CEQA FINDINGS OF FACT

The California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA) requires that public agencies shall not approve or carry out a project for which an environmental impact report (EIR) has been certified that identifies one or more significant adverse environmental effects of a project unless the public agency makes one or more written Findings for each of those significant effects, accompanied by a brief explanation of the rationale for each Finding (State CEQA Guidelines [Cal. Code Regs., tit. 14, § 15000 et seq.], § 15091). This document presents the CEQA Findings of Fact made by Town of Apple Valley, in its capacity as the CEQA lead agency, regarding the 1M Warehouse Project (Project), evaluated in the Draft Environmental Impact Report ("Draft EIR") and Final Environmental Impact Report ("Final EIR") for the Project.

SECTION I.
INTRODUCTION

Public Resources Code section 21002 states that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" Section 21002 further states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

Pursuant to section 21081 of the Public Resources Code, a public agency may only approve or carry out a project for which an EIR has been completed that identifies any significant environmental effects if the agency makes one or more of the following written finding(s) for each of those significant effects accompanied by a brief explanation of the rationale for each finding:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

As indicated above, section 21002 requires an agency to "avoid or substantially lessen" significant adverse environmental impacts. Thus, mitigation measures that "substantially lessen" significant environmental impacts, even if not completely avoided, satisfy section 21002's mandate. (*Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 521 ["CEQA does not mandate the choice of the environmentally best

feasible project if through the imposition of feasible mitigation measures alone the appropriate public agency has reduced environmental damage from a project to an acceptable level"]; *Las Virgenes Homeowners Fed., Inc. v. County of Los Angeles* (1986) 177 Cal. App. 3d 300, 309 ["[t]here is no requirement that adverse impacts of a project be avoided completely or reduced to a level of insignificance . . . if such would render the project unfeasible"].)

While CEQA requires that lead agencies adopt feasible mitigation measures or alternatives to substantially lessen or avoid significant environmental impacts, an agency need not adopt infeasible mitigation measures or alternatives. (Pub. Resources Code, § 21002.1(c) [if "economic, social, or other conditions make it infeasible to mitigate one or more significant effects on the environment of a project, the project may nonetheless be carried out or approved at the discretion of a public agency"]; see also State CEQA Guidelines, § 15126.6(a) [an "EIR is not required to consider alternatives which are infeasible"].) CEQA defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Pub. Resources Code, § 21061.1.) The State CEQA Guidelines add "legal" considerations as another indicia of feasibility. (State CEQA Guidelines, § 15364.) Project objectives also inform the determination of "feasibility." (*Jones v. U.C. Regents* (2010) 183 Cal. App. 4th 818, 828-829.) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) "Broader considerations of policy thus come into play when the decision making body is considering actual feasibility[.]" (*Cal. Native Plant Soc'y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000 ("*Native Plant*"); see also Pub. Resources Code, § 21081(a)(3) ["economic, legal, social, technological, or other considerations" may justify rejecting mitigation and alternatives as infeasible] (emphasis added).)

Environmental impacts that are less than significant do not require the imposition of mitigation measures. (*Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337, 1347.)

The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.) In addition, perfection in a project or a project's environmental alternatives is not required; rather, the requirement is that sufficient information be produced "to permit a reasonable choice of alternatives so far as environmental aspects are concerned." Outside agencies (including courts) are not to "impose unreasonable extremes or to interject [themselves] within the area of discretion as to the choice of the action to be taken." (*Residents Ad Hoc Stadium Com. v. Board of Trustees* (1979) 89 Cal.App.3d 274, 287.)

SECTION II.
FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

The Town hereby finds that the following potential environmental impacts of the Project are less than significant and therefore do not require the imposition of Mitigation Measures.

A. AESTHETICS

1. Scenic Vistas

Threshold: Would the Project have a substantial adverse effect on a scenic vista?

Finding: Less than significant. (Draft EIR, p. 4.1-7)

Explanation:

The Project site and surrounding area contain undisturbed natural desert landscape with panoramic views of mountains in all directions. Although scattered light industrial/commercial, institutional, and residential uses exist in the area, the Project site and vicinity provide scenic views of the surrounding landscape. Therefore, the Project site and vicinity hold scenic value to the Town of Apple Valley.

Physical improvements proposed as part of the Project would be limited to the Project site and the immediate vicinity. Given that existing scenic resources are outside of the Project's disturbance footprint and are located between 0.5 to 5+ miles away from the Project site, the Project would not result in any physical modifications to scenic resources that comprise a scenic vista. In addition, the Project site is in compliance with existing land use and zoning designations and would comply with the development standards of the NAVISP.

A project could also have a potential indirect impact on a scenic vista if it results in a significant loss of viewing opportunities from publicly available viewpoints. Due to the relatively flat topography of the Project area, views of the Turtle Mountain, Black Mountain, Fairview Mountain, Sidewinder Mountain and San Gabriel and San Bernardino Mountains are available to viewer groups in the vicinity of the Project site, including motorists traveling on nearby highways and roads, employees and visitors of the nearby commercial and light industrial areas, and residents traveling to and from their residences. These viewers are provided intermittent background views of mountain ridgelines under optimal atmospheric conditions and when not obstructed by existing development in the area. Development of the Project's proposed buildings would result in some obstruction of these views where they are currently available from publicly accessible areas when viewed across the Project site. However, the presence of existing development, major roadways, mining operations, and other man-made elements

in the surrounding area (i.e., transmission lines, signage) lowers viewer expectations of unobstructed views and precludes the significance of views of the mountains from the Project vicinity. While views of these features would be restored as viewers move throughout the Project area, higher quality, less-obstructed views are available in the greater Project area as viewers move throughout and outside of the Town (particularly for motorists traveling on Johnson Road, Central Road, and Lafayette Street). Moreover, these views would remain intact from areas within Town and surrounding unincorporated areas where the Town and County designated publicly accessible land and elevated hillside areas for preservation.

In addition, the Project has been designed such that building colors mimic the colors and tones found in the natural desert landscape, including a color palate with soft beiges, whites, and greys. Incorporation of these colors would soften the contrast of the proposed buildings with the surrounding desert terrain. The Project's landscaping would also have a similar effect by providing natural elements throughout the Project site, including a variety of box trees, shrubs, and drought tolerant plants with varying heights to break up the overall massing of the building.

Based on the foregoing, Project would not result in a significant impact to scenic vistas, as the Project buildings would result in minor blockage of views, views would be restored as viewers move through the Project area; and existing intervening features within and surrounding the Project site detract from existing views through and beyond the Project site. Therefore, impacts associated with scenic vistas would be less than significant. (Draft EIR, p. 4.1-7)

2. Scenic Resources

Threshold: Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Finding: No impact. (Draft EIR, p. 4.1-9)

Explanation:

No Impact. There are no officially designated scenic roads or highways within Town boundaries. The nearest eligible scenic highway, Route 247, is located approximately 10 miles east of the Project site (Caltrans 2019). Due to distance and intervening terrain, the eligible scenic highway is not visible from the Project site, nor is the Project site visible from this highway. Therefore, no impacts associated with scenic resources within a state scenic highway would occur. (Draft EIR, p. 4.1-9)

3. Visual Character

Threshold: In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public view of the site and its surroundings?

Finding: Less than significant. (Draft EIR, pp. 4.1-9 – 4.1-11)

Explanation:

California Public Resources Code Section 21071 defines an "urbanized area" as "an incorporated city that meets either of the following criteria: (1) Has a population of at least 100,000 persons, or (2) Has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons." The Town's population in July 2021 was approximately 76,224 people (U.S. Census Bureau 2021). However, the Town is bordered by the City of Barstow to the north, City of Victorville to the west, Hesperia to the south, and unincorporated County land to the east. The combined population of the Town and any one of these adjacent Cities is over 100,000 persons. Thus, the Project site is considered to be within an urbanized area and the following analysis considers whether the Project would conflict with applicable zoning or other regulations governing scenic quality.

To ensure that current and future development within the Town is designed and constructed to conform to existing the visual character and quality, the Town of Apple Valley Development Code (Title 9 of the Town's Municipal Code) and the NAVISP include design standards related to building size, height, floor area ratio, and setbacks, as well as landscaping, signage, and other visual considerations. These design standards help adjacent land uses to be visually consistent with one another and their surroundings and reduces the potential for conflicting visual elements. More specific to the Project site, Chapter 9.47 (Industrial Design Standards) of the Town's Municipal Code and Chapter III of the NAVISP set forth development standards for industrial development. The design specifications for the Project have been reviewed by Town staff for compliance with all applicable provisions relating to visual quality and design. In previously deeming the Project's application complete via the Site Plan Review process, which is a process separate from CEQA review, Town staff has determined that the Project design conforms to the Development Code, NAVISP, and promotes the visual character and quality of the surrounding area. Draft EIR Table 4.1-2 provides a consistency analysis with the development standards for the Industrial – General Land Use District (Chapter III, Development Standards and Guidelines, NAVISP).

As provided in Draft EIR Table 4.1-2, the Project would be consistent with the development standards of the Industrial – General Land Use District of the NAVISP.

Additionally, due to the size and scale of industrial buildings, it is especially important to consider design to ensure compatibility with other parts of the community. Title 9 of the Development Code and Chapter III of the NAVISP provide in-depth information regarding design standards and guidelines for

industrial development. In accordance with the Development Code and NAVISP design guidelines, all setback areas would be landscaped, and building orientation, siting and entrances have been designed to minimize conflicts with the surrounding visual environment.

Additionally, as discussed previously, the Project has been designed such that building colors mimic the colors and tones found in the natural desert landscape, including a color palate with soft beiges, whites, and greys. Incorporation of these colors would soften the contrast of the proposed buildings with the surrounding desert terrain. The Project's landscaping would also have a similar effect by providing natural elements throughout the Project site, including a variety of box trees, shrubs, and drought tolerant plants with varying heights to provide visual relief. Similarly, the proposed building would incorporate a variety of materials such as concrete, metal, aluminum entry framing, and glass, and building elevations would include vertical and horizontal elements that would break up the overall massing of the buildings and provide visual interest (see Figure 3-15, Conceptual Elevations, in Chapter 3).

The visual setting surrounding the Project site currently consists of a natural desert landscape with scattered development. Development in the area includes light industrial/commercial uses, such as light industrial/commercial, institutional, and residential uses (i.e., Walmart Distribution Center, Big Lots Distribution Center, Apple Valley Airport, Apple Valley Fire Center). Undeveloped areas consist of flat desert terrain with sparse vegetation. As a result, the Project site and surrounding area can be characterized as containing low density exurban industrial, commercial, and residential development within a desert landscape setting. The Project would result in the development of vacant, undeveloped land with an industrial building that would feature of contemporary architecture landscaping, and streetscape improvements that would achieve development goals set forth in the General Plan and NAVISP.

In summary, the Project would not conflict with applicable zoning or other regulations governing scenic quality and the Project would be consistent with the visual character of the surrounding area. Therefore, with compliance with the Town's Development Code, NAVISP, and General Plan guidelines and implementation of site-specific landscaping, the Project would not conflict applicable zoning or other regulations governing scenic quality and impacts would be less than significant. (Draft EIR, pp. 4.1-8 – 4.1-11)

4. Light and Glare

Threshold: Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Finding: Less than significant. (Draft EIR, pp. 4.1-11 – 4.1-12)

Explanation:

The Project site is currently undeveloped and does not support any existing sources of light or glare, and development of the Project would introduce new sources of light and glare to the Project site. However, developed portions of the Town contain numerous sources of light and glare typical of urban and semi-rural environments. Existing sources of light or glare include streetlights, freestanding lights, building-mounted lights, illuminated signage, reflective building materials, and vehicular headlights. The undeveloped portions of the Town, such as the Project site, contain few, if any, sources of light and glare. New sources of nighttime lighting resulting from the implementation of the Project include parking lot and loading area lighting, as well as building mounted lights. The Project would include a variety of exterior building light fixtures and parking lot lighting fixtures, including building mounted and pole mounted light fixtures. Building materials would primarily include concrete, metal, aluminum, and glass windows. These features could result in light trespass, light pollution, and glare.

The majority of construction activities associated with the Project would occur during daytime hours consistent with standard industry practices. In the event that work is required outside the standard construction hours (to reduce traffic or other impacts), lighting would be focused directly on work activity areas and would be temporary. As such, given the minimal extent during which nighttime construction activities could occur, which would also be coordinated with the Town's Building and Safety Department, nighttime construction lighting impacts would be less than significant.

Upon Project implementation, the Project could potentially result in significant adverse light and glare impacts on nighttime views due to the addition of building and parking lot lighting. However, the Project would be required to minimize light and glare impacts to sensitive land uses through the incorporation of setbacks and site planning. The Project would comply with the Town's municipal code, specifically with Title 9 Development Code (Section 9.47.090 Lighting) and Chapter III of the NAVISP, which contains general performance standards related to light and glare for lighting uses associated with industrial development in Town. Given that the Project is located adjacent to sensitive receptors to the east, the Project's lighting has been designed such that lighting is directed on site and away from neighboring parcels. Moreover, the Project's grading plan calls for sloped areas along the eastern boundary of the Project site to shield light trespass from the adjacent residential use, which is located approximately 0.15 miles to the east of the Project boundary.

Lighting associated with streetlights would be designed consistent with Town standards for safety and proper roadway illumination, consistent with other streetlights throughout the Town. In addition, as part of the final engineering and site plan check phase, a photometric plan will be prepared by Town planning staff prior to finalization of site plans. During this process, Town staff would ensure that Project lighting would not result in glare on adjacent properties.

Further, all light fixtures would be required to be consistent with the California Green Building Standards Code for illumination. The California Green Building

Standards Code sets forth minimum requirements based on Lighting Zones, as defined in Chapter 10 of the California Administrative Code. The requirements are designed to minimize light pollution in an effort to maintain dark skies and ensure new development reduces backlight, uplight, and glare (BUG) from exterior light sources (CALGreen 2019). The Project would be required to comply with the CALGreen BUG rating for Lighting Zone 3. Further, all lights would be shielded and directed downward, and the proposed lighting plan does not include blinking, flashing, or oscillating light sources.

With regard to glare, the warehouse building would incorporate a variety of building materials. As depicted on Figures 3-15, Conceptual Elevations, building materials would primarily include concrete, metal, aluminum, and glass windows. Metal canopy overhangs for shading would be include above building entrances, and aluminum entrance fronts would include glass and metal attachments. Blue reflective glazing and high gloss paint is proposed for the entrance fronts and canopies. Glass windows would consist of tempered vision insulated glass with a Solarban 60 rating, which has a low exterior reflectance percentage to maximize daylighting opportunities to interior building spaces. Although metallic materials and glass have been incorporated into Project design, Project setbacks and proposed landscaping would provide screening to such Project elements from view, and all paint finishes would be flat (with the exception of the high gloss proposed for entrance fronts and canopies). As such, building materials would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Therefore, impacts associated with light and glare would be less than significant. (Draft EIR, pp. 4.1-11 – 4.1-12)

B. AGRICULTURE AND FOREST RESOURCES

1. Farmland Conversion

Threshold: Would the Project convert Primate Farmland, Unique Farmland, or Farmland of Statewide significance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Finding: No Impact. (Draft EIR, p. 5.1)

Explanation:

According to the California Department of Conservation's California Important Farmland Finder, the Project site contains grazing land (CDOC 2016). Grazing land is described as land on which the existing vegetation is suited to the grazing of livestock. Grazing land does not include land designated or previously designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (collectively "Important Farmland"). Therefore, no impacts would occur. (Draft EIR, p. 5.1)

2. Agricultural Zoning

Threshold: Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?

Finding: No Impact. (Draft EIR, p. 5.1)

Explanation:

According to the Town of Apple Valley (Town) General Plan EIR, the Project site is not located on or adjacent to any lands under a Williamson Act contract (Town of Apple Valley 2009a). In addition, the Project site and surrounding area are not zoned for agricultural uses, but instead for Specific Plan Industrial uses (Town of Apple Valley 2012). As such, implementation of the Project would not conflict with existing zoning for agricultural use or land under a Williamson Act contract. Therefore, no impacts would occur. (Draft EIR, p. 5.1)

3. Forestland Zoning

Threshold: Would the Project 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)?

Finding: No Impact. (Draft EIR, p. 5.1)

Explanation:

According to the Town's zoning map, the Project site is not located on or adjacent to forestland, timberland, or timberland zoned timberland production (Town of Apple Valley 2021). Therefore, no impacts would occur.

4. Loss of Forest Land

Threshold: Would the Project result in the loss of forest land or conversion of forest land to non-forest use?

Finding: No Impact. (Draft EIR, p. 5.2)

Explanation:

The Project site is not located on or adjacent to forestland. No private timberlands or public lands with forests are located in the Town. Therefore, no impact would occur.

C. AIR QUALITY

1. Other Adverse Emissions

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

Finding: Less than significant. (Draft EIR, p. 4.2-41)

Explanation:

Land uses most commonly associated with odor complaints generally include agricultural uses (livestock and farming), wastewater treatment plants, food-processing plants, chemical plants, composting operations, refineries, landfills, dairies, and fiberglass molding facilities. The Project does not include uses that would be substantive sources of objectionable odors. Potential temporary and intermittent odors may result from construction equipment exhaust, the application of asphalt, and architectural coatings. Temporary and intermittent construction-source emissions are controlled through existing requirements and industry Best Management Practices addressing proper storage of and application of construction materials.

The Project would also be required to comply with MDAQMD Rule 402 (Nuisance). Rule 402 provides that "[a] person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property" (MDAQMD 1976). Based on the preceding, the potential for the Project to create objectionable odors affecting a substantial number of people would be less than significant.

D. BIOLOGICAL RESOURCES

1. Riparian Habitat

Threshold: Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Finding: No impact. (Draft EIR, pp. 4.3-40 – 4.3-42)

Explanation:

No sensitive vegetation communities are found within the Project site.

Direct Impacts

A total of 92.0 acres would be directly impacted from the Project, including 67.3 acres of permanent impacts within the Project site, 10.6.6 acres of permanent

impacts within the off-site improvement areas, and 14.0 acres of temporary impacts within the off-site improvement areas (Figure 4.3-4, Impacts to Biological Resources). As stated in Appendix C, Section 5.1, Vegetation Communities and Land Covers, and Appendix C Section 6.3, Impacts Analysis, CDFW state rankings of 1, 2, and 3 are considered high priority for inventory or special-status and impacts to these communities typically require mitigation. The Project site does not contain any sensitive vegetation communities; therefore, direct impacts to sensitive vegetation communities are not anticipated to occur, and no additional measures are recommended. No direct impacts would occur.

Indirect Impacts

Short-Term Construction Impacts

No sensitive vegetation communities occur within the 100-foot buffer of the Project site, as stated in Appendix C, Section 5.1 and Draft EIR Table 2. Therefore, implementation of the Project would likely not result in any indirect impacts to sensitive vegetation communities.

However, implementation of MM-BIO-3 (Designated Biologist Authority) gives the Project's designated biologist the authority to stop work if construction is not compliant with this CEQA document. MM-BIO-4 (Compliance Monitoring) requires that an experienced biologist oversee compliance with the protective measures, including limiting impacts to the Project impact footprint. MM-BIO-5 (Education Program) would provide construction personnel with training related to sensitive vegetation communities that could potentially occur adjacent to the impact footprint (e.g., Joshua tree woodland that may be present outside of the Project's 100-foot buffer). MM-BIO-6 (Construction Monitoring Notebook) provides for documentation that the education program was administered to applicable personnel. MM-BIO-7 (Delineation of Property Boundaries) requires that impacts occur within the fenced, staked, or flagged area that is clearly delineated within the Project impact footprint. Thus, implementation of MM-BIO-3 through MM-BIO-7 would enable the Project to avoid and minimize inadvertent spillover impacts outside of the approved impact footprint.

To reduce fugitive dust resulting from Project construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with the Mojave Desert Air Quality Management District's Rules 401 and 403.2, which limit the amount of fugitive dust generated during construction.

MM-BIO-8 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills would be implemented, and that repair and clean-up of any hazardous waste occurs. Thus, implementation of MM-BIO-8 (Hazardous Waste) would help to avoid and minimize indirect impacts to sensitive vegetation communities that could potentially occur adjacent to the impact footprint (e.g., Joshua tree woodland that may be present outside of the Project's 100-foot buffer) from any construction-related chemical spills.

A SWPPP would be prepared and implemented to prevent all construction pollutants from contacting stormwater during construction activities, with the intent of keeping sediment and any other pollutants from moving off site and into receiving waters. BMP categories employed on site would include erosion control, sediment control, and non-stormwater good housekeeping. Preparation and implementation of a SWPPP would help to avoid and minimize the potential effects of stormwater erosion during construction.

Construction of the Project would introduce potential ignition sources to the Project site, including the use of heavy machinery and the potential for sparks during welding activities or other hot work. However, the Project would be required to comply with Town and state requirements for fire safety practices to reduce the possibility of fires during construction activities. Further, vegetation would be removed from the site prior to the start of construction. Adherence to Town and state regulatory standards during Project construction would reduce the risk of wildfire ignition and spread during construction activities. Therefore, short-term construction impacts involving wildland fires would not be substantial.

Long-Term Operational Impacts

Potential long-term (post-construction) indirect impacts from operation and maintenance activities may include effects of herbicides, changes in water quality, increased wildfire risk, induced demand of the surrounding area, increased traffic and vehicle emissions, and accidental chemical spills. Indirect impacts to off-site adjacent areas may be considered significant absent mitigation.

MM-BIO-9 (Herbicides) would limit herbicide use to instances where hand or mechanical efforts are infeasible and would only be applied when wind speeds are less than 7 miles per hour to prevent drift into off-site adjacent areas that may potentially contain sensitive vegetation communities.

Implementation of low-impact-development features and BMPs would, to the maximum extent practicable, reduce the discharge of pollutants into receiving waters, including inadvertent release of pollutants (e.g., hydraulic fluids and petroleum), the improper management of hazardous materials, trash and debris, and the improper management of portable restroom facilities (e.g., regular service) in accordance with all relevant local and state development standards. In addition, in accordance with CALGreen requirements (California Green Building Standards Code, CCR, Title 24, Part 11), Project source controls to improve water quality would be provided for outdoor material storage areas, outdoor trash storage/waste handling areas, and outdoor loading/unloading areas. Therefore, impacts to sensitive vegetation communities that could potentially occur on and or adjacent to the impact footprint (e.g., Joshua tree woodland that may be present outside of the Project's 100-foot buffer) due to changes in water quality would be avoided and minimized through implementation of low-impact-development features and BMPs.

Upon completion of Project construction, with adherence to the Town of Apple

Valley Municipal Code and because of the low ignitability of the proposed structures and implementation of fire-resistant and irrigated landscaping, the Project would not facilitate wildfire spread or exacerbate wildfire risk. Further, given that surrounding off-site fuels consist of moderately spaced vegetation, wildfires in the immediate surrounding area are not common, and it is unlikely that the Project site would be exposed to the uncontrolled spread of a wildfire. It is not anticipated that the Project, due to slope, prevailing winds, and other factors, would exacerbate wildfire risks or the uncontrolled spread of a wildfire; thus, with adherence to the Town of Apple Valley Municipal Code, long-term indirect impacts to sensitive vegetation communities that could potentially occur adjacent to the impact footprint (e.g., Joshua tree woodland that may be present outside of the Project's 100-foot buffer) associated with increased wildlife risk is not expected to occur.

In summary, implementation of MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), MM-BIO-6 (Construction Monitoring Notebook), MM-BIO-7 (Delineation of Property Boundaries), MM-BIO-8 (Hazardous Waste), and MM-BIO-9 (Herbicides) would reduce potential indirect impacts (short-term and long-term) to sensitive vegetation communities that could potentially occur adjacent to the impact footprint to less than significant. (Draft EIR, pp. 4.3-40 – 4.3-42)

2. Wildlife Movement

Threshold: Would the Project 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. (Draft EIR, pp. 4.3-44 – 4.3-45)

Explanation:

The BSA is not located within an essential connectivity area, natural landscape block, or linkage for the California Desert Linkage Network. It is approximately 2.5 miles south and 5.2 miles west of an area mapped as a linkage for the California Desert Linkage Network. Additionally, the BSA is mapped as an Area of Conservation Emphasis, Rank 3, which means "Connections with implementation flexibility" (CDFW 2023b), and no further actions required.

Direct Impacts

No significant direct permanent impacts would occur on wildlife movement or use of native wildlife nursery sites associated with Project activities. Existing nearby habitat linkages and wildlife corridor functions would remain intact while construction activities are conducted and following Project completion. Wildlife movement may be temporarily disrupted during the construction phase of the Project, although this effect would be both localized and short-term. Nearby

corridors that could support wildlife movement in the region, such as the Mojave River, which is approximately 8 miles southeast of the BSA, would not be impacted by the Project. Further, the Project site does not contain nursery sites, such as bat colony roosting sites or colonial bird nesting areas. Therefore, impacts associated with wildlife movement, wildlife corridors, and wildlife nursery sites would be less than significant under CEQA.

Indirect Impacts

Short-Term Construction Impacts

Construction-related short-term noise and work in the vicinity would be temporary and would not be expected to significantly disrupt wildlife movement due to ambient noise conditions and the ability for wildlife to continue to move around the construction area and upland portions of the BSA during and after construction. Temporary disturbance to local species may occur but would not substantially degrade the quality or use of the vegetation communities in the vicinity. Work activities are not currently proposed during the nighttime. Therefore, implementation of the Project would not result in significant short-term indirect impacts to wildlife corridors or migratory routes.

Long-Term Operational Impacts

Potential long-term (post-construction) indirect impacts from operations and maintenance activities could disrupt wildlife movement around the Project site due to increased lighting from buildings. MM-BIO-18 (Lighting) would ensure all lighting during operations and within 50 feet of the outside edge of the impact footprint containing habitat for special-status wildlife would be directed away from natural areas.

In summary, implementation of MM-BIO-18 (Lighting) would reduce potential indirect impacts to wildlife movement to less than significant. (Draft EIR, pp. 4.3-44 – 4.3-45)

3. Habitat Conservation Plans

Threshold: Would the Project 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. (Draft EIR, p. 4.3-46)

Explanation:

The Project is located within the California Desert Conservation Area Plan (BLM 1980), the West Mojave Plan (BLM 2005) and the Desert Renewable Energy Conservation Plan (BLM 2016) areas. The West Mojave Plan and Desert

Renewable Energy Conservation Plan are amendments to the California Desert Conservation Area Plan. The Bureau of Land Management issued a Record of Decision for the West Mojave Plan in 2006, although the West Mojave Plan has not been formally adopted. The Project will not conflict with the conservation criteria associated with the California Desert Conservation Area Plan or Desert Renewable Energy Conservation Plan as the Project is not located on BLM lands and is not a renewable energy project. Therefore, impacts associated with an adopted habitat conservation plan would be less than significant under CEQA.

In addition, the BSA occurs within the Town of Apple Valley Multiple-Species Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP), which is in the early stages of development, and there is no draft Town of Apple Valley Multiple-Species NCCP/HCP available for review at this time. However, there is a draft Public Review Planning Agreement document (Town of Apple Valley 2017) available for review that contains interim guidelines for the Town. Based on discussions Dudek has had with the Town on other projects in the Town, it is understood that the Town is at least 2 to 3 years away from completing this effort. However, the Town should be contacted for further clarity on this issue and to determine if they are implementing the interim guidelines. The interim guidelines, which should be reviewed in their totality, include requirements that are generally required under CEQA for biological resources, and there are some specific items to note: (1) all reports documenting the presence of listed species will be forwarded to responsible agencies; (2) for projects that propose to restore, enhance, or create habitats, the project will be required to prepare a mitigation plan consistent with USACE Mitigation Rule; (3) for impacts to drainages other than the Mojave River, mitigation must be provided at least a 1:1 ratio, and all avoided drainages must have a buffer of 50 feet in width; (4) endemic plants must be translocated/restored at a 2:1 ratio; (5) areas of steep slopes should be avoided, and a buffer of 100 feet should be provided at the base of steeps slops; and (6) preferred landscaping is native, and planting invasive species is prohibited. In the event that the NCCP/HCP is approved at the time of Project implementation, the biological technical report should be consistent with the Town of Apple Valley Multiple-Species NCCP/HCP. (Draft EIR, p. 4.3-46)

E. CULTURAL RESOURCES

1. Historical Resources

Threshold: Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to State CEQA Guidelines, section 15064.5?

Finding: Less than significant. (Draft EIR, p. 4.4-24)

Explanation:

A cultural resources records search, review of literature and archival resources (historic maps, aerial photographs, topographic maps), and a field survey were

conducted for the Project site. No cultural resources were identified as a result of a review of the CHRIS database and pedestrian survey, which was conducted under reliable conditions. As such, the Project is not anticipated to cause a substantial adverse change in the significance of a historical resources. Impacts associated with substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5 would be less than significant. (Draft EIR, p. 4.4-24)

F. ENERGY

1. Wasteful Use of Energy

Threshold: Would the Project result in potentially significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Finding: Less than significant. (Draft EIR, pp. 4.5-11 – 4.5-15)

Explanation:

The Project consumption of energy resources during construction and operation would be less than significant, as discussed in further detail below.

Electricity

Construction Electricity Usage

Temporary electric power for as-necessary lighting and electronic equipment, such as computers inside temporary construction trailers, and conveyance of water for dust control would be provided by SCE. The electricity used for such activities would be temporary, would be substantially less than that required for Project operation, and would therefore have a negligible contribution to the Project's overall energy consumption.

Operational Electricity Usage

The operational phase would require electricity for multiple purposes, including building heating and cooling, lighting, electronics, electric pumps, and electric forklifts as described above. CalEEMod was used to estimate Project emissions from electricity uses (see Appendix B-1). Default electricity generation rates in CalEEMod were used based on the proposed land use and climate zone. Draft EIR Table 4.5-1 shows the estimated annual operational electricity demand.

As shown in Draft EIR Table 4.5-1, the Project is anticipated to consume approximately 9,148,118 kWh of electricity per year. According to the Town's CAP, the Town of Apple Valley used 329,848,695 kWh in 2019. Comparatively, the Project would represent an approximately 3% increase in the Town's energy demand in 2019. The Project proposes conventional industrial uses reflecting contemporary energy efficient/energy conserving designs and operational

programs. Uses proposed by the Project are not inherently energy intensive, and the Project electricity demands in total would be comparable to other projects of similar scale and configuration. Notably, although not necessitated for this impact or accounted for in Draft EIR Table 4.5-1, the Project would also implement measures that would further reduce electricity demand, such as MM-AQ-1, whereby the Project would commit to on-site solar generation sufficient to meet at least 90% of the Project's total operational energy requirements from within the building envelope. Finally, the Project would be required to comply with the applicable Title 24 standards applicable at that time, which would further ensure that the Project energy demands would not be inefficient, wasteful, or otherwise unnecessary and impacts would be less than significant.

Natural Gas

Construction Natural Gas Usage

Natural gas is not anticipated to be required during construction of the Project. Fuels used for construction would primarily consist of diesel and gasoline, which are discussed under the subsection "Petroleum," below. Any minor amounts of natural gas that may be consumed as a result of Project construction would be temporary and negligible, and would not have an adverse effect; therefore, impacts would be less than significant.

Operational Natural Gas Usage

Natural gas consumption during operation would be required for various purposes, including, but not limited to, building heating and cooling and the operation of CNG forklifts. Default natural gas generation rates in CalEEMod for the proposed land use and climate zone were used. Draft EIR Table 4.5-2 presents the annual operational natural gas demand.

As shown in Draft EIR Table 4.5-2 the Project is estimated to have a total natural gas demand of 20,533,910 kBTUs per year. The Town's CAP estimated the Town used approximately 15,256,732 therms or 1,525,309,007 kBTUs in 2019 (Town of Apple Valley 2021). For comparison, the Project represents 1% of the Town's total natural gas consumption in 2019. The Project proposes conventional industrial uses reflecting contemporary energy efficient/energy conserving designs and operational programs. Uses proposed by the Project are not inherently energy intensive, and the Project natural gas demands in total would be comparable to other projects of similar scale and configuration. Additionally, the Project is subject to statewide mandatory energy requirements as outlined in Title 24, Part 6, of the California Code of Regulations. Prior to Project approval, the applicant would ensure that the Project would meet Title 24 requirements applicable at that time, as required by state regulations through their plan review process. Thus, the natural gas consumption of the Project would not be considered inefficient or wasteful, and impacts would be less than significant.

Petroleum

Construction Petroleum Usage

Petroleum would be consumed throughout construction of the Project. Fuel consumed by construction equipment would be the primary energy resource expended over the course of construction, and VMT associated with the transportation of construction materials and construction worker commutes would also result in petroleum consumption. Heavy-duty construction equipment associated with construction activities and on-road trucks are assumed to use diesel fuel. Construction workers would travel to and from the Project site throughout the duration of construction. It is assumed that construction workers would travel to and from the Project site in gasoline-powered vehicles.

Heavy-duty construction equipment of various types would be used during Project construction. CalEEMod was used to estimate construction equipment usage; results are included in Appendix B-1 of this EIR. The estimated diesel fuel usage from construction equipment, haul trucks, and vendor trucks, as well as estimated gasoline fuel usage from worker vehicles is shown in Draft EIR Table 4.5-3.

In summary, construction of the Project is conservatively anticipated to consume approximately 222,055 gallons of petroleum in total, including on-site development and off-site improvements. Notably, the Project would be subject to CARB's In-Use Off-Road Diesel Vehicle Regulation that applies to certain off-road diesel engines, vehicles, or equipment greater than 25 horsepower. The regulation (1) imposes limits on idling, requires a written idling policy, and requires a disclosure when selling vehicles; (2) requires all vehicles to be reported to CARB (using the Diesel Off-Road Online Reporting System) and labeled; (3) restricts the adding of older vehicles into fleets starting on January 1, 2014; and (4) requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). The fleet must either show that its fleet average index was less than or equal to the calculated fleet average target rate, or that the fleet has met the Best Achievable Control Technology requirements. Project construction would represent a "single-event" petroleum demand and would not require on-going or permanent commitment of petroleum resources for this purpose. Overall, the Project would not be unusual as compared to overall local and regional demand for energy resources. For example, the County of San Bernadino is projected to consume 1.1 billion gallons of petroleum in 2025 from the use of on-road vehicles alone (CARB 2023). Additionally, the Project would not involve characteristics that require equipment that would be less energy-efficient than at comparable construction sites in the region or state. Therefore, impacts would be less than significant

Operational Petroleum Usage

During operations, fuel consumption resulting from the Project would involve the use of motor vehicles traveling to and from the Project site, diesel-fueled off-road equipment, forklift and yard truck operation, and stationary sources (i.e., routine testing and maintenance of the fire pump). Fuel demand estimates for the Project are provided in Draft EIR Table 4.5-4.

