waters, Town of Apple Valley, San Bernardino County, California." Wood Environment & Infrastructure, August 2022

¹ California Rare Plant Rank, formerly known as the California Native Plant Society Rare Plant Inventory.

² Multiple Species Habitat Conservation Plan / Natural Community Conservation Plan

Mitigation Measure BIO-2

A permit from the Town will be required for the removal of any native tree or plant protected by the Town code. The land use application, building permit, and/or other development permits will serve as the permit for the removal of native trees/plants if the application or permit specifically reviews and approves such removals. The Town may require certification from an appropriate tree expert or desert native plant expert that such removals are appropriate, supportive of a healthy environment, and comply with the provisions of the Town code. Any native plant removed under permit should be incorporated into the final landscaping plans and used in Project landscaping to the greatest extent possible.

Mitigation Measure BIO-3

If monarch caterpillars are found on milkweed on the Project site during Spring plant surveys, and impacts are unavoidable, the monarch caterpillars should be moved to safe milkweeds off-site with appropriate authorization. If bumblebee nests occupied by Crotch bumblebees are found onsite during Springs plant surveys and cannot be avoided, then the CDFW must be consulted for guidance.

Mitigation Measure BIO-4

A worker's environmental awareness program (WEAP) shall be prepared and implemented to educate the construction crew of potential special status species, including but not limited to desert tortoise, that may be present or wander onto the Project site.

Mitigation Measure BIO-5

Construction and maintenance personnel shall be required to inspect for desert tortoises under vehicles prior to moving the vehicle. If a desert tortoise is found beneath a vehicle, it may not be moved until the desert tortoise has left of its own accord. All desert tortoise observations shall be noted by the contractor and reported to a qualified biologist and federal and State wildlife agencies.

Mitigation Measure BIO-6

A qualified biologist shall periodically monitor construction to ensure that tortoises do not enter the work area and that they are not disturbed if present. Isolating the site with tortoise-proof fencing will also reduce or eliminate this need.

Mitigation Measure BIO-7

Any open trenches adjacent to habitat shall be monitored daily. If left open overnight or at any time when not monitored, trenches shall be fenced, blocked and/or covered to prevent entry by desert tortoises. Exit ramps shall be present within open trenches.

Mitigation Measure BIO-8

Any vegetation removal or grading occurring during the nesting season (generally February 1 through August 31) will require at least one nesting bird survey to be conducted by a qualified biologist no more than three days prior to site disturbance. If no nests are found, construction may proceed. If active nests are found, impact avoidance measures (e.g., “no work” buffers, sound and/or visual barriers) will be put in place around the nest until young have fledged. This also applies to offsite nests identified by the biologist during the nesting survey which may be indirectly impacted by site development.

Mitigation Measure BIO-9

The CDFW recommends avoidance buffers of approximately 500 feet for birds-of-prey and listed species, and 100-300 feet for other unlisted birds. Appropriate buffers shall be established on a case-by-case basis by the nesting bird biologist.

Mitigation Measure BIO-10

A survey for potential burrows followed by four breeding season surveys of areas found to have potential for burrowing owl occupation must be conducted in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012). The burrow survey can be conducted any time, but the breeding season focused survey cannot begin prior to February 1.

Mitigation Measure BIO-11

If burrowing owls are found and impacts are unavoidable, guidelines in the Staff Report on Burrowing Owl Mitigation (CDFG 2012) must be followed in addition to consultation with the CDFW.

Mitigation Measure BIO-12

Where potential habitat is present, whether or not owls are found on site by the focused

surveys, a preconstruction take avoidance survey for owls is required by CDFW if construction does not occur immediately following completion of measure BIO-10, in case the site has been occupied in the interim period. The Town shall also be consulted if owls are found on the Project site.

2. Riparian Habitat, Sensitive Natural Communities, Federally Protected Wetlands

Threshold:

- b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.*
- c) *Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.*

Finding: Less than significant with mitigation incorporated. (EIR, p. 2.5-15 and 2.5-17)

Explanation:

The Biological Resources Assessment prepared for the Project did not find any sensitive natural communities or riparian habitats on the subject property.

According to the USFWS National Wetlands Inventory, two channels of Riverine habitat occur on the Project site. However, these Riverine channels are classified as Intermittently Flooded Water Regimes. The associated plant communities are not classified as wetland because they do not have hydric soils, nor does the habitat support hydrophytes (aquatic plants). It can therefore be concluded that no riparian habitats occur on the subject property. The jurisdictional delineation prepared for the Project found that portions of these drainages display ordinary-high water marks, recent evidence of flows, and a defined bed and bank. This indicates that drainages are waters of the state and are under regional and state jurisdiction. The Project is therefore required to obtain a Water Quality Certification from the RWQCB and a 1602 Streambed Alteration Agreement from the CDFW, as described in BIO-13 and BIO-14, respectively, to ensure that impacts to the drainages during the development of the proposed Project will not cause adverse effects to associated sensitive communities and habitat. With mitigation, impacts will be less than significant.

Mitigation Measure BIO-13

The Project proponent will obtain a CWA 401 Certification from the RWQCB. In addition to the formal application materials and fees (based on area of impact), a copy of the EIR and other appropriate California Environmental Quality Act (CEQA) documentation shall be included with the application.

Mitigation Measure BIO-14

The CDFW will require a 1602 Streambed Alteration Agreement (SSA) for activities that alter on-site drainages. In addition to the mitigation measures provided in BIO-1 through BIO-13, the SSA may include avoidance and minimization measures such as the monitoring of the site by a qualified biologist with stop-work authority; the use of Best Management Practices; restrictions on work activities within the wash to dry weather only; storm event inspections; protection measures relating to vegetation removal and habitat restoration; and/or the acquisition of habitat off-site at a ratio of up to 3:1.

3. Migratory Wildlife

Threshold:

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

Finding: Less than significant with mitigation incorporated. (EIR, p. 2.5-1 through 2.5-18)

Explanation:

While the Project site shows signs of considerable disturbance, and is thus not considered pristine habitat, the undeveloped land may still provide wildlife corridors.

The Project site may serve as a migratory corridor or nursery site for migratory bird species protected by the MBTA. There is potential for special status birds protected by the MBTA to nest on the site. Nesting bird surveys will therefore be conducted prior to construction as discussed in mitigation measure BIO-8. The nesting bird surveys, and resulting impact avoidance measures, will ensure that impacts to migratory birds are less than significant.

No migratory fish occur on the Project site, nor could they occur given the lack of flowing or standing water.

The Project site is not located in or near identified important linkage areas, such as the Mojave River corridor, which is more than 6 miles southwest of the site. While the Project site may provide some wildlife corridor function, implementation of the mitigation measures which as described above are designed to reduce impacts to desert tortoise, burrowing owl, migratory bird nests and desert kit fox, which are all species with the potential to occur on the site, and will ensure that potential Project-related impacts to migratory wildlife, native or migratory wildlife corridors or nursery sites will be less than significant.

(See Mitigation Measures BIO-5 through BIO-12, above)

4. Tree Preservation

Threshold:

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.*

Finding: Less than Significant Impact. (EIR, p. 2.5-18)

Explanation:

The Project will comply with the landscaping policies set forth in the NAVISP, including the use of native plants from the Specific Plan's list of permitted plants. The Project will also comply with applicable goals, policies, and programs in the Open Space and Conservation Element as well as the Biological Resources Element of the Town's General Plan. As per BIO-2 in the mitigation measures above, the Project will comply with the Native Plant Ordinance should native species need to be removed from the site.

The Town of Apple Valley Multiple Species Habitat Conservation Plan and Natural Community Conservation Plan (MSHCP/NCCP) is currently under review. Once adopted, the Project will adhere to any applicable policies and guidelines in the MSHCP/NCCP.

The Project does not conflict with any local policies or ordinance protecting biological resources, and impacts will be less than significant with compliance with existing Town regulations relating to native plants.

Mitigation Measure BIO-2

A permit from the Town will be required for the removal of any native tree or plant protected by the Town code. The land use application, building permit, and/or other development permits will serve as the permit for the removal of native trees/plants if the application or permit specifically reviews and approves such removals. The Town may require certification from an appropriate tree expert or desert native plant expert that such removals are appropriate, supportive of a healthy environment, and comply with the provisions of the Town code. Any native plant removed under permit should be incorporated into the final landscaping plans and used in Project landscaping to the greatest extent possible.

B. CULTURAL AND TRIBAL RESOURCES

1. Human Remains

Threshold:

- c) *Would the Project disturb any human remains, including those interred outside of formal cemeteries?*

Finding: Less than significant with mitigation (EIR, p. 2.6.10 and 2.6-11)

Explanation:

California Health and Safety Code Section 7050.5 requires that, in the event that human remains are discovered, all excavation shall stop and the County coroner shall inspect the site. Should the remains be identified as Native American by the coroner, the NAHC is required to contact the Most Likely Descendant, and that descendant may recommend appropriate burial. This requirement, reflected in Mitigation Measure CUL-1, will assure that Project-related impacts associated with the disturbance of human remains are less than significant.

Mitigation Measure CUL-1

Should buried human remains be discovered during grading or other construction activity, in accordance with State law, the County coroner shall be contacted. If the remains are determined to be of Native American heritage, the Native American Heritage Commission and the appropriate local Native American Tribe shall be contacted to determine the Most Likely Descendant (MLD).

C. GEOLOGY AND SOILS

1. Ground Shaking

Threshold:

- a) *Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*
- ii) *Strong seismic ground shaking?*

Finding: Less than significant with mitigation (EIR, p.2.8-9 through 2.8-10)

Explanation:

The Planning Area is in a seismically active area where strong groundshaking could occur during an earthquake event on the North Frontal, Helendale, San Andreas faults, or other nearby faults.

The Project will be subject to building standards incorporated by reference in the Municipal Code (Chapter 8.12), including those on seismic safety design, as well as the Uniform Building Code/International Building Code and California Building Code (Municipal Code Title 8), which require building construction to withstand ground shaking and avoid or reduce structural and non-structural damage. In order to ensure that the Project building is constructed to address site-specific conditions and withstand ground shaking, a site- and project-specific soils and geotechnical analyses shall be conducted that address all necessary development parameters. These requirements have been included in Mitigation Measure GEO-1. In addition, Mitigation Measure GEO-2 requires that structural engineering for the Project building implement techniques that will reduce potential impacts associated with ground shaking to less than significant levels.

Mitigation Measure GEO-1

Prior to the completion of excavation and foundation plans, the developer shall prepare a site- and building-specific soils and geotechnical analysis that includes an evaluation of seismic and soil conditions and provides recommendations that mitigate soils and geotechnical hazards and constraints, including ground shaking and expansive soils. Site-specific geotechnical investigations will be necessary to refine engineering design parameters such as site preparation, grading, and foundation design, as well as to assure that design criteria are responsive to onsite soils and to the effects of differential settlements resulting from potential ground shaking. Any refinements to the geotechnical analysis will need to be completed prior to the approval of grading plans.

Mitigation Measure GEO-2

Proper structural engineering of the Project shall take into account the forces that will be applied to structures by anticipated ground motion, and shall provide mitigation for ground shaking hazards. Seismic design shall be in accordance with the most recently adopted editions of the Uniform Building Code and the seismic design parameters of the Structural Engineers' Association of California.

2. Ground Failure

Threshold:

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

iii) *Strong seismic ground failure, including liquefaction?*

Finding: Less than significant with mitigation (EIR, p.2.8-10)

Explanation:

The liquefaction hazard at and in the vicinity of the Project site is considered low, however the potential exists for other seismically-induced ground failure. Under certain conditions, strong ground shaking can cause the densification of soils, resulting in local or regional settlement of the ground surface. In areas of unconsolidated alluvial deposits, the potential exists for seismically-induced ground failure and remedial measures will be required to ensure that this potential is reduced to less than significant levels. Therefore, Mitigation Measures GEO-1, requiring a pre-construction geotechnical analysis specific to the proposed building; and GEO-3 and GEO-4, providing direction on the use and proper compaction of fill, are provided below to reduce the impacts of ground failure to less than significant levels.

(See Mitigation Measure GEO-1, above)

Mitigation Measure GEO-3

Imported and onsite fill soils for the development shall be approved by the Project's soils engineer. Prior to placement as compaction fill the soils engineer shall assure that all fill materials are free of vegetation, organic material, cobbles and boulders greater than 6

inches in diameter, and other debris. Approved soil shall be placed in horizontal lifts or appropriate thickness as prescribed by the soils engineer and watered or aerated as necessary to obtain near-optimum moisture-content.

Mitigation Measure GEO-4

Fill materials shall be uniformly compacted to no less than 90% of the laboratory maximum density, by either over-filling and cutting back to expose a compacted core or by approved mechanical methods, as determined by American Society for Testing and Materials (ASTM) test method D-1557-78. The Project soils engineer shall observe the placement of fill and take sufficient tests to verify the moisture content, uniformity, and degree of compaction obtained. In-place soil density measurements should be determined by the sand-cone method, in accordance with ASTM Test Method D-1556-64 (74), or equivalent test method acceptable to the Town's Building and Safety Department.

3. Expansive Soils

Threshold:

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

Finding: Less than significant after mitigation (EIR, p.2.8-11 and 2.8-12)

Explanation:

Site-specific geotechnical investigations will be required to identify potential expansive soils, if any, and provide mitigation measures to avoid potential hazards. The geotechnical investigations should entail structural design criteria and construction recommendations to ensure the stability and integrity of structures and infrastructure, including the potential for soil expansion and the soil expansion index that needs to be used in the engineering design (Mitigation Measure GEO-1).

(See Mitigation Measure GEO-1, above)

Compliance with Mitigation Measure GEO-1 and appropriate construction standards for individual projects would ensure that impacts related to expansive soils remain less than significant.

D. GREENHOUSE GAS EMISSIONS

Threshold:

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.*

Finding: Less than significant (EIR, p. 2.9-10 through 2.9-16)

Explanation:

The proposed Project will generate GHG emissions during both construction and operational phases.

Construction activities will result in short-term GHG emissions associated with the operation of construction equipment, vehicle emissions from construction employee commutes, material hauling, and other ground disturbing activities. The Project is projected to generate 3,287.36 metric tons of CO₂e over the two-year construction period. Construction-related GHG emissions were amortized over a 30-year period, added to annual operational emissions, and compared to the MDAQMD threshold, in order to determine if construction emissions will result in a cumulatively considerable impact.

Once the Project reaches the operational phase, five categories of emissions will contribute to its annual GHG emissions either directly or indirectly: area emissions (e.g. pavement and architectural coating off-gassing), energy use, mobile source emissions, solid waste disposal, and water use. The Project's annual CO₂e emissions of 17,768.97 metric tons of CO₂e per year will not exceed the MDAQMD's significance threshold of 100,000 metric tons of CO₂e per year. However, because the MDAQMD threshold has not been formally adopted, and is thus not considered valid per §15064.7(b) of the CEQA Guidelines, the Project's GHG emissions were also analyzed using the SCAQMD significance threshold.

According to SCAQMD Tier 2 test, if the Project is determined to be compliant with the applicable greenhouse gas reduction plan, then impacts related to the greenhouse gas emissions resulting from that Project should be considered less than significant. With the addition of the Project's emissions, Town-wide CO₂e emissions would still meet the 2030 reduction target. Implementation of the measures provided in the CAP, set forth as Mitigation Measures GHG-1 and GHG-2, and applicable state regulations would ensure that Project's GHG emissions are further reduced to the greatest extent practicable.

Given that the Project complies with the Town's CAP GHG reduction target for 2030, then, pursuant to the SCAQMD Tier 2 test, it would also be compliant with a greenhouse gas reduction plan that is consistent with the goals of AB 32. Overall, given that the Project is both below the absolute CO₂e emissions threshold provided by MDAQMD and compliant with the SCAQMD Tier 2 test, it can be concluded that impacts would be less than significant.

Mitigation Measure GHG-1

Establish an employee carpooling program, including incentives (preferred parking, flex time incentives, etc.) for participating employees.

Mitigation Measure GHG-2

Provide employees with free or discounted public transit passes.

E. HAZARDS AND HAZARDOUS MATERIALS

1. Transport and/or Disposal

Threshold:

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials*

Finding: Less than significant with mitigation (EIR, p. 2.10-9 through -11)

Explanation:

All potentially hazardous materials used during construction of the proposed development must be stored, used, and disposed of in accordance with manufacturers' instructions and handled in compliance with applicable federal, State, and local regulations. The site will require the removal of metal, scrap and other materials associated with the bombing target on the northeastern corner of the property. The site investigation did not find any energetic materials or intact bombs, and no contaminated soils were identified. However, as required in Mitigation Measure HAZ-6, all materials removed from the site will be disposed of off-site according to the required removal plan, in a manner consistent with local, state and federal law, and to a site permitted to receive such materials.

The Project, once constructed, will likely use cleaners and solvents as part of daily cleaning and maintenance operations, but is not expected to transport, use or dispose of large quantities of hazardous materials. However, given the cold storage component of the proposed warehouse facility, the Project will likely require the use, storage, and potential transport of refrigerants. In order to ensure the safe use and handling of refrigerants, the Project will be required to comply with Title 24 §605 Mechanical Refrigeration of the California Fire Code, in addition to applicable federal, State and local regulations, including the Hazardous Materials Transport Act, the Resource Conservation and Recovery Act (RCRA), California Occupational Safety and Health Administration, California Fire Code and Division 20, Chapter 6.5, of the Health and Safety Code, described above.

The end user of the Project is not yet known. If the Project were to be occupied by a user that was required to transport, use, or dispose of hazardous materials, that user would be subject to federal, State and local regulations pertaining to the handling, storage, and transportation of hazardous and toxic materials.

Overall, Project-related impacts will be less than significant with implementation of HAZ-6.

Mitigation Measure HAZ-6

Ordinance related scrap encountered during intrusive excavations will be collected, inspected, properly handled, and disposed of by the construction support technicians.

2. Release of Hazardous Materials/Hazardous Materials Site

Threshold:

- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? and*
- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.*

Finding: Less than significant with mitigation (EIR, p. 2.10-10 through 2.10-13)

Explanation:

The Project site is located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. However, while ordnance-related scraps were identified on site, no munitions or explosives of concern (MEC) were found, and no further MEC investigation was deemed necessary. With the preparation of a Removal Action Workplan (Mitigation Measure HAZ-1) and a Soil Remediation Plan (Mitigation Measure HAZ-2), as well as the implementation of mitigation measures HAZ-3 to HAZ-11, the Project is not anticipated to create a hazard to the public or the environment, including as a result of the release of hazardous materials. Impacts will be less than significant with mitigation.

Mitigation Measure HAZ-1

A Removal Action Workplan will be prepared and implemented for the avoidance and/or removal of MD (and MEC if present) as necessary prior to the development of the property.

Mitigation Measure HAZ-2

A post-construction Soil Management Plan (SMP) detailing procedures will be prepared in order to minimize the potential for future workers to come into contact with ordnance related materials. The SMP will be prepared following completion of construction and would contain the procedures and protocols for future excavations at the site.

Mitigation Measure HAZ-3

During intrusive grading operations in the target and high-density area (within 250 feet of the target area), full time construction support using a two-man technician crew (Unexploded Ordnance [UXO] Technician) will be performed to identify any ordnance related scrap or MEC items.

Mitigation Measure HAZ-4

In the target/high density area, as defined in Appendix G, the area shall be cleared using excavation, stockpiling and sifting to remove the ordnance-related scrap metal. A depth

of 3 feet below final elevation is recommended for this operation. The cleared soil will then be returned to this area.

Mitigation Measure HAZ-5

Intrusive work in the target/high density area for stormwater transfer line and drainage (after clearance) should be performed by excavator or backhoe equipment in the presence of the construction support technician (Unexploded Ordnance [UXO] Technician).

Mitigation Measure HAZ-6

Ordnance related scrap encountered during intrusive excavations will be collected, inspected, properly handled, and disposed of by the construction support technicians.

Mitigation Measure HAZ-7

In the area(s) where fill will be placed in the target/high density area, the fill should be a minimum of 2 feet thick.

Mitigation Measure HAZ-8

All construction personnel shall be trained to avoid coming in contact with ordnance-related metal whenever possible.

Mitigation Measure HAZ-9

In proposed fill areas, utilize grading techniques that are not intrusive into the subgrade.

Mitigation Measure HAZ-10

Excavation of the soil for clearance and stockpiling operations can be performed using a bulldozer and loader to create the stockpiles for sifting.

Mitigation Measure HAZ-11

If any items are identified as containing energetic materials, the MEC Unexploded Ordnance [UXO] Technicians will assess the item and dispose of the materials according to professional standards and consistent with local, State and federal requirements.

F. TRAFFIC AND TRANSPORTATION

1. Circulation System Compliance

Threshold:

- a) *Does the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

Finding: Less than significant with mitigation (EIR, p. 2.17-12 through 2.17-18)

Explanation:

The Apple Valley General Plan establishes LOS D as the minimum peak hour system performance standard for the Town's circulation network. The San Bernardino County Congestion Management Plan (CMP) establishes LOS E as the minimum LOS standard for CMP designated roadways. The Project-specific traffic analysis projected traffic conditions for Horizon Year 2040 without and with the proposed Project.

For opening year 2024, LOS is expected to remain at acceptable levels, except for the intersection of Dale Evans Parkway and Johnson Road, and the northbound I-15 ramps and Stoddard Wells Road, where levels would drop to LOS F in the PM peak hour, with or without the Project. To mitigate its impact to these intersections, the traffic study determined that the Project must contribute its fair share to these improvements, which is reflected in Mitigation Measure TRF-19. With implementation of this mitigation measure, impacts of the Project on opening year traffic conditions will be reduced to less than significant levels.

For Horizon Year 2040, and with proposed improvements per TRF-19, the Project's impacts will not cause any of the potentially affected intersections to operate at unacceptable levels of service in 2024 Opening Year or in the 2040 Horizon year. To address 2024 impacts with or without the Project, traffic signals will be needed at the intersection of the I-15 NB ramps at Stoddard Wells Road and at the intersection of Dale Evans Parkway and Johnson Road, as described above.

For the 2040 Horizon year, in addition to the two aforementioned intersections, six additional intersections will require signalization and lane improvements, with or without the Project. Mitigation Measure TRF-19 addresses all of the Project's fair share contributions to these intersections and provides the Town with a feasible implementation tool to assure that impacts are reduced to less than significant levels. Because all LOS remain acceptable with mitigation and consistent with General Plan policy, Project-related long-term impacts to intersection operations will be less than significant.

No The San Bernardino County CMP intersections potentially affected by the proposed Project will exceed LOS E with planned improvements.

Mitigation Measure TRF-19

When off-site improvements are identified with a minor share of responsibility assigned to the Project, the Town may elect to collect a fair share contribution toward future improvements. Detailed fair share calculations for each peak hour, are provided in Table 2.17-9 below for the applicable deficient intersections. Improvements included in a defined program and constructed by development may, at the Town's discretion, be eligible for a fee credit or reimbursement through the program where appropriate.

**EIR Table 2.17-1
Project Fair Share Calculations**

#	Intersection	Existing (2022) Traffic	HY (2040) w/ Project Traffic	Project Only Traffic	Total New Traffic¹	Project Fair Share (%)²
1	<i>Dale Evans Pkwy. / Johnson Rd.</i>					
	• AM Peak Hour	510	2,240	145	1,730	8.4%
	• PM Peak Hour	771	2,922	189	2,151	8.8%
2	<i>Dale Evans Pkwy. / Lafayette St.</i>					
	• AM Peak Hour	268	3,429	144	3,161	4.6%
	• PM Peak Hour	411	3,659	189	3,248	5.8%
3	<i>Dale Evans Pkwy. / Corwin Rd.</i>					
	• AM Peak Hour	288	1,421	66	1,133	5.8%
	• PM Peak Hour	426	1,688	89	1,262	7.1%
4	<i>Stoddard Wells Rd. / Johnson Rd.</i>					
	• AM Peak Hour	277	1,196	115	919	12.5%
	• PM Peak Hour	406	1,660	150	1,254	12.0%
5	<i>I-15 NB Ramps / Stoddard Wells Rd.</i>					
	• AM Peak Hour	317	1,057	115	740	15.5%
	• PM Peak Hour	477	1,315	150	838	17.9%
6	<i>Quarry Rd. / Stoddard Wells Rd.</i>					
	• AM Peak Hour	182	427	27	245	11.0%
	• PM Peak Hour	258	841	108	583	18.5%
8	<i>Navajo Rd. / Johnson Rd.</i>					
		130	1,759	18	1,629	1.1%
	• AM Peak Hour	197	1,819	24	1,622	1.5%
	• PM Peak Hour					
9	<i>Navajo Rd. / Lafayette St.</i>					
		68	1,558	18	1,490	1.2%
	• AM Peak Hour	121	1,432	24	1,311	1.8%
	• PM Peak Hour					
10	<i>Central Rd. / Johnson Rd.</i>					
		119	1,831	18	1,712	1.1%
	• AM Peak Hour	198	1,954	24	1,756	1.4%
	• PM Peak Hour					
11	<i>Dale Evans Pkwy. / Burbank St.</i>					
	• AM Peak Hour	247	2,023	68	1,776	3.8%
	• PM Peak Hour	375	2,226	89	1,851	4.8%
12	<i>Dachshund Av. / Lafayette St.</i>					
		37	1,473	115	1,436	8.0%
	• AM Peak Hour	61	1,604	152	1,543	9.9%
	• PM Peak Hour					

**EIR Table 2.17-1
Project Fair Share Calculations**

#	Intersection	Existing (2022) Traffic	HY (2040) w/ Project Traffic	Project Only Traffic	Total New Traffic ¹	Project Fair Share (%) ²
13	Dachshund Av. / Burbank St.					
	• AM Peak Hour	0	272	42	272	15.4%
	• PM Peak Hour	0	304	54	304	17.8%

¹ Total New Traffic = (Horizon Year 2040 with Project - Existing Traffic)

² Project Fair Share % = (Project Only Traffic / Total New Traffic)

2. Design Hazards

Threshold:

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

Finding: Less than significant (EIR, p. 2.17-20 and 2.17-21)

Explanation:

The Project traffic analysis identified potential design hazards that could affect safety and the long-term integrity of the street improvements. Specifically, the typical wide turning radius of large trucks will require a greater radius at intersections that will be used by large trucks. Mitigation measures TRF-1 requires the curb radius at intersections should be increased to 50 feet to accommodate the ingress and egress of heavy trucks.

No other hazards, design inadequacies or use/traffic incompatibilities have been identified, but the traffic analysis did make several assumptions regarding site design that if not implemented, would result in inadequate design. As with Mitigation Measure TRF-1, these are provided as Mitigation Measures TRF-2 through TRF-18, below.