As summarized on Draft EIR Table 4.5-4, the unmitigated Project would result in an estimated annual fuel demand of approximately 1,746,213 gallons of fuel. Fuel would be provided by current and future commercial vendors. Trip generation, VMT, off-road equipment, and stationary sources associated with the Project are consistent with other industrial uses of similar scale and configuration. That is, the Project does not propose uses or operations that would inherently result in excessive and wasteful activities, nor associated excess and wasteful vehicle energy consumption. In addition, although not accounted for in Draft EIR Table 4.5-4, the Project would also implement MM-AQ-1 that would further reduce petroleum demand; MM-AQ-1 would require all cargo handling equipment to be electrically powered, establish anti-idling measures, and specify EV charging stations for passenger vehicles and heavy-duty trucks. Finally, enhanced fuel economies realized pursuant to federal and state regulatory actions, and related transition of vehicles to alternative energy sources (e.g., electricity, natural gas, biofuels, hydrogen cells) would likely decrease future gasoline fuel demands per VMT. Location of the Project proximate to regional and local roadway systems tends to reduce VMT within the region, acting to reduce regional vehicle energy demands. As supported by the preceding discussions, Project transportation energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary and impacts would be less than significant.

Renewable Energy Potential

As part of the Project's design process, the Project applicant considered how the Project could potentially increase its reliance on renewable energy sources to meet the Project's energy demand. Renewable energy sources that were considered for their potential to be used to power the Project, consistent with the California Energy Commission's (CEC's) definition of eligible renewables, include biomass, geothermal, solar, wind, and small hydroelectric facilities.

Given the Project's location and the nature of the Project, there are considerable site constraints including incompatibility with surrounding land uses for large scale power generation facilities, unknown interconnection feasibility, compatibility with utility provider systems, and no known water or geothermal resources to harness, that would eliminate the potential for biomass, geothermal, wind, and hydroelectric renewable energy to be installed on site.

The Project would comply with all applicable Title 24 code provisions, such as the solar ready building mandatory requirements. Beyond that, as stated in MM-AQ-1, the Project would commit to on-site solar generation sufficient to meet at least 75% of the Project's total operational energy requirements from within the building envelope. While the Project does not propose battery storage at the time, the Project does not preclude installation of battery storage in the future if determined to be a feasible and compatible land use of the site.

In summary, the Project includes the on-site renewable energy source (i.e., solar) that was determined to be feasible for the site and does not include the on-site renewable energy sources that were determined to be infeasible. (Draft EIR, pp.

4.5-11 – 4.5-15)

2. Energy Efficiency Plans

Threshold: Would the Project conflict with or obstruct a state of local plan for renewable energy or energy efficiency?

Finding: Less than significant. (Draft EIR, p. 4.5-15)

Explanation:

The Project would be subject to and would comply with, at a minimum, the California Building Energy Efficiency Standards (24 CCR Part 6). Part 6 of Title 24 establishes energy efficiency standards for non-residential buildings constructed in California in order to reduce energy demand and consumption. As such, the Project would comply with the California code requirements for energy efficiency.

Part 11 of Title 24 sets forth voluntary and mandatory energy measures that are applicable to the Project under CALGreen. CALGreen institutes mandatory minimum environmental performance standards for all ground-up, new construction of commercial, low-rise residential, high-rise residential, state-owned buildings, schools, and hospitals, as well as certain residential and non-residential additions and alterations. Additionally, energy consumed by the Project's operation would be comparable to energy consumed by other industrial uses of similar scale and intensity that are constructed and operating in California. On this basis, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. This impact would be less than significant. (Draft EIR, p. 4.5-15)

G. GEOLOGY AND SOILS

1. Fault Rupture

Threshold: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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; strong seismic ground shaking; seismic-related ground failure including liquefaction; or landslides?

Finding: No Impact. (Draft EIR, p. 5-2, 5-3)

Explanation:

The Alquist–Priolo Earthquake Zoning Act requires the delineation of fault zones along active faults in California. The purpose of the Alquist–Priolo Earthquake Zoning Act is to regulate development on or near active fault traces to reduce hazards associated with fault rupture. The Alquist–Priolo Earthquake Fault Zones

are the regulatory zones that include surface traces of active faults. According to the California Department of Conservation, the Project site is not located in an Alquist–Priolo Earthquake Fault Zone (CDOC 2015). Thus, the potential for surface rupture is low on the Project site. Therefore, no impacts would occur.

Similar to other areas located in seismically active Southern California, the Town is susceptible to strong ground shaking during an earthquake. However, the Project site is not located within an Alquist–Priolo Earthquake Fault Zone, and the site would not be affected by ground shaking more than any other area in this seismic region. Pursuant to Title 8, Buildings and Construction, of the Apple Valley Municipal Code, the Project's geotechnical report will be subject to review and approval by Town staff prior to issuance of a grading permit. Compliance with the recommendations of the geotechnical report is mandated by Section 8.12.010 of the Apple Valley Municipal Code, and compliance is subject to inspection by the Town Building Official. With implementation of the recommendations of the Project's geotechnical report, no impacts associated with strong seismic ground shaking would occur.

Soil liquefaction is a seismically induced form of ground failure that has been a major cause of earthquake damage in Southern California. Liquefaction is a process by which water-saturated granular soils transform from a solid to a liquid state because of a sudden shock or strain, such as an earthquake. According to Exhibit III-11 of the Town's General Plan EIR (Town of Apple Valley 2009a), the Project site is not within an area of the Town that has the potential for liquefaction. Therefore, no impacts associated with potential seismic-related ground failure, including liquefaction, would occur.

According to Exhibit III-11 of the Town's General Plan EIR (Town of Apple Valley 2009a), the Project site is not located in an area identified as susceptible to slope instability. The Project site is relatively flat and is not located adjacent to any potentially unstable topographical feature such as a hillside or riverbank. Therefore, no impacts would occur. (Draft EIR, p. 5.2)

2. Soil Erosion

Threshold: Would the Project result in substantial soil erosion or the loss of topsoil?

Finding: No Impact. (Draft EIR, p. 5-3)

Explanation:

The Project would involve earthwork and other construction activities that would disturb surface soils and temporarily leave exposed soil on the ground's surface. Common causes of soil erosion from construction sites include stormwater, wind, and soil being tracked off site by vehicles. To help curb erosion, Project construction activities must comply with all applicable federal, state, and local regulations for erosion control. The Project would be required to comply with

standard regulations, including South Coast Air Quality Management District Rules 402 and 403, which would reduce construction erosion impacts. Rule 402 requires that dust suppression techniques be implemented to prevent dust and soil erosion from creating a nuisance off site (SCAQMD 1976). Rule 403 requires that fugitive dust be controlled with best available control measures so that it does not remain visible in the atmosphere beyond the property line of the emissions source (SCAQMD 2005).

Since Project construction activities would disturb 1 or more acres, the Project must adhere to the provisions of the National Pollutant Discharge Elimination System Construction General Permit. Construction activities subject to this permit include clearing, grading, and ground disturbances such as stockpiling and excavating. The Construction General Permit requires implementation of a stormwater pollution prevention plan, which would include construction features for the Project (i.e., best management practices) designed to prevent erosion and protect the quality of stormwater runoff. Sediment-control best management practices may include stabilized construction entrances, straw wattles on earthen embankments, sediment filters on existing inlets, or the equivalent. Therefore, impacts would be less than significant.

Once developed, the Project site would include a building, paved surfaces, and other on-site improvements that would stabilize and help retain on-site soils. The remaining portions of the Project site containing pervious surfaces would primarily consist of landscape areas. These landscape areas would include a mix of trees, shrubs, plants, and groundcover that would help retain on-site soils while preventing wind and water erosion from occurring. Therefore, no operational impacts related to soil erosion would occur. (Draft EIR, p. 5-3)

3. Unstable Soils

Threshold: Would the Project 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: No impact. (Draft EIR, p. 5-4)

Explanation:

As discussed previously, the potential for the Project to result in or be affected by landslides and liquefaction is low, and these issues are not anticipated at the Project site. Project activities may occur on geologically unstable soils such as those susceptible to lateral spreading, subsidence, or collapse. Pursuant to Title 8, Buildings and Construction, of the Apple Valley Municipal Code, the Project's geotechnical report will be subject to review and approval by Town staff prior to issuance of a grading permit. Compliance with the recommendations of the geotechnical report is mandated by Section 8.12.010 of the Apple Valley Municipal Code, and compliance is subject to inspection by the Town building official. With

implementation of the recommendations of the Project's geotechnical report, no impacts would occur. (Draft EIR, p. 5-4)

4. Expansive Soils

Threshold: Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?

Finding: No impact. (Draft EIR, p. 5-4)

Explanation:

Expansive soils are characterized by their potential shrink/swell behavior. Shrink/swell is the change in volume (contraction and expansion) that occurs in certain fine-grained clay sediments from the cycle of wetting and drying. Clay minerals are known to expand with changes in moisture content. The higher the percentage of expansive minerals present in near-surface soils, the higher the potential for substantial expansion.

Alluvial fan sediments, composed primarily of granular soils, underlie the low-lying areas of the Town, and the expansion potential ranges from very low to moderately low. Additionally, the U.S. Department of Agriculture's Web Soil Survey does not identify the Project site or surrounding area as containing clay soils, which are typically expansive (USDA 2022). Therefore, no impacts would occur. (Draft EIR, p. 5-4)

5. Septic Tanks

Threshold: Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Finding: No impact. (Draft EIR, p. 5-4)

Explanation:

The Project would connect to the Town's municipal sewer lines. The Project would not require septic tanks or alternative wastewater disposal systems. Therefore, no impacts would occur. (Draft EIR, p. 5-4)

H. HAZARDS AND HAZARDOUS MATERIALS

1. Hazardous Materials

Threshold: Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Finding: Less than significant impact. (Draft EIR, pp. 4.7-7 – 4.7-8)

Explanation:

During construction, a variety of hazardous substances and wastes would be stored, used, and generated on the Project site, including fuels for machinery and vehicles, new and used motor oils, cleaning solvents, paints, and storage containers. Accidental spills, leaks, fires, explosions, or pressure releases involving hazardous materials represent a potential threat to human health and the environment if not property treated. Provisions to properly manage hazardous substances and wastes during construction are typically included in construction specifications and are under the responsibility of the construction contractors. For example, construction contractors would be required to comply with Cal/OSHA regulations concerning the use of hazardous materials, including requirements for safety training, exposure warnings, availability of safety equipment, and preparation of emergency action/prevention plans. Adherence to the construction specifications and applicable regulations regarding hazardous materials and hazardous waste, including disposal, would ensure that Project construction would not create a significant hazard to the public or the environment during the construction phase of the Project.

Furthermore, adherence to all emergency response plan requirements set forth by the SBCFD would be required throughout the duration of Project construction. Therefore, based on compliance with existing, short-term construction impacts associated with the routine transport, use, or disposal of hazardous materials would be less than significant.

Upon completion of Project construction, the Project would involve the operation and maintenance of the industrial/warehouse facilities. Operation of the Project would likely involve the use of industrial-grade chemicals and commercially available cleaning products, landscaping chemicals and fertilizers, and various other commercially available products during the day-to-day operation of the facilities. While these materials could be stored on the Project site, storage would be required to comply with the guidelines established by the manufacturer's recommendations. Consistent with federal, state, and local requirements, the transport, removal, and disposal of hazardous materials from the Project site would be conducted by a permitted and licensed service provider. Any handling, transport, use, or disposal must comply with all applicable federal, state, and local agencies and regulations, including the EPA, Department of Toxic Substances Control, CAL/OSHA, RCRA, and the Apple Valley Fire Protection District.

Although the future tenants are not known yet, in the event that a future tenant's operations require them to transport, use, or dispose of quantities of hazardous materials identified by the state, pursuant to the Health and Safety Code and in accordance with the SBCFD's CUPA requirements, the owner/operator must complete and submit a HMBP to the California Environmental Reporting System. An HMBP is a document containing detailed information on the inventory of hazardous materials at a facility; emergency response plans and procedures in the

event of a reportable release or threatened release of a hazardous material; training for all new employees and annual training, including refresher courses, for all employees in safety procedures in the event of a release or threatened release of a hazardous material; and a site map that contains north orientation, loading areas, internal roads, adjacent streets, storm and sewer drains, access and exit points, emergency shutoffs, evacuation staging areas, hazardous material handling and storage areas, and emergency response equipment. The HMBP provides basic information necessary for use by first responders to prevent or mitigate damage to the public health and safety and the environment from a release or threatened release of hazardous materials, and to satisfy federal and state Community Right-To-Know laws. Therefore, long-term operational impacts associated with the routine transport, use, or disposal of hazardous materials would be less than significant.

In summary, the Project would result in less-than-significant impacts with regard to the creation of a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (Draft EIR, pp. 4.7-7 – 4.7-8)

2. Accident or Upset

Threshold: Would the Project 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?

Finding: Less than significant. (Draft EIR, pp. 4.7-8 – 4.7-9)

Explanation:

During construction, hazardous materials such as fuels and lubricants would be transported to and used on site in construction vehicles and equipment. Construction waste is a potential pollutant source of concern for the Bell Mountain Wash and Mojave River, which are located hydrologically down gradient of the Project site. Concrete, paint, and other materials that are also used on construction sites are major contributors to habitat pollution, in the event that such materials exit a construction site. However, the potential for the use of these materials to result in significant hazards to the public or the environment would be low for the reasons described below.

The Project contractor and construction crews would be required to comply with all applicable regulations governing the storage, handling, and disposal of hazardous materials and waste. The Project would also be required to comply with the NPDES Municipal Separate Storm Sewer System (MS4) Permit, including the regulation of surface water quality. Under the NPDES MS4 Permit, the development of 1.0 acres or more of land must file a notice of intent with the State

Water Resources Control Board to comply with the state NPDES General Construction Permit. Implementation of this Permit would require the development of a site-specific stormwater pollution prevention plan (SWPPP) for construction activities. The SWPPP is required to identify BMPs that protect stormwater runoff and ensure avoidance of substantial degradation of water quality. Typical BMPs that could be incorporated into the SWPPP to minimize the off-site runoff of pollutants would include the following:

- diverting off-site runoff away from the construction site
- vegetating landscaped/vegetated swale areas as soon as feasible following grading activities
- using drop inlet protection (filters and sandbags or straw wattles), with sandbag check dams within paved areas
- implementing specifications for construction waste handling and disposal
- using contained equipment wash-out and vehicle maintenance areas
- training, including for subcontractors, on general site housekeeping

Incorporation of required BMPs would help control the use of hazardous substances during construction and would minimize the potential for such substances to leave the site. As a result, there would be reduced potential for the public and environment to be exposed to hazardous chemicals and materials as a result of construction activities. The implementation of applicable construction BMPs and adherence to applicable hazardous materials and waste regulations would minimize the risk and exposure of the release of hazardous materials to the public and environmental to less than significant levels.

Based on the Phase I ESA, no on-site historical recognized environmental conditions, controlled recognized environmental conditions, recognized environmental conditions, or vapor encroachment conditions were identified. Therefore, based on compliance with applicable regulations, short-term construction impacts associated with creating a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions would be less than significant.

Upon completion of Project construction, routine operation of the Project facilities would likely involve use of industrial grade chemicals and commercially available cleaning products, landscaping chemicals and fertilizers, and various other commercially available products. These materials would be used for the day-to-day operation of the facilities and may involve the use of hazardous materials.

As previously discussed in Threshold A, the future tenants are not known yet. In the event that a future tenant’s operations require them to transport, use, or

dispose of quantities of hazardous materials identified by the state, pursuant to the Health and Safety Code and in accordance with the SBCFD's CUPA requirements, the owner/operator must complete and submit an HMBP to the California Environmental Reporting System. Completion of an HMBP would ensure that an emergency spill response and containment plan is in place in the event of hazardous spills.

Furthermore, the use, storage, and transport of hazardous materials and wastes would be subject to applicable federal, state, and local health and safety regulations (e.g., RCRA and the Hazardous Waste Control Act "cradle to grave" requirements). All hazardous materials generated and/or used on the Project site would be managed in accordance with all relevant federal, state, and local laws, including the California Hazardous Waste Control Law (California Health and Safety Code Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (22 CCR 4.5). Moreover, compliance with CAL/OSHA workplace and work practices requirements would avoid the exposure of persons and the environment to hazardous materials.

In addition to the regulations and practices described above, the following requirements would apply to storage and handling of hazardous wastes at the Project site: (1) hazardous materials are required to be stored in designated areas designed to prevent accidental release in accordance with state law, including the California Hazardous Waste Control Act and the California Health and Safety Code; (2) CAL/OSHA requirements prescribe safe work environments for workers working with materials that present a moderate explosion hazard, high fire, or physical hazard or health hazard; (3) federal and state laws related to the storage of hazardous materials would be complied with to maximize containment and provide for prompt and effective clean-up in case of an accidental release; and (4) hazardous materials inventory and response planning reports would be filed with the Town in accordance with Unified Program Permit requirements.

Compliance with applicable regulations involving hazardous materials during operation would ensure that such materials are transported, used, stored, and disposed of in a manner that minimizes the potential for upset and accidental conditions resulting in the release of hazardous materials into the environment. Due to the existing regulations that are required, it is not expected that the Project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions would be less than significant.

In summary, the Project would result in less-than-significant impacts with regard to the creation of 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. (Draft EIR, pp. 4.7-8 – 4.7-9)

3. Hazards Near Schools

Threshold: Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Finding: No impact. (Draft EIR, p. 5.4)

Explanation:

There are no schools within a 3-mile radius of the Project site. As such, the closest school is located well outside of a 0.25-mile radius around the Project site. Therefore, no impacts would occur. (Draft EIR, p. 5.4)

4. Waste Sites

Threshold: Would the Project 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 it create a significant hazard to the public or the environment?

Finding: No impact. (Draft EIR, p. 5.4)

Explanation:

The Hazardous Waste and Substances Sites List (Cortese List) is a planning document providing information about the location of hazardous materials release sites. California Government Code Section 65962.5 requires the California Environmental Protection Agency to develop, at least annually, an updated Cortese List. The Department of Toxic Substances Control is responsible for a portion of the information contained in the Cortese List. Other state and local government agencies are required to provide additional hazardous materials release information for the Cortese List (CalEPA 2022). A review of Cortese List online data resources does not identify hazardous materials or waste sites on the Project site or immediately surrounding area (DTSC 2022; SWRCB 2022). Therefore, no impacts would occur. (Draft EIR, p. 5.4)

5. Public Airports

Threshold: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

Finding: No impact. (Draft EIR, p. 5.5)

Explanation:

The nearest operational public-use airport to the Project site is the Apple Valley

Airport located approximately 0.65 miles to the southwest. According to the Comprehensive Airport Land Use Plan, the Project site is not located within a safety area or within an airport overlay district, which would have potential safety and noise impacts (Town of Apple Valley 1995). Therefore, no impacts would not occur. (Draft EIR, p. 5.5)

6. Emergency Plans

Threshold: Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Finding: No impact. (Draft EIR, p. 5.5)

Explanation:

The Town's Emergency Operations Plan (EOP) (Town of Apple Valley 2014) guides its response to largescale emergencies and disasters. The EOP identified that the Apple Valley Police Department is the lead agency in evacuations. Construction activities that may temporarily restrict vehicular traffic would be required to implement appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures. Typical Town requirements include prior notification of any land or road closures with sufficient signage before and during any closures, flag crews with radio communication when necessary to coordinate traffic flow, etc. The Project developer would be required to comply with these requirements, which would maintain emergency access and allow for evacuation if needed during construction activities.

No permanent adverse impact to the emergency evacuation route function of Central Road would occur. The Project does not propose any changes to, nor would it interfere with, the Emergency Operations Plan. As a result, the Project would not significantly affect emergency response or evacuation activities. Therefore, no impacts would occur. (Draft EIR, p. 5.5)

7. Wildland Fires

Threshold: Would the Project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Finding: No impact. (Draft EIR, p. 5.6)

Explanation:

The California Department of Forestry and Fire Protection's (CAL FIRE) Fire Hazard Severity maps have determined that the Project site is not in or near land classified as a Very High Fire Hazard Severity Zone, and impacts associated with wildfire in or near State Responsibility Areas or lands classified as Very High Fire

Hazard Severity Zones are not anticipated (CAL FIRE 2021). The Project site is located in an area that is generally flat, lacking any steep slopes, and characterized as vacant land; these factors are not typically associated with the uncontrolled spread of wildfire.

Construction of the Project would introduce potential ignition sources to the Project site, including the use of heavy machinery and the potential for sparks during welding activities or other hot work. However, the Project would be required to comply with Town and state requirements for fire safety practices, to reduce the possibility of fires during construction activities. The Project would comply with CFC Section 3304 for precautions against fire during construction activities. Access for firefighting would be maintained throughout construction per CFC Section 3310.1. Any motorized equipment within the site would comply with fire protection regulations outlined in CFC Section 3316. Further, vegetation would be removed from the site prior to the start of construction. Adherence to Town and state regulatory standards during Project construction would reduce the risk of wildfire ignition and spread during construction activities. In the case of accidental ignition, the site is required to have no less than one portable extinguisher at each level where combustible materials have accumulated, in every storage or construction shed, and where any additional hazards exist (CFC Section 3315). Therefore, short-term construction impacts associated with exposing people or structures to a significant risk of loss, injury, or death involving wildland fires would be less than significant.

During operation, the Project would adhere to the Town's Municipal Code and the CFC. Additionally, the proposed structures have a low ignitability, and the Project would implement fire-resistant, irrigated landscaping. Further, during its operation, the Project would be required to have and maintain fire protection and life safety systems (CFC Chapter 9). The Project would not facilitate wildfire spread or exacerbate wildfire risk or expose people or structures, indirectly or directly, to significant wildfire risk. Given that surrounding off-site fuels consist of moderately spaced vegetation, wildfires in the immediately surrounding area are not common, and it is unlikely that Project occupants would be exposed to the uncontrolled spread of a wildfire or prolonged pollutant concentrations in the event of a wildfire. It is not anticipated that the Project, due to slope, prevailing winds, and other factors, would exacerbate wildfire risks or expose Project occupants to pollutant concentrations from a wildfire, the uncontrolled spread of a wildfire, or significant risks associated with wildfires. Therefore, no long-term operational impacts associated with exposing people or structures to a significant risk of loss, injury, or death involving wildland fires would occur. (Draft EIR, p. 5.6)

I. HYDROLOGY AND WATER QUALITY

1. Water Quality Standards

Threshold: Would the Project violate any water quality standards or waste discharge requirements?

Finding: Less than significant. (Draft EIR, pp. 4.8-12 – 4.8-14)

Explanation:

Construction activities associated with the Project site would involve ground disturbing activities and the use of various hazardous construction materials (e.g., fuels, oils, paint, and solvents), that are commonly used in building construction or for the purpose of heavy equipment maintenance. Earthwork activities can expose soils to the effects of wind and water erosion resulting off-site transport of sediments that could potentially adversely affect water quality of receiving waters. Inadvertent release of hazardous materials or wastes could also adversely affect water quality if not handled appropriately.

Construction of the Project would disturb more than 1 acre and therefore would be subject to NPDES permit requirements. The Town of Apple Valley is a co-permittee under the San Bernardino County Municipal NPDES MS4 Phase II Stormwater permit. The NPDES MS4 Permit requires the Town to implement a Construction Site Stormwater Runoff Control Program in accordance with the regional SWMP for the Mojave River Watershed (County of San Bernardino 2003). The SWMP requires permittees to implement and enforce measures to reduce pollutants from construction activities that result in a land disturbance of greater than or equal to 1 acre. To comply with the regulatory requirements of the SWMP, the Town requires the implementation of an Erosion and Sediment Control Plan (ESCP) for projects that include soil disturbance during construction. Implementation of an ESCP would ensure that construction related BMPs are implemented during all phases of construction to prevent, to the maximum extent practicable, construction site pollutants from leaving the site during all phases of construction. In addition to an ESCP, implementation of a required WQMP in accordance with the Mojave River Watershed Technical Guidance Document for Water Quality Management Plans (County of San Bernardino 2016), would ensure that stormwater treatment and conveyance would be sufficient prior to Project build-out. Submittal, review, and approval of both the WQMP and ESCP by the Town are necessary prior to the issuance of grading permits for Project development.

Under the NPDES MS4 Phase II Stormwater Permit, the development of 1 acre or more of land must file a notice of intent with the SWRCB to comply with the State NPDES General Construction Permit. Implementation of this Permit would require the development of a site-specific SWPPP for construction activities. The SWPPP is required to identify BMPs that protect stormwater runoff and ensure avoidance of substantial degradation of water quality. Typical BMPs that could be incorporated into the SWPPP to protect water quality include the following:

- Diverting off-site runoff away from the construction site
- Vegetating landscaped/vegetated swale areas as soon as feasible following grading activities
- Placing perimeter straw wattles to prevent off-site transport of

sediment

- Using drop inlet protection (filters and sandbags or straw wattles), with sandbag check dams within paved areas
- Regular watering of exposed soils to control dust during construction
- Implementing specifications for construction waste handling and disposal
- Using contained equipment wash-out and vehicle maintenance areas
- Maintaining erosion and sedimentation control measures throughout the construction period
- Stabilizing construction entrances to avoid trucks from imprinting soil and debris onto adjoining roadways
- Training, including for subcontractors, on general site housekeeping

Incorporation of required BMPs for materials and waste storage and handling, and equipment and vehicle maintenance and fueling would reduce the potential discharge of polluted runoff from construction sites, consistent with the State NPDES General Construction Permit and the Mojave River Watershed Storm Water Management Program requirements. Compliance with existing regulations would prevent violation of water quality standards and minimize the potential for contributing sources of polluted runoff. Compliance with existing regulations would ensure that the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface quality from construction activities. Therefore, short-term construction impacts associated with water quality standards and waste discharge requirements would be less than significant.

Long-Term Operational Impacts

The Project site currently consists of undeveloped land. Implementation of the Project would result in the construction and operation of a 1,080,125-square-foot industrial/warehouse building on approximately a 67.3-acre site (Figure 3-2). The Project would involve associated improvements, including loading docks, truck and vehicle parking, landscaped areas, and pedestrian improvements. Construction of the Project would introduce new impervious surfaces that could contribute pollutants to stormwater runoff in the long term from vehicle use in uncovered parking areas (through small fuel and/or fluid leaks), uncovered refuse storage/management areas, landscape/open space areas (if pesticides/herbicides and fertilizers are improperly applied), and general litter/debris (e.g., generated during facility loading/unloading activities). During storm events, the first few hours

of moderate to heavy rainfall could wash potential pollutants on site from the impervious surface areas where, without proper stormwater controls and BMPs, those pollutants could enter the storm drain system before eventually being discharged into existing drainages and eventually the Mojave River. Between periods of rainfall, surface pollutants tend to accumulate, and runoff from the first significant storm of the year ("first flush") would likely have the largest concentration of pollutants.

The NPDES MS4 Phase II Stormwater Permit requires the Town to implement a Post-Construction Storm Water Management Program in accordance with the regional SWMP. This Program sets limits of pollutants being discharged into waterways and requires all new development to incorporate structural and non-structural BMPs to improve water quality. To meet the requirements of the SWMP, the Town requires the incorporation of LID features into new development and redevelopment projects as specified in the Mojave River Watershed Technical Guidance Document for Water Quality Management Plans. In accordance with the NPDES permit, the Town is responsible for monitoring WQMPs, which address stormwater pollution from new private development. Site-specific WQMPs for individual projects must incorporate the SWRCB required minimum Runoff Capture BMPs. In addition, the WQMP specifies the minimum required LID features, as well as the BMPs that must be used for a designated project.

Project design, construction, and operation would be completed in accordance with the NPDES MS4 permit and the Mojave River Watershed Technical Guidance Document for Water Quality Management Plans, with the goal of reducing the number of pollutants in stormwater and urban runoff. The required Project-specific Preliminary Water Quality Management Plan for the proposed Project would demonstrate how runoff from the site would be treated, through the four proposed detention basins sized to sufficiently retain or detain on-site storm flows such that stormwater water quality-related issues are addressed consistent with permit requirements (Appendix H). The Project would also include landscaped areas which can serve to capture increases in stormwater runoff. Together the landscape areas and retention or detention basin would serve to meet the Design Capture Volume consistent with the Mojave River Watershed Technical Guidance Document for Water Quality Management Plans.

The proposed Project would also be designed and graded to mimic existing drainage patterns including a drainage channel to allow upstream flows from the existing drainage to cross the site along the northwest corner similar to existing conditions.

In accordance with the San Bernardino County Hydrology Manual, the detention basin system would be designed to treat water quality for a 2-year, 24-hour storm event, and sized to accommodate the volumes and flow rates of a 100-year, 24-hour storm event. The stormwater drainage system basins would be sized and designed to prevent flooding from a 100-year storm while also accommodating the required retention volume for water quality purposes. The basins would be designed to capture the entire volume generated from a 10-year storm, meaning

no runoff would be discharged off site, and more than 95% of the 100-year volume consistent with the Town's requirements. The combination of the landscaped areas and detention basins would capture the design capture volume, the hydromodification volume, and both peak discharge and runoff volumes from the 10-year, 24-hour and the 100-year, 24-hour storm events. Post-development hydrologic conditions would effectively be reduced to levels below those that have been calculated for existing or pre-development hydrologic conditions as required.

Implementation of these LID features and BMPs would, to the maximum extent practicable, reduce the discharge of pollutants into receiving waters, including inadvertent release of pollutants (e.g., hydraulic fluids and petroleum); improper management of hazardous materials; trash and debris; and improper management of portable restroom facilities (e.g., regular service), in accordance with all relevant local and state development standards.

With respect to groundwater quality, stormwater to be collected and treated in the infiltration and detention basins would be able to meet retention time requirements for water quality purposes in accordance with San Bernardino County requirements. Therefore, with adherence to NPDES MS4 permit and San Bernardino County Hydrology Manual standards, long-term operational impacts associated with water quality standards and waste discharge requirements would be less than significant. (Draft EIR, pp. 4.8-12 – 4.8-14)

2. Groundwater Supplies

Threshold: Would the Project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?

Finding: Less than significant. (Draft EIR, pp. 4.8-14 – 4.8-15)

Explanation:

The Project site is underlain by the Upper Mojave River Valley Groundwater Basin. Currently, the Project site is undeveloped and pervious which allows for groundwater recharge. The development of the Project site would result in a substantial increase in impermeable surfaces, which could impede groundwater recharge. However, the Project would incorporate LID features, including detention systems designed to retain 100% of the volume generated from up to a 10-year storm event and at least 95% of the 100-year storm event. Detained stormwater would infiltrate through the bottom of the infiltration basins and into the underlying soils. Because the Project would meet and exceed infiltration requirements, stormwater would continue to be able to infiltrate soils and recharge the underlying Upper Mojave River Valley Groundwater Basin. Therefore, impacts associated with groundwater recharge attributed to development of the site would be less than significant.

Groundwater Supply

Water supply for the proposed Project would be provided by Liberty Utilities which sources all of its water supply from groundwater and only extracts the amount of water necessary to meet its demand in any given year. The source of groundwater for Liberty Utilities is within the Alto Subarea subbasin of the Upper Mojave River Valley Groundwater Basin. The basin is adjudicated and thus has a managed groundwater extraction rate. The Mojave Water Agency serves as the entity responsible for managing the use, replenishment, and protection of the groundwater basin. The Mojave Water Agency and other retail water purveyors use imported State Water Project water to replenish the Upper Mojave Water Basin as part of the Regional Recharge and Recovery Project (also referred to as the "R3" project). This practice further assists regional water providers in sustainable management of the Mojave Groundwater Basin.

The 2020 UWMP has already accounted for increased development and as part of the water system reliability assessment concluded that the future demands out to 2045 can be met under normal, single-dry-year, and multiple-dry-year scenarios (Liberty Utilities 2021). The 2020 UWMP has demonstrated that Liberty Utilities has projected supply and demand estimates under normal-year, single-dry-year, and multiple-dry-year conditions over a 30-year projection that can be met without adversely affecting sustainable groundwater management of the basin. See also Section 4.13, Utilities and Service Systems.

Therefore, the proposed Project would not substantially decrease groundwater supplies and would not impede sustainable groundwater management of the basin and impacts associated with groundwater supplies would be less than significant. (Draft EIR, pp. 4.8-14 – 4.8-15)

3. Erosion or Siltation

Threshold: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

Finding: Less than significant. (Draft EIR, pp. 4.8-15 – 4.8-16)

Explanation:

The Project site currently consists of undeveloped land. Construction of the proposed Project would result in the introduction of new impervious surfaces, including warehouse buildings, parking lots, access roads and walkways. As discussed under Threshold A, construction activities would be required to implement BMPs as part of a SWPPP that would include erosion control measures for all exposed soils. Once developed, the buildings, paved surfaces, other on-site improvements, and drainage control features would stabilize and help retain on-site soils. The remaining portions of the Project site containing pervious surfaces

would primarily consist of landscaped areas including a mix of trees, shrubs, plants, and groundcover that would help retain on-site soils while preventing wind and water erosion from occurring.

Moreover, the Project's drainage system would include catch basins and detention basins to retain and infiltrate water on site and address the Hydromodification Performance Criteria required for the proposed Project in accordance with MS4 Phase II Storm Water permit requirements. The stormwater drainage systems would be based on preliminary engineering considerations, including the minimum setback from structures as recommended by the geotechnical engineer. The adherence to water quality control requirements consistent with MS4 Phase II Storm Water permit requirements would ensure that the proposed changes to drainage patterns would result in less-than-significant impacts related to erosion or siltation in runoff on or off site. (Draft EIR, pp. 4.8-15 – 4.8-16)

4. Flooding

Threshold: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would 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. (Draft EIR. p. 4.8-16)

Explanation:

Construction of the proposed Project would alter the existing drainage patterns through the introduction of new impervious surfaces. However, as discussed above, the Project would maintain adequate stormwater conveyance through compliance with existing drainage control standards for volume control consistent with the Mojave Watershed Technical Guidance Document and required LID and Hydromodification Performance Criteria in accordance with the 2013 Phase II Small MS4 Permit. The proposed Project improvements would be designed to convey runoff as sheet flows away from buildings and allow on-site infiltration through the remaining landscaped pervious areas as well as the detention basins. The proposed drainage system would be designed to fully capture the 10-year, 24-hour storm event and more than 95% of the 100-year storm such that the potential for flooding on or off site would be reduced to less than significant levels.