With implementation of the mitigation measures provided below, there will be no significant increase in hazards from implementation of the Project, and impacts will be reduced to less than significant levels.

Mitigation Measure TRF-1

The curb radius at Driveways 3 and 5 on Dachshund Avenue shall be increased to 50 feet to accommodate the ingress and egress of heavy trucks (also see Traffic Analysis Exhibit 1-4; Appendix I).

Mitigation Measure TRF-2

The Project shall widen Dale Evans at its ultimate easterly half-section width as a Major Divided Parkway (142-foot right-of-way) with the Town's standard, from Lafayette Street to Burbank Street.

Mitigation Measure TRF-3

The Project shall construct Lafayette Street at its ultimate southerly half-section width as a Secondary Road (88-foot right-of-way) with the Town's standard, from Dale Evans Parkway to Dachshund Avenue.

Mitigation Measure TRF-4

The Project shall construct Burbank Street at its ultimate northerly half-section plus one lane as an Industrial & Commercial Local Street (66-foot right-of-way) with the Town's standard, from Dale Evans Parkway to Dachshund Avenue.

Mitigation Measure TRF-5

The Project shall construct Dachshund Avenue at its ultimate westerly half-section plus one lane as a Secondary Road (88-foot right-of-way) with the Town's standard, from Lafayette Street to Burbank Street.

Mitigation Measure TRF-6

Dale Evans Parkway & Lafayette Street (#2) – In order to serve opening year cumulative conditions, Project shall provide a 200-foot westbound left turn pocket on Lafayette Street approaching Dale Evans Parkway. Cross-street stop sign control will adequately serve this intersection for opening year cumulative conditions; however, horizon year (2040) projections indicate the need for a traffic signal at this location. Project shall make a fair share contribution towards the future traffic signal consistent with Table 2.17-9.

Mitigation Measure TRF-7

Dale Evans Parkway & Burbank Street (#11) – Project shall provide a westbound cross-street stop sign control to adequately serve future traffic conditions with the Project at this local street intersection.

Mitigation Measure TRF-8

Dachshund Avenue & Lafayette Street (#12) – Project shall provide a 150-foot northbound left turn lane on Dachshund Avenue approaching Lafayette Street. Project shall install cross-street stop sign control to adequately serve this intersection for opening year cumulative and long-range future conditions.

Mitigation Measure TRF-9

Driveway 1 & Lafayette Street (#14) – Driveway 1 shall be located 350 feet east of Dale Evans Parkway, centerline-to-centerline. Project Driveway 1 is to be restricted to passenger cars only (no large trucks). Cross-street stop sign control will adequately serve future traffic conditions at this driveway location.

Mitigation Measure TRF-10

Driveway 2 & Lafayette Street (#15) – Project shall provide a cross-street stop sign control to adequately serve future traffic conditions at this driveway location. Project Driveway 2 is to be restricted to passenger cars only (no large trucks).

Mitigation Measure TRF-11

Dachshund Avenue & Driveway 3 (#16) – Driveway 3 will function as a large truck access to the Project from Lafayette Street via Dachshund Avenue. Cross-street stop sign control will adequately serve future traffic conditions at this driveway location.

Mitigation Measure TRF-12

Dachshund Avenue & Driveway 4 (#17) – Project shall install a cross-street stop sign control to adequately serve future traffic conditions at this driveway location. Project Driveway 4 is to be restricted to passenger cars only (no large trucks).

Mitigation Measure TRF-13

Dachshund Avenue & Driveway 5 (#18) – Driveway 18 will function as a large truck access to the Project from Lafayette Street or Burbank Street via Dachshund Avenue. Project shall install cross-street stop sign control to adequately serve future traffic conditions at this driveway location. To accommodate large trucks, adjust the Driveway 5 / Dachshund Avenue on-site curb returns to 50-foot radii as indicated on Exhibit 1-4 of the Project Traffic Analysis.

Mitigation Measure TRF-14

Driveway 6 & Burbank Street (#19) – Project shall install cross-street stop sign control to adequately serve future traffic conditions at this driveway location. Project Driveway 6 is to be restricted to passenger cars only (no large trucks).

Mitigation Measure TRF-15

Driveway 7 & Burbank Street (#20) – Project shall install cross-street stop sign control to adequately serve future traffic conditions at this driveway location. Project Driveway 7 is to be restricted to passenger cars only (no large trucks).

Mitigation Measure TRF-16

On-site traffic signing and striping shall be implemented in substantial conformance with the provisions of the California Manual on Uniform Traffic Control Devices (CA MUTCD) and in conjunction with detailed construction plans for the Project site.

Mitigation Measure TRF-17

Sight distance at each project access point shall be reviewed with respect to standard Caltrans and Town of Apple Valley sight distance standards at the time of preparation of final grading, landscape, and street improvement plans.

Mitigation Measure TRF-18

Project improvements may include a combination of fee payments to established programs (e.g., DIF), construction of specific improvements, payment of a fair share contribution toward future improvements or a combination of these approaches. Improvements constructed by the Project may be eligible for a fee credit or

reimbursement through the program where appropriate (to be determined at the Town of Apple Valley's discretion).

G. TRIBAL CULTURAL RESOURCES

Threshold:

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

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

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

Finding: Less than significant with mitigation (EIR, p. 2.18-8)

Explanation:

AB 52 requires the Town to initiate a formal consultation process with relevant tribes prior to releasing an environmental impact report, negative declaration, or mitigated negative declaration. The consultation process was completed and is described in Section 2.18. Written notices about the proposed Project were sent to tribal representatives recommended by the NAHC, but no responses were received. Therefore, no information about tribal cultural resources in the Planning Area was received from a Tribe.

The Project will not adversely affect tribal cultural resources and no specific mitigation is required. Nonetheless, the mitigation measure set forth in Section 2.6 of the EIR and again set forth below (CUL-1) will further ensure that impacts to tribal cultural resources are less than significant, should tribal remains be identified during construction activities.

Mitigation Measure CUL-1

Should buried human remains be discovered during grading or other construction activity, in accordance with State law, the County coroner shall be contacted. If the remains are determined to be of Native American heritage, the Native American Heritage Commission and the appropriate local Native American Tribe shall be contacted to determine the Most Likely Descendant (MLD).

SECTION 5: FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The Town hereby finds that, despite the incorporation of Mitigation Measures outlined in the EIR and in this Resolution, the following impacts from the Dale Evans and Lafayette Project and related approvals cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein:

A. TRANSPORTATION

1. Vehicle Miles Traveled

Threshold:

- b) Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

Finding: Significant and unavoidable (EIR, p. 2.17-18 through 2.17-20)

Explanation:

According to CEQA Guidelines Section 15064.3(b)(1), for land use projects (such as the proposed Project), “vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. The VMT analysis performed for the proposed Project indicated that it did not meet any of the three (3) general screening thresholds that can be used to identify when a proposed land use project is anticipated to result in a less than significant impact. The thresholds apply to projects that generate fewer than 110 daily vehicle trips, projects in mapped areas with low VMT that tend to exhibit similarly low VMT, and projects located within ½ mile of an existing major transit stop or along a high-quality transit corridor. Therefore, a more detailed project-level VMT analysis was conducted.

Project VMT was calculated using the San Bernardino County Transportation Analysis Model (SBTAM) and associated socio-economic data. The proposed Project is anticipated to increase baseline VMT per service population by 0.03, or 0.35 percent, and exceed cumulative VMT by 0.07, or 0.66 percent. Mitigation measures were proposed in the analysis to reduce the VMT impacts of the Project, which are provided in Mitigation Measures VMT-1 through VMT-5, below and include commute trip reduction programs, dedicated car/van pooling parking, bike parking and lockers and installation of electric vehicle chargers. However, because the benefits of the implementation of these measures cannot be quantified, the Project will nonetheless conflict with CEQA Guidelines Section 15064.3(b). The Project VMT analysis finds that the Project experiences a potentially significant VMT impact for project generated VMT per service population and for project effects on VMT as compared to the Town’s adopted impact threshold. The Project VMT impact is therefore considered significant and unavoidable.

Mitigation Measure VMT-1

The Project shall implement a Voluntary Commute Trip Reduction (CTR) measure. The purpose of the CTR would be to encourage alternative modes of transportation such as carpooling, which would reduce VMT. A proposed CTR program for this project could include providing on-site and/or online commute information services including information on available transit and ride coordination for employees.

Mitigation Measure VMT-2

The Project shall provide designated carpool/vanpool parking in desirable locations on-site to encourage and facilitate employees to carpool/vanpool to work and reduce VMT.

Mitigation Measure VMT-3

The Project shall install end-of-trip facilities, including bicycle parking and lockers, which encourage and facilitate employees to use alternative modes of transportation and thus reduce VMT.

Mitigation Measure VMT-4

The Project shall install on-site electric vehicle charging stations beyond what is required by the California Green Building Code Standards (CALGreen), as amended, at designated parking areas. Although this measure would not directly reduce VMT, it would reduce greenhouse gas (GHG) emissions.

Mitigation Measure VMT-5

The Project shall install sidewalks along the Project frontage on Lafayette Street and provide connections to existing and future bus stops to improve multi-modal access.

SECTION 6: FINDINGS REGARDING CUMULATIVE ENVIRONMENTAL IMPACTS

The State CEQA Guidelines (14 CCR 15130) require a reasonable analysis of the significant cumulative impacts of a Proposed Project. Cumulative impacts are defined by CEQA as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts” (State CEQA Guidelines, Section 15355).

Consistent with CEQA’s requirements, the EIR for the Dale Evans and Lafayette Project includes an analysis of cumulative impacts, which include the impacts of the Project plus all other pending or approved projects within the affected area for each resource. The geographic scope of the analysis the jurisdictions of the Town of Apple Valley, unless specifically identified below. Cumulative impacts have been assessed using the summary of projections method set forth in State CEQA Guidelines Section 15130(b)(1)(B). The primary documents used to determine cumulative impacts were the Town of Apple Valley General Plan (2009) and its EIR.

The Town hereby finds as follows:

A. AESTHETICS

Cumulative impacts are those resulting from past, present, and reasonably foreseeable future actions, particularly those associated with build out of the NAVISP and the Town's General Plan. The proposed Project is subject to the standards and guidelines of the NAVISP, which provides design regulation and guidance for future development and redevelopment in the Project area. Development surrounding the Project will be of a similar character and intensity as the proposed Project, and development patterns will be generally consistent with large industrial buildings needed to create the employment center envisioned for the Specific Plan area.

Areas outside the Specific Plan are regulated by the Town Development Code, including its lighting ordinance and night-sky protection ordinance, and will develop consistent with those standards. While the potential exists for aesthetic resources to be degraded by future development, the NAVISP recognizes the importance of and vested interest in preserving and enhancing the area's aesthetic resources. Therefore, any such impacts resulting from the implementation of the proposed Project will not make a considerable cumulative contribution to regional impacts to these resources. (EIR, p. 2.3-12 and 2.3-13)

B. AGRICULTURE AND FORESTRY RESOURCES

The Project will not affect any agricultural and forestry resources because it will not occur on or adjacent to any such resource. (EIR, p. 2.-2)

C. AIR QUALITY

Cumulative potential impacts to air quality are assessed on a regional scale given the dispersing nature of pollutant emissions and aggregate impacts from surrounding jurisdictions and air management districts. Any activity resulting in emissions of PM10, ozone, or ozone precursors will contribute, to some degree, to regional non-attainment designations of ozone and PM10. However, the level of cumulative impact a single project may have on regional air quality is difficult to measure.

The Project is subject to the MDAQMD's adopted ozone and particulate matter attainment plans, which were developed to ensure that levels of pollutants are minimized and comply with the CAAQS and NAAQS to the District's best ability. Applicable plans include the 1995 Mojave Desert Planning Area Federal Particulate Matter Attainment Plan, the 2004 MDAQMD State and Federal Ozone Attainment Plan, and the 2008 MDAQMD Western Mojave Desert Non-attainment Area Ozone Attainment Plan. These regional plans provide guidelines for achieving state and federal air quality standards which aim to reduce cumulative impacts. The Project is considered compliant with the MDAQMD's attainment plans based on its conformance with the land use plans upon which the District's growth forecasts are based, as well as compliance with all applicable provisions of the plans. Likewise, while the Project will contribute to incremental increases in criteria air pollutant emissions, the impacts on regional PM10 and ozone levels are not anticipated to be cumulatively considerable. Overall, compliance with the MDAQMD attainment plans ensures that the Project's cumulative impacts will not be cumulatively considerable. (EIR, p. 2.4-20 and 2.4-21).

D. BIOLOGICAL RESOURCES

The proposed Project would contribute incrementally to the cumulative impacts accounted for in the Town's General Plan and the NAVISP. The Project will not impact lands designated for open space, nor will it impede the implementation of the West Mojave Habitat Conservation Plan or the Apple Valley MSHCP/NCCP once adopted. The Project will abide by all applicable Town policies regarding biological resources, and will apply mitigation measures to ensure that potential impacts to protected species and jurisdictional waters on site will be less than significant. Therefore, the Project's contribution to cumulative impacts to biological resources will not be cumulatively considerable. (EIR, p. 2.5-22 and 2.5-23)

E. CULTURAL RESOURCES

Cultural resources surveys conducted in and near the Project area evaluated a wide range of literature, data, and information on historic, tribal, and other archaeological resources and generated a baseline of knowledge and understanding of these resources. While it is possible that Project development may contribute to regional losses of cultural or historic resources, the implementation of the mitigation measure described in the EIR will reduce impacts to cultural and historic resources to less than significant levels. The proposed Project's incremental impacts to these resources would not be cumulatively considerable. (EIR, p. 2.6-11)

F. ENERGY

cumulatively considerable impacts related to energy resources could occur if the Project, as well as past, current, and future projects, are wasteful or inefficient in their energy consumption. This would result from developments that do not comply with the California Building Standards, with measures associated with AB 32, or the Apple Valley Climate Action Plan.