The proposed Project improvements would be required to include in the Project design plans stormwater drainage system basins that are sized and designed to prevent flooding from a 10-year or 100-year storm with a design retention/detention volume consistent with the Hydromodification Performance Criteria pursuant to the San Bernardino County Hydrology Manual. Therefore, because the Project improvements would be designed to meet and exceed the stormwater requirements set forth in the *San Bernardino County Hydrology Manual*, the Project would not substantially increase the rate or amount of surface runoff in a

manner which would result in flooding on or off site. As a result, impacts associated with flooding on- or off-site would be less than significant. (Draft EIR. p. 4.8-16)

5. Runoff

Threshold: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantially additional sources of polluted runoff or impede or redirect flood flows?

Finding: Less than significant. (Draft EIR, p. 4.8-16)

Explanation:

The proposed drainage system would be designed to convey runoff in compliance with the Town of Apple Valley and the County of San Bernardino WQMP and SWMP requirements. In addition, the Project would incorporate LID features, including on-site detention basins and ongoing maintenance requirements to ensure continued successful operation. Collectively, these LID features would lower the potential of the incidental releases of contaminants to the environment such as oil, grease, nutrients, heavy metals, and certain pesticides, including legacy pesticides. As a result, the Project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, impacts associated with stormwater drainage systems capacity and polluted runoff sources would be less than significant. (Draft EIR, p. 4.8-16)

6. Flood Hazard

Threshold: In flood hazard, tsunami, or seiche zones, would the Project risk release of pollutants due to project inundation?

Finding: Less than significant. (Draft EIR, pp. 4.8-16 – 4.8-17)

Explanation:

The Federal Emergency Management Agency Flood Map Service Center identifies the Project site as Zone D, which is classified as an area of undetermined flood hazard but still an area where flooding is possible (FEMA 2008). However, as previously discussed, although on-site drainage patterns would be altered as a result of Project development, the Project would maintain adequate stormwater conveyance and storage on site in the detention basins as to not result in an increase of surface runoff that would result in flooding on or off site associated with the 10-year or 100-year storm events with volumes either fully captured or at least resulting in discharges reduced to very low flows. Therefore, impacts associated with impeding or redirecting flood flows would be less than significant. (Draft EIR,

pp. 4.8-16 – 4.8-17)

7. Water Quality Control Plan

Threshold: Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Finding: Less than significant. (Draft EIR, p. 4.8-17)

Explanation:

The Project would comply with applicable water quality regulatory requirements, including implementation of a SWPPP, stormwater BMPs, and LID design, which would minimize potential off-site surface water quality impacts and contribute to a reduction in water quality impacts within the overall Mojave River Watershed. Compliance with these regulatory drainage control requirements is consistent with Lahontan Basin Plan policies and water quality objectives which would reduce potential water quality impairment of surface waters such that existing and potential beneficial uses of key surface water drainages throughout the jurisdiction of the Mojave River Basin Plan Amendment would not be adversely impacted. As a result, the Project would not conflict with or obstruct the Lahontan Basin Plan.

With respect to groundwater management, Liberty Utilities would be supplying water for the proposed Project and sources its water from groundwater in the Alto Subarea of the Upper Mojave River Valley Basin. Historical practices lead to declining water levels in the Basin which resulted in the adjudication of the Basin in 1996 in order to manage groundwater supplies and regulate extraction. Since adjudication, the Mojave Basin Area has been well managed as evidenced by stabilized water levels and reliable supply (Liberty Utilities 2021). The 2020 UWMP for Apple Valley determined that demands for the Town including projected growth such as the proposed Project can be met in normal, single-year-dry, and multiple-dry-year scenarios (Liberty Utilities 2021). Further, the Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge and would not conflict with or obstruct a water quality control plan or sustainable groundwater management plan. Therefore, impacts associated with water quality control plans and sustainable groundwater management plans would be less than significant. (Draft EIR, p. 4.8-17)

J. LAND USE AND PLANNING

1. Established Communities

Threshold: Would the Project physically divide an established community?

Finding: No Impact. (Draft EIR, p. 5.6)

Explanation:

The physical division of an established community typically refers to the

construction of a linear feature (e.g., a major highway or railroad tracks) or removal of a means of access (e.g., a local road or bridge) that would impair mobility within an existing community or between a community and outlying area.

Under the existing condition, the Project site is vacant land and is not used as a connection between established communities. Instead, connectivity within the area surrounding the Project site is facilitated via local roadways. As such, the Project would not impede movement within the Project area, within an established community, or from one established community to another. Therefore, no impacts would occur. (Draft EIR, p. 5-6)

2. Conflicts With Plans

Threshold: 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. (Draft EIR, pp. 4.9-4 – 4.9-8)

Explanation:

The Project would not result in 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, as further discussed below.

Town of Apple Valley Land Use Plans, Policies, and Regulations
General Plan

Pursuant to state law, general plans establish land use regulations for those areas covered by the General Plan. As depicted in Figure 3-6, Specific Plan Land Use Designations, found in Chapter 3, Project Description, the General Plan designates the Project site as within the North Apple Valley Industrial Specific Plan. As such, the Project would be subject to the goals and policies as outlined in the General Plan. The Project's consistency with the General Plan is provided in Draft EIR Table 4.9-3, General Plan Consistency Table, located at the end of this section. As detailed in Draft EIR Table 4.9-3, the Project is consistent with the Town of Apple Valley General Plan and impacts would be less than significant.

North Apple Valley Industrial Specific Plan

Cities may adopt specific plans to focus more specifically on the unique characteristics of a certain area within a city. As previously mentioned, the Project is located within the area of the Town covered under the North Apple Valley Industrial Specific Plan (Specific Plan). As depicted on Figure 3-6, Specific Plan Land Use Designations, found in Chapter 3, Project Description. The Specific Plan governs land use for 6,221 acres in the northern portion of the Town and it seeks to promote industrial land use within its area. According to the Specific Plan, the Project site is zoned as Specific Plan Industrial. This zoning designation allows for

a broad range of clean manufacturing and warehousing uses, including warehouse distribution facilities. As such, the proposed Project is an allowed use under the current zoning designation and would not introduce an incompatible land use in the Town. Additionally, the Project plans would be reviewed by Town staff to ensure consistency with all applicable development standards and regulations. Therefore, impacts related to consistency with the Specific Plan would be less than significant. Draft EIR Table 4.9-1 below summarizes the Project's consistency with the development standards in the NAVISP.

Regional Transportation Plan/Sustainable Communities Strategy

The 2020-2045 Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) was adopted on September 3, 2020, and presents the land use and transportation vision for the region through the year 2045, providing a long-term investment framework for addressing the region's challenges. The TRP/SCS established goals for the region and identifies transportation investments that address the region's growing population, as well as strategies to reduce traffic congestion and GHG emissions. In addition, the RTP/SCS is supported by a combination of transportation and land use strategies that help the region achieve state GHG emission reduction goals and federal Clean Air Act requirements, preserve open space areas, improve public health and roadway safety, support the region's vital goods movement industry, and utilize resources more efficiently (SCAG 2020).

Consistency with the 2020-2045 RTP/SCS goals, below, demonstrates that the Project would not conflict with the applicable goals in the RTP/SCS adopted for the purpose of avoiding or mitigating an environmental effect. Draft EIR Table 4.9-2 demonstrates how the Project promotes consistency with the guiding principles and policies of the RTP/SCS.

As described above and in Draft EIR Table 4.9-2, the Project would be consistent with the applicable goals and policies set forth by the General Plan and North Apple Valley Industrial Specific Plan, as well as by SCAG in the RTP/SCS and RCP. Therefore, impacts would be less than significant. (Draft EIR, pp. 4.9-4 – 4.9-8)

K. MINERAL RESOURCES

1. Regional and Statewide Mineral Resources / Locally-Important Mineral Resources

Threshold: Would the Project 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?

Would the Project result in the loss of availability of a localy-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Finding: No Impact. (Draft EIR, p. 5.7)

Explanation:

According to the Energy and Mineral Resources Element in the Town's General Plan, mineral resources such as sand, gravel, and stone have been identified within the Town (Town of Apple Valley 2009b). According to Figure III-8 in the Town's General Plan, the Project site is not within an area that has been identified to contain mineral resources (Town of Apple Valley 2009b). Additionally, the Project would be located within an area that is not zoned for mineral resource extraction operations, and thus, such activities cannot currently occur on the Project site. Therefore, no impacts would occur. (Draft EIR, p. 5.7)

L. NOISE

1. Noise Standards

Threshold: Would the Project result in the 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. (Draft EIR, pp. 4.10-10 – 4.10-18)

Explanation:

Short-Term Construction Impacts

Construction activities would take place between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and Saturdays and would not occur on Sundays or federal holidays as specified in the Apple Valley Municipal Code. Construction of the Project would generate noise that could expose nearby receptors to elevated noise levels that may disrupt communication and routine activities. The magnitude of the impact would depend on the type of construction activity, equipment, duration of the construction, distance between the noise source and receiver, and intervening structures. The following discussion addresses the noise levels estimated to result from construction of the Project at nearby sensitive receptors (i.e., residences).

Construction – Equipment Inventory

Consistent with the Project's air quality/greenhouse gas analyses, the California Emissions Estimator Model (CalEEMod) was used to identify the construction equipment anticipated for development of the Project. Based on this information, CalEEMod identified the anticipated equipment for each phase of Project construction, listed in Draft EIR Table 4.10-7.

Construction Noise – Project Site Assessment

With the construction equipment noise sources identified in Draft EIR Table 4.10-7, a noise analysis was performed using the Federal Highway Administration's Roadway Construction Noise Model (RCNM) (FHWA 2008). Input variables for RCNM consist of the receiver/land use types, the equipment type (e.g., backhoe, grader, scraper), the number of equipment pieces, the duty cycle for each piece of equipment (i.e., percentage of time the equipment typically works in a given time period), and the distance from the noise-sensitive receiver to the construction zone. The RCNM has default duty cycle values for the various pieces of equipment, which were derived from an extensive study of typical construction activity patterns. Those default duty cycle values were utilized for this analysis. Refer to Appendix I for the inputs used in the RCNM model and the detailed results.

Sensitive receptors in the vicinity of the Project site include several residential uses to the east, and the Apple Valley Fire Center located to the south. These sensitive receptors represent the nearest land uses with the potential to be impacted by construction and operation of the Project. Project construction would take place both near and far from existing land uses. For example, construction would take place for relatively short periods of time as near as approximately 850 feet from the nearest residential land use east of the Project boundary (represented by modeled receiver M1 as shown in Figure 4.10-1), but (because of the Project's size) construction work would also take place as far as 2,700 feet from the same residential use. Most construction activities associated with the Project would occur at an average distance of approximately 1,700 feet from the nearest residential use, which represents activities both near and far, as is typical for construction projects. Similarly, the construction noise estimates for the other modeled receptors in the Project vicinity were calculated for both the nearest construction activity/receiver distances (which would occur for a relatively short period of time) and for typical construction activity/receiver distances.

The results of the Project site construction noise analysis using the RCNM are summarized in Draft EIR Table 4-10-8. As shown, the noise levels from construction are predicted to range from approximately 48 dBA Leq (during the architectural coating phase) to 61 dBA Leq (during the grading phase) at the nearest noise-sensitive receiver (a single-family residence approximately 850 feet from the nearest construction work). These noise levels would be lower than the Town of Apple Valley's construction noise standard at single-family residences for temporary (i.e., mobile) equipment of 75 dBA Leq. Typical construction noise levels would be lower, ranging from approximately 43 to 57 dBA Leq. Construction noise levels at other noise-sensitive receivers in the Project vicinity would be less, because the distance to other noise-sensitive receivers from the Project site is greater. These noise levels would be lower than the Town of Apple Valley's construction noise standard at single-family residences for stationary equipment of 60 dBA L_{eq}.

Because the existing samples of daytime outdoor ambient sound levels that represent the nearest offsite receptors east and south of the Project range from 39 to 51 dBA L_{eq}, the relative increase expected at these locations attributed to typical

project construction noise would range from approximately 3 to 18 dB. Construction activities would be short-term and would cease upon construction completion. While the effect would be temporary, the aforementioned relative increases to the existing outdoor ambient sound environment would be readily audible and likely perceived as more than a doubling of noise level when the change is 10 dB or greater. Given that construction activities are short-term, would comply with the Town's noise ordinance, and would cease upon Project completion, construction noise would be less than significant. No mitigation is necessary. (Final EIR, p. 4.10-12.)

Construction Noise – Off-Site Street and Utilities Assessment

As shown in Figure 3-11 (Overall Project Site Plan), provided in EIR Chapter 3, the Project would include off-site street and utilities construction activities. Like the noise assessment for on-site construction work as summarized above, the resulting noise from off-site construction activities was assessed using the RCNM. The nearest noise-sensitive receivers to the off-site construction activities (and thus the receivers the most affected) would be the Apple Valley Fire Center (represented by receiver M2) south of Lafayette Street, during utilities installation within the Lafayette Street alignment. Noise levels at other locations would be lower because they would be further from the construction work. Equipment that is anticipated to be used for utility installation includes a backhoe, excavators, a concrete saw, a forklift, a generator, a crane, and a welder. Because of the linear nature of the work, the amount of time that construction work would occur adjacent to any one noise-sensitive receiver would generally be relatively short (typically, one to two days for open-trench pipeline installation). The resulting noise levels are summarized in Draft EIR Table 4.10-9. As shown, the worst-case noise level from utilities installation is estimated to be approximately 63 dBA Leq at the nearest noise-sensitive receivers (Apple Valley Fire Center approximately 680 feet from the nearest construction work). Typically, utilities installation would take place further away (an average distance of approximately 1.500 feet) and thus construction noise levels would be lower at approximately 58 dBA Leq. These noise levels would be lower than the Town of Apple Valley's construction noise standard at single-family residences for temporary (i.e., mobile) equipment of 75 dBA Leq. Because the existing samples of daytime outdoor ambient sound levels that represent the nearest offsite receptors east and south of the Project range from 39 to 51 dBA L_{eq}, the relative increase expected at these locations attributed to typical project construction noise would range from approximately 1 to 19 dB. Construction activities (particularly off-site construction work) would be short-term and would cease upon construction completion. While the effect would be temporary, the aforementioned relative increases to the existing outdoor ambient sound environment would be readily audible and likely perceived as more than a doubling of noise level when the change is 10 dB or greater. Given that construction activities are short-term, would comply with the Town's noise ordinance, and would cease upon Project completion, construction noise would be less than significant. No mitigation is necessary. (Final EIR, p. 4.10-14.)

Construction Noise – Project-Related Construction Vehicles (On-Road)

Based upon the construction scenario assumptions from Draft EIR Table 4.2-5 (in the Air Quality section), during construction the highest average daily number of one-way worker trips would be 454 (i.e., 227 round trips), occurring during the building construction phase. The highest average daily number of vendor one-way trips would be 178 (89 round trips), also occurring during building construction; and the highest number of average daily haul truck one-way-trips would be 2 (1 round trip)[4], occurring during the pipeline installation (i.e., off-site utilities) phase. Project-related trucks would be restricted to the Town-authorized truck routes, and (like the Project sites) would be relatively far from residential or other noise-sensitive areas. It is anticipated that most of the construction-related trips in the Project vicinity would occur along the I-15 freeway, Stoddard Wells Road, and Johnson Road. Based upon the most recent available traffic census data from Caltrans (Caltrans 2020b), I-15 has an average daily traffic volume of 59,000 in the Project vicinity, with a truck percentage of approximately 24%. Even if the highest daily number of worker trips, vendor trips and haul truck trips occurred during the same phase of construction (which they do not), the incremental increase in traffic from the Project would be approximately 1%. Based upon the fundamentals of acoustics, a doubling (a 100% increase) would be needed to result in a 3 decibel increase in noise levels, which is the level corresponding to an audible change to the typical human listener (Caltrans 2013). The resultant traffic noise increase would be less than 1 dB, and thus would not result in an audible change on an hourly or daily basis. Therefore, noise related to Project-related construction vehicles on local roadways would not result in significant impacts. No additional mitigation measures are required.

Long-Term Operational Impacts
Traffic Noise

The Project has the potential to result in significant noise impacts from Project-related traffic at nearby noise-sensitive land uses. Based on information consistent with the assumptions in the EIR's transportation analysis (Appendix I), the Project would generate 1,955 daily trips. During the AM peak hour, implementation of the Project would result in a total of 117 passenger vehicles and 44 trucks. During the PM peak hour, implementation of the Project would result in a total of 125 passenger vehicles and 48 trucks. The majority of the passenger vehicle and truck trips would access and exit the Project site to the west, via Central Road, Johnson Road, and Stoddard Road to the I-15 on- and off-ramps. No Project-related vehicles would utilize Johnson Road or Lafayette Street east of the Project site, or other local roads not designated as truck routes.

Potential noise effects from vehicular traffic were assessed using the Federal Highway Administration's Traffic Noise Model Version 2.5 (FHWA 2004). Information used in the model included the Existing, Existing plus Project, Opening Year (2025), Opening Year (2025) plus Project, Horizon Year (2040), and Horizon Year (2040) plus Project traffic volumes. Noise levels were modeled at representative noise-sensitive receivers (i.e., the nearest existing residences

located to the east of the Project site) as well as at adjacent zoned commercial, professional, and residential uses for informational purposes. The receivers were modeled to be 5 feet above the local ground elevation. The measured and modeled receiver locations are shown in Figure 4.10-1.

The information provided from this modeling, along with the results from ambient noise survey measurements, was compared to the noise impact significance criteria to assess whether Project-related traffic noise would cause a significant impact and, if so, where these impacts would occur. The results of the comparisons for the off-site noise-sensitive land uses are presented in Draft EIR Table 4.10-9. The input and output files for the Traffic Noise Model are provided in Appendix I.

As Draft EIR Table 4.10-9 shows, the Project would result in changes in traffic noise levels along the nearby arterial roadways. At model receiver M1 (representative of a single-family residence east of the Project site), traffic noise is predicted to decrease several decibels as a result of the Project because the proposed warehouse building would block the direct noise path between the receiver and Central Road. At model receiver M2 (representative of the Apple Valley Fire Center, located south of the Project site) traffic noise is predicted to increase by up to 4 decibels; however, the overall noise levels would remain well below the applicable noise standard of 70 dBA CNEL. Furthermore, the applicable FICON noise threshold (as shown in Draft EIR Table 4.10-6) for a substantial increase of 5 dB or more for noise levels of less than 60 dBA Ldn/CNEL would not be exceeded. At model receivers M3 through M5, traffic noise is predicted to increase by 0 to 2 dB. A change (either an increase or a decrease) of 2 dB or less is not an audible change in the context of community noise (i.e., outside of a controlled test environment). Furthermore, the applicable FICON thresholds for a substantial increase would not be exceeded at these receivers and (as shown in Draft EIR Table 4.10-9) the Project would not cause noise levels to exceed applicable Town noise standards at any of the modeled receivers. The Project is not anticipated to result in significant traffic noise increases or cause an exceedance of applicable traffic noise standards. Therefore, impacts associated with off-site traffic noise would be less than significant.

On-Site Operational Noise

Less-than-Significant Impact. The implementation of the Project would result in changes to existing noise levels on the Project site by developing new stationary sources of noise, including introduction of outdoor HVAC equipment, and vehicle parking lot and truck loading dock activities. These sources may affect noise-sensitive vicinity land uses off the Project site. The following analysis evaluates noise from exterior mechanical equipment and activities associated with vehicle parking lots and truck loading docks. Dudek has modeled the propagation of sound from a combination of Project on-site noise sources with commercially available Datakustik CadnaA software, which incorporates relevant International Organization of Standardization (ISO) 9613-2 algorithms and reference data that are generally considered to be industry standard for outdoor noise modeling. Key modeling assumptions and parameters are as follows:

- The model calculation area encompasses the Project and surrounding land uses that adjoin its boundary.

- Acoustical ground absorption of the Project site and the surrounding topography (conservatively modeled as flat, which generally approximates the site terrain characteristics) is set at 0.90, which on a zero (reflective) to one (absorptive) scale approximates a combination of the grass-covered soils that generally surround the Project area and any anticipated loosely graveled Project site cover.

- Meteorological conditions presume “calm” wind conditions (i.e., less than 0.5 meters per second in any direction) and average air temperature and relative humidity of 68 degrees Fahrenheit and 70%, respectively.

- The model “configuration” settings include reflection order set to “1”, which can be interpreted to mean that a sound emission path from a source will continue to be analyzed after impingement upon and reflection from the first intervening structure or barrier.

The proposed warehouse space overall would not be served by heating or air conditioning equipment. However, the floor plan includes office spaces at the southeastern, southwestern, and northeastern corners of the building (Building 1). Office space within each of the aforementioned corners would total approximately 5,000 square feet. Based on information provided by the Project Applicant, it is anticipated that the office space would be equipped with single-packaged rooftop HVAC units with air-handling capacity of 3 to 6 nominal tons. For the analysis of noise from HVAC equipment operation, a York Model ZF-048 package HVAC unit was used as a reference. Based upon the square footage of the office spaces, it was assumed that two such units would be required for each of the office areas. The York Model ZF-048 package HVAC unit has a sound power rating of 80 dBA (Johnson Controls 2015).

- During a daytime scenario, peak-hour truck volumes were assumed.

- Sound power for a single truck at the loading dock was calculated from sound levels (dBA) of truck air brakes, truck backup alarms, truck idling, truck engine ignition and airbrakes, and truck acceleration from stop (CMS 2014).

- Sound power for a single truck pass-by along a linear sound source route along the length of the building was calculated from truck passby (CMS 2014). Peak-hour truck volumes were assumed.

- During a nighttime model scenario, the sound power of rooftop HVAC sources from the three Project buildings remained

unchanged; and, up to 25% of peak-hour on-site truck traffic would occur during a typical nighttime hour of facility operation.

As shown in Draft EIR Table 4.10-11, which summarizes the results of the modeling for mechanical equipment and truck loading dock/truck yard activity noise, the resulting noise levels would not exceed the applicable noise standards for daytime or nighttime noise. Additionally, the estimated noise levels from the Project would be well below the existing measured daytime ambient noise levels in the Project vicinity, which ranged from approximately 62 to 66 dBA Leq.

Parking Lot Activity

A comprehensive study of noise levels associated with surface parking lots was published in the Journal of Environmental Engineering and Landscape Management (Baltrënas et al. 2004). The study found that average noise levels during the peak period of use of the parking lot (generally in the morning with arrival of commuters, and in the evening with the departure of commuters), was 47 dBA Leq at 1 meter (3.28 feet) from the outside boundary of the parking lot. During off-peak time periods, especially during nighttime hours (10 p.m. to 7 a.m.), noise levels from parking lot activities would be substantially lower. The parking lots would function as an area source for noise, which means that noise would attenuate at a rate of 3 dBA with each doubling of distance. The nearest employee parking lot to existing noise-sensitive receivers (receiver M2, the Apple Valley Fire Center sleeping quarters, located within the County of San Bernardino) is situated on the south side of Building 1, approximately 850 or more feet from the sleeping quarters. At a distance of 850 feet, parking lot noise levels would be approximately 23 dBA, which would be below the daytime (7 a.m. to 10 p.m.) single-family residential noise standard of 55 dBA Leq and the nighttime (10 p.m. to 7 a.m.) noise standard of 45 dBA Leq. The nearest employee parking lot to noise-sensitive receivers in the Town of Apple Valley (receiver M1, residentially zoned property to the east) is situated approximately 1,100 feet from the residential property. At a distance of 1,100 feet, parking lot noise levels would be approximately 22 dBA, which would be below both the daytime (7 a.m. to 10 p.m.) single-family residential noise standard of 50 dBA Leq and the nighttime (10 p.m. to 7 a.m.) noise standard of 40 dBA Leq.

To summarize, impacts associated with on-site operational noise would be less than significant. (Draft EIR, pp. 4.10-10 – 4.10-18)

2. Vibration

Threshold: Would the Project result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Finding: Less than significant. (Final EIR, pp. 4.10-19 – 4.10-20)

Explanation:

During operation, no major sources of groundborne vibration are anticipated. Construction activities that might expose persons to excessive groundborne vibration or groundborne noise could cause a potentially significant impact. Groundborne vibration information related to construction activities (including demolition) has been collected by Caltrans (Caltrans 2020a). Information from Caltrans indicates that continuous vibrations with a PPV of approximately 0.1 ips begin to annoy people. Additionally, the Town's Municipal Code Section 9.73.050 subsection (G) of the Municipal Code restricts vibration to 0.01 ips over the range of 1 to 100 Hz at or beyond the property boundary of the source if on private property.

The heavier pieces of construction equipment, such as bulldozers, would have PPVs of approximately 0.089 ips or less at a distance of 25 feet (FTA 2018). Groundborne vibration is typically attenuated over short distances. At the distance from the nearest vibration-sensitive receivers (a residence located to the east) to where construction activity would be occurring on the Project site (approximately 760 feet), and with the anticipated construction equipment, the PPV vibration level would be approximately 0.0005 ips. At the closest sensitive receptors, vibration levels would be well below the vibration threshold of potential annoyance of 0.1 ips; additionally, the vibration level would be less than the Town's Municipal Code standard of 0.01 ips. Therefore, impacts associated with vibration-generated annoyance would be less than significant.

The major concern with regards to construction vibration is related to building damage, which typically occurs at vibration levels of 0.5 ips or greater for buildings of reinforced-concrete, steel, or timber construction. As discussed above, the highest anticipated vibration levels at vibration-sensitive uses from with on-site Project construction would be approximately 0.0005 ips, which would be well below the threshold of 0.5 ips for building damage. Therefore, impacts associated with vibration-produced damage would be less than significant. (Draft EIR, pp. 4.10-18 – 4.10-19)

3. Airport Noise

Threshold: 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. (Draft EIR, p. 4.10-19)

Explanation:

No private airstrips exist in the Project vicinity. The nearest airport is the Apple Valley Airport, located approximately 0.77 miles southwest of the Project site.

Based on the Town of Apple Valley Comprehensive Airport Land Use Compatibility Plan (Town of Apple Valley 1995), the Project site would be approximately 0.7 miles away from the airport's 60 dBA CNEL noise contour. Therefore. the Project would not expose people residing or working in the Project area to excessive noise levels related to airports or airstrips. (Draft EIR, p. 4.10-19)

M. POPULATION AND HOUSING

1. Population Growth

Threshold: 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 road or other infrastructure?

Finding: No Impact. (Draft EIR, p. 5-7, 5-8)

Explanation:

The Project would require a temporary construction workforce and a permanent operational workforce, both of which could potentially induce population growth in the Project area. The temporary workforce would be needed to construct the warehouse building and associated improvements. The number of construction workers needed during any given period would largely depend on the specific stage of construction but would likely range from a dozen to several dozen workers on a daily basis. These short-term positions are anticipated to be filled primarily by construction workers who reside in the Project site's vicinity; therefore, construction of the Project would not generate a permanent increase in population within the Project area.

Because the future tenants are not known yet, the number of jobs that the Project would generate cannot be precisely determined; however, an estimate can be made. Thus, for purposes of analyses, employment estimates were calculated using average employment density factors reported by the Southern California Association of Governments. The Southern California Association of Governments reports that for every 1,195 square feet of warehouse space in San Bernardino County, the average numbers of jobs supported is one employee (Natelson Company Inc. 2001). The Project would include 1,080,125 square feet of industrial/warehouse space, excluding associated improvements. As such, the estimated number of employees required for operation would be approximately 904.

According to the 2010 U.S. Census, the population of the Town was approximately 69,135 residents (Town of Apple Valley 2009b). According to the Town's General Plan, upon build-out, the Town could support a population of 185,858 residents (Town of Apple Valley 2009b). As such, the Project-related increase of approximately 904 employees would represent a nominal percentage of the Town's projected future population upon General Plan build-out.[1]

In addition, data provided by the California Employment Development Department in February 2022 found that the unemployment rate for San Bernardino County is at 5%, which is similar to the state average (5.4%) (EDD 2022). As such, the Project's temporary and permanent employment requirements could likely be met by the Town's existing labor force without people needing to relocate into the Project region, and the Project would not stimulate population growth or a population concentration above what is assumed in local and regional land use plans. Therefore, no impacts would occur. (Draft EIR, p. 5.7)

2. Displacement of Housing

Threshold: Would the Project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; and displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Finding: No impact. (Draft EIR, p. 5-8)

Explanation:

The Project site is currently vacant and contains no housing or other residential uses. Given that no residential uses are located on site, it follows that the site does not support a residential population. Therefore, no impacts would occur.

N. PUBLIC SERVICES

1. Fire Protection

Threshold: 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 fire protection?

Finding: Less than significant. (Draft EIR, pp. 4.11-5 – 4.11-6)

Explanation:

As previously discussed, the Project site is within the service area of AVFPD. The closest station to the site is Fire Station 332 located at 18857 Highway 18, which is approximately 6 miles southwest of the site. AVFPD's desired response time is 6 minutes. Within the Town's corporate limits, the average response time is 6 minutes and 25 seconds (Town of Apple Valley 2009).

Construction

During the construction of the Project, construction personnel would be required

to be present on the Project site. Because this would increase the number of personnel on the site when comparted to existing conditions, the construction phased of the Project may result in an increased need for fire protection services. This increased demand as a result of construction, however, would be temporary and would cease after construction activities have been completed.

To comply with California Department of Industrial Relations, Division of Occupational Safety and Health as well as California Fire and Building Code requirements, construction managers and personnel would be trained in fire prevention and emergency response, and fire suppression equipment specific to construction activities would be maintained on site. Project construction would be required to comply with all applicable state and local codes and ordinances related to the maintenance of mechanical equipment, handling and storage or flammable materials, and cleanup of spills of flammable materials. Additionally, compliance with regulatory requirements would reduce the potential for construction activities to expose construction workers to the risk of fire explosion related to hazardous materials.

Therefore, because the increased demand for fire protection services during construction of the Project would be temporary, and because all applicable regulations would be followed during construction, impacts during the construction of the proposed Project are considered less than significant.

Operation

Every new development that creates additional square footage and has the potential to increase population of the service area creates a greater demand for existing resources. The increase in industrial space as well as an increase in workers as a result of the Project is expected to increase the demand fire and emergency calls relative to existing conditions. However, as discussed below, the development of the proposed Project would not result in substantial adverse physical impacts associated with the need for new or developed fire protection facilities.

The need for new or expanded fire protection facilities/structures/buildings is associated with a substantial increase in population, new development, and/or fire activity, such as wildfire hazards. As discussed in the initial study (Appendix A) prepared for the Project, approximately 904 employees would be required for the operation of the Project. This would not exceed the Town's projected future population established in the Town's General Plan (Town of Apple Valley 2009).

As previously mentioned, the Project would be served by existing AVFPD facilities. Should an emergency occur on site that would require resources beyond what AVFPD is able to provide, the mutual aid agreement that AVFPD maintains with Victorville, San Bernardino County Fire Department, and the Bureau of Land Management would ensure that the site receives supplemental personnel and resources.

Furthermore, the Project would be designed and constructed in accordance with all applicable provisions of the California Fire Code, which includes requirements for adequate fire flows, width of emergency access routes, turning radii, automatic sprinkler systems throughout, fire alarms, and floor to sky height limits along emergency access routes. Compliance with the fire code standards would be verified through the Town's plan check process prior to the issuance of building permits for the Project. Compliance with fire code standards would reduce the potential demand for fire services by decreasing the likelihood of and/or severity of fire emergency at the site. For further discussion of safety measures the Project would include to reduce the impacts of potential hazards, refer to Section 4.7, Hazards, Hazardous Materials, and Wildfire.

Per Chapter 3.32, Fire Suppression Development Fee Program, of the Town's Municipal Code, the Project would be subject to the payment of Development Impact Fees (DIFs). This fee would be used for future facility improvements necessary to ensure that the development contributes its fair share of the cost of facilities and equipment determined to be necessary to adequately accommodate new development in the Town. The DIF amount is determined through evaluation of the need for new public services facilities as it relates to the level of service demanded by new development, which varies for specific land uses. The current Town fire fee for industrial development is $0.089 per square foot (Town of Apple Valley 2023).

Due to the reasons described above, the proposed Project would not require the construction of new or expansion of existing fire protection facilities resulting in substantial adverse physical impacts in order to maintain acceptable service ratios and response times. As such, impacts would be less than significant. (Draft EIR, pp. 4.11-5 – 4.11-6)

2. Police Protection

Threshold: 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 Sheriff Law Enforcement Services?

Finding: Less than significant. (Draft EIR, p. 4.11-6)

Explanation:

As discussed in Section 4.11.1, Existing Conditions, polices services in the Town are provided by SBCSD through a contractual agreement. SBCSD assigns staff to AVPD, which is located at 14931 Dale Evans Parkway, approximately 5.6 miles

southwest of the Project site. The AVPD would provide primary law enforcement services to the Project. AVPD responds to high priority calls within 3 to 7 minutes depending on the time of the day and traffic flow (Town of Apple Valley 2009).

Construction

Construction activities may temporarily increase traffic volumes in the Project area. The added traffic associated with workers commuting to the site, haul routes, deliveries, and other Project-related activities may increase the need for law enforcement services during the construction of the Project. This increase, however, would be temporary and would not lead to a substantial increase in the demand for police protection services. Additionally, during construction, the Project would incorporate temporary security measures including security fencing, lighting, locked entrances, and private security officers. These features would reduce the need for police protection services during the Project's construction phase. Potential short-term construction impacts to police services would not result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, and impacts would be less than significant.

Operation

A need for new or expanded public services, such as polices facilities, is typically associated with an increase in population. The Project does not involve a residential component, however, because the site is undeveloped under existing conditions, the Project would be expected to increase the frequency of calls to AVPD. The Project, however, would incorporate operational practices and design elements to increase safety and to reduce the potential for crime to occur, including security lighting, alarms, and security cameras. Additionally, building entries, parking areas, and walkways would be sufficiently lit to facility safe pedestrian movement. These design elements would minimize spaces that are hidden from public view, which would help to prevent loitering and crime form occurring and would therefore decrease the demand for police protection services.

The Project would also be required to pay DIFs to offset the costs of increased personnel or equipment that could be required to maintain acceptable service ratios, response times, and other performance objectives. The law enforcement DIF for industrial projects is $0.001 per square foot. Furthermore, the Project would not conflict with the implementation of the Town's General Plan goals and policies pertaining to police services.

Due to the reasons described above, the Project is not anticipated to result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, and impacts would be less than significant. (Draft EIR, p. 4.11-6)

3. Schools

Threshold: Would the Project result in substantial adverse physical impacts associated with the provision of 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 schools?

Finding: No Impact. (Draft EIR, p. 5-8)

Explanation:

As previously discussed, the Project would not directly or indirectly induce unplanned population growth in the Town. Although the Project would require employees to construct and operate the Project, these short-term and long-term employees would likely already reside within the broader Project area. As such, it is not anticipated that many people would relocate to the Town as a result of the Project, and an increase in school-age children requiring public education is not expected to occur as a result.