Both the Project and other new developments in the North Apple Valley Industrial Specific Plan area, and in the Town in general, will contribute incrementally to increased energy consumption in Apple Valley and state-wide. However, adherence to local and state policies, standards, and guidelines, such as the plans listed above, will ensure that no developments will be wasteful or inefficient in their energy use. As these and other applicable plans are regularly updated, their standards will become more stringent, and the expanding availability of renewable energy technologies will support increases in efficiency and alternative sources.

Overall, the Project's compliance with applicable local, state, and federal policies will ensure that its use of energy is not wasteful or inefficient. While it will contribute to cumulative increases in state-wide energy consumption, Project-related impacts will not be cumulatively considerable. (EIR, p 2.7-13).

G. GEOLOGY AND SOILS

ite development pursuant to the proposed Project would involve grading and excavation activities across the entire site, which will result in changes to the area's existing geology and soils conditions. Compliance with the CBC and the recommendations of a building- and site-specific geotechnical investigation would reduce geologic hazards to new development. Fault-related ground rupture is not anticipated in the Project area. Ground shaking hazards due to regional earthquake events could lead to the damage of buildings, parking lots, and utility lines, and resulting fires, falling objects, and other structural hazards, which could cause property damage and personal injuries. Depending on the magnitude of the earthquake, distance to the Project site, underlying soil conditions, and strength of structures and infrastructure, ground-shaking hazards may be significant. The Project and all future development in the NAVISP would be designed and built in accordance with applicable standards in the CBC and Municipal Code, including pertinent seismic design criteria.

Site-specific geologic hazards would be addressed by geotechnical investigations required by the Town for each development proposal. Investigations would identify the geologic and seismic characteristics of a site and provide guidelines for engineering design and construction to ensure the structural integrity of the proposed development. Compliance of individual projects with the recommendations of the geotechnical investigation would prevent potential hazards associated with unstable soils, landslides, lateral spreading, liquefaction, soil collapse, expansive soil, soil erosion, and other geologic issues. No cumulative adverse impacts are expected.

Impacts of the proposed Project on or resulting from geology and soil conditions are not expected to be cumulatively significant, with compliance with geotechnical and engineering practices related to seismic and geologic hazard reduction, structural integrity, and soil management. (EIR, p. 2.8-13 and 2.8-14)

H. GREENHOUSE GAS EMISSIONS

Due to their dispersing nature and aggregate regional impacts, greenhouse gases are analyzed in terms of their cumulative impacts. The above analysis considered the potential cumulative impacts of the Project on greenhouse gas emissions in the Mojave Desert Air Basin using significance criteria from both the Mojave Desert Air Quality Management District and the South Coast Air Quality Management District. The analysis also considered emissions in relation to local and state greenhouse gas reduction plans and targets.

Overall, while the Project will contribute to cumulative greenhouse gas impacts, conformance to the MDAQMD significance thresholds as well as with the emissions reductions targets in the Town of Apple Valley's 2019 CAP Update, per SCAQMD Tier 2, indicate that impacts would be less than significant. Furthermore, all future projects occurring within the Town will be required to comply with the CAP and MDAQMD standards and requirements. The Project's impacts are thus not anticipated to be cumulatively considerable. (EIR, p. 2.9-18).

I. HAZARDS AND HAZARDOUS MATERIALS

Hazardous materials and risk of upset conditions are generally site-specific and would occur on a case-by-case basis for each individual project. The former Victorville Precision Bombing Range No. 1 (PBR No.1) overlapped property lines, thus impacting multiple sites, including sites in the Project vicinity – the Project site, sites to the north and northeast, and the adjacent property to the east. However, the site immediately east has already been developed into an industrial use, and thus subject to its own CEQA review process and associated mitigation measures. All new developments in the vicinity of the Project will also be required to independently evaluate hazards and other threats to the public and the environment, and implement mitigation measures similar to those imposed on the Project, to assure that ordnance present on those sites does not result in a significant impact.

The Project is not anticipated to transport hazardous materials, and thus will not contribute to any associated cumulative impacts. If it were to, it and all other projects would be subject to the same regulations and standards, and all would, as a result of these regulations and standards, operate in a manner intended to mitigate the impacts of hazardous materials transport.

While the continued development of projects in the NAVISP will potentially create additional demand on emergency evacuation routes, the road improvements required from the Project and all future projects will minimize any cumulative impacts to the capacity of the routes.

Overall, compliance with local, state, and federal laws pertaining to hazards and hazardous materials at the individual project level will ensure that cumulative impacts would be less than significant and not cumulatively considerable. (EIR, p. 2.10-15 and -16).

J. HYDROLOGY AND WATER QUALITY

The geographic scope for the analysis of cumulative surface water, hydrology and water quality/resources impacts consists of the subject Project, the planned tributary flow diversion channel and on-site stormwater retention and infiltration. The scope of analysis also includes and takes into consideration the effects of other development on the subject flood control facilities, including the existing Walmart warehouse complex tributary to Project site drainage. The various stormwater management and facilities maintenance plans implemented by the Town and the Regional Water Quality Control Board include implementation of control measures that protect both surface and groundwater quality from all development projects. During grading, excavation and channel construction activities, soil surfaces will be exposed and will be susceptible to soil erosion and sediment transport downstream. Construction BMPs required by the Town under its NPDES permit, will be implemented to minimize cumulative impacts to local drainages.

Construction BMPs are required to be implemented during construction activities to reduce any pollutants of concern that may enter nearby receiving waters, which would

reduce short term water quality impacts caused by the construction of the proposed Project and other projects in the watershed.

The proposed Project will incrementally reduce the land area and improvements that are currently subject to flooding and/or inundation in a 100-year storm event in the subject reach of the channel. While construction of the Project has the potential to degrade surface water quality through soil erosion or accidental discharges, this potential will be avoided through the implementation of standard BMPs, those set forth in the Project WQMP and the SWPPP. Therefore, the proposed Project will not make a substantial cumulative contribution to local or regional hydrology or water quality. (EIR, p. 2.11-19).

K. LAND USE

The Project proposes a warehouse building which is consistent with the standards and guidelines of the NAVISP and the goals and policies of the Town's General Plan. Inasmuch as the proposed Project does not conflict with and is compatible with applicable land use plans, and the intensity of development is consistent with the build out projections of both the NAVISP and the General Plan, the Project's development will not cumulatively impact land use and planning. (EIR, p. 2.12-6)

L. NOISE

The Town's General Plan EIR found that the most significant noise impacts from buildout of the General Plan would result from increased traffic volumes, and that the most impacted sites would be those adjacent to major arterials and regional roadways. The General Plan Noise Element includes various policies and programs to reduce potential noise impacts and requires that potential noise impacts be considered in the application review process for all proposed projects. It also requires that noise analyses be conducted as necessary for projects that may be subject to significant noise impacts. Given that implementation of the General Plan will control and minimize impacts related to noise in Apple Valley, the General Plan EIR concluded that no cumulatively considerable impacts would occur.

The North Apple Valley Industrial Specific Plan (NAVISP) EIR provides mitigation measures for the potential impacts of buildout of the NAVISP planning area on surrounding land uses. The provided mitigation measures include the use of noise barriers, which according to the Specific Plan, can reduce noise by 10 to 15 dBA when walls are solid and block the line of site from a home to an adjacent source of noise. Other mitigation measures pertain to construction noise, on-site stationary source noise, and off-site traffic noise, ensuring that buildout of the NAVISP complies with the Town's Noise Ordinance.

The proposed Project and the type of development it represents are consistent with the Industrial – Specific Plan (I-SP) designation provided in the North Apple Valley Industrial Specific Plan and in the General Plan. Given that the proposed warehouse and distribution facility aligns with the land uses provided for with this designation, it can be assumed that any noise potentially generated by the Project has been accounted for in

the General Plan and the General Plan EIR. Therefore, while the Project may incrementally contribute to the noise environment in Apple Valley, the Project's contributions would not be cumulatively considerable. (EIR, p. 2.13-15).

M. POPULATION & HOUSING

There will be no cumulatively considerable impacts regarding the displacement of existing residents or housing.

The Project will incrementally contribute to cumulative impacts on the Town's housing supply through the generation of new jobs. The proposed Project is consistent with the land use designations in the North Apple Valley Industrial Specific Plan (NAVISP). While population growth resulting from the jobs created by similar developments in the NAVISP could eventually accumulate, the existing jobs/housing imbalance indicated in the 2021-2029 Housing Element Update supports the conclusion that Apple Valley has the capacity to accommodate more jobs in Town.

The Town estimates that buildout of the General Plan, including the lands in the NAVISP, would create potential demand for up to 60,877 housing units, supporting a buildout population of approximately 185,858 residents. Since the adoption of the General Plan in 2009, the Town's population has increased from 69,135 to 75,628 residents. While the Project may contribute incrementally to population growth, the Town's population is still far below the growth anticipated in the General Plan. Therefore, while the Project will contribute to cumulative population growth, impacts related to unplanned population growth would not be cumulatively considerable.

Additionally, future developments in the NAVISP area, as with the Project, would be required to comply with the policies established in the NAVISP and the General Plan. The specific impacts of these future developments will be evaluated on a case-by-case basis. Compliance with the Town's plans and individual impact assessments for future developments will ensure that the impacts of the proposed Project will not be cumulatively considerable. (EIR, p. 2.14-8).

N. PUBLIC SERVICES

The proposed Project would contribute to the incremental increase in number of structures in the Town requiring police and fire protection. If the jobs generated by the Project draw new residents to Apple Valley, then this would contribute incrementally to the Town's population growth and thus the number of people that public services must accommodate. However, given that the proposed Project aligns with the land uses and the estimated buildout population of the Town's General Plan, it can be assumed that the Project's incremental impacts will not be cumulatively considerable.

The Project proposes the development of a distribution facility/warehouse in an area zoned for Industrial – Specific Plan per the North Apple Valley Industrial Specific Plan. Any residential development required to accommodate employees of the Project would be subject to the General Plan land use designations and zoning in terms of location and

density. This will ensure that impacts to public services related to population growth will not exceed those anticipated by the General Plan.

Additionally, the Project, and any associated residential development, will contribute to tax revenues and development impact fees. Payment into the applicable fees and taxes will ensure that impacts to existing services will be offset, and therefore that Project impacts will not be cumulatively considerable. (EIR, p. 2.15-11 and 2.15-12)

O. RECREATIONAL RESOURCES

Buildout of the proposed Project could have an indirect impact to demand on recreational resources in the Town. Any indirect impacts will be partially offset by the payment of development impact fees, Quimby fees or facilities and increased Town revenues. Cumulative impacts resulting from similar industrial projects in the vicinity of the Project have been accounted for in the North Apple Valley Industrial Specific Plan (NAVISP). Given that the Project aligns with the uses promoted for the Industrial – Specific Plan (I-SP) zone within which it is situated, any related impacts to park and recreational facilities will be in line with those already anticipated by the NAVISP.

Potential environmental impacts related to the increased use and development of recreational facilities will continue to be evaluated on a project-by-project basis in accordance with CEQA, including future industrial developments in the NAVISP planning area. The Town will continue to require that projects minimize the increase in demand for park and recreation spaces through the dedication of parkland and/or fee payment. These measures will ensure that the Project's and other projects' incremental impacts on parks and recreational facilities will not be cumulatively considerable. (EIR, p. 2.16-7 and -8)

P. TRAFFIC AND TRANSPORTATION

Impacts of the proposed Project on the local transportation system were evaluated using the SBTAM, which takes into consideration the cumulative growth throughout the Town and adjacent jurisdictions and unincorporated County areas. The Project-specific traffic analysis indicates that the Project would increase cumulative VMT by 0.07, or 0.66 percent, and would thus have potentially significant cumulative impacts. Even with implementation of the proposed mitigation measures, the Project may still exceed the County and Town thresholds for cumulative VMT per service population. Cumulative impacts could be significant and unavoidable. (EIR, p. 2.17-26 and -27, and 4-2)

P. TRIBAL CULTURAL RESOURCES

The geographic scope of analysis of potential cumulative impacts on tribal resources includes the Project site and surrounding area, and traditional use areas of the Serrano people in the Victor Valley. The proposed Project would contribute considerably to cumulative impacts if it were to have a substantial or significant adverse effect on Tribal cultural resources.

Cultural resources surveys conducted in and near the planning area evaluated a wide range of literature, data, and information on historic, tribal, and other archaeological resources and generated a baseline of knowledge and understanding of these resources. While it is very unlikely that Project development may contribute to regional losses of Tribal cultural resources, the implementation of the mitigation measure set forth in the Cultural Resources section will further ensure that impacts to Tribal cultural resources are less than significant.

As other projects are developed in the NAVISP and throughout the Town, cultural resource surveys and tribal consultations will continue to be required through the Town's build out. Should resources be identified elsewhere, they would require mitigation to ensure that there is no cumulative loss of significant tribal resources in the area. This Town requirement, along with the requirements of AB 52 assure that there will not be cumulative impacts associated with tribal cultural resources. As a result, the proposed Project's incremental impacts to Tribal cultural resources would not be cumulatively considerable. (EIR, p. 2.18-9).