Similar to other development projects in the Town, the Project would be subject to Senate Bill 50, which requires payment of mandatory impact fees to offset any impact to school services or facilities. The provisions of Senate Bill 50 are deemed to provide full and complete mitigation of school facilities impacts, notwithstanding any contrary provisions in CEQA or other state or local laws (Government Code Section 65996). In accordance with Senate Bill 50, Uncommon Developers (Project Applicant) would pay its fair share of impact fees based on the Project's square footage per Government Code Section 65995(h). These impact fees are required of most residential, commercial, and industrial development projects in the Town. Therefore, no impacts would occur. (Draft EIR, p. 5-8)

4. Parks

Threshold: Would the Project result in substantial adverse physical impacts associated with the provision of 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 parks?

Finding: No impact. (Draft EIR, p. 5-8)

Explanation:

The Project would construct one industrial/warehouse building in the Town. The Project does not propose any residential uses and would not directly or indirectly induce unplanned population growth in the Town. As such, the Project would not

increase the use of existing neighborhood parks or regional parks in the Town and surrounding area. Therefore, no impacts would occur. (Draft EIR, p. 5.8)

5. Other Public Facilities

Threshold: Would the Project result in substantial adverse physical impacts associated with the provision of 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 other public facilities?

Finding: Less than significant. (Draft EIR, p. 5-8)

Explanation:

Given industrial nature of the Project and the lack of population growth that would result from the Project, it is unlikely that the Project would increase the use of libraries and other public facilities. Therefore, no impacts would occur.

O. RECREATION

1. Increased Use / Construction & Expansion

Threshold: Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Finding: No Impact. (Draft EIR, p.5-9)

Explanation:

The Project would construct one industrial/warehouse building and associated improvements. The Project does not propose any residential uses and would not directly or indirectly result in a substantial and unplanned increase in population growth within the Project area. As such, the Project would not increase the use of existing neighborhood parks or regional parks in the Town and surrounding area. In addition, as an industrial use, the Project does not propose recreational facilities or require the construction or expansion of recreational facilities. Therefore, no impacts would occur. (Draft EIR, p.5.9)

P. TRANSPORTATION / TRAFFIC

1. Plans, Policies, and Ordinances

Threshold: Would 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. (Draft EIR, pp. 4.12-11 – 4.12-12)

Explanation:

The Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, as discussed below. Impacts would be less than significant.

Regional Transportation Plan/Sustainable Communities Strategy

The Project would be consistent with the 2020–2045 RTP/SCS as analyzed in Draft EIR Table 4.9-1, Consistency with 2020– 2045 RTP/SCS Goals under Section 4.9, Land Use and Planning.

San Bernardino County CMP

The Project would be consistent with the applicable goals and elements of the San Bernardino County CMP. The Project would not impede the ability to maintain or enhance the performance of the multimodal transportation system. The Project would include on and off-site roadway improvements to minimize impacts to travel delay and would participate in the Town's Development Impact Fee program, which is coordinated with regional planning efforts in Victor Valley. The CMP System LOS Element and Performance Measures Element also contain LOS standards for CMP designated highways and roadways. There are no designated CMP roadways in the Project study area, therefore the Project would have no impact on these roadways.

Town of Apple Valley General Plan Circulation Element

The Project would be consistent with the applicable goals and policies of the General Plan Circulation Element including policies related to maintaining and expanding a safe and efficient circulation and transportation system. The Project location takes advantage of the location along the I-15 corridor to minimize truck travel through the Town, thereby discouraging traffic to utilize local residential streets for access or parking needs. The Project would also not hinder the Town's ability to provide for a comprehensive, interconnected recreational trails system suitable for bicycles, equestrians and/or pedestrians, nor hinder the Town's ability to expand the public transit system. The Project would include on and off-site roadway improvements to serve internal circulation needs, as well as to mitigate impacts of increased traffic on the existing road system. The Project would also participate in the Town's Development Impact Fee program. Therefore, the Project would be consistent with the Town's General Plan Circulation Element.

Pedestrian and Bicycle Access

The Town of Apple Valley's Recreation Trail Map and bike paths per the General Plan Circulation Element are presented in Figures 4.12-4 and 4.12-5, respectively, as discussed in Section 4.12.1, Existing Conditions.

The Project site is in a minimally developed area of the Town, with limited pedestrian and bicycle facilities provided. Where new development has occurred, sidewalks have been typically constructed along site frontages (e.g., Big Lots Distribution Center located at the southwest corner of the Navajo Road and Lafayette Stret). No pedestrian facilities, including curbs and sidewalks, are present along Johnson Road, Central Road or Lafayette Street as no development currently exists. The Project would construct pedestrian facilities (e.g., curb and gutter) along all Project frontages, including Johnson Road, Central Road or Lafayette Street. Additionally, as the adjacent areas surrounding the Project site continue to become developed, connectivity to other areas of the Town will be realized. Therefore, the Project would have a less-than-significant impact on pedestrian and bicycle access. (Draft EIR, pp. 4.12-11 – 4.12-12)

2. Emergency Access

Threshold: Would the Project result in inadequate emergency access?

Finding: Less than significant. (Draft EIR, p. 4.12-21)

Explanation:

All roadway, intersection and Project access improvements would be overseen by the applicable lead agency and their qualified traffic engineers. This approach would ensure compliance with all applicable roadway design requirements. In the event of an emergency all the site access driveways would enable vehicles to enter/exit the Project site. All street improvements will be designed with adequate width, turning radius, and grade to facilitate access by Town's firefighting apparatus, and to provide alternative emergency ingress and egress. The site plan would be subject to plan review by the Town's Fire Department to ensure proper access for fire and emergency response is provided and required fire suppression features are included. Therefore, the Project's impact due to inadequate emergency access would be less than significant. As such, no hazardous design features would be part of the Project's roadway improvements or site access. Therefore, the Project's impact due to inadequate emergency access would be less than significant. (Draft EIR, p. 4.12-21)

Q. UTILITIES AND SERVICE SYSTEMS

1. Wastewater Treatment Requirements

Threshold: 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?

Finding: Less than significant. (Draft EIR, pp. 4.13-12 – 4.12-14)

Explanation:

As discussed in further detail below, the Project would result in less-than-significant impacts with regard to the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Water Facilities

The Project would involve the construction of water distribution infrastructure (i.e., pipes, valves, meters, etc.) to provide domestic water, firewater, and irrigation to the Project site. The Project is proposed to receive water via an existing water line approximately 1,500 feet west of the intersection of Johnson Road and Central Road. The Project proposes to construct a 16-inch diameter water line within Central Road and connect to the proposed warehouse building laterally.

The construction of the proposed water improvements described above has the potential to cause environmental effects associated with buildout of the Project as a whole. The aforementioned water pipeline improvements have been considered as part of the Project, and their disturbance footprints and construction techniques, as well as their associated impacts, have been accounted for within this Draft EIR. There are no unique impacts associated with the installation of water infrastructure to serve the Project that have not been discussed and accounted for in this document. Therefore, impacts associated with water facilities would be less than significant.

Water Treatment Facilities

While the Project would result in an incremental increase in demand for water treatment capacity, the Project's water demand would not result in or require new or expanded water treatment facilities beyond those facilities that are already planned as part of Liberty Utilities' 2020 UWMP. As concluded by the reliability assessment included as part of the UWMP, water supply for Liberty Utilities-Apple Valley meets all regulatory requirements without treatment. As such, implementation of the Project would not result in the need to expand water treatment facilities. Therefore, impacts associated with water treatment facilities would be less than significant.

Wastewater Conveyance Facilities

The proposed Project would construct new sewer lines along Central Road and

Lafayette Street. The construction of the proposed sewer improvements has the potential to cause environmental effects associated with buildout of the Project as a whole. However, the proposed sewer improvements have been considered as part of the Project, and their disturbance footprints and construction techniques, as well as their associated impacts, have been accounted for within this Draft EIR. There are no unique impacts associated with the installation of sewer infrastructure to serve the Project that have not been discussed and accounted for in this document. Therefore, impacts associated with wastewater conveyance facilities would be less than significant.

Wastewater Treatment Facilities

Upon build-out of the Project, the Project's wastewater would be conveyed to the VVWRA RWWTP, which has a treatment capacity of 18.0 mgd and currently produces an average flow of 10.7 mgd, or approximately 60% of its total capacity. Conservatively using the estimated total water demand for the Project as a basis for the wastewater generation rate, the Project would generate approximately 0.0356 mgd of wastewater.[1] Projected wastewater from the Project would represent approximately 0.49% of the remaining capacity of the treatment facility. Given the remaining capacity of the VVWRA RWWTP, the VVWRA RWWTP should be able to adequately accommodate the Project's contribution of wastewater. As such, no improvements to any of the Town's or VVWRA's facilities would be required to ensure sewer service to the Project site. Therefore, impacts associated with new wastewater treatment facilities would be less than significant.

Stormwater Drainage Facilities

The Project site and a majority of the surrounding area are characterized as a rural, undeveloped, vacant land composed of pervious surfaces. Ground surface cover within the Project site is moderately vegetated with native grasses, shrubs, and trees. The predominance of pervious surfaces currently allows for the percolation of water into the underlying soils. Developed land typically has a much lower rate of percolation, increasing the amount of runoff reaching the storm drain infrastructure. However, as discussed in Section 4.8, stormwater infiltration and detention basins would be utilized as low impact development (LID) features as part of the Project.

The proposed Project would be required to adhere to local drainage control requirements in accordance with the San Bernardino County Hydrology Manual. The proposed stormwater drainage system includes retention/detention basins that would be sized and designed to prevent flooding from a 10-year or 100-year storm while also accommodating the required retention/detention volumes for water quality purposes. The basins would be designed to capture the entire volume generated from a 10-year storm and at least 95% of the 100-year storm, with only very low flows being discharged off site.

The construction of the proposed storm drainage improvements described above has the potential to cause environmental effects associated with buildout of the

Project as a whole. The storm drainage improvements, however, have been considered as part of the Project, and their disturbance footprints and construction techniques, as well as their associated impacts, have been accounted for within this Draft EIR. There are no unique impacts associated with the installation of storm drain improvements to serve the Project that have not been discussed and accounted for in this document. Therefore, impacts associated with stormwater drainage facilities would be less than significant.

Electric Power, Natural Gas, and Telecommunications

Development of the Project would increase demands for electricity and natural gas and would increase requirements for telecommunication technology infrastructure. Upgrades would be required with respect to electric power, natural gas, and telecommunication facilities (i.e., cable television services), based on the change in land use (i.e., greater intensification). These utilities would be part of a dry utility package that would be installed on site and in the adjacent public roadways to provide service to the Project. Upgrades would be confined to the connections to the Project site and not any off-site centralized facilities. The existing infrastructure is located directly adjacent to the Project site within the public streets. Connection to these existing utilities would require limited construction, which would be temporary and limited to trenching, to the depth of the underground lines. Project construction would occur in accordance with all applicable regulatory requirements. These upgrades and connections have been considered as part of the Project, and their disturbance footprints and construction techniques, as well as their associated impacts, have been accounted for within this Draft EIR.

Electricity would be provided to the Project site by SCE. SCE conducts ongoing monitoring and electrical project development to ensure that it can provide adequate electrical service to the Project area. SoCalGas's Projections out to 2035 continue to show available capacity that is well above the existing and future anticipated natural gas demand in the area serviced by SoCalGas (California Gas and Electric Utilities 2022). There are a number of private telecommunications service providers that provide connections to their communication systems on an as-needed basis and maintain existing infrastructure in the vicinity of the Project site. Project demand for electricity, natural gas and telecommunications would be adequately served by existing infrastructure and capacity. Therefore, impacts associated with electric, natural gas, and telecommunication lateral connections would be less than significant. (Draft EIR, pp. 4.13-12 – 4.13-14)

2. Water Supplies

Threshold: Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Finding: Less than significant. (Draft EIR, pp. 4.13-14 – 4.13-15)

Explanation:

Implementation of the proposed Project would result in the construction of a 1,080,125-square-foot industrial/warehouse building and associated improvements on 67.3 acres of vacant land.

Water demand for operation and maintenance of the Project during the anticipated operational life would require an estimated 40 AFY of water. Due to the unknown plans of future tenants, water demand from three different businesses was used to estimate potential annual water volumes. This estimate was based on average water use per square foot of similar project types within the Liberty Utilities service area. Construction water demand is estimated to be insignificant and would only be temporary. Draft EIR Table 4.13-2 shows the water use for the example warehouse developments provided by Liberty Utilities. Draft EIR Table 4.13-3 shows the three different water use rates applied to the Project footprint. Each scenario has been converted to AFY and then owing to the unknown plans of the future tenants, the highest demand was chosen with an extra buffer given to acknowledge the uncertainty.

As there is currently no existing water demand for the Project site, the net increase in water demand would be equivalent to the Project's estimated water demand of approximately 40 AFY.

The Liberty Utilities' UWMP has planned for growth within its service area over the next 20 years. Liberty Utilities has made an allowance for future demand estimates. Future demand services are based on historical growth rates in the service area. According to Draft EIR Table 7-2 in the Liberty Utilities 2020 UWMP, Liberty Utilities projects a water demand increase of 2,692 AFY from 2025 (15,846 AFY) to 2045 (18,538 AFY) during normal years. The net water demand of the proposed Project would be accounted for within this growth, as the Project is consistent with the underlying Town zoning designations for the Project site via the North Apple Valley Industrial Specific Plan.

The UWMP and Project specific WSA (Appendix K) identifies a sufficient and reliable water supply for Liberty Utilities-Apple Valley's service area with a history of meeting demands and acknowledgement of future projects that should increase recycled water supply going forward. As a result, it was determined that there is sufficient water supply for the Project. Therefore, impacts associated with water supply would be less than significant. (Draft EIR, pp. 4.13-14 – 4.13-15)

3. Wastewater Capacity

Threshold: 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. (Draft EIR, p. 4.13-15)

Explanation:

As previously discussed, upon build-out of the Project, the Project's wastewater would be conveyed to the Regional Wastewater Reclamation Facility operated by Victor Valley Wastewater Reclamation Authority (VVWRA), which has a treatment capacity of 18.0 mgd and currently produces an average flow of 10.7 mgd, or approximately 60% of its total capacity. Assuming a conservative wastewater generation rate that is equal to the total water demand as estimated in the WSA, the Project would generate approximately 0.0356 mgd of wastewater. Projected wastewater from the Project would represent approximately 0.49% of the remaining capacity of the treatment facility. Given the remaining capacity of the VVWRA RWWTP, the VVWRA RWWTP should be able to adequately accommodate the Project's contribution of wastewater.

In addition, Districts are empowered by the California Health and Safety Code to charge a fee for the privilege of connecting (directly or indirectly) to the Districts' Sewerage System for increasing the strength or quantity of wastewater discharged from connected facilities. This connection fee is a capital facilities fee that is imposed in an amount sufficient to construct an incremental expansion of the wastewater treatment system to accommodate the Project. Therefore, impacts associated with wastewater treatment capacity would be less than significant. (Draft EIR, p. 4.13-15)

4. Solid Waste

Threshold: 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?

Finding: Less than significant. (Draft EIR, pp. 4.13-15 – 4.13-17)

Explanation:

Construction and operation of the Project would result in less-than-significant impacts with regard to the generation of 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.

Short-Term Construction Impacts

Construction of the Project would result in the generation of solid waste such as scrap lumber, concrete, residual wastes, packing materials, plastics, and soils. Per CALGreen, at least 65% of construction and demolition waste must be diverted from landfills. The Town also has construction and demolition debris diversion requirements; however, the CALGreen standards require an equivalent level of diversion (65% diversion). Any hazardous wastes that are generated during construction activities would be managed and disposed of in compliance with all

applicable federal, state, and local laws. The remaining 35% of construction material that is not required to be recycled would either be disposed of or voluntarily recycled at a solid waste facility with available capacity. As previously described, there are two existing landfills within San Bernardino County that accept inert waste, the Victorville Sanitary Landfill and the Chino Valley Rock Landfill. However, as waste from the Town is already transported to the Victorville Sanitary Landfill, it is assumed that waste would continue to be transported there. As of 2022, this landfill had an expected remaining capacity of 93,400,000 cubic yards and was expected to remain open until 2047.

The Town has a franchise agreement with Burrtec's AVCO Disposal, which designates them as the Town's exclusive waste hauler. Therefore, it is not an option to self-haul or use other companies to transport construction debris. As such, any construction requiring disposal at an inert waste landfill would be sufficiently accommodated by existing landfills.

For the reasons stated above, Project construction would not 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.g., CALGreen standards). Therefore, short-term construction impacts associated with solid waste disposal would be less than significant.

Long-Term Operational Impacts

Once operational, the Project would produce solid waste on a regular basis, in association with operation and maintenance activities. Anticipated solid waste generation attributable to the Project is shown in Draft EIR Table 4.13-4 and based on estimations that were derived from the air quality modeling that was conducted for the air quality analysis.[2] The solid waste generation rates assume compliance with the California Code of Regulations Title 24, Part 11.

As previously discussed, the Town has a franchise agreement with Burrtec, which designates them as the Town's exclusive waste hauler. Burrtec owns and operates the Victor Valley Material Recovery Facility, which recycles municipal waste prior to being transferred to the Victorville Sanitary Landfill. This landfill has a maximum daily permitted throughput of 3,000 tons per day. Assuming solid waste is collected weekly, the net solid waste that is anticipated to be produced by the Project would equate to approximately 0.093% of the available capacity of the Victorville Landfill through its estimated closure date.

Prior to Victorville Sanitary Landfill reaching capacity, additional landfills and strategies would be identified so that disposal needs continue to be met. Landfills within San Bernardino County that exceed the expected lifespan of the Victorville Landfill include the Barstow Sanitary Landfill, which is expected to remain open another 51 years, and the Landers Landfill, which is expected to remain to open another 52 years (CalRecycle 2023c). Additional strategies to accommodate solid waste generated by the Project during its lifespan include the expansion of existing landfills, the construction of new landfills, and the selection of landfills outside of

San Bernardino County. As such, in the event of closure of the Victorville Sanitary Landfill, other landfills in the region would be able to accommodate solid waste from the Project, and regional planning efforts would ensure continued landfill capacity into the foreseeable future.

For the reasons described above, Project operations would not 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.

Therefore, long-term operational impacts associated with solid waste disposal would be less than significant. (Draft EIR, pp. 4.13-15 – 4.13-17)

5. Solid Waste Laws

Threshold: Will the Project comply with federal, state, and local statutes and regulations related to solid waste?

Finding: Less than significant. (Draft EIR, p. 4.13-17)

Explanation:

As described above, solid waste from the Town is brought to the Victor Valley Material Recovery Facility, where waste is sorted for recyclable materials. From there, the remainder of the waste is taken to the Victorville Sanitary Landfill. This facility is regulated under federal, state, and local laws. Additionally, the Town is required to comply with the solid waste reduction and diversion requirements set forth in AB 939, AB 341, AB 132, and AB 1826.

In addition, as previously described, waste diversion and reduction during Project construction and operations would be completed in accordance with CALGreen standards and Town diversion standards. As a result, the Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Therefore, impacts associated with solid waste statutes and regulations would be less than significant. (Draft EIR, p. 4.13-17)

R. WILDFIRE

1. Response Plans

Threshold: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?

Finding: No impact. (Draft EIR, p. 5-9)

Explanation:

The Town's Emergency Operations Plan (EOP) (Town of Apple Valley 2014)

guides its response to largescale emergencies and disasters. The EOP identified that the Apple Valley Police Department is the lead agency in evacuations. Construction activities that may temporarily restrict vehicular traffic would be required to implement appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures. Typical Town requirements include prior notification of any land or road closures with sufficient signage before and during any closures, flag crews with radio communication when necessary to coordinate traffic flow, etc. The Project eveloper would be required to comply with these requirements, which would maintain emergency access and allow for evacuation if needed during construction activities.

No permanent adverse impact to the emergency evacuation route function of Central Road would occur. The Project does not propose any changes to, nor would it interfere with, the Emergency Operations Plan. As a result, the Project would not significantly affect emergency response or evacuation activities. Therefore, no impacts would occur. (Draft EIR, p. 5.9)

2. Pollutant Concentrations

Threshold: Due to slope, prevailing winds, and other factors, would the Project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?

Finding: No impact. (Draft EIR, p. 5.9)

Explanation:

The California Department of Forestry and Fire Protection's Fire Hazard Severity maps indicate that the Project site is not in or near land classified as a Very High Fire Hazard Severity Zone, and impacts associated with wildfire in or near State Responsibility Areas or lands classified as Very High Fire Hazard Severity Zones are not anticipated (CAL FIRE 2021). The Project site is located in an area that is generally flat, lacking any steep slopes, and characterized as vacant land; these factors are not typically associated with the uncontrolled spread of wildfire. Therefore, no impacts would occur associated with the spread of wildfire. (Draft EIR, p. 5-9)

3. Infrastructure Risks

Threshold: Would the Project require the installation or maintenance of associated infrastructure (such a 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?

Finding: No impact. (Draft EIR, p. 5-9)

Explanation:

As previously addressed, the Project site is not located within or near State Responsibility Areas or lands classified as Very High Fire Hazard Severity Zones. While the Project does not include the construction of fuel breaks or power lines, the Project would involve the installation of infrastructure, including water, wastewater treatment, and storm drainage facilities. The installation of this infrastructure would be typical of development within the greater Project area and would not require the use of specialized techniques or machinery that would result in temporary or ongoing impacts beyond those impacts discussed within this initial study. Any impacts associated with the installation of this infrastructure would be done in compliance with existing regulatory requirements, such as stormwater pollution prevention plan requirements, which would reduce potential impacts associated with construction of these facilities to below a level of significance. Therefore, no impacts would occur associated with infrastructure exacerbating fire risk. (Draft EIR, p. 5-9)

4. Runoff Risks

Threshold: Would the project 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. (Draft EIR, p. 5-9)

Explanation:

As discussed above, the Project site is not located within or near State Responsibility Areas or lands classified as Very High Fire Hazard Severity Zones. As discussed in Section 5.2, Geology and Soils, the Project would not result in significant risks associated with flooding or landslides, and the Project does not propose the use of fire (such as for a controlled vegetation burn) that would result in post-fire slope instability. Implementation of the Project would result in construction and operational activities upon a currently undeveloped, vacant site. Such activities could potentially have an adverse effect on existing drainage patterns. However, due to the flat topography of the Project area, these potential changes to existing drainage patterns would not expose people or structures to significant risks. Therefore, no impacts would occur associated with runoff, post-fire slope instability, or drainage changes. (Draft EIR, p. 5.9)

SECTION III.
IMPACTS THAT ARE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

The Town hereby finds that Mitigation Measures have been identified in the EIR and these Findings 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. AIR QUALITY

1. Air Quality Plans and Air Quality Standards

Threshold: Would the Project conflict with or obstruct implementation of the applicable air quality plan; violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.2-31)

Explanation:

The Federal Particulate Matter Attainment Plan and Ozone Attainment Plan for the Mojave Desert set forth a comprehensive set of programs that will lead the MDAB into compliance with federal and state air quality standards. The control measures and related emission reduction estimates within the Federal Particulate Matter Attainment Plan and Ozone Attainment Plan are based upon emissions projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments. A project is non-conforming with an air quality plan if it conflicts with or delays implementation of any applicable attainment or maintenance plan. A project is conforming if it complies with all applicable MDAQMD 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) (or is directly included in the applicable plan). Zoning changes, specific plans, general plan amendments and similar land use plan changes that do not increase dwelling unit density, do not increase vehicle trips, and do not increase vehicle-miles traveled (VMT) are also deemed to comply with the applicable air quality plan (MDAQMD 2016).

The Project would be required to comply with all applicable MDAQMD Rules and Regulations, including, but not limited to Rules 401 (Visibile Emissions), 402 (Nuisance), and 403 (Fugitive Dust Control for the Mojave Desert Planning Area). According to the Town's General Plan, the land use designation and zoning for the Project site is Specific Plan (SP), referring to its presence within the boundaries of the North Apple Valley Industrial Specific Plan. Since the Project site is within this overlay, the proposed warehouse facility is an allowable use under the existing general plan land use designation.

As discussed below, Project construction-source emissions would not exceed applicable MDAQMD regional thresholds. However, Project operational-source air

pollutant emissions would result in exceedances of regional thresholds for emissions of NOx (304 pounds per day above threshold) and CO (2,374 pounds per day above threshold). As such, NOx and CO operational emissions are considered significant the Project would have the potential to increase the frequency or severity of a violation in the federal or state ambient air quality for on-going Project operations. The health effects of criteria air pollutants are discussed in depth under the next impact criterion and in depth in Appendix B-3.

Based on the preceding considerations, the Project would conform to local land use plans and would comply with all applicable MDAQMD Rules and Regulations. However, Project operational-source emissions have the potential to increase the frequency or severity of a violation in the federal or state ambient air quality standards. On this basis, the Project is considered to potentially conflict with the Federal Particulate Matter Attainment Plan and Ozone Attainment Plan for the MDAB. Therefore, impacts associated with the conflicting with the MDAQMD would be potentitally significant before mitigation. However, as identified under Threshold B below, implementation of MM-AQ-1 would reduce Project-related criteria air pollutant emissions to a less than significant level. As such, the Project would not conflict with or obstruct implementation of the applicable air quality plan after mitigation. (Draft EIR, p. 4.2-31)

The Project would result in potentially significant impacts with regard to conflicting with or obstructing implementation of an applicable air quality plan. Implementation of MM-AQ-1 would reduce the Project's impacts to less than significant.

MM-AQ-1 The Project shall implement the following measures in order to reduce operational air pollutant emissions to the extent feasible:

- **Solar Power.** The Project shall include rooftop solar panels that generate sufficient power to meet at least 90% of the Project's total operational base energy requirements from within the Project's building envelope. The Town of Apple Valley shall verify the size and scope of the solar energy system based upon the analysis of the projected power requirements and generating capacity as well as the available solar panel installation space. In the event sufficient space is not available on the Project site to accommodate the needed number of solar panels to produce the operation's base power use, the Project Applicant or success or interest shall demonstrate how all available space has been maximized (e.g., roof, parking areas) for solar energy system use. Areas that provide for truck movement may be excluded from these calculations unless otherwise deemed acceptable by the supplied reports and applicable building standards. The Project Applicant or successor in interest, or as contractually delegated by the Project Applicant or successor in interest, shall install the solar energy system when the Town of Apple Valley has approved building permits and the necessary equipment has arrived. The operation of the system shall commence only when it has received permission to operate from the applicable utility. The solar energy system owner shall be responsible for maintaining the system at not less than 80% of the rated power

for 20 years. At the end of the 20-year period, the owners, operators or tenants shall install a new photovoltaic system meeting the capacity and operational requirements of this measure, or continue to maintain the existing system, for the life of the Project. As the Project's demand for solar power increases, additional solar panels may be added to the Project. (Final EIR, p. 4.2-43.)

- **Electrical Infrastructure for Electric Equipment and Vehicles.** The Project shall be designed to include electrical infrastructure to accommodate the required number of electric vehicle charging stations, the anticipated number charging stations for electric cargo handling equipment, and the potential installation of additional automobile and truck electric vehicle charging stations. Electrical conduit shall be installed within reasonable locations (e.g., parking areas, at or near dock doors) at the time of building construction to satisfy this requirement. The Project's electrical rooms shall be of sufficient size to accommodate the upsizing of electrical equipment to accommodate potential future electrical loads.

- **Electric Vehicle Charging Stations.** Prior to issuance of a Certificate of Occupancy, Level 2 (or faster) electric vehicle charging stations shall be installed on-site for employees for the percentage of employee parking spaces commensurate with Title 24 requirements in effect at the time of building permit issuance plus additional charging stations equal to 5% of the total employee parking spaces in the building permit, whichever is greater. By January 1, 2030, Level 2 (or faster) electric vehicle charging stations shall be installed for 25% of the employee parking spaces required. Furthermore, at a minimum two (2) level 3 electric chargers at the Project site in a place convenient for heavy duty truck access prior to the beginning of Project operation.
- **Sustainable Energy, Waste, and Water Design Measures.** The Project Applicant or successor in interest shall implement the following measures:
  - The Project's landscape plan shall emphasize drought-tolerant plants and use water-efficient irrigation techniques
  - All heating, cooling, lighting, and appliance fixtures shall be Energy Star-rated
  - All fixtures installed in restrooms and employee break areas would be U.S. Environmental Protection Agency WaterSense Certified or equivalent
  - Structures shall be equipped with outdoor electric outlets in the front and rear of the structures to facilitate use of electrical lawn and garden equipment
  - Provide storage areas for recyclables and green waste, as well as food waste storage if a pick-up service is available
  - Buildings shall include high efficiency particulate air (HEPA) filtration systems within in all warehouse facilities

- **Zero-Emission or Near-Zero-Emission Equipment.** The following measure shall be implemented during all ongoing business operations and shall be included as part of contractual lease agreement language to ensure that tenants and operators of the Project are informed of the following operational responsibility:
  - All equipment and appliances operating on the Project site shall be zero-emission or near-zero-emission equipment. This requirement shall apply to indoor and outdoor equipment such as forklifts, handheld landscaping equipment, yard equipment, office appliances, etc. The building manager or their designee shall be responsible for enforcing these requirements.
- **Truck Requirements and Restrictions.** The following measure shall be implemented during all ongoing business operations and shall be included as part of contractual lease agreement language to ensure that tenants and operators of the Project are informed of the following operational responsibility:
  - Only haul trucks meeting California Air Resources Board (CARB) model year 2010 engine emission standards shall be used for the on-road transport of materials to and from the Project site. In addition, tenants shall be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program, and the Statewide Truck and Bus Regulation. The building manager or their designee shall be responsible for enforcing these requirements.
- **Idling Time Restriction.** The following measure shall be implemented during all ongoing business operations and shall be included as part of contractual lease agreement language to ensure that tenants and operators of the Project are informed of the following operational responsibility:

  Upon commencement of operations, the tenant/operator of the Project shall be required to restrict truck idling onsite to a maximum of 3 minutes, subject to exceptions defined by the California Air Resources Board's commercial vehicle idling requirements. The building manager or their designee shall be responsible for enforcing this requirement.
- **Anti-Idling Implementation Measures.** The following measures shall be implemented to reduce air pollutant emissions from idling:
  - **Signage.** Legible, durable, weather-proof signs shall be placed at truck access gates, loading docks, and truck parking areas that identify the Project's 3-minute idling restriction. At a minimum, each sign shall include: (1) instructions for truck drivers to shut off engines when not in use; (2) instructions for drivers of diesel trucks to restrict idling to no more than 3 minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; (3)

telephone numbers of the building facilities manager and California Air Resources Board (CARB) to report violations; and (4) that penalties apply for violations. Prior to the issuance of an occupancy permit, the Town of Apple Valley shall conduct a site inspection to ensure that the signs are in place.

- **Efficient Load Management.** The facility operator(s) shall be required to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
- **Anti-Idling Training.** Tenants and operators on the Project site shall ensure that site enforcement staff in charge of keeping the daily log and monitoring for excess idling will be trained/certified in diesel health effects and technologies, for example, by requiring attendance at CARB-approved courses (such as the free, 1-day Course No. 512).

▪ **Transportation Demand Management Plan.** For a detailed synopsis of this measure, please refer to MM-TRANS-1 (Section 4.12). (Final EIR, p. 4.2-45.)

(Draft EIR, pp. 4.2-42 – 4.2-44.)

2. Cumulatively Considerable Pollutant Emissions

Threshold: Would the Project result in 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 with mitigation. (Draft EIR, pp. 4.2-31 – 4.2-38)

Explanation:

Construction and operation of the Project would result in emissions of criteria air pollutants from mobile, area, and stationary sources, which may cause exceedances of federal and state AAQS or contribute to existing nonattainment of AAQS. The following discussion identifies potential short-term construction and long-term operational impacts that would result from implementation of the Project.

Air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and the MDAQMD develops and implements plans for future attainment of AAQS. Although the area of the MDAB where the Project is located is currently designated a nonattainment area for federal and state O3 standards and federal and state PM10 standards, the MDAB has experienced a substantial reduction in maximum 8-hour concentrations of O3 over the past 30 years, as well as reductions in PM10 over time, as described in the respective MDAQMD O3 and PM10 attainment plans. CEQA thresholds are

established at levels that the air basin can accommodate without affecting the attainment date for the AAQS. Based on these considerations, Project-level thresholds of significance for criteria pollutants are relevant in the determination of whether a project's individual emissions would have a cumulatively significant impact on air quality.

Short-Term Construction Impacts

Construction of the Project would result in the temporary addition of pollutants to the local airshed caused by on-site sources (i.e., off-road construction equipment, soil disturbance, and VOC off-gassing from architectural coatings) and off-site sources (i.e., on-road haul trucks, vendor trucks, and worker vehicle trips). Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and for dust, the prevailing weather conditions. Therefore, such emission levels can only be approximately estimated with a corresponding uncertainty in precise ambient air quality impacts.

As discussed in the Methodology – Construction subsection of Section 4.2.3, Thresholds of Significance, criteria air pollutant emissions associated with temporary construction activity were quantified using CalEEMod. CalEEMod calculates maximum daily emissions for summer and winter periods. The estimated maximum daily construction emissions without mitigation are summarized in Draft EIR Table 4.2-9. Detailed construction model outputs are presented in Appendix B-1.

As depicted in Draft EIR Table 4.2-9, regional construction emissions would not exceed the applicable MDAQMD thresholds of significance for any criteria pollutant. Therefore, short-term impacts associated with a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment would be less than significant.

Long-Term Operational Impacts

Operation of the Project would generate criteria pollutant emissions from area sources (consumer products, architectural coatings, landscaping equipment), energy sources (natural gas combustion for space and water heating), mobile sources (vehicular traffic), off-road equipment (forklifts and yard trucks), and stationary sources (emergency diesel generator testing and maintenance). Draft EIR Table 4.2-10 summarizes the unmitigated maximum daily operational emissions associated with the Project. Detailed operational model outputs are presented in Appendix B-1.

As shown in Draft EIR Table 4.2-10, the Project would exceed the numerical thresholds of significance established by the MDAQMD for emissions of NOx and CO. This impact would be potentially significant without mitigation.

Mitigation measures are required to minimize operational-related air quality

impacts. As depicted in Table Draft EIR 4.2-10 above, most criteria air pollutants associated with the Project are generated by off-road cargo handling equipment (diesel and CNG fueled) and on-road vehicles. MM-AQ-1 includes the requirement for all off-road cargo handling equipment to be zero-emission, which would reduce the long-term criteria air pollutant emissions substantially. Other site design requirements of MM-AQ-1 were not quantified, however, including the provision of infrastructure to support on-road electric vehicles (EVs) and electric landscaping equipment. In addition, neither the Project Applicant nor the Town of Apple Valley can substantively or materially affect reductions in Project on-road mobile source emissions beyond what is already required by regulation. Draft EIR Table 4.2-11 summarizes the mitigated maximum daily operational emissions associated with the Project. Detailed operational model outputs are presented in Appendix B-1.

After implementation of MM-AQ-1, the Project would not exceed the MDAQMD thresholds for NOx and CO. Therefore, with the incorporation of mitigation, long-term impacts associated with a cumulatively considerable net increase of criteria pollutants for which the Project region is non-attainment would be less than significant.

Health Effects of Criteria Air Pollutants

Construction of the Project would result in emissions that would not exceed the MDAQMD thresholds for criteria air pollutants. Operation of the Project, however, would result in emissions that would exceed the MDAQMD thresholds for criteria air pollutants without mitigation, including NOx (304 pounds per day above threshold) and CO (2,374 pounds per day above threshold). However, as described above, incorporation of MM-AQ-1 would substantially reduce long-term emissions to below thresholds.

As discussed in Section 4.2.1, Existing Conditions, under the heading Pollutants and Effects, health effects associated with O3 include respiratory symptoms, worsening of lung disease leading to premature death, and damage to lung tissue. VOCs and NOx are precursors to O3, for which the MDAB is designated as nonattainment with respect to the NAAQS and CAAQS. The contribution of VOCs and NOx to regional ambient O3 concentrations is the result of complex photochemistry. The increases in O3 concentrations in the MDAB due to O3 precursor emissions tend to be found downwind of the source location because of the time required for the photochemical reactions to occur. Further, the potential for exacerbating excessive O3 concentrations would also depend on the time of year that the VOC emissions would occur, because exceedances of the O3 NAAQS and CAAQS tend to occur between April and October when solar radiation is highest. Due to the lack of quantitative methods to assess this complex photochemistry, the holistic effect of a single project's emissions of O3 precursors is speculative. As the Project would not exceed the MDAQMD threshold for NOx after implementation of MM-AQ-1, the Project is not

anticipated to contribute to health effects associated with O3.

Health effects associated with NOx and NO2 (which is a constituent of NOx) include lung irritation and enhanced allergic responses (see Section 4.2.1). Since the mitigated Project would not result in NOx emissions that would exceed the MDAQMD mass daily thresholds and because the MDAB is a designated attainment area for NO2 (and NO2 is a constituent of NOx) and the existing NO2 concentrations in the area are well below the NAAQS and CAAQS standards,[9] it is not anticipated that the Project would cause an exceedance of the NAAQS and CAAQS for NO2 or result in potential health effects associated with NO2 and NOx.

Health effects associated with CO include chest pain in patients with heart disease, headache, light-headedness, and reduced mental alertness (see Section 4.2.1). CO tends to be a localized impact associated with congested intersections. The potential for CO hotspots is discussed under the subsequent impact criterion below and determined to be less than significant.

Health effects associated with PM10 include premature death and hospitalization, primarily for worsening of respiratory disease (see Section 4.2.1). Operation of the Project would not exceed the MDAQMD threshold for PM10. Because the Project does not emit substantial particulate matter during operation, the Project would not result in associated health effects.

The California Supreme Court's *Sierra Club v. County of Fresno* (2018) 6 Cal. 5th 502 decision (referred to herein as the Friant Ranch decision; issued on December 24, 2018), addresses the need to correlate mass emission values for criteria air pollutants to specific health consequences, and contains the following direction from the California Supreme Court: "The Environmental Impact Report (EIR) must provide an adequate analysis to inform the public how its bare numbers translate to create potential adverse impacts or it must explain what the agency *does* know and why, given existing scientific constraints, it cannot translate potential health impacts further" (italics original). Currently, MDAQMD, CARB, and EPA have not approved a quantitative method to reliably, meaningfully, and consistently translate the mass emission estimates for the criteria air pollutants resulting from the Project to specific health effects. In addition, there are numerous scientific and technological complexities associated with correlating criteria air pollutant emissions from an individual project to specific health effects or potential additional nonattainment days.

In connection with the judicial proceedings culminating in issuance of the Friant Ranch decision, the SCAQMD and the San Joaquin Valley Air Pollution Control District (SJVAPCD) filed amicus briefs attesting to the extreme difficulty of correlating an individual project's criteria air pollutant emissions to specific health impacts. Both the SJVAPCD and the SCAQMD have among the most sophisticated air quality modeling and health impact

evaluation capabilities of the air districts in the state. The key, relevant points from the SCAQMD and SJVAPCD briefs are summarized herein.

In requiring a health impact type of analysis for criteria air pollutants, it is important to understand how O3 and PM is formed, dispersed, and regulated. The formation of O3 and PM in the atmosphere, as secondary pollutants,[10] involves complex chemical and physical interactions of multiple pollutants from natural and anthropogenic sources. The O3 reaction is self-perpetuating (or catalytic) in the presence of sunlight because NO2 is photochemically reformed from nitric oxide (NO). In this way, O3 is controlled by both NOx and VOC emissions (NRC 2005). The complexity of these interacting cycles of pollutants means that incremental decreases in one emission may not result in proportional decreases in O3 (NRC 2005). Although these reactions and interactions are well understood, variability in emission source operations and meteorology creates uncertainty in the modeled O3 concentrations to which downwind populations may be exposed (NRC 2005). Once formed, O3 can be transported long distances by wind and due to atmospheric transport, contributions of precursors from the surrounding region can also be important (EPA 2008). Because of the complexity of O3 formation, a specific tonnage of VOCs or NOX emitted in a particular area does not equate to a particular concentration of O3 in that area (SJVAPCD 2015). PM can be divided into two categories: directly emitted PM and secondary PM. Secondary PM, like O3, is formed via complex chemical reactions in the atmosphere between precursor chemicals such as SOx and NOx (SJVAPCD 2015). Because of the complexity of secondary PM formation, including the potential to be transported long distances by wind, the tonnage of PM-forming precursor emissions in an area does not necessarily result in an equivalent concentration of secondary PM in that area (SJVAPCD 2015). This is especially true for individual projects, like the Project, where Project-generated criteria air pollutant emissions are not derived from a single “point source,” but from construction equipment and mobile sources (passenger cars and trucks) driving to, from and around the Project site.

Another important technical nuance is that health effects from air pollutants are related to the concentration of the air pollutant that an individual is exposed to, not necessarily the individual mass quantity of emissions associated with an individual project. For example, health effects from O3 are correlated with increases in the ambient level of O3 in the air a person breathes (SCAQMD 2015). However, it takes a large amount of additional precursor emissions to cause a modeled increase in ambient O3 levels over an entire region (SCAQMD 2015). The lack of link between the tonnage of precursor pollutants and the concentration of O3 and PM2.5 formed is important because it is not necessarily the tonnage of precursor pollutants that causes human health effects; rather, it is the concentration of resulting O3 that causes these effects (SJVAPCD 2015). Indeed, the ambient air quality standards, which are statutorily required to be set by EPA at levels

that are requisite to protect the public health, are established as concentrations of O3 and PM2.5 and not as tonnages of their precursor pollutants (EPA 2018a). Because the ambient air quality standards are focused on achieving a particular concentration region-wide, the tools and plans for attaining the AAQS are regional in nature. For CEQA analyses, project-generated emissions are typically estimated in pounds per day or tons per year and compared to mass daily or annual emission thresholds. While CEQA thresholds are established at levels that the air basin can accommodate without affecting the attainment date for the AAQS, even if a project exceeds established CEQA significance thresholds, this does not mean that one can easily determine the concentration of O3 or PM that will be created at or near the Project site on a particular day or month of the year, or what specific health impacts will occur (SJVAPCD 2015).

Regarding regional concentrations and air basin attainment, the SJVAPCD emphasized that attempting to identify a change in background pollutant concentrations that can be attributed to a single project, even one as large as the entire Friant Ranch Specific Plan, is a theoretical exercise. The SJVAPCD brief noted that it "would be extremely difficult to model the impact on NAAQS attainment that the emissions from the Friant Ranch project may have" (SJVAPCD 2015). The situation is further complicated by the fact that background concentrations of regional pollutants are not uniform either temporally or geographically throughout an air basin but are constantly fluctuating based upon meteorology and other environmental factors. SJVAPCD noted that the currently available modeling tools are equipped to model the impact of all emission sources in the San Joaquin Valley Air Basin on attainment (SJVAPCD 2015). The SJVAPCD brief then indicated that, "Running the photochemical grid model used for predicting O3 attainment with the emissions solely from the Friant Ranch project (which equate to less than one-tenth of one percent of the total NOx and VOC in the Valley) is not likely to yield valid information given the relative scale involved" (SJVAPCD 2015).

SCAQMD and SJVAPCD have indicated that it is not feasible to quantify project-level health impacts based on existing modeling (SCAQMD 2015; SJVAPCD 2015). Even if a metric could be calculated, it would not be reliable because the models are equipped to model the impact of all emission sources in an air basin on attainment and would likely not yield valid information or a measurable increase in O3 concentrations sufficient to accurately quantify O3-related health impacts for an individual project.

Nonetheless, following the Supreme Court's Friant Ranch decision, some EIRs where estimated criteria air pollutant emissions exceeded applicable air district thresholds have included a quantitative analysis of potential project-generated health effects using a combination of a regional photochemical grid model (PGM)[11] and the EPA Benefits Mapping and Analysis Program (BenMAP or BenMAP–Community Edition [CE]).[12] The

publicly available health impact assessments (HIAs) typically present results in terms of an increase in health incidences and/or the increase in background health incidence for various health outcomes resulting from a project's estimated increase in concentrations of O3 and PM2.5.[13] To date, the five publicly available HIAs reviewed (and discussed in detail in Appendix B-3) have concluded that the evaluated projects' health effects associated with the estimated project-generated increase in concentrations of O3 and PM2.5 represent a small increase in incidences and a very small percentage of the number of background incidences, indicating that these health impacts are negligible and potentially within the models' margin of error. It is also important to note that while the results of the five available HIAs conclude that project emissions do not result in a substantial increase in health incidences, the estimated emissions and assumed toxicity is also conservatively inputted into the HIA and thus, overestimate health incidences, particularly for PM2.5.

As explained in the SJVAPCD brief and noted previously, running the PGM used for predicting O3 attainment with the emissions solely from an individual project like the Friant Ranch project or the Project is not likely to yield valid information given the relative scale involved. The five examples reviewed support the SJVAPCD's brief contention that consistent, reliable, and meaningful results may not be provided by methods applied at this time. Accordingly, additional work in the industry and more importantly, air district participation, is needed to develop a more meaningful analysis to correlate Project-level mass criteria air pollutant emissions and health effects for decision makers and the public. Furthermore, at the time of writing, no HIA has concluded that health effects estimated using the PGM and BenMAP approach are substantial provided that the estimated Project-generated incidences represent a very small percentage of the number of background incidences, potentially within the models' margin of error.

Notably, there are numerous scientific and technological complexities associated with correlating criteria air pollutant emissions from an individual project to specific health effects or potential additional nonattainment days, and methods available to quantitatively evaluate health effects may not be appropriate to apply to emissions associated with the Project, which cannot be estimated with a high-level of accuracy (see Appendix B-3). However, based on the preceding considerations, because construction and operation of the Project would not result in the emissions of criteria air pollutants that would exceed the applicable MDAQMD significance thresholds, and because the MDAQMD thresholds are based on levels that the MDAB can accommodate without affecting the attainment date for the NAAQS and CAAQS, and the NAAQS and CAAQS are established to protect public health and welfare, it is anticipated that the Project would not result in health effects associated with criteria air pollutants and the impact would be less than significant after implementation of MM-AQ-1. (Draft EIR, pp. 4.2-31 – 4.2-38.)

3. Sensitive Receptors

Threshold: Would the Project expose sensitive receptors to substantial pollutant concentrations?

Finding: Less than significant with mitigation. (Draft EIR, pp. 4.2-39 – 4.2-42)

Explanation:

The potential impact of Project-generated air pollutant emissions at sensitive receptors has been considered. Sensitive receptors can include uses such as long-term health care facilities, rehabilitation centers, and retirement homes. Residences, schools, playgrounds, child-care centers, and athletic facilities can also be considered as sensitive receptors. The nearest sensitive receptor to the Project site is a fire center approximately 600 feet to the south, which could potentially contain sleeping quarters, and a single-family residence approximately 650 feet to the east.

Criteria Air Pollutant Emissions and Associated Pollutant Concentrations

As discussed above in Threshold B, because operation of the Project could result in exceedances of the MDAQMD significance thresholds for NOx and CO, the Project would potentially result in health effects associated with those pollutants. However, with implementation of MM-AQ-1, NOx and CO emissions would be reduced below the respective MDAQMD significance thresholds. Because construction of the Project would not exceed any MDAQMD thresholds, and operation of the Project would not exceed the MDAQMD thresholds after implementation of mitigation, and because the MDAQMD thresholds are based on levels that the MDAB can accommodate without affecting the attainment date for the AAQS and the AAQS are established to protect public health and welfare, the Project is not anticipated to result in health effects associated with any criteria air pollutant.

Local Carbon Monoxide Concentrations

Mobile source impacts occur on two scales of motion. Regionally, Project-related travel would add to regional trip generation and increase VMT within the local airshed and the MDAB. Locally, Project-generated traffic would be added to the roadway system near the Project site. If such traffic occurs during periods of poor atmospheric ventilation, is composed of a large number of vehicles “cold-started” and operating at pollution-inefficient speeds and operates on roadways already crowded with non-Project traffic, there is a potential for the formation of microscale CO hotspots in the area immediately around points of congested traffic. However, because of continued improvement in vehicular emissions at a rate faster than the rate of vehicle growth and/or congestion, the potential for CO hotspots in the MDAB is steadily decreasing.

The MDAQMD thresholds of significance for local CO emissions is the 1-hour and

8-hour CAAQS of 20 ppm and 9 ppm, respectively. By definition, these represent levels that are protective of public health. As noted previously, the MDAB is currently designated attainment for both state and national CO ambient air quality standards, and the Town of Apple Valley typically experiences low background CO concentrations.

As described in Section 4.2.3, to verify that the Project would not cause or contribute to a violation of the CO standard, a screening evaluation was conducted comparing the highest hourly traffic volumes at any studied intersection in proximity to the Project site to the 100,000 vehicles per day criterion from the SCAQMD Air Quality Management Plan (SCAQMD 2003). The highest average daily trips on a segment of road would be 19,187 daily trips on Stoddard Wells Road, east of I-15 NB Ramps - Outer I-15 intersection (Appendix J), which would be substantially less than the 100,000 vehicles per day screening criterion applied. Therefore, impacts associated with CO hotspots would be less than significant.

Toxic Air Contaminant Exposure
Construction Health Risk

As discussed in Section 4.2.3, a construction HRA was performed to estimate the Maximum Individual Cancer Risk and the Chronic Hazard Index for residential receptors as a result of Project construction. Results of the construction HRA are presented in Draft EIR Table 4.2-12. Detailed operational model outputs are presented in Appendix B-2.

As shown in Draft EIR Table 4.2-12, Project construction activities would result in a Maximum Individual Cancer Risk of 3.65 in 1 million at the nearest residence, which is below the significance threshold of 10 in 1 million. Project construction would result in a Chronic Hazard Index of 0.0023, which is below the 1.0 significance threshold. The Project construction TAC health risk impacts would be less than significant without mitigation.

Operational Health Risk

As discussed in Section 4.2.3, an HRA was performed to estimate the Maximum Individual Cancer Risk and Chronic Hazard Index for residential receptors associated with Project operations. Results of the operational HRA are presented in Draft EIR Table 4.2-13. Detailed operational model outputs are presented in Appendix B-2.

As shown in Draft EIR Table 4.2-12, the TAC emissions from operation of the Project would result in a Maximum Individual Cancer Risk of 293.74 in 1 million and a Chronic Hazard Index of 1.05, which would exceed the respective thresholds of significance and would result in a potentially significant impact without mitigation.

Mitigation measures are required to minimize operational-related air quality impacts (MM-AQ-1). MM-AQ-1 would require all off-road cargo handling and

landscaping equipment to be zero-emission. MM-AQ-1 results in such drastic reductions in cancer risk and Chronic Hazard risk because it completely removes the largest contributors to localized health risk (e.g., diesel and CNG cargo handling equipment) and replaces them with zero-emission equipment. This results in the elimination of all DPM, as well as TACs produced through CNG combustion, such as benzene and formaldehyde, associated with cargo handling equipment. Draft EIR Table 4.2-14 summarizes the mitigated operational health risk levels associated with the Project.

As shown in Draft EIR Table 4.2-14, mitigated Project operational activities would result in a Maximum Individual Cancer Risk of 2.95 in 1 million at the nearest residence, which is less than the significance threshold of 10 in 1 million. Mitigated Project operations would result in a Chronic Hazard Index of 0.0008, which is below the 1.0 significance threshold. The Project operational TAC health risk impacts would be less than significant after mitigation.

Valley Fever

As discussed in Section 4.2.1 under the subsection Valley Fever, Valley Fever is not highly endemic to San Bernardino County with an incident rate of 11.4 cases per 100,000 people (CDPH 2021). In contrast, in 2021 the statewide annual incident rate was 20.1 per 100,000 people. The California counties considered highly endemic for Valley Fever in 2021 include Kern (306.2 per 100,000), Kings (108.3 per 100,000), Tulare (65.8 per 100,000), San Luis Obispo (61.0 per 100,000), Fresno (39.8 per 100,000), Merced (28.3 per 100,000), and Monterey (27.0), which accounted for 52% of the reported cases in 2021 (CDPH 2022).

Even if present at the site, construction activities may not result in increased incidence of Valley Fever. Propagation of Valley Fever is dependent on climatic conditions, with the potential for growth and surface exposure highest following early seasonal rains and long dry spells. Valley Fever spores can be released when filaments are disturbed by earth-moving activities, although receptors must be exposed to and inhale the spores to be at increased risk of developing Valley Fever. Moreover, exposure to Valley Fever does not guarantee that an individual will become ill—approximately 60% of people exposed to the fungal spores are asymptomatic and show no signs of an infection (USGS 2000).

Notably, the Project would implement PDF-AQ-1, which includes dust control measures in accordance with the MDAQMD Rules 403, which would limit the amount of fugitive dust generated during construction. These requirements are consistent with California Department of Public Health recommendations for the implementation of dust control measures, including regular application of water during soil-disturbance activities, to reduce exposure to Valley Fever by minimizing the potential that the fungal spores become airborne (CDPH2013). Further, regulations designed to minimize exposure to Valley Fever hazards are included in Title 8 of the California Code of Regulations and would be complied with during the Project's construction phase (California Department of Industrial Relations 2017). Additionally, the project would institute Valley Fever-controlling measures

detailed in PDF-AQ-1.

In summary, the Project would not result in a significant impact attributable to Valley Fever exposure based on its geographic location and compliance with applicable regulatory standards and dust control measures, which will serve to minimize the release of and exposure to fungal spores. Therefore, impacts associated with Valley Fever exposure for sensitive receptors would be less than significant. (Final EIR, pp. 4.2-39 – 4.2-42)

B. BIOLOGICAL RESOURCES

1. Sensitive Species

Threshold: 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 Wildlife or U.S. Fish and Wildlife Service?

Finding: Less than significant with mitigation. (Draft EIR, pp. 4.3-23 – 4.3-39)

Explanation:

The following section evaluates the Project's potential direct and indirect effects on plant and wildlife species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.

Special-Status Plant Species

Direct Impacts

Non-Listed Special Status Plant Species and Western Joshua Tree

No non-listed special-status plant species were observed during the focused survey conducted on April 19 and 21, 2023; therefore, the Project would have no direct impacts to non-listed special-status plant species within the BSA. However, mitigation measures in this section will address potential impacts to non-listed special-status plants that may exist outside the limits of the BSA, but which may be indirectly impacted by project implementation.

One listed special-status plant species, western Joshua tree, was observed within the BSA, and this species is further discussed below.

Western Joshua Tree

Western Joshua tree, a candidate for state listing under CESA, was observed and would be directly impacted by the Project. Based on the site plan, implementation of the Project would result in direct impacts to three western Joshua tree individual. All ground-disturbing activities, even areas temporarily impacted, are considered

permanent impacts to western Joshua trees. Direct impacts to western Joshua tree are considered significant absent mitigation under CEQA.

The Western Joshua Tree Conservation Act, Fish and Game Code section 1927.3 requires the applicant to mitigate by paying the statutorily prescribed fees. Trees located in the area described in Fish and Game Code section 1927.3 (d) are in the reduced fee area; therefore, impacts to western Joshua tree can be mitigated on a per-tree basis as follows:

- 5 meters or greater in height - $1,000
- 1 meter or greater but less than 5 meters in height - $200
- less than 1 meter in height - $150

Therefore, the Project would result in direct impacts to 1 Joshua tree 1 meter or greater but less than 5 meters in height, and 2 Joshua trees less than 1 meter in height.

As required by MM-BIO-1 (Conservation of Western Joshua Tree Lands), direct impacts to 3 western Joshua tree individuals shall be mitigated through an ITP obtained from CDFW prior to Project activities in the form of a Western Joshua Tree Conservation Act ITP. Additionally, as required by MM-BIO-2 (Relocation of Desert Native Plants) and in accordance with Chapter 9.76 of the Apple Valley Municipal Code, the preparation of a western Joshua tree and desert native plants relocation plan is required to mitigate impacts to western Joshua trees as a result of the Project (also further discussed in Appendix C, Section 6.3.1.1, Impacts to Special-Status Plants Section 6.3.2, Impacts to Sensitive Vegetation Communities). As such, a Joshua Tree Preservation, Protection, and Relocation Plan, and California Desert Native Plant Relocation Plan (Appendix B of Appendix C) was prepared to provide detailed specifications for the Project applicant to meet the requirements of Chapter 9.76 (Plant Protection and Management Policy) of the Apple Valley Municipal Code to protect, preserve, and mitigate impacts to western Joshua trees. In addition, implementation of MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), and MM-BIO-6 (Construction Monitoring Notebook) would reduce potential direct impacts to a less-than-significant level.

In summary, implementation of MM-BIO-1 (Conservation of Western Joshua Tree Lands), MM-BIO-2 (Relocation of Desert Native Plants), MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Programs), and MM-BIO-6 (Construction Monitoring Notebook) would reduce potential direct impacts to western Joshua trees, Mojave monkeyflower, and beaver dam breadroot to less than significant.

The BSA does not occur within federally designated critical habitat for special-status plant species, and there would be no direct impacts to critical habitat.

Indirect Impacts

Non-Listed Special Status Plant Species and Western Joshua Tree

The Project would have no indirect impacts to non-listed special-status plant species within the BSA. However, mitigation measures in this section will address potential impacts to non-listed special-status plants that may exist outside the limits of the BSA, but which may be indirectly impacted by project implementation.

Additionally, a total of 19 western Joshua trees were mapped within the 50-foot survey buffer and the Project may result in indirect impacts to these western Joshua trees.

It is possible that these western Joshua trees may be indirectly impacted over the short-term or long-term indirect impacts; therefore, short-term construction related indirect impacts and long-term operational indirect impacts to western Joshua tree and non-listed special-status plants that may exist outside the limits of the BSA are further discussed below.

Short-Term Construction Impacts

Construction-related, short-term indirect impacts may include inadvertent spillover impacts outside of the construction footprint, dust accumulation on western Joshua tree and non-listed special-status plants that may exist outside the limits of the BSA, chemical spills, stormwater erosion and sedimentation, and increased wildfire risk.

Implementation of MM-BIO-3 (Designated Biologist Authority) gives the Project's designated biologist the authority to stop work if construction is not compliant with this CEQA document. MM-BIO-4 (Compliance Monitoring) requires that an experienced biologist oversee compliance with the protective measures, including limiting impacts to the Project impact footprint. MM-BIO-5 (Education Program) would provide construction personnel with training related to western Joshua trees that are present on and adjacent to the impact footprint. MM-BIO-6 (Construction Monitoring Notebook) provides for documentation that the education program was administered to applicable personnel. MM-BIO-7 (Delineation of Property Boundaries) requires that impacts occur within the fenced, staked, or flagged area that is clearly delineated within the Project impact footprint. The construction crew will be responsible for unauthorized impacts from construction activities to western Joshua trees that are outside the permitted Project footprint. Thus, implementation of MM-BIO-3 through MM-BIO-7 will enable the Project to avoid and minimize inadvertent spillover impacts outside of the approved impact footprint.

To reduce fugitive dust resulting from Project construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with the Mojave Desert Air Quality Management District's Rules 401 and 403.2, which limit the amount of fugitive dust generated during construction.

MM-BIO-8 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills will be implemented, and that repair and clean-up of any hazardous waste occurs. Thus, implementation of MM-BIO-8 would help to avoid and minimize impacts to western Joshua tree from any construction-related chemical spills.

A Stormwater Pollution Prevention Plan (SWPPP) would be prepared and implemented to prevent all construction pollutants from contacting stormwater during construction activities, with the intent of keeping sediment and any other pollutants from moving off site and into receiving waters. Best management practice (BMP) categories employed on site would include erosion control, sediment control, and non-stormwater good housekeeping. Preparation and implementation of a SWPPP would help to avoid and minimize the potential effects of stormwater erosion during construction.

Construction of the Project would introduce potential ignition sources to the Project site, including the use of heavy machinery and the potential for sparks during welding activities or other hot work. However, the Project would be required to comply with Town and state requirements for fire safety practices to reduce the possibility of fires during construction activities. Further, vegetation would be removed from the site prior to the start of construction. Adherence to Town and state regulatory standards during Project construction would reduce the risk of wildfire ignition and spread during construction activities. Therefore, short-term construction impacts involving wildland fires would not be substantial.

Long-Term Operational Impacts

Potential long-term (post-construction) indirect impacts from operation and maintenance activities may include effects of herbicides, changes in water quality, increased wildfire risk, induced demand of the surrounding area, increased traffic and vehicle emissions, and accidental chemical spills. Indirect long-term impacts to western Joshua tree are considered significant absent mitigation.

Implementation of MM-BIO-9 (Herbicides) would limit herbicide use to instances where hand or mechanical efforts are infeasible and would only be applied when wind speeds are less than 7 miles per hour to prevent drift into off-site western Joshua trees.

Implementation of low-impact-development features and BMPs would, to the maximum extent practicable, reduce the discharge of pollutants into receiving waters, including inadvertent release of pollutants (e.g., hydraulic fluids and petroleum), the improper management of hazardous materials, trash and debris, and the improper management of portable restroom facilities (e.g., regular service) in accordance with all relevant local and state development standards. In addition, in accordance with CALGreen requirements (California Green Building Standards Code, California Code of Regulations [CCR], Title 24, Part 11), Project source controls to improve water quality would be provided for outdoor material storage areas, outdoor trash storage/waste handling areas, and outdoor loading/unloading

areas. Therefore, impacts to western Joshua trees due to changes in water quality would be avoided and minimized through implementation of low-impact-development features and BMPs.

Upon completion of Project construction, with adherence to the Town of Apple Valley Municipal Code and because of the low ignitability of the proposed structures and implementation of fire-resistant and irrigated landscaping, the Project would not facilitate wildfire spread or exacerbate wildfire risk. Further, given that surrounding off-site fuels consist of moderately spaced vegetation, wildfires in the immediate surrounding area are not common, and it is unlikely that the Project site would be exposed to the uncontrolled spread of a wildfire. It is not anticipated that the Project, due to slope, prevailing winds, and other factors, would exacerbate wildfire risks or the uncontrolled spread of a wildfire; thus, with adherence to the Town of Apple Valley Municipal Code, long-term indirect impacts to western Joshua tree associated with increased wildlife risk is not expected to occur.

In summary, implementation of MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), MM-BIO-6 (Construction Monitoring Notebook), MM-BIO-7 (Delineation of Property Boundaries), MM-BIO-8 (Hazardous Waste), and MM-BIO-9 (Herbicides) would reduce potential indirect impacts to western Joshua tree or other special-status plant species that may exist outside the limits of the BSA to less than significant. (Final EIR, pp. 4.3-25 – 4.3-28.)

Special-Status Wildlife
Direct Impacts

The Project could result in significant, direct impacts to four special-status wildlife species that have a moderate to high potential to occur within the BSA (Mojave desert tortoise, loggerhead shrike, Bendire's thrasher, and American badger), and three special-status wildlife species that were observed within the BSA (burrowing owl, LeConte's thrasher and desert kit fox[5]). Focused surveys conducted for Mohave ground squirrel were negative; therefore, this species is not expected to occur and will not be analyzed further. These species are detailed in the following discussion.

The BSA does not occur within federally designated critical habitat for special-status wildlife species, and there would be no direct impacts to critical habitat.

Mojave Desert Tortoise

Protocol surveys completed on October 4, 2022, and January 17, 2023, resulted in no observations of active desert tortoise burrows, active desert tortoise sign (e.g., scat, drink basins, footprints), or individual desert tortoises. However, the BSA contains suitable sandy soils, ephemeral washes, and creosote scrub to support this species. In addition, the nearest CNDDB occurrence was from 2004 and is mapped approximately 3.3 miles northwest of the BSA (CDFW 2023b), and

the BSA is within a high probability predicted habitat for the species (CDFW 2023c). Therefore, based on the discussion above, and because Mojave desert is a mobile species that could enter the BSA prior to construction, this species was determined to have a moderate potential to occur, and potential direct and indirect impacts to Mojave desert tortoise would be significant absent mitigation under CEQA.

A pre-construction Mojave desert tortoise clearance survey in compliance with current USFWS protocol would be necessary to reevaluate the locations of potential Mojave desert tortoise burrows within the Project limits so take of Mojave desert tortoise can be avoided. Consistent with MM-BIO-10 (Pre-construction Clearance Surveys for Mojave Desert Tortoise and Avoidance), a pre-construction clearance survey for Mojave desert tortoise would be conducted in areas supporting potentially suitable habitat 14 to 21 days prior to the start of construction activities; or, alternatively, pre-construction clearance surveys may be conducted following construction of a desert-tortoise-proof fence encompassing the Project site that would ensure that tortoises cannot enter the Project after clearance surveys are completed. Should Mojave desert tortoises be located during the clearance survey, additional measures in compliance with current USFWS protocol would be required, as described further in MM-BIO-10 (Pre-construction Clearance Surveys for Mojave Desert Tortoise and Avoidance). In addition, implementation of MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Programs), and MM-BIO-6 (Construction Monitoring Notebook) would reduce potential direct impacts to less than significant.

Should Mojave desert tortoise be located during the clearance survey, the Project would result in the permanent loss of 75.1 acres of suitable habitat for Mojave desert tortoise, including impacts to creosote bush scrub, unvegetated wash and river bottom, and disturbed habitat. These direct permanent impacts would be significant absent mitigation. As required by MM-BIO-10 (Pre-construction Clearance Surveys for Mojave Desert Tortoise and Avoidance), mitigation for direct impacts to 75.1 acres, should Mojave desert tortoise be found during pre-construction clearance surveys, would be fulfilled through conservation of suitable Mojave desert tortoise habitat through the purchase of credits at a minimum of 1:1 in-kind habitat replacement. Should habitat replacement occur at a single mitigation site, the site must host all special-status species observed during pre-construction surveys for which habitat replacement is required (i.e., desert tortoise and burrowing owl). (FEIR, p. 4.3-29.)

The Project would also result in the temporary loss of 13.1 acres of suitable habitat for Mojave desert tortoise, specifically 8.5 acres of creosote bush scrub, 0.1 acres of creosote bush white bursage scrub, 0.03 acres of unvegetated wash and river bottom, and 4.5 acres of disturbed habitat. These direct temporary impacts would be significant absent mitigation. As required by MM-BIO-11 (Restoration of Temporary Impacts), temporarily disturbed areas would be recontoured to natural grade (if the grade was modified during the temporary disturbance activity). The

Project does not include revegetation or restoration of temporary impacts after Project completion. However, natural vegetation will be allowed to regenerate in temporary disturbed areas. Furthermore, if topsoil is removed during construction, the segregated topsoil will be replaced, and the native seed will be allowed to regenerate naturally.

Implementation of MM-BIO-1 (Conservation of Western Joshua Tree Lands), MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), MM-BIO-6 (Construction Monitoring Notebook), and MM-BIO-10 (Pre-construction Clearance Surveys for Mojave Desert Tortoise and Avoidance), and MM-BIO-11 (Restoration of Temporary Impacts) would reduce potential direct impacts (permanent and temporary) to Mojave desert tortoise to less than significant.

Burrowing Owl

Focused surveys for burrowing owl were not conducted; however, an individual burrowing owl was incidentally observed flushing from a previously mapped active burrow during the April 2023 surveys. Therefore, suitable habitat exists on site, and the species could occupy the BSA prior to construction. Potential direct and indirect impacts to burrowing owl would be significant absent mitigation under CEQA.

Pursuant to the California Fish and Game Code and the MBTA, a pre-construction survey in compliance with the Staff Report on Burrowing Owl Mitigation (CDFW 2012) would be necessary to reevaluate the locations of potential burrowing owl burrows located within the Project limits so take of owls or active owl nests can be avoided. Consistent with MM-BIO-12 (Pre-construction Surveys for Burrowing Owl and Avoidance), pre-construction surveys for burrowing owl shall be conducted in areas supporting potentially suitable habitat with the first survey no less than 14 days prior to the start of construction activities, and the second within 24 hours of start of construction. A burrowing owl relocation plan has been prepared to facilitate implementation of this mitigation measure (Appendix I of Appendix C). In addition, implementation of MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), and MM-BIO-6 (Construction Monitoring Notebook) would reduce potential direct impacts to a less-than significant level.

Furthermore, should burrowing owl be located during the pre-construction survey, the Project would result in the loss of 75.1 acres of suitable habitat for burrowing owl, including impacts to creosote bush scrub, unvegetated wash and river bottom, and disturbed habitat. These direct permanent impacts would be significant absent mitigation. As required by MM-BIO-12 (Pre-construction Surveys for Burrowing Owl Avoidance), mitigation for direct impacts to 75.1 acres, should burrowing owl be found during pre-construction surveys, would be fulfilled through conservation of suitable burrowing owl habitat through the purchase of credits at a minimum of 1:1 in-kind habitat replacement. Should habitat replacement occur at a single mitigation site, the site must host all special-status species observed during pre-

construction surveys for which habitat replacement is required (i.e., desert tortoise and burrowing owl). (Final EIR, p. 4.3-30.)