Q. UTILITIES AND SERVICE SYSTEMS

The EIR for the Town's General Plan (GP) states that future development resulting from buildout of the GP is expected to increase the demand for utilities incrementally and cumulatively. The proposed Project aligns with the Industrial – Specific Plan designation as set forth in the North Apple Valley Industrial Specific Plan and the General Plan. It can therefore be assumed that the Project aligns with the Town's General Plan buildout assumptions and would contribute incrementally and cumulatively to the demand on utilities.

Increases in demand on individual utilities resulting from the Project would be relatively small. The Project's water demand would represent 1.69 percent of Liberty Utilities' planned increases in water supply by 2045. The Project's wastewater generation would represent 0.6% of the Regional Wastewater Reclamation Facility's total capacity. The electricity use by the Project would represent 2.97% of the Town's total usage in 2019, and the Project's natural gas use would represent 0.7% of the town-wide gas use in 2019. In terms of solid waste, the Project would contribute approximately 0.04% annually to demand for the remaining capacity of the Victorville Landfill.

While these increases represent cumulative contributions to demand on utilities, the utilities providers' plans and policies would ensure that increases would not be cumulatively considerable. For example, according to Liberty Utilities' Urban Water Management Plan, the domestic water service provider has adequate supplies for meet demand during normal, single-dry, and multiple-dry years over the next 25 years. Likewise, both Southern California Edison and Southwest Gas have policies and programs to ensure their ability to provide continued, adequate energy to users. Impacts would therefore not be cumulatively considerable. (EIR, p. 2.19-15 and -16).

SECTION 7: FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

As required by §15126.2(d) of the CEQA Guidelines, this section of the EIR addresses the potentially significant irreversible environmental changes or loss of non-renewable resources that could occur from implementation of the proposed Project. Irretrievable commitments of resources should be evaluated to ensure that such consumption is justified. In general, non-renewable resources include fossil fuel-based energy resources, as well as the permanent loss of agricultural, biological, mineral, or other natural resources. The use of non-renewable resources during the short-term construction and long-term operation of the proposed Project may be irreversible and irretrievable.

Energy Resources

Buildout of the proposed Project will result in the permanent loss of fossil fuels through the consumption of coal, petroleum, and/or natural gas for the manufacture of materials such as steel, cement, and concrete, and to fuel construction vehicles (See Section 2.7 Energy Resources of the EIR).

Construction of the Project would consume electricity for uses such as outdoor security and worksite lighting, hand tools and other electronic equipment, and powering temporary worksite offices/trailers. Fuels such as diesel and gasoline would be the primary energy sources used during construction. Overall, the use of gasoline and diesel during construction would be temporary and would not be wasteful or inefficient.

The long-term operations of the proposed Project are estimated to generate demand for electricity, natural gas, and petroleum-based fuels for transportation. The Project shall adhere to the mandatory requirements in the California Title 24 Energy Efficiency Standards which will increase energy efficiency, including the installation a photovoltaic system on the building's roof and a battery storage system. Furthermore, in accordance with Senate Bill 100, the Renewables Portfolio Standard requires that electricity providers procure 60% of electricity from renewable sources by 2030 and 100% by 2045. As a result of these State requirements, the Project will generate electricity on-site, and any additional electricity required by the Project will be generated from an increasing share of renewable sources in the long term. Federal and state policies to increase fuel efficiency standards and increase the use of non-fossil fuel transportation will ensure that resources consumed for transportation associated with the Project will not be wasteful, inefficient, or unnecessary.

Water Resources

The proposed Project would also generate demand for water resources, as discussed in Section 2.11 of the EIR. The Water Supply Assessment, approved by the water purveyor, demonstrates that sufficient water supplies will exist to meet the projected demands of the Project, in addition to current and future water demands within Liberty Utilities' service area in normal, single-dry, and multiple-dry years over a 20-year projection. The Project would have less than significant impacts to the region's water supply.

Biological Resources

Development of the proposed Project will change the physical condition of the subject site and could potentially impact biological resources. The site, which is currently undeveloped and shows signs of considerable disturbance, including its former use by the U.S. Army as part of a practice aerial bombing range in the 1940s, may still provide wildlife corridors. However, given the presence of existing development to the north and east of the site, development of the Project is not expected to significantly limit wildlife movement.

Several special status plants, insects, birds, and other animals have the potential to occur on the Project site, but implementation of the mitigation measures provided in Section 2.5 of the EIR will ensure that impacts to these species will be less than significant. The Project proponent will also be required to obtain a CWA 401 Water Quality Certification, and to enter into a 1602 Streambed Alteration Agreement with the CDFW. The site is in an area the Town has designated for industrial development. The Project will be required to adhere to the requirements set forth in the Apple Valley MSHCP/NCCP, when it is adopted, as well as applicable policies in the Town's General Plan, and the Native Plant Ordinance. Compliance with these policies and regulations, as well as implementation of the provided mitigation measures, will ensure that the Town's ability to conserve natural resources in perpetuity will not be impeded by the Project.

To conclude, while the proposed Project will result in the irreversible loss of finite resources, the loss will not be significant. The Project's impacts on finite resources will be consistent with, or less than, what is expected for a project of similar scope that is consistent with the Town's General Plan. (EIR, p. 5-1 and -4)

SECTION 8: FINDINGS REGARDING GROWTH-INDUCING IMPACTS

CEQA specifies that growth-inducing impacts of a project must be addressed in an EIR (PRC § 21100[b][5]). Specifically, Section 15126.2(e) of the CEQA Guidelines requires an EIR to discuss the ways the proposed Project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. Growth-inducing impacts include the removal of obstacles to population growth (e.g., the expansion of a wastewater treatment plant allowing more development in a service area) and the development and construction of new service facilities that could significantly affect the environment individually or cumulatively. In addition, growth must not be assumed as beneficial, detrimental, or of little significance to the environment.

Construction of the proposed Project is expected to occur over a two-year period. It is anticipated that most personnel involved in the construction of the Project would be local to Apple Valley and surrounding areas. The Project has the potential to attract construction personnel to that area for the temporary work opportunity. However, the existing demand for jobs in the Town and relatively short construction period make it unlikely that a permanent population increase in the Town would result from construction of the Project.

Operation of the Project is anticipated to result in the generation of approximately 1,172 new jobs. As discussed in Section 2.14 of the EIR, the housing/jobs imbalance in Apple Valley indicates that many of the jobs created by the Project would likely be filled by existing residents of the Town. However, in the worst-case scenario in which all the jobs generated by the Project were to be filled by new residents, analysis concluded that the Town would be able to provide adequate housing to support this new growth. The Town estimates that buildout of the General Plan, including the lands in the NAVISP, would create potential demand for up to 60,877 housing units, supporting a buildout population of approximately 185,858 residents. However, since the adoption of the General Plan in 2009, the Town's population has only increased from 69,135 to 75,628 residents. Therefore, while the Project may induce population growth through the creation of new jobs, this growth would still be within the growth planned for by the Town.

Apple Valley is currently not meeting its target level of service per capita for some public services and facilities, including parks and recreation resources, fire protection, police protection, and libraries. However, because population growth in Apple Valley has not been as rapid as expected, it can be assumed that the Town's planning efforts for these resources, would be able to accommodate any incremental growth resulting from the Project.

The proposed Project occurs on a site which has been designated for industrial development since the adoption of the North Apple Valley Industrial Specific Plan in 2006. The proposed warehouse/distribution facility is adjacent to a Walmart distribution facility to the north, and a Big Lots distribution facility to the east. Minor infrastructure improvements and extensions would be required for the Project. The site is currently accessible from Dale Evans Parkway and Lafayette Street. As provided in the mitigation measures in Section 2.17 of the EIR, the Project proposes the improvement of the easterly half-section of Dale Evans and the southerly half-width of Lafayette Street, the construction of the northerly half-width of Burbank Street, and the payment of fair-share contributions toward the addition of traffic signals at impacted intersections.

As described in Section 2.19 of the EIR, the Project will also require extensions to utilities infrastructure. The Project proposes the construction of a lift station and force main in the Lafayette Street right of way to connect the site to the nearest sewer line in the Navajo right of way. The addition of an underground power line in the Lafayette Street right of way in order to connect to the existing line in Navajo Street, and the extension of the nearest gas line at the corner of Johnson Road and Dale Evans Parkway, are also proposed.

Overall, while the Project does propose minor extensions of existing transportation and utilities infrastructure from adjacent blocks, none of these extensions represent major changes to previously undeveloped areas, and all of these extensions would be required to implement the General Plan and the North Apple Valley Industrial Specific Plan. The proposed infrastructure extensions and improvements are thus not expected to induce substantial growth, and will not induce growth beyond that predicted by SCAG for the Town.

In conclusion, the Project may induce incremental population growth through the generation of jobs and minor infrastructure extensions and improvements. However, any induced population growth would not exceed the growth anticipated by the Town in its General Plan, or by the Southern California Association of Governments in their Regional Transportation Plan and Regional Housing Allocation. These plans will guide growth in the Town and region, and ensure that any growth induced by the Project would have less than significant impacts. (EIR, p. 6-1 and -3)

SECTION 19: FINDINGS REGARDING ALTERNATIVES

A. PROJECT OBJECTIVES

As required by CEQA, project objectives have been developed to describe the project. These are set forth below.

- A. Support and implement the goals of the North Apple Valley Industrial Specific Plan.
- B. Provide new jobs to reduce Town residents' dependence on employment outside the community.
- C. Limit the intrusion of heavy commercial vehicles into Town neighborhoods by siting the Project in close proximity to Interstate-15 interchanges at Stoddard Wells Road and Dale Evans Parkway.
- D. Improve adjacent streets to improve traffic flow and connections to other lands within the Specific Plan boundary.
- E. Create an attractive streetscape on Dale Evans Parkway, to enhance the aesthetic appearance of this roadway and of the Specific Plan as a whole.
- F. Create sufficient buffers, through setbacks, walls and landscaping to the multi-family residential lands planned for the future on the west side of Dale Evans Parkway.

(EIR, p. 3-2 and 3-3)

B. SIGNIFICANT AND UNAVOIDABLE IMPACTS

Based upon the Final Project EIR and the CEQA Findings of Fact contained herein, as well as the evidentiary materials supporting these documents, the Town finds that implementing the proposed Project could result in the following list of significant and unavoidable impacts to the environment:

Transportation

According to §15064.3 of the CEQA Guidelines, vehicle miles traveled (VMT) is the most appropriate measure to analyze transportation impacts. The Guidelines define VMT as “the amount and distance of automobile travel attributable to a project.” The Project VMT were analyzed using the County of San Bernardino’s VMT analysis methodology, as provided in the Transportation Impact Study Guidelines (July 2019; as well as the Town of Apple Valley’s VMT impact thresholds, provided in the Thresholds of Significance for Vehicle Miles Traveled Under the California Environmental Quality Act (May 2021).

As described in Section 2.17 of the EIR, the Project VMT analysis accounted for all trips that either originate or end within the Project’s Traffic Analysis Zones (TAZs) and included all trips that have one trip end outside the boundary. VMT were analyzed using the Project’s service population, which in this case refers to the employees of the proposed logistics facility. The Project would generate 45,372 VMT, or a cumulative VMT of 64,590 when accounting for growth throughout the Town and adjacent jurisdictions. The VMT per service population generated by the Project would be 39.72, or 56.77 for cumulative conditions, both of which exceed the Town’s VMT per service population threshold of 26.41. The Project would increase the Town-wide VMT per service population by 0.03, or 0.35 percent, and would increase the cumulative VMT per service population by 0.07, or 0.66 percent.

Section 2.17.7 of the EIR set forth mitigation measures to reduce the VMT impacts of the Project, including the implementation of a Voluntary Commute Trip Reduction program to encourage employee carpooling, the installation of bicycle parking and lockers, and the installation sidewalks providing connections to existing and future bus stops. However, because the benefits of these mitigation measures cannot be quantified, the Project will conflict with §15064.3(b) of the CEQA Guidelines. Implementation of the provided VMT reduction measures would not definitively reduce Project VMT to below the Town’s VMT threshold. The Project VMT impact could therefore be significant and unavoidable. (EIR, p. 4-1 and -2)

C. ALTERNATIVES CONSIDERED AND REJECTED

It is important to note that since the Project as proposed is consistent with the General Plan and NAVISP, a No Project/Existing General Plan alternative was considered but not analyzed, since this alternative would be equivalent to the proposed Project. The Alternative Site alternative was also considered, but no alternative site was owned by the Project proponent or immediately available for sale on Dale Evans Parkway, or met the Project objectives in this area of the Town. (EIR, p. 3-3 and 3-4)

D. ALTERNATIVES SELECTED FOR ANALYSIS IN THE EIR

Three alternatives have been developed for analysis in the EIR and are summarized below. All alternatives were selected because they have the potential to reduce the impacts of the proposed Project.

Alternative A – No Project/No Development Alternative

Under this alternative, no development would occur and the site would remain vacant. There would be no additional warehouse space proposed, and no increase in demand for services. Alternative A, which proposes no project or development, is rejected because it would not use any energy resources, and thus would have no environmental impacts.

Alternative B – 100% High Cube Alternative

Under this alternative, there would be no refrigerated component to the Project, and the entire building would be used as a high cube warehouse. This alternative was included to consider whether the elimination of refrigerated warehouse space would reduce impacts associated with the Project. Alternative B is rejected because it has a smaller building footprint than what is proposed in Alternative C. Alternative C is projected to use less energy than Alternative B and the proposed Project.

Alternative C – 900,000 Square Foot Development, 100% High Cube Alternative

Under this alternative, the building would be reduced by 25%, resulting in a high cube warehouse of approximately 900,000 square feet. This alternative was selected because the proposed Project includes maximum allowable building coverage, and a reduction in building size could reduce impacts associated with the proposed Project. Alternative C, which would still accomplish most of the Project objectives, is thus the environmentally superior alternative. However, it should be noted that the energy consumption associated with Alternative C is only marginally lower than that projected for Alternative B, and all scenarios are expected to have less than significant impacts.

(EIR, p. 3-3)

E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Section 15126.6(e)(2) of the State CEQA Guidelines indicates that an analysis of alternatives to a proposed Project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR.

Each sub-section of the alternatives analysis considered the potential impacts of each alternative and compared them to the proposed Project on a categorical basis. Based on the analysis in this EIR, the “environmentally superior” project alternative is determined to be Alternative A, the No Project/No Development alternative (per CEQA 15126.6).

**EIR Table 3.20-1
Environmentally Superior Alternative Comparison**

	Proposed Project	Environmentally Superior		
		Alternative A	Alternative B	Alternative C
Aesthetics		X		

**EIR Table 3.20-1
Environmentally Superior Alternative Comparison**

	Proposed Project	Environmentally Superior		
		Alternative A	Alternative B	Alternative C
Air Quality		X		
Biological Resources		X		
Cultural Resources		X		
Energy		X		
Geology and Soils		X		
Greenhouse Gas Emissions		X		
Hazards and Hazardous Materials		X		
Hydrology and Water Quality		X		
Land Use and Planning		X		
Noise		X		
Population and Housing		X		
Public Services		X		
Recreational Resources		X		
Transportation and Traffic		X		
Tribal Cultural Resources		X		
Utilities and Service Systems		X		

However, Alternative A would meet none of the Project objectives, and would not implement the NAVISP or the General Plan. On that basis, the environmentally superior alternative would be Alternative C, which would meet all of the Project objectives, but would somewhat reduce impacts associated with aesthetics, air quality, energy, greenhouse gases and geology, due to its reduced building size.

However, Alternative C's lower square footage does not maximize buildout potential of the site. The proposed Project is designed to maximize the development potential of the Project site and implement the NAVISP to the greatest extent possible. The proposed Project also will result in a significant increase in jobs and will allow local current and future residents to work in the community where they live, rather than commuting to the Inland Empire and elsewhere for work. For these reasons, the proposed Project is considered the superior alternative, although of the alternatives, Alternative C is the environmentally superior alternative.

(EIR, p. 3.20-1 through 3.20-3)

SECTION 10: ADOPTION OF STATEMENT OF OVERRIDING CONSIDERATIONS

In compliance with Section 15093 (a)(b) of the State CEQA Guidelines, the Town of Apple Valley, as Lead Agency, must “balance, as applicable, the economic, legal, social,

technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project.” The adverse environmental effects may be considered “acceptable” where the benefits of a project outweigh its unavoidable adverse environmental effects. When the Final EIR identifies significant effects that are not avoided or substantially lessened, the Lead Agency must state the specific reasons to support approval

The Town, having considered the entire administrative record on the Development at Dale Evans and Lafayette Project, and having weighed the benefits of the Project against the unavoidable adverse impacts related to vehicle miles traveled (VMT) after mitigation, has determined that each and every one of the following social, economic and environmental benefits of the Proposed Project individually outweigh all of the potential significant and unavoidable adverse impacts and render those potential adverse environmental impacts acceptable based upon the following overriding considerations:

1. The Project would provide approximately 1,172 new employment opportunities for Town residents;
2. The Project will allow residents to find work within Town boundaries, providing for shorter work commutes;
3. Limit the intrusion of heavy commercial vehicles into Town neighborhoods by siting the Project close to the Interstate-15 freeway, and;
4. The Project would enhance the aesthetic appearance of Dale Evans Parkway.

The Town hereby declares that each and every one of the foregoing individual benefits provided through approval and implementation of the proposed Project outweigh all of the identified significant environmental impacts which cannot be mitigated. The Town finds that each of the benefits, separately and individually, outweighs the unavoidable adverse environmental effects identified in the EIR and therefore finds those impacts to be acceptable.

SECTION 11: ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM

Public Resources Code Section 21081.6 requires that a Mitigation, Monitoring, and Reporting Program be adopted upon certification of an EIR to ensure that the mitigation measures are implemented. The Mitigation, Monitoring, and Reporting Program specifies what the mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

The Town hereby adopts the Mitigation Monitoring and Reporting Program attached to this Resolution as **Exhibit “A.”** Implementation of the Mitigation Measures contained in the Mitigation Monitoring and Reporting Program is hereby made a condition of approval of the Project. In the event of any inconsistencies between the Mitigation Measures set forth herein and the Mitigation Monitoring and Reporting Program, the

Mitigation Monitoring and Reporting Program shall control.

SECTION 12: CERTIFICATION OF THE EIR

The Town finds that it has been presented with the EIR, which it has reviewed and considered, and further finds that the EIR is an accurate and objective statement that has been completed in full compliance with CEQA, the State CEQA Guidelines and the Town's Local CEQA Guidelines and that the EIR reflects the independent judgment and analysis of the Town.

The Town declares that no evidence of new significant impacts as defined by the State CEQA Guidelines section 15088.5 have been received by the Town after circulation of the Draft EIR which would require recirculation.

Therefore, the Town hereby certifies the EIR based on the entirety of the record of proceedings.

SECTION 13: CUSTODIAN OF RECORD

The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at Apple Valley Town Hall, 14955 Dale Evans Parkway, Apple Valley, CA 92307. The custodian for these records is the Town Clerk of the Town of Apple Valley or designee. This information is provided in compliance with Public Resources Code section 21081.6.

PASSED, APPROVED, AND ADOPTED by the Town of Apple Valley, California on the **DATE**, 2023, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

SCOTT NASSIF, MAYOR

ATTEST:

LA VONDA M-PEARSON, TOWN CLERK
TOWN OF APPLE VALLEY, CALIFORNIA

Exhibit “A”

Mitigation Monitoring and Reporting Program

**MITIGATION MONITORING & REPORTING PROGRAM
THE DEVELOPMENT AT DALE EVANS PARKWAY AND LAFAYETTE
EIR/ SCH No. 2022120356**

Impact Heading	Level of Impact After Mitigation	Mitigation Measure	Responsible Party/Monitoring Party	Implementation Stage																																				
Biological Resources	Less Than Significant	<p>BIO-1 A Spring (April-May) plant survey shall be completed prior to any ground disturbance on the site. If any of the eight special status plant species known to occur in the Project area (see Table 2.5-3) are found on site during Spring surveys, the population size of the species and importance to the overall population should be determined. If a species occurs on the site, is found to be important to the overall population, and cannot be avoided, it should be transplanted and/or have seeds/topsoil collected. The Town of Apple Valley must also be consulted if species proposed for coverage under the MSHCP/NCCP are found.</p> <p style="text-align: center;">EIR Table 2.5-2 Potentially Occurring Special Status Plants</p> <table border="1" data-bbox="621 605 1392 1094"> <thead> <tr> <th>Scientific Name</th> <th>Common Name</th> <th>Status</th> <th>Occurrence Probability</th> </tr> </thead> <tbody> <tr> <td><i>Canbya candida</i></td> <td>White pygmy-poppy</td> <td>CRPR¹ MSHCP/NCCP²</td> <td>Moderate</td> </tr> <tr> <td><i>Cymopterus deserticola</i></td> <td>Desert cymopterus</td> <td>CRPR MSHCP/NCCP</td> <td>Moderate</td> </tr> <tr> <td><i>Diplacus (Mimulus) mohavensis</i></td> <td>Mojave monkeyflower</td> <td>CRPR MSHCP/NCCP</td> <td>Moderate</td> </tr> <tr> <td><i>Eriophyllum mohavense</i></td> <td>Barstow woolly sunflower</td> <td>CRPR MSHCP/NCCP</td> <td>Moderate</td> </tr> <tr> <td><i>Lycium torreyi</i></td> <td>Torrey's box-thorn</td> <td>CRPR</td> <td>Very Low - Absent</td> </tr> <tr> <td><i>Mentzelia eremophila</i></td> <td>Solitary blazing star</td> <td>CRPR</td> <td>Moderate</td> </tr> <tr> <td><i>Pediomelum castoreum</i></td> <td>Beaver dam breadroot</td> <td>CRPR MSHCP/NCCP</td> <td>Moderate</td> </tr> <tr> <td><i>Sclerocactus polyancistrus</i></td> <td>Mojave fish-hook cactus</td> <td>CRPR</td> <td>Very Low - Absent</td> </tr> </tbody> </table> <p>Source: "Dale Evans/Lafayette Warehouse/Distribution Facility Project Delineation of Jurisdictional Waters, Town of Apple Valley, San Bernardino County, California." Wood Environment & Infrastructure, August 2022</p> <p>¹ California Rare Plant Rank, formerly known as the California Native Plant Society Rare Plant Inventory.</p> <p>² Multiple Species Habitat Conservation Plan / Natural Community Conservation Plan</p>	Scientific Name	Common Name	Status	Occurrence Probability	<i>Canbya candida</i>	White pygmy-poppy	CRPR ¹ MSHCP/NCCP ²	Moderate	<i>Cymopterus deserticola</i>	Desert cymopterus	CRPR MSHCP/NCCP	Moderate	<i>Diplacus (Mimulus) mohavensis</i>	Mojave monkeyflower	CRPR MSHCP/NCCP	Moderate	<i>Eriophyllum mohavense</i>	Barstow woolly sunflower	CRPR MSHCP/NCCP	Moderate	<i>Lycium torreyi</i>	Torrey's box-thorn	CRPR	Very Low - Absent	<i>Mentzelia eremophila</i>	Solitary blazing star	CRPR	Moderate	<i>Pediomelum castoreum</i>	Beaver dam breadroot	CRPR MSHCP/NCCP	Moderate	<i>Sclerocactus polyancistrus</i>	Mojave fish-hook cactus	CRPR	Very Low - Absent	Town Planning Department, Project Biologist	Prior to construction.
Scientific Name	Common Name	Status	Occurrence Probability																																					
<i>Canbya candida</i>	White pygmy-poppy	CRPR ¹ MSHCP/NCCP ²	Moderate																																					
<i>Cymopterus deserticola</i>	Desert cymopterus	CRPR MSHCP/NCCP	Moderate																																					
<i>Diplacus (Mimulus) mohavensis</i>	Mojave monkeyflower	CRPR MSHCP/NCCP	Moderate																																					
<i>Eriophyllum mohavense</i>	Barstow woolly sunflower	CRPR MSHCP/NCCP	Moderate																																					
<i>Lycium torreyi</i>	Torrey's box-thorn	CRPR	Very Low - Absent																																					
<i>Mentzelia eremophila</i>	Solitary blazing star	CRPR	Moderate																																					
<i>Pediomelum castoreum</i>	Beaver dam breadroot	CRPR MSHCP/NCCP	Moderate																																					
<i>Sclerocactus polyancistrus</i>	Mojave fish-hook cactus	CRPR	Very Low - Absent																																					

**MITIGATION MONITORING & REPORTING PROGRAM
THE DEVELOPMENT AT DALE EVANS PARKWAY AND LAFAYETTE
EIR/ SCH No. 2022120356**

Impact Heading	Level of Impact After Mitigation	Mitigation Measure	Responsible Party/Monitoring Party	Implementation Stage
Biological Resources	Less Than Significant	BIO-2 A permit from the Town will be required for the removal of any native tree or plant protected by the Town code. The land use application, building permit, and/or other development permits will serve as the permit for the removal of native trees/plants if the application or permit specifically reviews and approves such removals. The Town may require certification from an appropriate tree expert or desert native plant expert that such removals are appropriate, supportive of a healthy environment, and comply with the provisions of the Town code. Any native plant removed under permit should be incorporated into the final landscaping plans and used in Project landscaping to the greatest extent possible.	Town Planning Department, Project Biologist	Permit prior to ground disturbance.
	Less Than Significant	BIO-3 If monarch caterpillars are found on milkweed on the Project site during Spring plant surveys, and impacts are unavoidable, the monarch caterpillars should be moved to safe milkweeds off-site with appropriate authorization. If bumblebee nests occupied by Crotch bumblebees are found onsite during Springs plant surveys and cannot be avoided, then the CDFW must be consulted for guidance.	Project contractor, Project Biologist	In the event species is found, prior to ground disturbance.
	Less Than Significant	BIO-4 A worker's environmental awareness program (WEAP) shall be prepared and implemented to educate the construction crew of potential special status species, including but not limited to desert tortoise, that may be present or wander onto the Project site.	Town Planning Department, Project Contractor, Project Biologist	Prior to ground disturbing activities
	Less Than Significant	BIO-5 Construction and maintenance personnel shall be required to inspect for desert tortoises under vehicles prior to moving the vehicle. If a desert tortoise is found beneath a vehicle, it may not be moved until the desert tortoise has left of its own accord. All desert tortoise observations shall be noted by the contractor and reported to a qualified biologist and federal and State wildlife agencies.	Town Planning Department, Project Contractor, Project Biologist	In the event species is found, during construction activities.
	Less Than Significant	BIO-6 A qualified biologist shall periodically monitor construction to ensure that tortoises do not enter the work area and that they are not disturbed if present. Isolating the site with tortoise-proof fencing will also reduce or eliminate this need.	Project Contractor, Project Biologist	Periodically during ground disturbing activities
	Less Than Significant	BIO-7 Any open trenches adjacent to habitat shall be monitored daily. If left open overnight or at any time when not monitored, trenches shall be fenced, blocked and/or covered to prevent entry by desert tortoises. Exit ramps shall be present within open trenches.	Project Contractor, Project Biologist	During ground disturbing activities that require trenching