The Project would also result in the temporary loss of 13.1 acres of suitable habitat for burrowing owl, specifically 8.5 acres of creosote bush scrub, 0.1 acres of creosote bush white bursage scrub, 0.03 acres of unvegetated wash and river bottom, and 4.5 acres of disturbed habitat. These direct temporary impacts would be significant absent mitigation. As required by MM-BIO-11 (Restoration of Temporary Impacts), temporarily disturbed areas would be recontoured to natural grade (if the grade was modified during the temporary disturbance activity). The Project would not include revegetation or restoration of temporary impacts after Project completion. However, natural vegetation would be allowed to regenerate in temporary disturbed areas. Furthermore, if topsoil were to be removed during construction, the segregated topsoil would be replaced and the native seed allowed to regenerate naturally.

In summary, implementation of MM-BIO-1 (Conservation of Western Joshua Tree Lands), MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), MM-BIO-6 (Construction Monitoring Notebook), MM-BIO-11 (Restoration of Temporary Impacts), and MM-BIO-12 (Pre-construction Surveys for Burrowing Owl and Avoidance) would reduce potential direct impacts (permanent and temporary) to burrowing owl to less than significant.

Loggerhead Shrike

Loggerhead shrike was not observed during any of the survey efforts conducted in 2022 and 2023; however, this species has a moderate potential to occur within the BSA. Suitable nesting habitat, particularly western Joshua trees, is present within the BSA.

The Project would result in the permanent loss of 70.9 acres of suitable habitat for loggerhead shrike (i.e., impacts to creosote bush scrub). However, due to the surrounding vacant lands available with comparable suitable habitat, the loss 70.9 acres of suitable habitat for loggerhead shrike would be considered less than significant.

The Project would also result in the temporary loss of 8.6 acres of suitable habitat for loggerhead shrike, specifically 8.5 acres of creosote bush scrub and 0.1 acres of creosote bush white bursage scrub. However, due to the surrounding vacant lands available with comparable suitable habitat, the temporary loss of 8.6 acres of suitable habitat for loggerhead shrike would be considered less than significant. Nonetheless, as required MM-BIO-11 (Restoration of Temporary Impacts), would require that temporarily disturbed areas be recontoured to natural grade (if the grade was modified during the temporary disturbance activity). The Project does not include revegetation or restoration of temporary impacts after Project completion. However, natural vegetation will be allowed to regenerate in temporary disturbed areas. Furthermore, if topsoil is removed during construction, the

segregated topsoil will be replaced, and the native seed will be allowed to regenerate naturally. To avoid potential impacts to nesting loggerhead shrike, vegetation removal activities would be conducted outside the general bird nesting season (February 1 through August 31). If vegetation cannot be removed outside the bird nesting season, a pre- construction nesting bird survey by a qualified biologist is required prior to vegetation removal. This requirement is outlined in MM-BIO-13 (Pre-construction Nesting Bird Surveys and Avoidance).

Implementation of MM-BIO-1 (Conservation of Western Joshua Tree Lands), MM-BIO-11 (Restoration of Temporary Impacts), and MM-BIO-13 (Pre-construction Nesting Bird Surveys and Avoidance) would reduce potential direct impacts to loggerhead shrike to less than significant.

Bendire's Thrasher

Bendire's thrasher was not observed during any of the survey efforts conducted in 2022 and 2023; however, this species has a moderate potential to occur within the BSA. Suitable nesting habitat, particularly western Joshua trees, yucca, cholla, and other desert shrubs, are present within the BSA.

The Project would result in the loss of 70.9 acres of suitable habitat for Bendire's thrasher (i.e., impacts to creosote bush scrub). However, due to the surrounding vacant lands available with comparable suitable habitat, the loss of 70.9 acres of suitable habitat for Bendire's thrasher would be considered less than significant.

The Project would also result in the temporary loss of 8.6 acres of suitable habitat for Bendire's thrasher, specifically 8.5 acres of creosote bush scrub and 0.1 acres of creosote bush white bursage scrub. However, due to the surrounding vacant lands available with comparable suitable habitat, the temporary loss of 8.6 acres of suitable habitat for Bendire's thrasher would be considered less than significant. Nonetheless, as required MM-BIO-11 (Restoration of Temporary Impacts), would require that temporarily disturbed areas be recontoured to natural grade (if the grade was modified during the temporary disturbance activity). The Project does not include revegetation or restoration of temporary impacts after Project completion. However, natural vegetation will be allowed to regenerate in temporary disturbed areas. Furthermore, if topsoil is removed during construction, the segregated topsoil will be replaced, and the native seed will be allowed to regenerate naturally.

To avoid potential impacts to nesting Bendire's thrasher, vegetation removal activities would be conducted outside the general bird nesting season (February 1 through August 31). If vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey by a qualified biologist is required prior to vegetation removal. This requirement is outlined in MM-BIO-13 (Pre-construction Nesting Bird Surveys and Avoidance).

Implementation of MM-BIO-1 (Conservation of Western Joshua Tree Lands), MM-BIO-11 (Restoration of Temporary Impacts), and MM-BIO-13 (Pre-construction

Nesting Bird Surveys and Avoidance) would reduce potential direct impacts to Bendire's thrasher to less than significant.

LeConte's Thrasher

LeConte's thrasher was incidentally observed during 2022 protocol Mohave ground squirrel trapping surveys. The BSA supports suitable foraging habitat (desert scrub) and nesting habitat (spiny shrubs and cactus) for LeConte's thrasher.

The Project would result in the loss of approximately 70.9 acres of suitable habitat for LeConte's thrasher (i.e., impacts to creosote bush scrub). However, due to the surrounding vacant lands available with comparable suitable habitat, the loss 70.9 acres of suitable habitat for LeConte's thrasher would be considered less than significant.

The Project would also result in the temporary loss of 8.6 acres of suitable habitat for LeConte's thrasher, specifically 8.5 acres of creosote bush scrub and 0.1 acres of creosote bush white bursage scrub. However, due to the surrounding vacant lands available with comparable suitable habitat, the temporary loss of 8.6 acres of suitable habitat for LeConte's thrasher would be considered less than significant. Nonetheless, as required MM-BIO-11 (Restoration of Temporary Impacts), would require that temporarily disturbed areas be recontoured to natural grade (if the grade was modified during the temporary disturbance activity). The Project does not include revegetation or restoration of temporary impacts after Project completion. However, natural vegetation will be allowed to regenerate in temporary disturbed areas. Furthermore, if topsoil is removed during construction, the segregated topsoil will be replaced, and the native seed will be allowed to regenerate naturally.

To avoid potential impacts to nesting LeConte's thrasher, vegetation removal activities would be conducted outside the general bird nesting season (February 1 through August 31). If vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey by a qualified biologist is required prior to vegetation removal. This requirement is outlined in MM-BIO-13 (Pre-construction Nesting Bird Surveys and Avoidance).

Implementation of MM-BIO-1 (Conservation of Western Joshua Tree Lands), MM-BIO-11 (Restoration of Temporary Impacts), and MM-BIO-13 (Pre-construction Nesting Bird Surveys and Avoidance) would reduce potential direct impacts to LeConte's thrasher to less than significant.

American Badger

The BSA contains open creosote flats with friable soils, which is suitable habitat for American badger. In addition, suitable burrows were mapped within the BSA; therefore, the species could occupy the BSA prior to construction.

The Project would result in the loss of 75.1 acres of suitable habitat for American badger, including impacts to creosote bush scrub, unvegetated wash and river bottom, and disturbed habitat. However, due to the surrounding vacant lands available with comparable suitable habitat, the loss 75.1 acres of suitable habitat for American badger would be considered less than significant.

The Project would also result in the temporary loss of 13.1 acres of suitable habitat for American badger, specifically 8.5 acres of creosote bush scrub, 0.1 acres of creosote bush white bursage scrub, 0.03 acres of unvegetated wash and river bottom, and 4.5 acres of disturbed habitat. However, due to the surrounding vacant lands available with comparable suitable habitat, the temporary loss of 13.1 acres of suitable habitat for American badger would be considered less than significant. Nonetheless, as required MM-BIO-11 (Restoration of Temporary Impacts), would require that temporarily disturbed areas be recontoured to natural grade (if the grade was modified during the temporary disturbance activity). The Project does not include revegetation or restoration of temporary impacts after Project completion. However, natural vegetation will be allowed to regenerate in temporary disturbed areas. Furthermore, if topsoil is removed during construction, the segregated topsoil will be replaced, and the native seed will be allowed to regenerate naturally.

To avoid potential direct impacts to American badger, a pre-construction survey for American badger would be conducted within 10 days prior to the start of construction to determine the presence/absence of American badger. As such, in an abundance of caution and to ensure that potential impacts to this species are less than significant, the Project applicant would prepare a mitigation and monitoring plan that addresses American badger if the species is determined to occur on the Project site prior to the start of construction, pursuant to MM-BIO-14 (Pre-construction Survey for American Badger and Avoidance). With the incorporation of mitigation, impacts associated with American badger would be less than significant. In addition, implementation of MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), and MM-BIO-6 (Construction Monitoring Notebook) would reduce potential direct impacts to less than significant.

Implementation of MM-BIO-1 (Conservation of Western Joshua Tree Lands), MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), MM-BIO-6 (Construction Monitoring Notebook), MM-BIO-11 (Restoration of Temporary Impacts), and MM-BIO-14 (Pre-construction Survey for American Badger and Avoidance) would reduce potential direct impacts to American badger to less than significant.

Desert Kit Fox

Desert kit fox was observed within the BSA through camera trapping as part of the Mohave ground squirrel–focused surveys. Additionally, several suitable burrows were mapped within the BSA; therefore, the species could occupy the BSA prior to construction.

The Project would result in the loss of 75.1 acres of suitable habitat for desert kit fox, including impacts to creosote bush scrub, unvegetated wash and river bottom, and disturbed habitat. However, due to the surrounding vacant lands available with comparable suitable habitat, the loss 75.1 acres of suitable habitat for desert kit fox is considered less than significant.

The Project would also result in the temporary loss of 13.1 acres of suitable habitat for desert kit fox, specifically 8.5 acres of creosote bush scrub, 0.1 acres of creosote bush white bursage scrub, 0.03 acres of unvegetated wash and river bottom, and 4.5 acres of disturbed habitat. However, due to the surrounding vacant lands available with comparable suitable habitat, the temporary loss of 13.1 acres of suitable habitat for desert kit fox would be considered less than significant. Nonetheless, as required MM-BIO-11 (Restoration of Temporary Impacts), would require that temporarily disturbed areas be recontoured to natural grade (if the grade was modified during the temporary disturbance activity). The Project does not include revegetation or restoration of temporary impacts after Project completion. However, natural vegetation will be allowed to regenerate in temporary disturbed areas. Furthermore, if topsoil is removed during construction, the segregated topsoil will be replaced, and the native seed will be allowed to regenerate naturally.

To avoid potential direct impacts to desert kit fox, a pre-construction survey for desert kit fox would be conducted within 10 days prior to the start of construction to determine the presence/absence of desert kit fox, pursuant to MM-BIO-15 (Pre-construction Survey for Desert Kit Fox and Avoidance). To ensure that potential impacts to this species are less than significant, a Desert Kit Fox Relocation and Mitigation Plan has been prepared to facilitate implementation of this mitigation measure and is attached to this report as Appendix J of Appendix C. In addition, implementation of MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), and MM-BIO-6 (Construction Monitoring Notebook) would reduce potential direct impacts to less than significant.

In summary, implementation of MM-BIO-1 (Conservation of Western Joshua Tree Lands), MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), MM-BIO-6 (Construction Monitoring Notebook), MM-BIO-11 (Restoration of Temporary Impacts), and MM-BIO-15 (Pre-construction Survey for Desert Kit Fox and Avoidance) would reduce potential direct impacts to desert kit fox to less than significant.

Nesting Migratory Birds and Raptors

The BSA contains trees, shrubs, and other vegetation that provides opportunities for birds of prey (raptors) and other avian species to nest on site. Native nesting bird species with potential to occur within the BSA are protected by California Fish and Game Code Sections 3503 and 3503.5 and by the federal MBTA (16 USC 703–711). Section 3503 provides that it is unlawful to take, possess, or needlessly destroy the active nests or eggs of any bird in California; Section 3503.5 protects

all raptors and their eggs and active nests; and the MBTA prohibits the take (including killing, capturing, selling, trading, and transport) of native migratory bird species throughout the United States. Currently, California considers any nest that is under construction or modification or is supporting eggs, nestlings, or juveniles as “active.” Therefore, impacts to nesting migratory birds and raptors would be considered significant absent mitigation under CEQA.

To ensure compliance with the California Fish and Game Code and the MBTA and to avoid potential impacts to nesting birds, it is recommended that the vegetation removal activities be conducted outside the general bird nesting season (February 1 through August 31, depending on the species), and if vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey by a qualified biologist is required prior to vegetation removal. This requirement is outlined in MM-BIO-13 (Pre-construction Nesting Bird Surveys and Avoidance). With the incorporation of mitigation, impacts associated with nesting birds, including raptors, would be less than significant.

In summary, implementation of MM-BIO-13 (Pre-construction Nesting Bird Surveys and Avoidance) would reduce potential direct impacts to nesting migratory birds and raptors to less than significant.

Indirect Impacts

Indirect impacts to special-status wildlife species are those that occur during construction to species present near the site, but not within the construction zone. These include fugitive dust that can degrade habitat and result in health implications for wildlife species; noise and vibration that can stress wildlife species or cause them to leave an area of otherwise suitable habitat, or that can result in disruption of bird nesting and abandonment of nests; increased human presence, which can also disrupt daily activities of wildlife and cause them to leave an area; nighttime lighting, which can disrupt the activity patterns of nocturnal species, including many mammals and some birds, amphibians, and reptiles; and release of chemical pollutants, such as from oil leaks from construction vehicles and machinery.

The Project could result in significant, indirect impacts to seven special-status wildlife: Mohave desert tortoise, burrowing owl, loggerhead shrike, Bendire’s thrasher, LeConte’s thrasher, American badger, and desert kit fox. Therefore, these species are further discussed below.

Mojave Desert Tortoise

Mojave desert tortoise is not expected to occur within the BSA due to the negative survey results; however, this species may enter the site, albeit there is a low potential, before construction begins. Therefore, a pre-construction protocol clearance survey is needed to confirm Mojave desert tortoise absence prior to construction. Should Mojave desert tortoise occur on site, construction activities have the potential to result in significant indirect impacts to Mojave desert tortoise

and their habitat. Those impacts could include dust, noise, and vibration; trash and debris; increased human presence; vehicle collisions; and chemical spills. These potential short-term or temporary indirect impacts to Mojave desert tortoise would be significant absent mitigation under CEQA.

MM-BIO-10 (Pre-construction Clearance Surveys for Mojave Desert Tortoise and Avoidance) would require pre-construction protocol clearance surveys for Mojave desert tortoise to limit effects from most short-term indirect impacts, including noise and vibration, increased human presence, nighttime lighting, and vehicle collisions. MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), and MM-BIO-6 (Construction Monitoring Notebook) would require that all workers complete Worker Environmental Awareness Program (WEAP) training and would require ongoing biological monitoring and compliance with all biological resource mitigation requirements. MM-BIO-8 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills would be implemented, and that repair and clean-up of any hazardous waste occurs. To reduce fugitive dust resulting from Project construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with the Mojave Desert Air Quality Management District's Rules 401 and 403.2, which would limit the amount of fugitive dust generated during construction. MM-BI0-16 (Trash and Debris) would require trash and debris to be removed regularly and would require animal-resistant trash receptacles to avoid attracting urban-related predator species.

Potential long-term indirect impacts that could result from development within or adjacent to Mojave desert tortoise habitat include increased invasive plant species that may degrade habitat. MM-BIO-17 (Invasive Plant Management) would require that landscape plants within 200 feet of native vegetation communities not be on the most recent version of the California Invasive Plant Council's (Cal-IPC) California Invasive Plant Inventory (Cal-IPC 2006).

As discussed above, implementation of MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), MM-BIO-6 (Construction Monitoring Notebook), MM-BIO-8 (Hazardous Waste), MM-BIO-10 (Pre-construction Clearance Surveys for Mojave Desert Tortoise and Avoidance), MM-BIO-16 (Trash and Debris), and MM-BIO-17 (Invasive Plant Management) would reduce potential indirect (short-term and long-term) impacts to Mojave desert tortoise to less than significant

Burrowing Owl

Short-Term Construction Impacts

Should burrowing owls occur on site, construction activities have the potential to result in short-term indirect impacts to burrowing owls and their habitat. Those impacts could include dust, noise, and vibration; trash and debris; increased human presence; vehicle collisions; chemical spills; and nighttime lighting. These

potential short-term or temporary indirect impacts to burrowing owls are considered significant absent mitigation under CEQA.

MM-BIO-12 (Pre-construction Surveys for Burrowing Owl and Avoidance) would require pre-construction burrowing owl surveys and result in establishment of construction buffers around any burrowing owl burrows found, thus limiting effects from most short-term indirect impacts, including noise and vibration, increased human presence, nighttime lighting, and vehicle collisions. MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), and MM-BIO-6 (Construction Monitoring Notebook) would require that all workers complete WEAP training and would require ongoing biological monitoring and compliance with all biological resource mitigation. MM-BIO-8 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills would be implemented, and that repair and clean-up of any hazardous waste occurs. To reduce fugitive dust resulting from Project construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with the Mojave Desert Air Quality Management District's Rules 401 and 403.2, which would limit the amount of fugitive dust generated during construction. MM-BI0-16 (Trash and Debris) would require trash and debris to be removed regularly and would require animal-resistant trash receptacles to avoid attracting urban-related predator species. MM-BIO-18 (Lighting) would require nighttime lighting during construction within 50 feet of habitat for special-status species to be shielded downward.

Long-Term Operational Impacts

Potential long-term indirect impacts that could result from development within or adjacent to burrowing owl habitat include nighttime lighting and increased invasive plant species that may degrade habitat. MM-BIO-17 (Invasive Plant Management) would require that landscape plants within 200 feet of native vegetation communities not be on the most recent version of Cal-IPC's California Invasive Plant Inventory (Cal-IPC 2006). MM-BIO-18 (Lighting) would require nighttime lighting during operations within 50 feet of habitat for special-status species to be shielded downward.

As discussed above, implementation of MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), MM-BIO-6 (Construction Monitoring Notebook), MM-BIO-8 (Hazardous Waste), MM-BIO-12 (Pre-construction Surveys for Burrowing Owl and Avoidance), MM-BIO-16 (Trash and Debris), MM-BIO-17 (Invasive Plant Management), and MM-BIO-18 (Lighting) would reduce potential indirect (short-term and long-term) impacts to burrowing owl to less than significant..

Loggerhead Shrike

Short-Term Construction Impacts

Construction activities have the potential to result in short-term indirect impacts to

loggerhead shrike and their habitat. Those impacts could include dust, noise, and vibration; increased human presence; vehicle collisions; chemical spills; and nighttime lighting. These potential short-term or temporary indirect impacts to loggerhead shrike would be significant absent mitigation under CEQA.

MM-BIO-13 (Pre-construction Nesting Bird Surveys and Avoidance) would require nesting bird surveys and would result in establishment of construction buffers around nests, thus limiting effects from most short-term indirect impacts, including noise and vibration, increased human presence, nighttime lighting, and vehicle collisions. MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), and MM-BIO-6 (Construction Monitoring Notebook) would require that all workers complete WEAP training and would require ongoing biological monitoring and compliance with all biological resource mitigation. MM-BIO-8 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills be implemented, and that repair and clean-up of any hazardous waste occurs. To reduce fugitive dust resulting from construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with the Mojave Desert Air Quality Management District's Rules 401 and 403.2, which would limit the amount of fugitive dust generated during construction. MM-BIO-18 (Lighting) would require nighttime lighting during construction within 50 feet of habitat for special-status species to be shielded downward.

Long-Term Operational Impacts

Potential long-term indirect impacts that could result from development within or adjacent to loggerhead shrike habitat include nighttime lighting and increased invasive plant species that may degrade habitat. MM-BIO-17 (Invasive Plant Management) would require that landscape plants within 200 feet of native vegetation communities not be on the most recent version of Cal-IPC's Inventory of Invasive Plants (Cal-IPC 2006). MM-BIO-18 (Lighting) would require nighttime lighting during operations within 50 feet of habitat for special-status species to be shielded downward.

Implementation of MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), MM-BIO-6 (Construction Monitoring Notebook), MM-BIO-8 (Hazardous Waste), MM-BIO-13 (Pre-construction Nesting Bird Surveys and Avoidance), MM-BIO-17 (Invasive Plant Management), and MM-BIO-18 (Lighting) would reduce potential indirect (short-term and long-term) impacts to loggerhead shrike to less than significant.

Bendire's Thrasher

Short-Term Construction Impacts

Construction (short-term) activities have the potential to result in indirect impacts to Bendire's thrasher and their habitat. Those impacts could include dust, noise, and vibration; increased human presence; vehicle collisions; chemical spills; and

nighttime lighting. These potential short-term or temporary indirect impacts to Bendire's thrasher would be significant absent mitigation under CEQA.

MM-BIO-13 (Pre-construction Nesting Bird Surveys and Avoidance) would require nesting bird surveys and would result in establishment of construction buffers around nests, thus limiting effects from most short-term indirect impacts, including noise and vibration, increased human presence, nighttime lighting, and vehicle collisions. MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), and MM-BIO-6 (Construction Monitoring Notebook) would require that all workers complete WEAP training and would require ongoing biological monitoring and compliance with all biological resource mitigation. MM-BIO-8 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills be implemented, and that repair and clean-up of any hazardous waste occur. To reduce fugitive dust resulting from construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with the Mojave Desert Air Quality Management District's Rules 401 and 403.2, which would limit the amount of fugitive dust generated during construction. MM-BIO-18 (Lighting) would require nighttime lighting during construction within 50 feet of habitat for special-status species to be shielded downward.

Long-Term Operational Impacts

Post-construction (long-term) activities have the potential to result in indirect impacts to Bendire's thrasher and their habitat. Long-term impacts that could result from development within or adjacent to Bendire's thrasher habitat include nighttime lighting and increased invasive plant species that may degrade habitat. These potential long-term indirect impacts to Bendire's thrasher would be significant absent mitigation under CEQA.

MM-BIO-13 (Pre-construction Nesting Bird Surveys and Avoidance) would require nesting bird surveys and would result in establishment of construction buffers around nests, thus limiting effects from most short-term indirect impacts, including noise and vibration, increased human presence, nighttime lighting, and vehicle collisions. MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), and MM-BIO-6 (Construction Monitoring Notebook) would require that all workers complete WEAP training and would require ongoing biological monitoring and compliance with all biological resource mitigation. MM-BIO-8 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills be implemented, and that repair and clean-up of any hazardous waste occur. To reduce fugitive dust resulting from construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with the Mojave Desert Air Quality Management District's Rules 401 and 403.2, which would limit the amount of fugitive dust generated during construction. MM-BIO-18 (Lighting) would require nighttime lighting during construction within 50 feet of habitat for special-status species to be shielded downward.

Potential long-term indirect impacts that could result from development within or adjacent to Bendire' s thrasher habitat include nighttime lighting and increased invasive plant species that may degrade habitat. MM-BIO-17 (Invasive Plant Management) would require that landscape plants within 200 feet of native vegetation communities not be on the most recent version of Cal-IPC's Inventory of Invasive Plants (Cal-IPC 2006). MM-BIO- 18 (Lighting) would require nighttime lighting during operations within 50 feet of habitat for special-status species to be shielded downward.

As discussed above, implementation of MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), MM-BIO-6 (Construction Monitoring Notebook), MM-BIO-8 (Hazardous Waste), MM-BIO-13 (Pre-construction Nesting Bird Surveys and Avoidance), MM-BIO-17 (Invasive Plant Management), and MM-BIO-18 (Lighting) would reduce potential indirect (short-term and long-term) impacts to Bendire's thrasher to less than significant.

LeConte's Thrasher

Short-Term Construction Impacts

LeConte's thrasher was incidentally observed during 2022 protocol Mohave ground squirrel trapping surveys. The BSA supports suitable foraging habitat (desert scrub) and nesting habitat (spiny shrubs and cactus); therefore, construction (short-term) activities have the potential to result in indirect impacts to LeConte's thrasher and its habitat. Those impacts could include dust, noise, vibration, increased human presence, vehicle collisions, chemical spills, and nighttime lighting. These potential short-term or temporary indirect impacts to loggerhead shrike would be significant absent mitigation under CEQA.

MM-BIO-13 (Pre-construction Nesting Bird Surveys and Avoidance) would require nesting bird surveys and would result in establishment of construction buffers around nests, thus limiting effects from most short-term indirect impacts, including noise and vibration, increased human presence, nighttime lighting, and vehicle collisions. MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), and MM-BIO-6 (Construction Monitoring Notebook) would require that all workers complete WEAP training and would require ongoing biological monitoring and compliance with all biological resource mitigation requirements. MM-BIO-8 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills be implemented, and that repair and clean-up of any hazardous waste occurs. To reduce fugitive dust resulting from construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with the Mojave Desert Air Quality Management District's Rules 401 and 403.2, which would limit the amount of fugitive dust generated during construction. MM-BIO-18 (Lighting) would require nighttime lighting during construction within 50 feet of habitat for special-status species to be shielded downward.

Long-Term Operational Impacts

Post-construction (long-term) activities have the potential to result in indirect impacts to LeConte's thrasher and their habitat. Long-term impacts that could result from development within or adjacent to LeConte's thrasher habitat include nighttime lighting and increased invasive plant species that may degrade habitat. These potential long-term indirect impacts to LeConte's thrasher would be significant absent mitigation under CEQA.

Potential long-term indirect impacts that could result from development within or adjacent to LeConte's thrasher habitat include nighttime lighting and increased invasive plant species that may degrade habitat. MM-BIO-17 (Invasive Plant Management) would require that landscape plants within 200 feet of native vegetation communities not be on the most recent version of Cal-IPC's Inventory of Invasive Plants (Cal-IPC 2006). MM-BIO-18 (Lighting) would require nighttime lighting during operations within 50 feet of habitat for special-status species to be shielded downward.

As discussed above, implementation of MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), MM-BIO-6 (Construction Monitoring Notebook), MM-BIO-8 (Hazardous Waste), MM-BIO-13 (Pre-construction Nesting Bird Surveys and Avoidance), MM-BIO-17 (Invasive Plant Management), and MM-BIO-18 (Lighting) would reduce potential indirect (short-term and long-term) impacts to LeConte's thrasher to less than significant.

American Badger

Short-Term Construction Impacts

Although no American badger individuals (or sign of individuals) were observed within the BSA, the Project site does provide suitable habitat for this species. Construction activities have the potential to result in short-term indirect impacts to American badger and their habitat. Those short-term impacts could include dust, noise, and vibration; trash and debris; increased human presence; vehicle collisions; chemical spills; and nighttime lighting. These potential short-term or temporary indirect impacts to the species are considered significant absent mitigation under CEQA.

MM-BIO-14 (Pre-construction Survey for American Badger and Avoidance) would require a pre-construction survey for American badger, and if determined present, would result in establishment of an American badger mitigation and monitoring plan, which would include avoidance and minimization measures to reduce potential impacts, as well as compensatory mitigation to offset indirect impacts, including noise and vibration, increased human presence, nighttime lighting, and vehicle collisions. MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), and MM-BIO-6 (Construction Monitoring Notebook) would require that all workers complete

WEAP training and would require ongoing biological monitoring and compliance with all biological resource mitigation. MM-BIO-8 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills would be implemented, and that repair and clean-up of any hazardous waste occurs. To reduce fugitive dust resulting from Project construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with the Mojave Desert Air Quality Management District's Rules 401 and 403.2, which would limit the amount of fugitive dust generated during construction.

Long-Term Operational Impacts

Post-construction (long-term) activities have the potential to result in indirect impacts to the species and their habitat. These impacts could include trash and debris, increased human presence, vehicle collisions, chemical spills, and nighttime lighting. Given the species could occupy the BSA prior to construction, potential long-term indirect impacts to American badger are considered significant absent mitigation under CEQA.

Potential long-term indirect impacts that could result from development within or adjacent to the BSA include trash and debris, increased human presence, chemical spills, nighttime lighting, and increased invasive plant species that may degrade habitat. MM-BIO-8 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills would be implemented, and that repair and clean-up of any hazardous waste occurs. MM-BIO-16 (Trash and Debris) would require trash and debris to be removed regularly and would require animal-resistant trash receptacles to avoid attracting urban-related predator species. MM-BIO-17 (Invasive Plant Management) would require that landscape plants within 200 feet of native vegetation communities not be on the most recent version of Cal-IPC's California Invasive Plant Inventory (Cal-IPC 2006). MM-BIO-18 (Lighting) would require nighttime lighting during operations within 50 feet of habitat for special-status species to be shielded downward.

As discussed above, implementation of MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), MM-BIO-6 (Construction Monitoring Notebook), MM-BIO-8 (Hazardous Waste), MM-BIO-14 (Pre-construction Survey for American Badger and Avoidance), MM-BIO-16 (Trash and Debris), MM-BIO-17 (Invasive Plant Management), and MM-BIO-18 (Lighting) would reduce potential indirect (short-term and long-term) impacts to American badger to less than significant.

Desert Kit Fox

Short-Term Construction Impacts

Desert kit fox was observed within the BSA through camera trapping as part of the Mohave ground squirrel focused surveys. Therefore, construction (short-term) activities have the potential to result in short-term indirect impacts to desert kit fox

and their habitat. Those impacts could include dust, noise, and vibration; trash and debris; increased human presence; vehicle collisions; chemical spills; and nighttime lighting. These potential short-term or temporary indirect impacts to desert kit fox would be significant absent mitigation under CEQA.

MM-BIO-15 (Pre-construction Survey for Desert Kit Fox and Avoidance) would require a pre-construction survey for desert kit, and if determined present, would result in implementation of the prepared Desert Kit Fox Relocation and Mitigation Plan (Appendix J of Appendix C), which includes avoidance and minimization measures to reduce potential impacts, as well as compensatory mitigation to offset indirect impacts, including noise and vibration, increased human presence, nighttime lighting, and vehicle collisions. MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), and MM-BIO-6 (Construction Monitoring Notebook) would require that all workers complete WEAP training and would require ongoing biological monitoring and compliance with all biological resource mitigation. MM-BIO-8 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills would be implemented, and that repair and clean-up of any hazardous waste occurs. MM-BIO-18 (Lighting) would require nighttime lighting during construction within 50 feet of habitat for special-status species to be shielded downward. To reduce fugitive dust resulting from Project construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with the Mojave Desert Air Quality Management District's Rules 401 and 403.2, which would limit the amount of fugitive dust generated during construction.

Long-Term Operational Impacts

Post-construction (long-term) activities have the potential to result in indirect impacts to this species and their habitat. These impacts could include trash and debris, increased human presence, vehicle collisions, chemical spills, and nighttime lighting. These potential long-term indirect impacts to desert kit fox are considered significant absent mitigation under CEQA.

Potential long-term indirect impacts that could result from development within or adjacent to the BSA include trash and debris, increased human presence, chemical spills, nighttime lighting, and increased invasive plant species that may degrade habitat. MM-BIO-8 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills would be implemented, and that repair and clean-up of any hazardous waste occurs. MM-BIO-16 (Trash and Debris) would require trash and debris to be removed regularly and would require animal-resistant trash receptacles to avoid attracting urban-related predator species. MM-BIO-17 (Invasive Plant Management) would require that landscape plants within 200 feet of native vegetation communities not be on the most recent version of Cal-IPC's California Invasive Plant Inventory (Cal-IPC 2006). MM-BIO-18 (Lighting) would require nighttime lighting during operations within 50 feet of habitat for special-status species to be shielded downward.

As discussed above, implementation of MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), MM-BIO-6 (Construction Monitoring Notebook), MM-BIO-8 (Hazardous Waste), MM-BIO-15 (Pre-construction Survey for Desert Kit Fox and Avoidance), MM-BIO-16 (Trash and Debris), MM-BIO-17 (Invasive Plant Management), and MM-BIO-18 (Lighting) would reduce potential (short-term and long-term) indirect impacts to desert kit fox to less than significant.

Nesting Migratory Birds and Raptors
Short-Term Construction Impacts

Construction activities have the potential to result in indirect impacts to nesting migratory birds and raptors and their habitats. Those impacts could include the loss of a nest through increased dust, noise, and vibration; increased human presence; and nighttime lighting. These potential short-term or temporary indirect impacts to these species are considered significant absent mitigation under CEQA.

To ensure compliance with the California Fish and Game Code and MBTA, and to avoid potential indirect impacts to nesting birds, vegetation removal activities would be conducted outside of the general bird nesting season (February 1 through August 31, depending on the species), and if vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey (MM-BIO-13) by a qualified biologist would be required prior to vegetation removal. Indirect impacts, including increased dust, noise, and vibration; increased human presence; and nighttime lighting, would be offset through implementation of MM-BIO-18 (Lighting), which would require nighttime lighting during construction within 50 feet of habitat for special-status species to be shielded downward. MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), and MM-BIO-6 (Construction Monitoring Notebook) would require that all workers complete WEAP training and would require ongoing biological monitoring and compliance with all biological resource mitigation requirements. To reduce fugitive dust resulting from Project construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with the Mojave Desert Air Quality Management District's Rules 401 and 403.2, which would limit the amount of fugitive dust generated during construction.

Long-Term Operational Impacts

Post-construction (long-term) activities have the potential to result in indirect impacts to migratory birds and raptors and their habitat. Those long-term impacts could result from development within or adjacent to suitable habitat, including nighttime lighting. These potential long-term indirect impacts to migratory birds and raptors are considered significant absent mitigation under CEQA.

MM-BIO-18 (Lighting) would require nighttime lighting during operations within 50 feet of habitat for special-status species to be shielded downward.

In summary, implementation of MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), MM-BIO-6 (Construction Monitoring Notebook), MM-BIO-13 (Pre-construction Nesting Bird Surveys and Avoidance), and MM-BIO-18 (Lighting) would reduce potential indirect (short-term and long-term) impacts to nesting migratory birds and raptors to less than significant. (Draft EIR, pp. 4.3-23 – 4.3-39)

The Project could result in potentially significant impacts to species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS, including native desert plants protected under the CDNPA and Town of Apple Valley Municipal Code. Implementation of MM-BIO-1 through MM-BIO-18 is required to reduce impacts to a less-than-significant level.