**MITIGATION MONITORING & REPORTING PROGRAM
THE DEVELOPMENT AT DALE EVANS PARKWAY AND LAFAYETTE
EIR/ SCH No. 2022120356**

Impact Heading	Level of Impact After Mitigation	Mitigation Measure	Responsible Party/Monitoring Party	Implementation Stage
Biological Resources	Less Than Significant	BIO-8 Any vegetation removal or grading occurring during the nesting season (generally February 1 through August 31) will require at least one nesting bird survey to be conducted by a qualified biologist no more than three days prior to site disturbance. If no nests are found, construction may proceed. If active nests are found, impact avoidance measures (e.g., “no work” buffers, sound and/or visual barriers) will be put in place around the nest until young have fledged. This also applies to offsite nests identified by the biologist during the nesting survey which may be indirectly impacted by site development.	Town Planning Department, Project Biologist	In the event ground disturbance occurs during the referenced time frame, prior to ground disturbance.
	Less Than Significant	BIO-9 The CDFW recommends avoidance buffers of approximately 500 feet for birds-of-prey and listed species, and 100-300 feet for other unlisted birds. Appropriate buffers shall be established on a case-by-case basis by the nesting bird biologist.	Project Contractor, Project Biologist	In the event nests are found, buffers marked and staked prior to ground disturbance.
	Less Than Significant	BIO-10 A survey for potential burrows followed by four breeding season surveys of areas found to have potential for burrowing owl occupation must be conducted in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012). The burrow survey can be conducted any time, but the breeding season focused survey cannot begin prior to February 1.	Town Planning Department, Project Biologist	During the referenced time frame, prior to ground disturbance.
	Less Than Significant	BIO-11 If burrowing owls are found and impacts are unavoidable, guidelines in the Staff Report on Burrowing Owl Mitigation (CDFG 2012) must be followed in addition to consultation with the CDFW.	Town Planning Department, Project Biologist	Completion of relocation/concurrence from CDFW prior to ground disturbance.
	Less Than Significant	BIO-12 Where potential habitat is present, whether or not owls are found on site by the focused surveys, a preconstruction take avoidance survey for owls is required by CDFW if construction does not occur immediately following completion of measure BIO-10, in case the site has been occupied in the interim period. The Town shall also be consulted if owls are found on the Project site.	Town Planning Department, Project Biologist	Prior to ground disturbance.
	Less Than Significant	BIO-13 The Project proponent will obtain a CWA 401 Certification from the RWQCB. In addition to the formal application materials and fees (based on area of impact), a copy of the EIR and other appropriate California Environmental Quality Act (CEQA) documentation shall be included with the application.	Project proponent, Town Planning Department	Permit provided to Town prior to the issuance of grading permits

**MITIGATION MONITORING & REPORTING PROGRAM
THE DEVELOPMENT AT DALE EVANS PARKWAY AND LAFAYETTE
EIR/ SCH No. 2022120356**

Impact Heading	Level of Impact After Mitigation	Mitigation Measure	Responsible Party/Monitoring Party	Implementation Stage
Biological Resources	Less Than Significant	BIO-14 The CDFW will require a 1602 Streambed Alteration Agreement (SSA) for activities that alter on-site drainages. In addition to the mitigation measures provided in BIO-1 through BIO-13, the SSA may include avoidance and minimization measures such as the monitoring of the site by a qualified biologist with stop-work authority; the use of Best Management Practices; restrictions on work activities within the wash to dry weather only; storm event inspections; protection measures relating to vegetation removal and habitat restoration; and/or the acquisition of habitat off-site at a ratio of up to 3:1.	Project proponent, Town Planning Department	Permit provided to Town prior to the issuance of grading permits
	Less Than Significant	BIO-15 In conjunction with the survey for potential burrows required under BIO-10, the Project biologist shall also inspect for the presence of desert kit fox. Should a den be discovered during this survey, the Project biologist shall recommend avoidance and mitigation measures consistent with CDFW consultation and requirements.	Town Planning Department, Project Biologist	Prior to ground disturbance.
Cultural and Tribal Resources	Less Than Significant	CUL-1 Should buried human remains be discovered during grading or other construction activity, in accordance with State law, the County coroner shall be contacted. If the remains are determined to be of Native American heritage, the Native American Heritage Commission and the appropriate local Native American Tribe shall be contacted to determine the Most Likely Descendant (MLD).	Project Contractor, Town Planning Department	During all phases of ground disturbance.
Geology and Soils	Less Than Significant	GEO-1 Prior to the completion of excavation and foundation plans, the developer shall prepare a site- and building-specific soils and geotechnical analysis that includes an evaluation of seismic and soil conditions and provides recommendations that mitigate soils and geotechnical hazards and constraints, including ground shaking and expansive soils. Site-specific geotechnical investigations will be necessary to refine engineering design parameters such as site preparation, grading, and foundation design, as well as to assure that design criteria are responsive to onsite soils and to the effects of differential settlements resulting from potential ground shaking. Any refinements to the geotechnical analysis will need to be completed prior to the approval of grading plans.	Project Contractor, Town Planning Department	Study prepared prior to submittal of grading plans.
	Less Than Significant	GEO-2 Proper structural engineering of the Project shall take into account the forces that will be applied to structures by anticipated ground motion, and shall provide mitigation for ground shaking hazards. Seismic design shall be in accordance with the most recently adopted editions of the Uniform Building Code and the seismic design parameters of the Structural Engineers' Association of California.	Project Contractor, Building and Safety Department	Structural analysis provided prior to approved building plans.

**MITIGATION MONITORING & REPORTING PROGRAM
THE DEVELOPMENT AT DALE EVANS PARKWAY AND LAFAYETTE
EIR/ SCH No. 2022120356**

Impact Heading	Level of Impact After Mitigation	Mitigation Measure	Responsible Party/Monitoring Party	Implementation Stage
Geology and Soils	Less Than Significant	GEO-3 Imported and onsite fill soils for the development shall be approved by the Project's soils engineer. Prior to placement as compaction fill the soils engineer shall assure that all fill materials are free of vegetation, organic material, cobbles and boulders greater than 6 inches in diameter, and other debris. Approved soil shall be placed in horizontal lifts or appropriate thickness as prescribed by the soils engineer and watered or aerated as necessary to obtain near-optimum moisture-content.	Project Contractor, Project Geologist, Building and Safety Department	During grading.
	Less Than Significant	GEO-4 Fill materials shall be uniformly compacted to no less than 90% of the laboratory maximum density, by either over-filling and cutting back to expose a compacted core or by approved mechanical methods, as determined by American Society for Testing and Materials (ASTM) test method D-1557-78. The Project soils engineer shall observe the placement of fill and take sufficient tests to verify the moisture content, uniformity, and degree of compaction obtained. In-place soil density measurements should be determined by the sand-cone method, in accordance with ASTM Test Method D-1556-64 (74), or equivalent test method acceptable to the Town's Building and Safety Department.	Project Contractor, Project Geologist, Building and Safety Department	During grading.
Greenhouse Gas Emissions	Less Than Significant	GHG-1 Establish an employee carpooling program, including incentives (preferred parking, flex time incentives, etc.) for participating employees.	Future operator, Town Planning Department	Approved program prior to building occupancy
	Less Than Significant	GHG-2 Provide employees with free or discounted public transit passes.	Future operator, Town Planning Department	Approved program prior to building occupancy
Hazards and Hazardous Materials	Less Than Significant	HAZ-1 A Removal Action Workplan will be prepared and implemented for the avoidance and/or removal of MD (and MEC if present) as necessary prior to the development of the property.	Town Planning Department, Project Proponent, Project Contractor	Prior to the issuance of grading permits
	Less Than Significant	HAZ-2 A post-construction Soil Management Plan (SMP) detailing procedures will be prepared in order to minimize the potential for future workers to come into contact with ordnance related materials. The SMP will be prepared following completion of construction and would contain the procedures and protocols for future excavations at the site.	Town Planning Department, Project Proponent, Project Contractor	Prior to the issuance of grading permits
	Less Than Significant	HAZ-3 During intrusive grading operations in the target and high-density area (within 250 feet of the target area), full time construction support using a two-man technician crew (Unexploded Ordnance [UXO] Technician) will be performed to identify any ordnance related scrap or MEC items.	Town Planning Department, Project Contractor	During grading activities in the referenced area.

**MITIGATION MONITORING & REPORTING PROGRAM
THE DEVELOPMENT AT DALE EVANS PARKWAY AND LAFAYETTE
EIR/ SCH No. 2022120356**

Impact Heading	Level of Impact After Mitigation	Mitigation Measure	Responsible Party/Monitoring Party	Implementation Stage
Hazardous and Hazardous Materials	Less Than Significant	HAZ-4 In the target/high density area, as defined in Appendix G of the EIR, the area shall be cleared using excavation, stockpiling and sifting to remove the ordnance-related scrap metal. A depth of 3 feet below final elevation is recommended for this operation. The cleared soil will then be returned to this area.	Project Contractor	During site disturbing activities in the referenced area.
	Less Than Significant	HAZ-5 Intrusive work in the target/high density area for stormwater transfer line and drainage (after clearance) should be performed by excavator or backhoe equipment in the presence of the construction support technician (Unexploded Ordnance [UXO] Technician).	Project Contractor	During site disturbing activities in the referenced area.
	Less Than Significant	HAZ-6 Ordnance related scrap encountered during intrusive excavations will be collected, inspected, properly handled, and disposed of by the construction support technicians.	Project Contractor	During site disturbing activities in the referenced area.
	Less Than Significant	HAZ-7 In the area(s) where fill will be placed in the target/high density area, the fill should be a minimum of 2 feet thick.	Project Contractor	During site disturbing activities in the referenced area.
	Less Than Significant	HAZ-8 All construction personnel shall be trained to avoid coming in contact with ordnance-related metal whenever possible.	Project Contractor	Prior to construction
	Less Than Significant	HAZ-9 In proposed fill areas, utilize grading techniques that are not intrusive into the subgrade.	Project Contractor	During grading activities
	Less Than Significant	HAZ-10 Excavation of the soil for clearance and stockpiling operations can be performed using a bulldozer and loader to create the stockpiles for sifting.	Project Contractor	During site disturbing activities
	Less Than Significant	HAZ-11 If any items are identified as containing energetic materials, the MEC Unexploded Ordnance [UXO] Technicians will assess the item and dispose of the materials according to professional standards and consistent with local, State and federal requirements.	Project Contractor, Town Planning Staff	During site disturbing activities in the referenced area.
Transportation	Less Than Significant	TRF-1 The curb radius at Driveways 3 and 5 on Dachshund Avenue shall be increased to 50 feet to accommodate the ingress and egress of heavy trucks	Town Public Works Department, Project Proponent	Prior to issuance of improvement plans
	Less Than Significant	TRF-2 The Project shall widen Dale Evans at its ultimate easterly half-section width as a Major Divided Parkway (142-foot right-of-way) with the Town's standard, from Lafayette Street to Burbank Street.	Town Public Works Department, Project Proponent	Prior to building occupancy

**MITIGATION MONITORING & REPORTING PROGRAM
THE DEVELOPMENT AT DALE EVANS PARKWAY AND LAFAYETTE
EIR/ SCH No. 2022120356**

Impact Heading	Level of Impact After Mitigation	Mitigation Measure	Responsible Party/Monitoring Party	Implementation Stage
Transportation	Less Than Significant	TRF-3 The Project shall construct Lafayette Street at its ultimate southerly half-section width as a Secondary Road (88-foot right-of-way) with the Town’s standard, from Dale Evans Parkway to Dachshund Avenue.	Town Public Works Department, Project Proponent	Prior to building occupancy
	Less Than Significant	TRF-4 The Project shall construct Burbank Street at its ultimate northerly half-section plus one lane as an Industrial & Commercial Local Street (66-foot right-of-way) with the Town’s standard, from Dale Evans Parkway to Dachshund Avenue.	Town Public Works Department, Project Proponent	Prior to building occupancy
	Less Than Significant	TRF-5 The Project shall construct Dachshund Avenue at its ultimate westerly half-section plus one lane as a Secondary Road (88-foot right-of-way) with the Town’s standard, from Lafayette Street to Burbank Street.	Town Public Works Department, Project Proponent	Prior to building occupancy
	Less Than Significant	TRF-6 Dale Evans Parkway & Lafayette Street (#2) – In order to serve opening year cumulative conditions, Project shall provide a 200-foot westbound left turn pocket on Lafayette Street approaching Dale Evans Parkway. Cross-street stop sign control will adequately serve this intersection for opening year cumulative conditions; however, horizon year (2040) projections indicate the need for a traffic signal at this location. Project shall make a fair share contribution towards the future traffic signal consistent with Table 2.17-9 (See TRF-19).	Town Public Works Department, Project Proponent	Prior to building occupancy
	Less Than Significant	TRF-7 Dale Evans Parkway & Burbank Street (#11) – Project shall provide a westbound cross-street stop sign control to adequately serve future traffic conditions with the Project at this local street intersection.	Town Public Works Department, Project Proponent	Prior to building occupancy
	Less Than Significant	TRF-8 Dachshund Avenue & Lafayette Street (#12) – Project shall provide a 150-foot northbound left turn lane on Dachshund Avenue approaching Lafayette Street. Project shall install cross-street stop sign control to adequately serve this intersection for opening year cumulative and long-range future conditions.	Town Public Works Department, Project Proponent	Prior to building occupancy
	Less Than Significant	TRF-9 Driveway 1 & Lafayette Street (#14) – Driveway 1 shall be located 350 feet east of Dale Evans Parkway, centerline-to-centerline. Project Driveway 1 is to be restricted to passenger cars only (no large trucks). Cross-street stop sign control will adequately serve future traffic conditions at this driveway location.	Town Public Works Department, Project Proponent	Prior to building occupancy