MM-BIO-1 Conservation of Western Joshua Trees. Mitigation for direct impacts to 3 western Joshua trees will be fulfilled through a payment of the elected fees as described in Section 1927.3 (d) of The Western Joshua Tree Conservation Act. In conformance with the fee schedule, mitigation will consist of payment of $1,000 for each western Joshua tree 5 meters or greater in height, and $200 for each western Joshua tree 1 meter or greater but less than 5 meters in height, and $150 for each western Joshua tree less than 1 meter in height. Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by an Incidental Take Permit, if received. The project will comply with Section 1927.3 of The Western Joshua Tree Conservation Act, regardless of transplantation required by the Town of Apple Valley. (Final EIR, p. 4.3-50.)

MM-BIO-2 Relocation of Desert Native Plants. Prior to the issuance of grading permits, the Project applicant shall submit an application and applicable fee paid to the Town of Apple Valley for removal or relocation of protected native desert plants under Town of Apple Valley Municipal Code Chapter 9.76, as required, and shall schedule a pre-construction site inspection with the appropriate authority. In addition, a plot plan shall be approved by the appropriate Town of Apple Valley Review Authority (County Certified Plant Expert, Planning Commission, or Town Council) indicating exactly which trees or plants are authorized to be removed.

The application shall include certification from a qualified western Joshua tree and native desert plant expert(s) to determine that proposed removal or relocation of protected native desert plants are appropriate, supportive of a healthy environment, and in compliance with the Town of Apple Valley Municipal Code. Protected plants subject to Town of Apple Valley Municipal Code Chapter 9.76 may be relocated on site or within an area designated for the species.

The application shall include a detailed plan for removal of all protected plants on the Project site. The plan shall be prepared by a qualified western

Joshua tree and native desert plant expert(s). The plan shall include the following measures:

Salvaged plants shall be transplanted expeditiously to either their final on-site location or to an approved off-site area. If the plants cannot be expeditiously taken to their permanent relocation area at the time of excavation, they may be transplanted in a temporary area (stockpiled) prior to being moved to their permanent relocation site(s).

- Western Joshua trees shall be marked on their north-facing side prior to excavation. Transplanted western Joshua trees shall be planted in the same orientation as they currently occur on the Project site, with the marking on the north side of the trees facing north at the relocation site(s).

- Transplanted plants shall be watered prior to and at the time of transplantation. The schedule of watering shall be determined by the qualified tree expert and desert native plant expert(s) to maintain plant health. Watering of the transplanted plants shall continue under the guidance of a qualified tree expert and desert native plant expert(s) until it has been determined that the transplants have become established in the permanent relocation site(s) and no longer require supplemental watering.

MM-BIO-3 Designated Biologist Authority. The designated biologist shall have authority to immediately stop any activity that does not comply with the biological resources mitigation measures and/or to order any reasonable measure to avoid the unauthorized take of an individual western Joshua tree.

MM-BIO-4 Compliance Monitoring. The designated biologist shall be on site daily when impacts occur. The designated biologist shall conduct compliance inspections to minimize incidental take of western Joshua trees and impacts to other sensitive biological resources; prevent unlawful take of western Joshua trees; and ensure that signs, stakes, and fencing are intact, and that impacts are only occurring outside the permitted impact footprint. Weekly written observation and inspection records that summarize oversight activities and compliance inspections and monitoring activities required by the Incidental Take Permit shall be prepared.

MM-BIO-5 Education Program. An education program (Worker Environmental Awareness Program [WEAP]) for all persons employed or otherwise working in the Project area shall be administered before performing impacts. The WEAP shall consist of a presentation from the designated biologist that includes a discussion of the biology and status of western Joshua trees, burrowing owls, and loggerhead shrikes, and other biological resources mitigation measures described in the California Environmental Quality Act document. Interpretation for non-English-

speaking workers shall be provided, and the same instruction shall be provided to all new workers before they are authorized to perform work in the Project area. Upon completion of the WEAP, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees who will be conducting work in the Project area.

MM-BIO-6 Construction Monitoring Notebook. The designated biologist shall maintain a construction-monitoring notebook on site throughout the construction period that shall include a copy of the biological resources mitigation measures with attachments and a list of signatures of all personnel who have successfully completed the education program. The permittee shall ensure that a copy of the construction monitoring notebook is available for review at the Project site upon request by the California Department of Fish and Wildlife.

MM-BIO-7 Delineation of Property Boundaries. Before beginning activities that would cause impacts, the contractor shall, in consultation with the designated biologist, clearly delineate the boundaries with fencing, stakes, or flags, consistent with the grading plan, within which Project impacts will take place. All impacts outside the fenced, staked, or flagged areas shall be avoided, and all fencing, stakes, and flags shall be maintained until the completion of impacts in that area.

MM-BIO-8 Hazardous Waste. The applicant shall immediately stop work and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so.

MM-BIO-9 Herbicides. The applicant shall limit herbicide use for invasive plant species and shall use herbicides only if it has been determined that hand or mechanical efforts are infeasible. To prevent drift, the permittee shall apply herbicides only when wind speeds are less than 7 miles per hour. All herbicide application shall be performed by a licensed applicator and in accordance with all applicable federal, state, and local laws and regulations.

MM-BIO-10 Pre-construction Clearance Surveys for Mojave Desert Tortoise and Avoidance. One pre-construction clearance survey in accordance with current U.S. Fish and Wildlife Service (USFWS) protocol shall be conducted to reevaluate locations of potential Mojave desert tortoise burrows within the Project limits so take of Mojave desert tortoise can be avoided. The first pre-construction clearance survey shall be conducted in areas supporting potentially suitable habitat 14 to 21 days prior to the start of construction activities; or alternatively, pre-construction clearance surveys may be conducted at any time following construction of

a desert tortoise–proof fence encompassing the Project site that would ensure that tortoises cannot enter the Project after clearance surveys are completed. If no Mojave desert tortoises are found during the surveys, no further mitigation would be required; however, desert tortoise–proof fence encompassing the Project site shall remain in place until Project construction is completed and shall be monitored by a qualified biologist in compliance with current USFWS protocol.

Should Mojave desert tortoise be located during the clearance survey, all methods used for handling desert tortoises during the clearance surveys must be in accordance with the USFWS Desert Tortoise Field Manual or Project-specific guidance contained in a biological opinion or Incidental Take Permit. No take of Mojave desert tortoise shall occur without authorization in the form of an Incidental Take Permit pursuant to California Fish and Game Code Section 2081 and a biological opinion or Habitat Conservation Plan. The Project applicant shall adhere to measures and conditions set forth within the Incidental Take Permit. Anyone who handles desert tortoises during clearance activities must have the appropriate authorizations from USFWS. The area cleared and number of Mojave desert tortoises found within that area shall be reported to the local USFWS and appropriate state wildlife agency. Notification shall be made in accordance with the conditions of the biological opinion or Incidental Take Permit.

Should Mojave desert tortoise be located during the clearance survey, the Project would result in the loss of 75.1 acres of suitable habitat for Mojave desert tortoise. Mitigation for direct impacts to 75.1 acres shall be fulfilled through conservation of suitable Mojave desert tortoise habitat through the purchase of credits at a minimum of 1:1 in-kind habitat replacement of equal or better functions and values to those impacted by the Project, for a total of 75.1 acres or as otherwise determined through coordination with the USFWS and/or California Department of Fish and Wildlife.

MM-BIO-11 Restoration of Temporary Impacts. Site construction areas subjected to temporary ground disturbance from the off-site utility improvement areas (e.g., trenching for installation of associated off-site utilities including sewer and gas), shall be recontoured to natural grade (if the grade was modified during the temporary disturbance activity), The Project does not include revegetation or restoration of temporary impacts after Project completion. However, natural vegetation will be allowed to regenerate in temporary disturbed areas. Furthermore, if topsoil is removed during construction, the segregated topsoil will be replaced, and the native seed will be allowed to regenerate naturally. This measure does not apply to situations that are urban/developed that are temporarily impacted and will be returned to an urban/developed land use.

MM-BIO-12 Pre-construction Surveys for Burrowing Owl and Avoidance. One pre-construction burrowing owl survey shall be completed no more

than 14 days before initiation of site preparation or grading activities, and a second survey shall be completed within 24 hours of the start of site preparation or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the Project site and off-site improvement areas shall be resurveyed. Surveys for burrowing owl shall be conducted in accordance with protocols established in the California Department of Fish and Wildlife's 2012 (or most recent version) Staff Report on Burrowing Owl Mitigation.

If burrowing owls are detected, the Burrowing Owl Relocation Plan shall be implemented in consultation with the California Department of Fish and Wildlife (CDFW). As required by the Burrowing Owl Relocation Plan, disturbance to burrows shall be avoided during the nesting season (February 1 through August 31). Buffers shall be established around occupied burrows in accordance with guidance provided in CDFW's Staff Report on Burrowing Owl Mitigation. No Project activities shall be allowed to encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that occupied burrows have been vacated or the nesting season has completed.

Outside of the nesting season, passive owl relocation techniques approved by CDFW shall be implemented. Owls shall be excluded from burrows in the immediate Project area and within a buffer zone by installing one-way doors in burrow entrances. These doors shall be placed at least 48 hours prior to ground-disturbing activities. The Project site shall be monitored daily for 1 week to confirm owl departure from burrows prior to any ground-disturbing activities. Compensatory mitigation for permanent loss of owl habitat shall be provided following the guidance in CDFW's Staff Report on Burrowing Owl Mitigation.

Where possible, burrows shall be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe shall be inserted into the tunnels during excavation to maintain an escape route for any wildlife inside the burrow.

Should burrowing owl be located during the clearance survey, the Project would result in the loss of 75.1 acres of suitable habitat for burrowing owl. Mitigation for direct impacts to 75.1 acres shall be fulfilled through conservation of suitable burrowing owl habitat through the purchase of credits at a minimum of 1:1 in-kind habitat replacement of equal or better functions and values to those impacted by the Project, for a total of 75.1 acres.

MM-BIO-13 Pre-construction Nesting Bird Surveys and Avoidance. Special-status bird species that were observed within the Project include burrowing owl and LeConte's thrasher, and two additional special-status bird species have a moderate to high potential to occur: Bendire's thrasher and loggerhead shrike. The Project also contains trees, shrubs, and other

vegetation that provide opportunities for other non-sensitive birds and raptors to nest on site. Construction activities shall avoid the migratory bird nesting season (typically February 1 through August 31) to reduce any potential significant impact to birds that may be nesting in the survey area. If construction activities must occur during the migratory bird nesting season, an avian nesting survey of the Project site and within 500 feet of all impact areas must be conducted to determine the presence/absence of protected migratory birds and active nests. The avian nesting survey shall be performed by a qualified wildlife biologist within 72 hours prior to the start of construction in accordance with the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3513. If an active bird nest is found, the nest shall be flagged and mapped on the construction plans, along with an appropriate buffer established around the nest, which shall be determined by the biologist based on the species' sensitivity to disturbance (typically 300 feet for passerines and 500 feet for raptors and special-status species). The nest area shall be avoided until the nest is vacated and the juveniles have fledged. The nest area shall be demarcated in the field with flagging and stakes or construction fencing. On-site construction monitoring shall be conducted when construction occurs in close proximately to an active nest buffer. No Project activities shall encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until is determined that the nestlings have fledged and the nest is no longer active.

MM-BIO-14 Pre-construction Survey for American Badger and Avoidance. A pre-construction survey for American badger shall be conducted within 10 days before initiation of site preparation or grading activities to determine the presence/absence of American badger. If discovered during the survey, an American badger mitigation and monitoring plan shall be developed. The mitigation and monitoring plan shall include avoidance and minimization measures to reduce potential impacts, as well as compensatory mitigation to offset direct or indirect impacts. The plan shall be developed in consultation with the California Department of Fish and Wildlife. At a minimum, the plan shall do the following:

- Identify pre-construction survey methods for American badger
- Describe feasible pre-construction and construction-phase avoidance methods
- Describe pre-construction and construction-phase relocation methods, including the possibility for passive relocation
- For burrows that will not be impacted by the Project, identify an appropriate construction exclusion zone for both active and natal burrows

MM-BIO-15 Pre-construction Survey for Desert Kit Fox and Avoidance. A pre-construction survey for desert kit fox shall be conducted within 10 days

before initiation of site preparation or grading activities to determine the presence/absence of desert kit fox.

If desert kit fox is detected, the desert kit fox relocation and mitigation plan shall be implemented. As required by the desert kit fox relocation and mitigation plan, if an active non-natal desert kit fox den is detected, a 200-foot no disturbance buffer shall be established around the active den, unless otherwise authorized by the California Department of Fish and Wildlife (CDFW). Where required buffering will not be feasible, passive relocation, as outlined in the desert kit fox relocation and mitigation plan, shall be allowed with concurrence from the County of San Bernardino, CDFW, and U.S. Fish and Wildlife Service. If an active natal desert kit fox den is detected, an initial 200 foot no disturbance buffer shall be established around the natal den, and this buffer shall be maintained until the den can be verified to not host pups. Construction activities shall not be permitted in this area until the den has been vacated. Once the den is vacated, and if in danger by construction, it can be collapsed, if deemed necessary by a qualified biologist.

A report to evaluate the success of the relocation efforts and any subsequent re-occupation, if applicable, shall be provided (including a comprehensive summary, tables, maps, and other necessary materials) at the end of the construction period. Data shall be readily available to the CDFW upon request. If an injured, sick, or dead desert kit fox is detected on any area associated with the Project, the designated CDFW personnel at both the Ontario office and the Wildlife Investigation Lab shall be notified as described within the desert kit fox relocation and mitigation plan.

MM-BIO-16 Trash and Debris. The following avoidance and minimization measures shall be implemented during Project construction**:**

- Fully covered trash receptacles that are animal-proof shall be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Trash contained within the receptacles shall be removed at least once a week from the Project site.

- Construction work areas shall be kept clean of debris, such as cable, trash, and construction materials. All construction/contractor personnel shall collect all litter, vehicle fluids, and food waste from the Project site on a daily basis.

MM-BIO-17 Invasive Plant Management. To reduce the spread of invasive plant species, landscape plants within 200 feet of native vegetation communities shall not be on the most recent version of the California Invasive Plant Council's Inventory of Invasive Plants (http://www.cal-ipc.org/ip/inventory/index.php). Post-construction, the Project applicant shall continually remove invasive plant species on site by hand or mechanical methods, as feasible.

MM-BIO-18 Lighting. Lighting for construction activities and operations within 50 feet of the outside edge of the impact footprint containing habitat for special-status wildlife shall be directed away from natural areas. (Draft EIR, pp. 4.3-50 – 4.3-52.)

2. Wetlands

Threshold: Would the Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Finding: Less than significant with mitigation. (Draft EIR, pp. 4.3-42 – 4.3-44)

Explanation:

The BSA supports 0.9 (specifically 0.909) acres of ephemeral drainages consisting of 0.9 (specifically 0.881) acres of non-wetland waters of the state under RWQCB, and 0.9 (specifically 0.909) acres of jurisdictional streambed under CDFW.

Direct Impacts

The Project would result in direct impacts to 0.580 acres of potential non-wetland waters of the state under RWQCB jurisdiction, and streambed under CDFW jurisdiction, specifically 0.464 acres of on-site permanent impacts, 0.083 acres of permanent impacts within off-site improvement areas, and 0.033 acres of temporary impacts within off-site improvement areas (Figure 4.3-5, Impacts to Jurisdictional Aquatic Resources). The ephemeral drainages present are not likely subject to USACE jurisdiction because these features are isolated and do not meet the relatively permanent or significant nexus standard as a water of the United States. However, it is important to note that the ultimate decisions on the amount and location of jurisdictional resources is made by the resource agencies (i.e., USACE, CDFW, and RWQCB). These potential direct impacts to jurisdictional waters would be significant absent mitigation under CEQA.

There would be direct permanent impacts to 0.580 acres of jurisdictional aquatic resources with Project implementation. While the Project would result in direct temporary impacts to 0.033 acres of jurisdictional aquatic resources, due to the minimal temporary impact acreage and for purposes of this analysis, the 0.033 acre of temporary impacts to jurisdictional aquatic resources is being considered a permanent impact. Therefore, direct permanent impacts to 0.580 acres of non-wetland waters and streams that are regulated under the California Porter–Cologne Act and California Fish and Game Code, permits would be required from each of the regulatory agencies and typically entail providing mitigation to offset the impacts and loss of beneficial uses, functions, and values to the jurisdictional waters and habitats. RWQCB regulates waters of the state under California's

Porter– Cologne Act. California Fish and Game Code Sections 1600–1616 give CDFW regulatory powers over streams and lakes, as well as vegetation associated with these features. MM-BIO-19 (Aquatic Resources Mitigation) would require obtaining permits from each of the regulatory agencies (RWQCB and CDFW). Based on the Project design, it is assumed that the Project would require a waste discharge requirement; therefore, an application must be submitted to RWQCB. A Streambed Alteration Agreement would be required for impacts to jurisdictional streambed under CDFW. Permits would be required prior to issuance of a grading permit and would be included in the Project's Conditions of Approval

In addition, MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), and MM-BIO-6 (Construction Monitoring Notebook) would require that all workers complete WEAP training and would require ongoing biological monitoring and compliance with all biological resource mitigation requirements. MM-BIO-7 (Delineation of Property Boundaries) requires that impacts occur within the fenced, staked, or flagged area that is clearly delineated within the Project impact footprint. The construction crew would be responsible for unauthorized impacts from construction activities to waters of the state that are outside the permitted Project footprint, if applicable. MM-BIO-8 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills would be implemented, and that repair and clean-up of any hazardous waste occurs. To reduce fugitive dust resulting from Project construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with the Mojave Desert Air Quality Management District's Rules 401 and 403.2, which limit the amount of fugitive dust generated during construction.

In summary, implementation of MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), MM-BIO-6 (Construction Monitoring Notebook), MM-BIO-7 (Delineation of Property Boundaries), MM-BIO-8 (Hazardous Waste), and MM-BIO-19 (Aquatic Resources Mitigation) would reduce potential direct impacts to jurisdictional aquatic resources to less than significant.

Indirect Impacts

Short-Term Construction Impacts

Construction-related (short-term) indirect impacts may include inadvertent spillover impacts outside of the construction footprint, chemical spills, and stormwater erosion and sedimentation. These potential short-term or temporary indirect impacts to jurisdictional aquatic resources are considered significant absent mitigation under CEQA.

Implementation of MM-BIO-3 (Designated Biologist Authority) gives the Project's designated biologist the authority to stop work if construction is not compliant with this CEQA document. MM-BIO-4 (Compliance Monitoring) requires that an experienced biologist oversee compliance with the protective measures, including limiting impacts within the Project footprint. MM-BIO-5 (Education Program) would provide construction personnel with training related to waters of the state that are present on and adjacent to the impact footprint. MM-BIO-6 (Construction Monitoring Notebook) provides for documentation that the education program was administered to applicable personnel. MM-BIO-7 (Delineation of Property Boundaries) requires that impacts occur within the fenced, staked, or flagged area that is clearly delineated within the Project impact footprint. The construction crew would be responsible for unauthorized impacts from construction activities to waters of the state that are outside the permitted Project footprint, if applicable. Thus, implementation of MM-BIO-3 through MM-BIO-7 would enable the Project to avoid and minimize inadvertent spillover impacts outside of the approved impact footprint.

MM-BIO-8 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills would be implemented, and that repair and clean-up of any hazardous waste occurs. Thus, implementation of MM-BIO-8 (Hazardous Waste) would help to avoid and minimize impacts to waters of the state from any construction-related chemical spills.

A SWPPP would be prepared and implemented to prevent construction pollutants from contacting stormwater during construction activities, with the intent of keeping sediment and any other pollutants from moving off site and into receiving waters. BMP categories employed on site would include erosion control, sediment control, and non-stormwater good housekeeping. Preparation and implementation of a SWPPP would help to avoid and minimize the potential effects of stormwater erosion during construction.

Long-Term Operational Impacts

Post-construction (long-term) indirect impacts from operations and maintenance activities may include changes in water quality and accidental chemical spills. These potential long-term indirect impacts to jurisdictional aquatic resources are considered significant absent mitigation under CEQA.

Potential long-term (post-construction) indirect impacts from operations and maintenance activities may include changes in water quality and accidental chemical spills. Implementation of low-impact-development features and BMPs would, to the maximum extent practicable, reduce the discharge of pollutants into receiving waters, including inadvertent release of pollutants (e.g., hydraulic fluids and petroleum); the improper management of hazardous materials; trash and debris; and the improper management of portable restroom facilities (e.g., regular service) in accordance with all relevant local and state development standards. In addition, in accordance with CALGreen requirements (California Green Building Standards Code, CCR, Title 24, Part 11), Project source controls to improve water

quality would be provided for outdoor material storage areas, outdoor trash storage/waste handling areas, and outdoor loading/unloading areas. Therefore, impacts to jurisdictional aquatic resources due to changes in water quality would be avoided and minimized through implementation of low-impact-development features and BMPs.

MM-BIO-8 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills would be implemented, and that repair and clean-up of any hazardous waste occurs. Thus, implementation of MM-BIO-8 (Hazardous Waste) would help to avoid and minimize impacts to jurisdictional aquatic resources from any operations-related chemical spills.

In summary, implementation of MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), MM-BIO-6 (Construction Monitoring Notebook), MM-BIO-7 (Delineation of Property Boundaries), and MM-BIO-8 (Hazardous Waste) would reduce potential indirect (short-term and long-term) impacts to jurisdictional aquatic resources to less than significant. (Draft EIR, pp. 4.3-42 – 4.3-44)

3. Local Policies and Ordinances

Threshold: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Finding: Less than significant with mitigation. (Draft EIR, pp. 4.3-45 – 4.3-46)

Explanation:

The Apple Valley Municipal Code (Chapter 9.76) regulates and protects California Desert Native Plants, including Joshua trees. The following analysis evaluates the Project's potential conflicts with such local policies and ordinances.

California Desert Native Plants and Western Joshua Tree

Nineteen western Joshua trees were documented within and adjacent to (within 50 feet of) the limits of the Project site (Appendix B of Appendix C; Figure 6, Existing Western Joshua Tree); however, only three individuals were documented within the Project site and would be directly removed by the Project. In addition to western Joshua tree, two desert native plant species were recorded within the BSA during the focused desert native plant survey: Wiggins' cholla and branched pencil cholla. Specifically, six Wiggins' cholla and 12 branched pencil cholla would be directly removed by the Project (Figure 4.3-4). (Final EIR, p. 4.3-47.)

Therefore, because the focused desert native plant survey was positive for western Joshua tree, Wiggins' cholla, and branched pencil cholla, and in accordance with the CDNPA and Chapter 9.76 of the Apple Valley Municipal Code, a native plant removal permit must be obtained from the Town prior to the removal of these

individuals. These impacts are addressed in the Joshua Tree Preservation, Protection, and Relocation Plan, and Desert Native Plant Relocation Plan (Appendix B of Appendix C), prepared to provide detailed specifications for the Project applicant to meet the requirements of Chapter 9.76 of the Apple Valley Municipal Code to protect, preserve, and mitigate impacts to desert native plants.

Pursuant to MM-BIO-2 (Relocation of Desert Native Plants), the Project applicant will submit an application and applicable fee paid to the Town for removal or relocation of protected native desert plants under Town of Apple Valley Municipal Code Chapter 9.76. The application will include certification from a qualified Joshua tree and native desert plant expert to determine that proposed removal or relocation of protected native desert plants are appropriate, supportive of a healthy environment, and in compliance with the Town of Apple Valley's Municipal Code. The application will include the Joshua Tree Preservation, Protection, and Relocation Plan, and Desert Native Plant Relocation Plan (Appendix B of Appendix C). The plan was prepared by a qualified Joshua tree and native desert plant expert. The Joshua Tree Preservation, Protection, and Relocation Plan addresses the requirements of the Town's Protected Plant Policy and provides details for the initial survey of the BSA's Joshua trees, detailed specifications for the protection of trees to be preserved on site, and relocation/salvage requirements for those trees requiring removal and relocation. With the incorporation of mitigation, and with adherence to both the CDNPA and the Town of Apple Valley's Municipal Code, impacts associated with western Joshua tree and desert native plants would be less than significant.

The Project could result in potentially significant impacts to native desert plants and western Joshua trees protected by state and local plant and tree preservation regulations, absent mitigation. Implementation of MM-BIO-1 (Conservation of Western Joshua Tree Lands) and MM-BIO-2 (Relocation of Desert Native Plants) would reduce potential impacts California desert native plants and western Joshua tree to less than significant. (Draft EIR, pp. 4.3-45 – 4.3-46)

The Project could result in potentially significant impacts to non-wetland waters of the United States and state as a result of Project activities. Short-term and long-term indirect impacts to jurisdictional waters relating to construction activities (edge effects) and trash/pollution would not likely result in significant impacts, especially with the application of the standard BMPs that would be implemented during Project construction. Implementation of MM-BIO-3, MM-BIO-4, MM-BIO-5, MM-BIO-6, MM-BIO-7, MM-BIO-8, and MM-BIO-19 is required to reduce direct and indirect impacts to a less-than-significant level.

> MM-BIO-19 Aquatic Resources Mitigation. The Project site supports aquatic resources that are considered jurisdictional under the Regional Water Quality Control Board (RWQCB) and the California Department of Fish and Wildlife (CDFW). Prior to construction activity, the applicant shall coordinate with the Lahontan RWQCB (Region 6) to ensure conformance with the requirements of the Porter–Cologne Water Quality Control Act (waste discharge requirement). Prior to activity within CDFW jurisdictional

streambed or associated riparian habitat, the applicant shall coordinate with CDFW (Inland Deserts Region 6) relative to conformance to the Lake and Streambed Alteration permit requirements.

The Project shall mitigate to ensure no-net-loss of waters at a minimum of 1:1 with purchase of credits (0.580 acres RWQCB/CDFW) for impacts to aquatic resources as part of an overall strategy to ensure no net loss. Mitigation shall be completed through use of a mitigation bank (e.g., West Mojave Mitigation Bank) or other applicant-sponsored mitigation. Final mitigation ratios and credits shall be determined in consultation with RWQCB and/or CDFW based on agency evaluation of current resource functions and values and through each agency's respective permitting process.

Should applicant-sponsored mitigation be implemented, a Habitat Mitigation and Monitoring Plan (HMMP) shall be prepared in accordance with State Water Resources Control Board guidelines and approved by the agencies in accordance with the proposed program permits. The HMMP shall include a conceptual planting plan including planting zones, grading, and irrigation, as applicable; a conceptual planting plant palette; a long-term maintenance and monitoring plan; annual reporting requirements; and proposed success criteria. Any off-site applicant-sponsored mitigation shall be conserved and managed in perpetuity.

Best management practices shall be implemented to avoid any indirect impacts on jurisdictional waters, including the following:

- Vehicles and equipment shall not be operated in ponded or flowing water except as described in permits.

- Water containing mud, silt, or other pollutants from grading or other activities shall not be allowed to enter jurisdictional waters or be placed in locations that may be subjected to high storm flows.

- Spoil sites shall not be located within 30 feet from the boundaries of jurisdictional waters or in locations that may be subject to high storm flows, where spoils might be washed back into drainages.

- Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to vegetation or wildlife resources resulting from Project-related activities shall be prevented from contaminating the soil and/or entering avoided jurisdictional waters.

- No equipment maintenance shall be performed within 100 feet of jurisdictional waters, including wetlands and riparian areas, where petroleum products or other pollutants from the equipment may enter these areas. Fueling of equipment shall not occur on the Project site.

(Draft EIR, pp. 4.3-54 – 4.3-55)

C. CULTURAL RESOURCES

1. Archaeological Resources

Threshold: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines, section 15064.5?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.4-24)

Explanation:

A cultural resources records search, review of literature and archival resources (historic maps, aerial photographs, topographic maps), and a field survey were conducted for the Project site. No cultural resources were identified as a result of a review of the CHRIS database and pedestrian survey, which was conducted under reliable conditions. Based on geotechnical testing results, soils present within the proposed Project site are native and not overlain with fill; however, evidence of ground disturbance to unknown depths is evidenced by both contemporary conditions observed during the pedestrian survey and through a review of the historic aerials. Additionally, evidence of natural modification through wind and water erosion and depositional event was observed. Proposed depths of ground disturbance are anticipated to extend between 4 to 14 feet across the proposed Project site and to a maximum depth of 22 feet along the east side of the proposed Project site for installation of a storm drain. In consideration of the Archaeological Resource Assessment's findings relative to the proposed Project's depths of ground disturbance, the potential to find unknown cultural resources within the proposed Project site and off-site improvements, particularly within subsurface soils, is possible during Project implementation. Therefore, implementation of MM-CUL-1 through MM-CUL-4 is required. These mitigation measures would ensure the inadvertent discovery of archaeological resources will be treated appropriately and in accordance with the CEQA regulations via: preparation of a Cultural Resources Monitoring and Inadvertent Discovery Plan (MM-CUL-1), Workers Environmental Awareness Program (WEAP) training (MM-CUL-2), retention of an on-call archaeologist to address inadvertent discoveries (MM-CUL-3), and an inadvertent discovery clause of archaeological resources implemented and included on all construction plans (MM-CUL-4). These measures would ensure that potential Project impacts to archaeological resources would be less than significant. (Draft EIR, p. 4.4-24)

The Project would result in potentially significant impacts with regard to a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. With incorporation of MM-CUL-1 through MM-CUL-4, impacts associated with archaeological resources would be

less than significant with mitigation incorporated.

MM-CUL-1 Cultural Resource Monitoring and Inadvertent Discovery Plan. Prior to ground disturbance activities, the Applicant and/or subsequent responsible parties shall retain a Principal Investigator/Archaeologist, meeting the Secretary of the Interior's Standards, and with experience in California prehistoric and historic resources (including experience within San Bernardino County preferred), to compose a Cultural Resource Monitoring and Inadvertent Discovery Plan (Plan). The purpose of the Plan is to outline cultural monitoring protocols and a program of treatment and mitigation in the case of an inadvertent discovery of cultural resources during ground-disturbing phases and to provide for the proper identification, evaluation, treatment, and protection of any cultural resources in accordance with CEQA throughout the duration of the Project. Existence and importance of adherence to this Plan should be stated on all Project site plans intended for use by those conducting the ground disturbing activities.

MM-CUL-2 Workers Environmental Awareness Program (WEAP) Training. All construction personnel and monitors who are not trained archaeologists shall be briefed regarding unanticipated discoveries prior to the start of construction activities. A basic presentation should be prepared and presented by a qualified archaeologist to inform all personnel working on the Project about the archaeological sensitivity of the area. The purpose of the WEAP training is to provide specific details on the kinds of archaeological materials that may be identified during construction of the Project and explain the importance of and legal basis for the protection of significant archaeological resources. Each worker should also learn the proper procedures to follow in the event that cultural resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the on-call archaeologist and if appropriate, Tribal representative. Necessity of training attendance should be stated on all construction plans.

MM-CUL-3 On-Call and Periodic Archaeological Construction Monitoring. In consideration of the general sensitivity of the proposed Project site for cultural resources, a qualified archaeologist shall be retained to conduct periodic spot monitoring as well as on call response in the case of an inadvertent discovery of archaeological resources. A qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, should oversee and adjust monitoring efforts as needed (increase, decrease, or discontinue monitoring frequency) based on the observed potential for construction activities to encounter cultural deposits. The archaeologist should be responsible for maintaining monitoring logs. Following the completion of construction, the qualified archaeologist should provide an archaeological monitoring report to the lead agency and the SCCIC with the results of the cultural monitoring program.

MM-CUL-4 Inadvertent Discovery of Archaeological Resources**.** In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the Project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the

Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find under the California Environmental Quality Act (14 CCR 15064.5(f); California PRC Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery, may be warranted. If the discovery is Native American in nature, consultation with and/or monitoring by a Tribal representative may be necessary. (Draft EIR, pp. 4.4-28 – 4.4-29)

2. Human Remains

Threshold: Would the Project disturb any human remains, including those interred outside of dedicated cemeteries?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.4-25)

Explanation:

No cultural resources were identified as a result of a review of the CHRIS database and pedestrian survey. Given these findings, the potential to encounter unanticipated human remains on the Project site is low. However, in consideration of the Archaeological Resource Assessment's findings that the Project site is underlain by native soils relative to the proposed Project's depths of ground disturbance, the potential to find unknown cultural resources, including human remains, within the proposed Project site and off-site improvements, is possible during Project implementation. Implementation of MM-CUL-1 through MM-CUL-4, as well as MM-CUL-5, is required. In addition to the measures outlined in MM-CUL-1 through MM-CUL-4, MM-CUL-5 would require compliance with Section 7050.5 of the California Health and Safety Code, which requires that if human remains are found, the county coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the county coroner has determined the appropriate treatment and disposition of the human remains. If the county coroner determines that the remains are, or are believed to be, Native American, he or she shall follow all required protocols according to California Public Resources Code, Section 5097.98. to a level of less than significant with mitigation incorporated. (Draft EIR, p. 4.4-25)

The Project would result in potentially significant impacts associated with the disturbance of human remains, including those interred outside of formal cemeteries. With incorporation of MM-CUL-5, impacts associated with human remains would be less than significant with mitigation incorporated.

MM-CUL-5 Inadvertent Discovery of Human Remains. In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the county coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to

overlie adjacent remains shall occur until the county coroner has determined the appropriate treatment and disposition of the human remains. If the county coroner determines that the remains are, or are believed to be, Native American, he or she shall follow all required protocols according to California Public Resources Code, Section 5097.98. (Draft EIR, p. 4.4-28.)

D. GEOLOGY AND SOILS

1. Paleontological Resources

Threshold: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Finding: Less than significant with mitigation. (Draft EIR, pp. 4.4-26 – 4.4-27)

Explanation:

The Project area is located within the Mojave Desert Geomorphic Province, which is characterized by rugged mountain ranges with intervening alluvial fans, bajadas, and valleys that have no drainage to the ocean (CGS 2002). According to surficial geological mapping by Dibblee (1960) at a 1:62,500 scale and the geological time scale of Cohen et al. (2022), the Project area is underlain by Holocene (< 11,700 years ago) alluvial deposits (map unit Qa). Holocene alluvial deposits are typically an unconsolidated mixture of clay, silt, sand, and gravel.

The geotechnical report prepared for the larger industrial development area indicated portions of the Project site are immediately underlain or very shallowly underlain by Pleistocene (older) alluvial deposits (Appendix E). Test Pits TP-9, TP-14, and TP-15 and Boring B-7 where excavated/drilled within the Project site boundaries. In general, TP-9, which was excavated to a depth of 6 feet below the ground surface (bgs), encountered unconsolidated Holocene sands that were fine to coarse-grained with some gravel on the bottom 3 feet of the TP. TP-14 (east-central portion of the Project site) and TP-15 (southeast portion of the Project site) encountered Pleistocene alluvial deposits at 1 foot bgs, whereas B-7, located in the southwestern portion of the Project site, indicated Pleistocene alluvial deposits are present on the surface (Appendix E).