MITIGATION MONITORING & REPORTING PROGRAM
THE DEVELOPMENT AT DALE EVANS PARKWAY AND LAFAYETTE
EIR/ SCH No. 2022120356

Impact Heading	Level of Impact After Mitigation	Mitigation Measure	Responsible Party/Monitoring Party	Implementation Stage
Transportation	Less Than Significant	TRF-10 Driveway 2 & Lafayette Street (#15) – Project shall provide a cross-street stop sign control to adequately serve future traffic conditions at this driveway location. Project Driveway 2 is to be restricted to passenger cars only (no large trucks).	Town Public Works Department, Project Proponent	Prior to building occupancy
	Less Than Significant	TRF-11 Dachshund Avenue & Driveway 3 (#16) – Driveway 3 will function as a large truck access to the Project from Lafayette Street via Dachshund Avenue. Cross-street stop sign control will adequately serve future traffic conditions at this driveway location.	Town Public Works Department, Project Proponent	Prior to building occupancy
	Less Than Significant	TRF-12 Dachshund Avenue & Driveway 4 (#17) – Project shall install a cross-street stop sign control to adequately serve future traffic conditions at this driveway location. Project Driveway 4 is to be restricted to passenger cars only (no large trucks).	Town Public Works Department, Project Proponent	Prior to building occupancy
	Less Than Significant	TRF-13 Dachshund Avenue & Driveway 5 (#18) – Driveway 18 will function as a large truck access to the Project from Lafayette Street or Burbank Street via Dachshund Avenue. Project shall install cross-street stop sign control to adequately serve future traffic conditions at this driveway location. To accommodate large trucks, adjust the Driveway 5 / Dachshund Avenue on-site curb returns to 50-foot radii as indicated on Exhibit 1-4 of the Project Traffic Analysis.	Town Public Works Department, Project Proponent	Prior to building occupancy
	Less Than Significant	TRF-14 Driveway 6 & Burbank Street (#19) – Project shall install cross-street stop sign control to adequately serve future traffic conditions at this driveway location. Project Driveway 6 is to be restricted to passenger cars only (no large trucks).	Town Public Works Department, Project Proponent	Prior to building occupancy
	Less Than Significant	TRF-15 Driveway 7 & Burbank Street (#20) – Project shall install cross-street stop sign control to adequately serve future traffic conditions at this driveway location. Project Driveway 7 is to be restricted to passenger cars only (no large trucks).	Town Public Works Department, Project Proponent	Prior to building occupancy
	Less Than Significant	TRF-16 On-site traffic signing and striping shall be implemented in substantial conformance with the provisions of the California Manual on Uniform Traffic Control Devices (CA MUTCD) and in conjunction with detailed construction plans for the Project site.	Town Public Works Department, Project Proponent	Prior to building occupancy
	Less Than Significant	TRF-17 Sight distance at each project access point shall be reviewed with respect to standard Caltrans and Town of Apple Valley sight distance standards at the time of preparation of final grading, landscape, and street improvement plans.	Town Public Works Department, Project Proponent	Prior to building occupancy

**MITIGATION MONITORING & REPORTING PROGRAM
THE DEVELOPMENT AT DALE EVANS PARKWAY AND LAFAYETTE
EIR/ SCH No. 2022120356**

Impact Heading	Level of Impact After Mitigation	Mitigation Measure	Responsible Party/Monitoring Party	Implementation Stage																																																																																																		
	Less Than Significant	TRF-18 Project improvements may include a combination of fee payments to established programs (e.g., DIF), construction of specific improvements, payment of a fair share contribution toward future improvements or a combination of these approaches. Improvements constructed by the Project may be eligible for a fee credit or reimbursement through the program where appropriate (to be determined at the Town of Apple Valley's discretion).	Town Public Works Department, Planning Department, Project Proponent	Prior to issuance of building permits																																																																																																		
Transportation	Less Than Significant	<p>TRF-19 When off-site improvements are identified with a minor share of responsibility assigned to the Project, the Town may elect to collect a fair share contribution toward future improvements. Detailed fair share calculations for each peak hour, are provided in Table 2.17-9 below for the applicable deficient intersections. Improvements included in a defined program and constructed by development may, at the Town's discretion, be eligible for a fee credit or reimbursement through the program where appropriate.</p> <p style="text-align: center;">EIR Table 2.17-2 Project Fair Share Calculations</p> <table border="1" data-bbox="562 802 1449 1396"> <thead> <tr> <th>#</th> <th>Intersection</th> <th>Existing (2022) Traffic</th> <th>HY (2040) w/ Project Traffic</th> <th>Project Only Traffic</th> <th>Total New Traffic¹</th> <th>Project Fair Share (%)²</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Dale Evans Pkwy. / Johnson Rd.</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>• AM Peak Hour</td> <td>510</td> <td>2,240</td> <td>145</td> <td>1,730</td> <td>8.4%</td> </tr> <tr> <td></td> <td>• PM Peak Hour</td> <td>771</td> <td>2,922</td> <td>189</td> <td>2,151</td> <td>8.8%</td> </tr> <tr> <td>2</td> <td>Dale Evans Pkwy. / Lafayette St.</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>• AM Peak Hour</td> <td>268</td> <td>3,429</td> <td>144</td> <td>3,161</td> <td>4.6%</td> </tr> <tr> <td></td> <td>• PM Peak Hour</td> <td>411</td> <td>3,659</td> <td>189</td> <td>3,248</td> <td>5.8%</td> </tr> <tr> <td>3</td> <td>Dale Evans Pkwy. / Corwin Rd.</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>• AM Peak Hour</td> <td>288</td> <td>1,421</td> <td>66</td> <td>1,133</td> <td>5.8%</td> </tr> <tr> <td></td> <td>• PM Peak Hour</td> <td>426</td> <td>1,688</td> <td>89</td> <td>1,262</td> <td>7.1%</td> </tr> <tr> <td>4</td> <td>Stoddard Wells Rd. / Johnson Rd.</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>• AM Peak Hour</td> <td>277</td> <td>1,196</td> <td>115</td> <td>919</td> <td>12.5%</td> </tr> <tr> <td></td> <td>• PM Peak Hour</td> <td>406</td> <td>1,660</td> <td>150</td> <td>1,254</td> <td>12.0%</td> </tr> <tr> <td>5</td> <td>I-15 NB Ramps / Stoddard Wells Rd.</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	#	Intersection	Existing (2022) Traffic	HY (2040) w/ Project Traffic	Project Only Traffic	Total New Traffic ¹	Project Fair Share (%) ²	1	Dale Evans Pkwy. / Johnson Rd.							• AM Peak Hour	510	2,240	145	1,730	8.4%		• PM Peak Hour	771	2,922	189	2,151	8.8%	2	Dale Evans Pkwy. / Lafayette St.							• AM Peak Hour	268	3,429	144	3,161	4.6%		• PM Peak Hour	411	3,659	189	3,248	5.8%	3	Dale Evans Pkwy. / Corwin Rd.							• AM Peak Hour	288	1,421	66	1,133	5.8%		• PM Peak Hour	426	1,688	89	1,262	7.1%	4	Stoddard Wells Rd. / Johnson Rd.							• AM Peak Hour	277	1,196	115	919	12.5%		• PM Peak Hour	406	1,660	150	1,254	12.0%	5	I-15 NB Ramps / Stoddard Wells Rd.						Town Public Works Department, Planning Department, Project Proponent	Prior to issuance of building permits
#	Intersection	Existing (2022) Traffic	HY (2040) w/ Project Traffic	Project Only Traffic	Total New Traffic ¹	Project Fair Share (%) ²																																																																																																
1	Dale Evans Pkwy. / Johnson Rd.																																																																																																					
	• AM Peak Hour	510	2,240	145	1,730	8.4%																																																																																																
	• PM Peak Hour	771	2,922	189	2,151	8.8%																																																																																																
2	Dale Evans Pkwy. / Lafayette St.																																																																																																					
	• AM Peak Hour	268	3,429	144	3,161	4.6%																																																																																																
	• PM Peak Hour	411	3,659	189	3,248	5.8%																																																																																																
3	Dale Evans Pkwy. / Corwin Rd.																																																																																																					
	• AM Peak Hour	288	1,421	66	1,133	5.8%																																																																																																
	• PM Peak Hour	426	1,688	89	1,262	7.1%																																																																																																
4	Stoddard Wells Rd. / Johnson Rd.																																																																																																					
	• AM Peak Hour	277	1,196	115	919	12.5%																																																																																																
	• PM Peak Hour	406	1,660	150	1,254	12.0%																																																																																																
5	I-15 NB Ramps / Stoddard Wells Rd.																																																																																																					

MITIGATION MONITORING & REPORTING PROGRAM
THE DEVELOPMENT AT DALE EVANS PARKWAY AND LAFAYETTE
EIR/ SCH No. 2022120356

Impact Heading	Level of Impact After Mitigation	Mitigation Measure					Responsible Party/Monitoring Party	Implementation Stage	
		• AM Peak Hour	317	1,057	115	740	15.5%		
		• PM Peak Hour	477	1,315	150	838	17.9%		
		6 Quarry Rd. / Stoddard Wells Rd.							
		• AM Peak Hour	182	427	27	245	11.0%		
		• PM Peak Hour	258	841	108	583	18.5%		
		8 Navajo Rd. / Johnson Rd.							
		• AM Peak Hour	130	1,759	18	1,629	1.1%		
		• PM Peak Hour	197	1,819	24	1,622	1.5%		
		9 Navajo Rd. / Lafayette St.							
		• AM Peak Hour	68	1,558	18	1,490	1.2%		
		• PM Peak Hour	121	1,432	24	1,311	1.8%		
		10 Central Rd. / Johnson Rd.							
		• AM Peak Hour	119	1,831	18	1,712	1.1%		
		• PM Peak Hour	198	1,954	24	1,756	1.4%		
		11 Dale Evans Pkwy. / Burbank St.							
		• AM Peak Hour	247	2,023	68	1,776	3.8%		
		• PM Peak Hour	375	2,226	89	1,851	4.8%		
		12 Dachshund Av. / Lafayette St.							
		• AM Peak Hour	37	1,473	115	1,436	8.0%		
		• PM Peak Hour	61	1,604	152	1,543	9.9%		
		13 Dachshund Av. / Burbank St.							
		• AM Peak Hour	0	272	42	272	15.4%		
		• PM Peak Hour	0	304	54	304	17.8%		

**MITIGATION MONITORING & REPORTING PROGRAM
THE DEVELOPMENT AT DALE EVANS PARKWAY AND LAFAYETTE
EIR/ SCH No. 2022120356**

Impact Heading	Level of Impact After Mitigation	Mitigation Measure	Responsible Party/Monitoring Party	Implementation Stage
Transportation	Significant and Unavoidable (VMT)	VMT-1 The Project shall implement a Voluntary Commute Trip Reduction (CTR) measure. The purpose of the CTR would be to encourage alternative modes of transportation such as carpooling, which would reduce VMT. A proposed CTR program for this project could include providing on-site and/or online commute information services including information on available transit and ride coordination for employees.	Future operator, Town Planning Department	Prior to building occupancy
Transportation	Significant and Unavoidable (VMT)	VMT-2 The Project shall provide designated carpool/vanpool parking in desirable locations on-site to encourage and facilitate employees to carpool/vanpool to work and reduce VMT.	Town Planning Department, Project Proponent	Prior to building occupancy
	Significant and Unavoidable (VMT)	VMT-3 The Project shall install end-of-trip facilities, including bicycle parking and lockers, which encourage and facilitate employees to use alternative modes of transportation and thus reduce VMT.	Town Planning Department, Project Proponent	Prior to building occupancy
	Significant and Unavoidable (VMT)	VMT-4 The Project shall install on-site electric vehicle charging stations beyond what is required by the California Green Building Code Standards (CALGreen), as amended, at designated parking areas. Although this measure would not directly reduce VMT, it would reduce greenhouse gas (GHG) emissions.	Town Planning Department, Project Proponent	Prior to building occupancy
	Significant and Unavoidable (VMT)	VMT-5 The Project shall install sidewalks along the Project frontage on Lafayette Street and provide connections to existing and future bus stops to improve multi-modal access.	Town Planning Department, Project Proponent	Prior to building occupancy

**MITIGATION MONITORING & REPORTING PROGRAM
THE DEVELOPMENT AT DALE EVANS PARKWAY AND LAFAYETTE
EIR/ SCH No. 2022120356**