Dudek requested a paleontological records search from the Natural History Museum of Los Angeles County (NHMLA) on October 10, 2022, and the results were received on October 16, 2022. The NHMLA reported no fossil localities from within the Project site; however, they have nearby localities from older sediments that lie within the 1-mile buffer on the surface and are likely at depth beneath the Project site (Pleistocene older alluvial deposits and the Pleistocene Shoemaker Gravel). Fossil locality, LACM (Los Angeles County Museum) VP (Vertebrate Paleontology) 1224 produced a fossil camel (Camelidae) from the Shoemaker Gravel north of Hesperia in southern Victorville from an unknown depth below the ground surface (bgs) (NHMLA 2022). LACM VP 3353 yielded a fossil horse (*Equus*) also from an unknown depth bgs from the Shoemaker Gravel in Hesperia.

Another fossil horse (*Equus*) (LACM VP 3352) was reported from the Shoemaker Gravels of northern Victorville (NHMLA 2022). LACM VP 3498 produced horse (*Equus*), deer (Cervidae), and antelope (Antilocapridae) from an unknown depth bgs in the Shoemaker Gravel on the west bank of the Mojave River. From between 10 and 11 feet bgs, a fossil vole (*Microtus mexicanus*) (LACM VP 7786) was recovered near the Southern California Logistics Airport in Victorville. Finally, the NHMLA reported a locality, LACM VP 6125, produced unspecified invertebrate fossils from an unknown depth bgs in an unknown formation at the east end of Rabbit Lake.

According to the Society of Vertebrate Paleontology (SVP 2010) guidelines significant paleontological resources (i.e., fossils) are defined as identifiable vertebrate fossils, uncommonly recovered invertebrate, trace, and plant fossils and accompanying data. In general, to be significant, Holocene fossils should be greater than approximately 5,000 years old, which approximately corresponds with the middle Holocene (SVP 2010). The surficial Holocene alluvial deposits, aged less than 11,700 years ago, have not been shown to produce any fossil resources and therefore has low paleontological sensitivity on the surface that increases with depth where they can become old enough to preserve significant paleontological resources.

No paleontological resources were identified within the Project site as a result of the institutional records search or desktop geological and paleontological review. In addition, the Project site is not anticipated to be underlain by unique geologic features. Areas of the Project site underlain by Holocene alluvial deposits have low paleontological sensitivity increasing to moderate or high with depth as middle Holocene to Pleistocene older alluvial deposits are encountered, as anticipated by the fossil locality records search (NHMLA 2022) and the geotechnical report (Appendix E). If intact paleontological resources are located onsite, ground-disturbing activities associated with construction of the proposed Project, such as grading during site preparation and trenching for utilities, have the potential to destroy a unique paleontological resource or site. As such, the Project site is considered to be potentially sensitive for paleontological resources at depth, and without mitigation, the potential damage to paleontological resources during construction associated with the Project is considered a potentially significant impact. Given the proximity of past fossil discoveries in the surrounding area within Pleistocene alluvial deposits and/or the Shoemaker Gravel, the Project site is highly sensitive for supporting paleontological resources below the depth of recent alluvial deposits. However, upon implementation of MM-GEO-1, impacts would be reduced to below a level of significance. Impacts of the proposed Project are considered less than significant with mitigation incorporated during construction. (Draft EIR, pp. 4.4-26 – 4.4-27)

The Project would result in potentially significant impacts with regard to the potential to destroy a unique paleontological resource. With implementation of MM-GEO-1, impacts associated with unique paleontological resources would be less than significant.

MM-GEO-1 Prior to commencement of any grading activity on-site, the applicant shall retain a qualified paleontologist per the SVP (2010) guidelines. The paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the Project. The PRIMP shall be consistent with the SVP (2010) guidelines and should outline requirements for preconstruction meeting attendance and worker environmental awareness training, where monitoring is required within the proposed Project site based on construction plans and/or geotechnical reports, procedures for adequate paleontological monitoring and discoveries treatment, and paleontological methods (including sediment sampling for microvertebrate fossils), reporting, and collections management. The qualified paleontologist shall attend the preconstruction meeting and a qualified paleontological monitor shall be on-site during all rough grading and other significant ground-disturbing activities (including augering) in previously undisturbed, fine-grained Pleistocene alluvial deposits. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor will temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot radius buffer. Once documentation and collection of the find is completed, the monitor will remove the rope and allow grading to recommence in the area of the find. Salvaged fossils deemed to be significant shall be donated to an accredited repository with retrievable storage such as the San Bernardino County Museum, Natural History Museum of Los Angeles County, or the Western Science Center. Costs for preparing the fossils for accessioning into the accredited repository and any associated curation fees shall be paid by the Project proponent. (Draft EIR, p. 4.4-29)

E. GREENHOUSE GAS EMISSIONS

1. Emission Reduction Plans

Threshold: Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?

Finding: Less than significant with mitigation. (Draft EIR, pp. 4.6-31 – 4.6-36)

Explanation:

As previously stated, pursuant to Section 15064.4(a) of the CEQA Guidelines, a lead agency may rely on qualitative analysis or performance-based standards to determine the significance of impacts from GHG emissions. As such, the Project's consistency with SB 32 (2022 Scoping Plan), the Town's CAP, and with SCAG's RTP/SCS are discussed below. Although the Town's 2019 CAP Update does not include a clear mechanism for CEQA streamlining and is not a qualified plan under CEQA, it is included in this discussion for informational purposes. It should also be noted that the Project's consistency with the 2022 Scoping Plan also satisfies consistency with AB 32 since the 2022 Scoping Plan is based on the overall targets established by AB 32.

Project Consistency with State Reduction Targets and CARB's Scoping Plan

The California State Legislature passed the Global Warming Solutions Act of 2006 (Assembly Bill 32 [AB 32]) to provide initial direction to limit California's GHG emissions to 1990 levels by 2020 and initiate the state's long-range climate objectives. Since the passage of AB 32, the State has adopted GHG emissions reduction targets for future years beyond the initial 2020 horizon year. For the proposed Project, the relevant GHG emissions reduction targets include those established by Senate Bill 32 (SB 32) and AB 1279, which require GHG emissions be reduced to 40% below 1990 levels by 2030, and 85% below 1990 levels by 2045, respectively. In addition, AB 1279 requires the state achieve net zero GHG emissions by no later than 2045 and achieve and maintain net negative GHG emissions thereafter.

As defined by AB 32, the California Air Resources Board (CARB) is required to develop The Scoping Plan, which provides the framework for actions to achieve the State's GHG emission targets. The Scoping Plan is required to be updated every five years and requires CARB and other state agencies to adopt regulations and initiatives that will reduce GHG emissions statewide. The first Scoping Plan was adopted in 2008, and was updated in 2014, 2017, and most recently in 2022. While the Scoping Plan is not directly applicable to specific projects, nor is it intended to be used for project-level evaluations,[5] it is the official framework for the measures and regulations that will be implemented to reduce California's GHG emissions in alignment with the adopted targets. Therefore, a project would be found to not conflict with the statutes if it would meet the Scoping Plan policies and would not impede attainment of the goals therein.

CARB's 2017 Scoping Plan update was the first to address the state's strategy for achieving the 2030 GHG reduction target set forth in SB 32 (CARB 2017), and the most recent CARB 2022 Scoping Plan update outlines the state's plan to reduce emissions and achieve carbon neutrality by 2045 in alignment with AB 1279 and assesses progress is making toward the 2030 SB 32 target (CARB 2022). As such, given that SB 32 and AB 1279 are the relevant GHG emission targets, the 2017 and 2022 Scoping Plan updates that outline the strategy to achieve those targets, are the most applicable to the proposed Project.

The 2017 Climate Change Scoping Plan Update (Second Update) included measures to promote renewable energy and energy efficiency (including the mandates of SB 350), increase stringency of the Low Carbon Fuel Standard (LCFS), measures identified in the Mobile Source and Freight Strategies, measures identified in the proposed Short-Lived Climate Pollutant Plan, and increase stringency of SB 375 targets. The 2022 Scoping Plan for Achieving Carbon Neutrality (Third Update) builds upon and accelerates programs currently in place, including moving to zero-emission transportation; phasing out use of fossil gas use for heating homes and buildings; reducing chemical and refrigerants with high GWP; providing communities with sustainable options for walking, biking, and public transit; and displacement of fossil-fuel fired electrical generation through use of renewable energy alternatives (e.g., solar arrays and wind turbines) (CARB

2022).

Many of the measures and programs included in the Scoping Plan would result in the reduction of Project-related GHG emissions with no action required at the Project level, including GHG emission reductions through increased energy efficiency and renewable energy production (SB 350), reduction in carbon intensity of transportation fuels (LCFS), and the accelerated efficiency and electrification of the statewide vehicle fleet (Mobile Source Strategy). Given that the proposed Project is also not anticipated to result in substantial increase in mobile trips (see Section 3.17, Transportation*)*, the Project would also not conflict with the Second Update's goal of reducing GHG emissions through reductions in VMT statewide.

The 2045 carbon neutrality goal required CARB to expand proposed actions in the Third Update to include those that capture and store carbon in addition to those that reduce only anthropogenic sources of GHG emissions. The proposed Project would support the state's carbon neutrality goals, as implementation includes addition of urban-tree and native plantings throughout the Project site, which represent opportunities for potential carbon removal and sequestration over the Project lifetime. However, the Third Update emphasizes that reliance on carbon sequestration in the state's natural and working lands will not be sufficient to address residual GHG emissions, and achieving carbon neutrality will require research, development, and deployment of additional methods to capture atmospheric GHG emissions (e.g., mechanical direct air capture). Given that the specific path to neutrality will require development of technologies and programs that are not currently known or available, the Project's role in supporting the statewide goal would be speculative and cannot be wholly identified at this time.

Draft EIR Table 4.6-7 highlights the measures from the 2022 Scoping Plan that are relevant to the Project.

Consistency with the Town Climate Action Plan

As previously stated, the 2019 CAP Update presents a number of strategies that will make it possible for the Town to meet the recommended GHG emissions targets that are consistent with the reduction targets of the state. As described in the 2019 CAP Update:

Section IV.ii provides, in broad terms, policies that may contribute to GHG reductions. These measures are intended as a menu for existing and future development, any combination of which can be implemented to reach reduction targets on a project-by-project basis.

The Project's consistency with applicable 2019 CAP Update strategies is therefore based on the overarching categories described within the 2019 CAP Update, rather than the entire menu of policies. Without mitigation, the Project would not be consistent with many of these strategies. However, with implementation of MM-

AQ-1, the Project would be consistent with all strategies and would support the Town's CAP.

- **Transportation Measures**. The Project would require measures that would support reducing GHGs through the transportation sector. Specifically, implementation of MM-AQ-1 would require installation of EV chargers and infrastructure for electric equipment and vehicles. In addition, MM-AQ-1 requires the establishment of transportation demand management programs for occupants with more than 250 employees in order to reduce employee commute vehicle emissions, as well as requirements to limit idling. Finally, although the requirement for all cargo handling and landscaping equipment to be zero-emission would not specifically be in the transportation sector, this aspect of MM-AQ-1 would also substantially reduce GHG emissions.

- **Energy Efficiency Measures**. The Project would require measures that would support energy efficiency, as specified in MM-AQ-1. These would include, but not limited to, the installation of on-site solar panels sufficient to meet at least 90% of the Project's total operational energy requirements from within the building envelope.

- **Renewable Energy Measures**. The Project would require the generation of renewable energy through the installation of on-site solar panels sufficient to meet at least 90% of the Project's total operational energy requirements from within the building envelope, as described in MM-AQ-1.

- **Solid Waste Management Measures**. The Project would be consistent with the Solid Waste Management Measures of the 2019 CAP Update due to PDF-AQ-1, which requires that 65% of the nonhazardous construction and demolition waste shall be recycled and/or salvaged for reuse. (Final EIR, p. 4.6-35.)

Potential to Conflict with SCAG's RTP/SCS

The SCAG 2020–2045 RTP/SCS is a regional growth management strategy that targets per capita GHG reduction from passenger vehicles and light trucks in the Southern California region pursuant to SB 375. In addition to demonstrating the region's ability to attain the GHG emission-reduction targets set forth by CARB, the 2020-2045 RTP/SCS outlines a series of actions and strategies for integrating the transportation network with an overall land use pattern that responds to projected growth, housing needs, changing demographics, and transportation demands. Thus, successful implementation of the 2020-2045 RTP/SCS would result in more complete communities with a variety of transportation and housing choices, while reducing automobile use.

The following strategies are intended to be supportive of implementing the 2020-2045 RTP/SCS and reducing GHGs: focus growth near destinations and mobility

options; promote diverse housing choices; leverage technology innovations; support implementation of sustainability policies; and promote a green region (SCAG 2020). The strategies that pertain to residential development and SCAG's support of local jurisdiction sustainability efforts would not apply to the Project. The Project's compliance with the remaining applicable strategies is presented below (also see Draft EIR Table 4.9-1 Consistency with 2020–2045 RTP/SCS Goals within Section 4.9, Land Use and Planning).

- **Focus Growth Near Destinations and Mobility Options**. The Project's compliance with this strategy of the 2020-2045 RTP/SCS is supported because the Project would introduce new jobs proximate to existing housing, which would reducing vehicle miles traveled. The Project's proximity to existing freeways also helps to reduce vehicle miles traveled and local truck traffic congestion.

- **Leverage Technology Innovations**. One of the technology innovations identified in the 2020-2045 RTP/SCS that would apply to the Project is the promotion and support of low emission technologies for transportation, such as alternative fueled vehicles to reduce per capita GHG emissions. For this particular Project, all cargo handling equipment will be powered by electricity.

- **Promote a Green Region.** The third applicable strategy within the 2020-2045 RTP/SCS, for individual developments, such as the Project, involves promoting a green region through efforts such as supporting local policies for renewable energy production and promoting more resource efficient development (e.g., reducing energy consumption) to reduce GHG emissions. The Project will feature rooftop solar panels in order to comply with this strategy.

Based on the analysis above, with mitigation, the Project would be consistent with the SCAG 2020-2045 RTP/SCS.

Summary

The Project demonstrates consistency with the CARB's Scoping Plan and would not conflict with other regulations regarding reductions to GHG emissions including AB 32, Title 24 an SB 32. Additionally, the Project would be consistent with the Town's 2019 CAP Update and the SCAG 2020–2045 RTP/SCS, with implementation of MM-AQ-1. (Draft EIR, pp. 4.6-31 – 4.6-36)

The Project would not conflict with applicable plans, policies or regulations related to GHGs. With implementation of MM-AQ-1, MM-GHG-1, and MM-TRANS-1, impacts are less than significant with implementation of mitigation. (Final EIR, p. 4.6-37.)

F. TRIBAL CULTURAL RESOURCES

1. Tribal Cultural Resources

Threshold: Would the Project 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 Public Resources Code section 5024.1?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.4-25)

Explanation:

The Project is subject to compliance with AB 52 (PRC Section 21074), which requires consideration of impacts to "tribal cultural resources" as a part of the CEQA process, and requires the Town, as the CEQA lead agency, to notify any groups who have requested notification of proposed projects that are subject to AB 52 compliance and are under the jurisdiction of the agency. The Town requested tribal consultation from its four requesting tribes: the Cabazon Band of Mission Indians, the Cahuilla Band of Indians, the San Manuel Band of Mission Indians, and the Twenty-Nine Palms Band of Mission Indians. To date, no responses have been received by the Tribe pursuant to AB 52 Tribal Consultation. The Project site has been thoroughly researched, surveyed, and analyzed to identify the level of potential for archaeological and tribal cultural resources. No archaeological and tribal cultural resources were identified as a result of these efforts. Notwithstanding, MM-CUL-1 through MM-CUL-5 are required to help ensure the integrity of archaeological resources and human remains during ground-disturbing activities. With the incorporation of MM-CUL-1 through MM-CUL-5, impacts associated with tribal cultural resources would be less than significant. (Draft EIR, p. 4.4-25)

SECTION IV.
IMPACTS THAN CANNOT BE FULLY MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

The Town hereby finds that, despite the incorporation of Mitigation Measures identified in the EIR and in these Findings, the following environmental impacts cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein:

G. GREENHOUSE GAS EMISSIONS

1. Emissions Generation

Threshold: Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Finding: Significant and Unavoidable. (Draft EIR, pp. 4.6-29 – 4.6-31)

Explanation:

There is currently no construction related GHG emission numerical thresholds for development projects within the MDAQMD's jurisdiction. Therefore, the MDAQMD follows the SCAQMD recommendation in calculating the total GHG emissions for construction activities by amortizing the emissions over the life of a project. This is done by dividing construction-period GHG emissions by a 30-year Project life then adding that number to the annual operational phase GHG emissions. As such, Project construction emissions were amortized over a 30-year period and added to the annual operational phase GHG emissions. The amortized construction emissions are presented in Draft EIR Table 4.6-4.

As shown in Draft EIR Table 4.6-4, total estimated GHG emissions generated during construction of the Project are approximately 2,236 MT CO2e. Estimated Project-generated construction emissions amortized over 30 years would be approximately 75 MT CO2e per year.

Operation of the Project would generate GHG emissions from area sources (landscape maintenance equipment operation), energy use (natural gas combustion and utility generation of electricity consumed by the project), mobile sources (vehicular traffic), off-road equipment (electric and diesel-fueled equipment), stationary sources (emergency diesel generator testing and maintenance), solid waste disposal, generation of electricity associated with water supply, treatment, and distribution and wastewater treatment. The estimated operational GHG emissions are shown in Draft EIR Table 4.6-5. Detailed operational model outputs are presented in Appendix B-1.

As shown in Draft EIR Table 4.6-5, the Project would result in approximately 31,907 MT CO2e per year, which would exceed the SCAQMD GHG threshold of 3,000 MT CO2e per year. Therefore, the Project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment prior to mitigation, and this would represent a cumulatively potentially significant impact.

Mitigation measures are required to minimize operational-related GHG impacts. Implementation of MM-AQ-1 (identified in Section 4.2) includes the requirement for all off-road cargo handling equipment to be zero-emission, which would reduce the long-term GHG emissions substantially. In addition, implementation of MM-AQ-1 would restrict the Project from including refrigerated storage space without additional CEQA review. MM-AQ-1 would also reduce the emission of GHGs through the inclusion of solar power, electrical infrastructure for equipment and

vehicles, and sustainable design measures. Draft EIR Table 4.6-6 summarizes the mitigated annual operational emissions associated with the Project. Detailed operational model outputs are presented in Appendix B-1.

As depicted in Draft EIR Table 4.6-6, the Project would still exceed the applied threshold of 3,000 MT CO2e per year after mitigation by approximately 18,170 MT CO2e. No feasible mitigation measures beyond those already identified that would reduce these emissions to levels that are less than significant. Therefore, even with the incorporation of mitigation, long-term impacts associated with a cumulatively considerable increase in GHG emissions would be significant and unavoidable.

Summary

The Project ultimately exceeds the SCAQMD GHG threshold of 3,000 MT CO2e per year and would represent a cumulatively potentially significant impact. (Draft EIR, pp. 4.6-29 – 4.6-31)

The Project would result in potentially significant impacts with regard to generating GHG emissions. Implementation of MM-AQ-1, MM-GHG-1 (below), and MM-TRANS-1 (Section 4-12) would reduce operational GHG emissions, to the extent feasible; however, impacts would remain significant and unavoidable.

MM-GHG-1 The Project shall require tenants to subscribe to the Apple Valley Choice Energy 100% Renewable Energy Plan, which is 100% renewable and 100% carbon-free, for the duration of occupancy. At each lease or change of building ownership, the new lessee or owner shall also be automatically enrolled in the Apple Valley Choice Energy 100% Renewable Energy Plan, which shall be verified by the Town prior to issuance of each Certificate of Occupancy. Proof of election of the 100% renewable service option shall be provided to the Town upon request, which requirement shall be contained in all tenant lease agreements. (Final EIR, pp. 4.6-36 – 4.6-37.)

H. TRANSPORTATION

1. VMT

Threshold: Would the Project conflict or be inconsistent with CEQA Guidelines sections 15064.3, subdivision (b)?

Finding: Significant and Unavoidable. (Draft EIR, 4.12-12 – 4.12-15)

Explanation:

CEQA Guidelines Section 15064.3(b) focuses on VMT for determining the significance of transportation impacts.

VMT Screening

The San Bernardino County Transportation Impact Study Guidelines (July 2019) identifies projects that can be screened from conducting a project-specific VMT analysis. A land use project need only to meet one of the below screening thresholds to result in a less-than- significant impact.

Local Serving Development: Projects which serve the local community and have the potential to reduce VMT should not be required to complete a VMT assessment. These projects include:

- K-12 schools
- Local-serving retail less than 50,000 sq. ft.
- Local parks

Day care centers

- Local serving gas stations
- Local serving banks
- Student housing projects
- Local serving community colleges that are consistent with the assumptions noted in the RTP/SC

The proposed Project does not include any of the land uses above and therefore does not meet this screening criterion.

Projects generating less than 110 daily trips: If a development project generates 110 or less net daily vehicle trips, further analysis is not required, and a less than significant determination can be made. As previously discussed above, the Project would generate 1,955 daily trips and therefore does not meet this screening criterion based on its proposed size and land use.

Projects located within a Transit Priority Area (TPA): Projects located within a TPA as determined by the most recent SCAG RTP/SCS. The Project site is not located within 0.5 miles of an existing major transit stop, or along a high-quality transit corridor and therefore does not meet this screening criterion.

Projects located within a low VMT generating area. A project that is located in efficient areas of San Bernadino County will reduce VMT per person/employee and is beneficial to the region. San Bernadino County's Screening Tool was used to identify whether the Project is located in a low VMT area. A parcel within the Project site was selected and the Screening Tool was run for VMT per service population

(e.g., population and employment) measure of VMT. As shown in Draft EIR Table 4.12-2 below, the VMT per service population for the Project TAZ is 67.6, and the San Bernardino County VMT per service population is 33.3. Therefore, the TAZ would be 102.87% above San Bernadino County's threshold, which would not meet the required baseline screening criteria established in the Town's guidelines. The Project would not qualify as residing in a low VMT area.

As outlined above, the Project does not meet the screening criteria identified in San Bernadino County's guidelines. Therefore, the Project's potential VMT impact was conducted and is summarized below.

VMT Analysis

The VMT estimates calculated for the Project are shown in Draft EIR Tables 4.12-3 (VMT Per Service Population) and Draft EIR Table 4.12-4 (Boundary VMT). A detailed description of the methodology, calculations and model outputs are included in Appendix J.

As shown in Draft EIR Table 4.12-3, the development of the proposed Project is forecast to exceed the Town's VMT per Service Population impact threshold by 20.8% in the baseline conditions and 80.4% in the cumulative conditions. Therefore, the Project would have a potentially significant impact on project-generated VMT.

Trip reduction measures that have the potential to reduce project-generated VMT are described in the Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (CAPCOA 2021) (2021 Handbook). Locational context is a major factor relevant to the potential application and effectiveness of VMT reduction measures. The three locational contexts identified by the 2021 Handbook are suburban, urban, and rural. The locational context of the Project is characteristically suburban, which further limits the effectiveness of a particular trip reduction measure as compared to an urban/city center with high accessibility to transit and other modes of transportation beyond the single occupancy automobile. In addition to limitations related to locational context, as future building tenants are not known for the Project, the ultimate effectiveness of certain trip reduction measures cannot be guaranteed.

Potential trip reduction measures that may be relevant to the proposed Project as described within the 2021 Handbook are listed below.

- Provide pedestrian and bicycle network improvements within the development connecting to existing off-site facilities.

§ Commute trip reduction (CTR) programs offered to encourage the use of vanpools, carpooling, public transit, and biking.

§ CTR programs may also provide for alternative work or compressed

work schedules to reduce the number of days an employee commutes to work.

§ Provision of on-site facilities to provide end of trip services for bicycling such as secure bike parking and storage lockers.

§ Provide reserved preferential parking spaces for car-share, carpool, and ultra-low or zero emission vehicles.

Consistent with the Air Quality analysis, the project would implement a Transportation Demand Management Plan (TRANS-1) to discourage single-occupancy vehicle trips and encourage alternative modes of transportation. However, the effectiveness of some of the aforementioned measures is dependent on yet unknown tenant(s) and employee participation. Conservatively, this analysis assumes no reduction in VMT that may result from implementation of TRANS-1 and impacts remain potentially significant. Therefore, impacts would be significant and unavoidable. (Final EIR, p. 4.12-15.)

The Project's VMT analysis found the Project to exceed the Town's VMT per service population impact threshold by 20.8% in the Baseline condition and 80.4% in the Buildout condition. Therefore, the Project is determined to have a potentially significant project-generated impact on VMT. However, the Project's effect on VMT was found to remain unchanged with the Project as compared to the No Project scenario for both the Baseline and Cumulative conditions. Therefore, the Project's effect on VMT was found to be less than significant. The project would implement TRANS-1 (Transportation Demand Management Plan) to reduce VMT impacts to the extent feasible. However, since future building tenants are unknown at this time, implementation of trip reduction measures cannot be guaranteed to reduce Project generated VMT to a level of less than significant; the Project's VMT impact is considered significant and unavoidable.

TRANS-1 The Project shall implement the following measures in order to reduce operational air pollutant emissions to the extent feasible:

- **Transportation Demand Management Plan**. For occupants with more than 250 employees, a Transportation Demand Management Program to reduce employee commute vehicle emissions shall be established, subject to review and approval by the Town of Apple Valley prior to issuance of each future Certificate of Occupancy. The Transportation Demand Management Plan shall apply to Project tenants through tenant leases. The TDM plan shall discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking, depending on future availability of pedestrian and bicycle facilities and transit stops within the Project vicinity and the employee scheduling needs of occupant. Examples of trip reduction measures may include, but are not limited to:

- Transit passes
- Car-sharing programs
- Telecommuting and alternative work schedules
- Ride sharing programs
- Employer sponsored vanpool
- End-of-trip bike facilities

(Final EIR, pp. 4.12-21 – 4.12-22.)

2. Design Hazards

Threshold: 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: Significant and Unavoidable. (Draft EIR, pp. 4.12-15 – 4.12-17)

Explanation:

The following discussion describes the potential for increased hazards as a result of geometric design features of the Project, and/or as a result of the addition of Project traffic to adjacent roadways and Caltrans facilities.

Project Site Access

Access to the Project site would be provided from a new driveway on Johnson Road, a new driveway on Central Road, and a new driveway on Lafayette Street. A summary of the driveway access locations is provided below, as identified in Figure 4.12-6, Vehicular Circulation and Access Plan:

- No. 13: Driveway A/Johnson Road- full access; trucks/passenger vehicles
- No. 14: Central Road/Driveway B - full access; trucks
- No. 15: Driveway C/Lafayette Street- full access; trucks/passenger vehicles
- No. 16: Driveway D/Lafayette Street- full access; trucks/passenger vehicles

A queuing analysis was prepared for all Project driveways to assess the adequacy of any off-site storage lanes into the Project site, as well as the adequacy of driveway throat lengths and space on site for vehicles to queue without effecting the internal circulation on the Project site. Queuing was analyzed utilizing the SimTraffic software, which calculates the 95th percentile (design) queue. All queuing analysis data and SimTraffic queuing worksheets are provided in

Appendix J. Based on the analysis, the proposed Project would not result in unacceptable queueing conditions into or out of the Project site.

Proposed Site Access Improvements

All roadway improvements required as part of the Project, whether located on or off site, would be designed and constructed in accordance with all applicable local, state, and federal roadway standards and practices. All intersections would continue to operate as under existing conditions. Improvements noted below and shown in Figure 4.12-6, Vehicular Circulation and Access Plan, including the extension and build-out of the rights-of-way (ROW) of adjacent streets are assumed in this analysis. The following improvements are proposed:

- The Project would involve the construction of Central Road from the eastern edge of the existing pavement surface to Central Road's eastern right-of-way (ROW), starting at the intersection of Johnson Road and Central Road, extending to the southwest corner of the Project site at the intersection of Central Road and Lafayette Street. The portion of this improved roadway along the Project's frontage would include a curb, gutter, and sidewalk. The remaining undeveloped ROW on the western portion of the ROW would be completed at a future time, either by the Town or a future developer that is constructing a project fronting this ROW.

- The Project would involve the construction of Johnson Road to varying widths, starting at the intersection of Johnson Road and Central Road, extending to the southeast corner of the Project site at the intersection of Johnson Road and Sycamore Lane. A portion of this road would be protected by an approximately 500-foot by 20-foot area of rip rap within the northern portion of Johnson Road's ROW. This is to protect against flooding from a drainage referred to as the N-02 drainage in the Apple Valley Master Plan of Drainage, in the north. A portion of this improved roadway along the Project's frontage and near the Project's northeast driveway would include a curb, gutter, and sidewalk. The remaining undeveloped ROW on the northern portion of the ROW would be completed at a future time, either by the Town or a future developer that is constructing a project fronting this ROW. When this occurs, the rip rap feature may be removed to accommodate the ultimate construction of Johnson Road.

- The Project would involve the construction of Lafayette Street from its northern ROW boundary to approximately 6 feet south of its centerline, starting at the intersection of Lafayette Street and Central Road, extending to the southeast corner of the Project site at the intersection of Lafayette Street and Sycamore Lane. The portion of this improved roadway along the Project's frontage would include a curb, gutter, and sidewalk. The remaining undeveloped roadway area within the southern portion of the ROW would be completed at a future time, either by the Town or a future developer that is constructing a project fronting this ROW.

As the Project continues through design review, detailed roadway improvements will continue to be developed in coordination with the Town. These improvements would be overseen by the applicable lead agency and their qualified traffic engineers. This approach would ensure compliance with all applicable roadway design requirements. As such, no hazardous design features would be part of the Project's roadway improvements or site access.

Off-site Queuing Analysis

A queuing analysis was performed for the southbound I-15 ramps at Quarry Road, the northbound I-15 ramps at Stoddard Wells Road, and the I-15 north and southbound ramps at Dale Evans Parkway to assess vehicle queues for the off ramps that may potentially result in deficient peak hour operations at the ramp-to-arterial intersections and may potentially "spill back" onto the I-15 mainline. The queuing analysis was performed for Existing (2022), Opening Year (2025) plus Project, and Horizon Year (2040) plus Project conditions, using Synchro/SimTraffic software, as summarized below. All SimTraffic queueing reports are provided in Appendix J.

Existing (2022) Conditions

As shown in Draft EIR Table 4.12-5, Peak-Hour Queuing Summary for Existing Conditions, 95th percentile queuing would be satisfactory and would not extend into mainline lanes. As shown in the table, more than one vehicle may stack along Dale Evans Parkway as vehicles wait for clearance to make a left turn onto the on-ramps. As peak hour traffic volumes are low along Dale Evans Parkway, and the intersections operate at LOS B, this queuing along the through lanes would not significantly impede traffic operations. Additionally, some stacking in the de facto right-turn lanes at the off-ramps to Stoddard Wells Road may occur; however, total queuing at the off-ramp approach would not impact the freeway mainline.

Opening Year (2025) Plus Project Conditions

As shown in Draft EIR Table 4.12-6, Peak-Hour Queuing Summary for Opening Year (2025) Plus Project Conditions, the following intersection approaches are anticipated to experience periodic queuing issues during the peak hours based on the 95th percentile peak hour traffic flows for the Opening Year (2025) plus Project traffic conditions:

- No. 5: I-15 NB Ramps - Outer I-15/ Stoddard Wells Road: Southbound approaches (AM and PM peak hours) Horizon Year (2040) Plus Project Conditions

As shown in Draft EIR Table 4.12-7, Peak-Hour Queuing Summary for Horizon Year (2040) Plus Project Conditions, the following intersection approaches are anticipated to experience periodic queuing issues during the peak hours based on the 95th percentile peak hour traffic flows for the Horizon Year (2040) plus Project traffic conditions:

- § No. 5: I-15 NB Ramps - Outer I-15/ Stoddard Wells Road: Southbound approaches (AM and PM peak hours)

Improvement measures required to mitigate the Project's LOS and queuing impacts would include fair-share contributions to this intersection. However, the Town finds this mitigation is infeasible. Since Caltrans has jurisdiction over these facilities, these improvements cannot be assumed to be in place prior to Project's occupancy. (CEQA Guideline § 15091(a)(2)) Additionally, no programs or plans are in place to implement improvements at this interchange or collect fair-share contributions. Therefore, the Project's potential impact to increase in hazardous conditions (i.e., queuing) would be significant and unavoidable. (Draft EIR, pp. 4.12-15 – 4.12-17)

SECTION V.
CUMULATIVE IMPACTS

Regarding the Project's potential to result in cumulative impacts, the Town hereby finds as follows:

A. AESTHETICS

The Project is located within the Town of Apple Valley, and thus, would be designed and constructed according to the design guidelines and standards outlined in the Town's Development Code, NAVISP, and General Plan for industrial development. These guidelines and standards aim to protect the Town's high desert setting and panoramic mountain views while facilitating economic growth. All related projects located within the Town would be subject to these design guidelines and standards (where projects located within the NAVISP would be subject to the NAVISP development standards and design guidelines), which include recommendations for the architectural character of new buildings to maximize views of the landscape while taking inspiration from surrounding natural elements.

The development and design standards provide the framework for the desired aesthetic and visual environment. Other development projects in the area will incorporate development standards, design guidelines, and other strategies outlined in the Development Code. In addition, the Project's proposed building colors would incorporate the colors and tones that match or complement the natural desert environment such that color contrasts with the surrounding cumulative environment would be minimized. Thus, cumulative impacts related to the visual quality and character of the Project area would not be cumulatively considerable, assuming that related Projects would implement the same mandatory design standards set forth in the Town's Development Code and General Plan to which the Project must adhere.

Related development in the Town and surrounding areas would introduce new sources of light in a setting that includes large areas of undeveloped land. However, Project lighting would comply with existing requirements (i.e., lighting would be directed downward, shielded, and focused on the Project site) to ensure lighting has a minimal effect on the overall night sky and reduce the potential for glare. Other projects located throughout the Town would similarly be required to comply with these regulations. Therefore, compliance with these regulations would ensure that lighting and glare impacts would be less than significant. (Draft EIR, pp. 4.1-12 – 4.1-13.)

B. AIR QUALITY

Air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and the MDAQMD develops and implements plans for future attainment of ambient air quality standards. Based on these considerations, Project-level thresholds of significance for criteria pollutants are relevant in the determination of whether a project's individual emissions would have a cumulatively significant impact on air quality. Individual projects that do not generate operational or construction emissions that exceed the MDAQMD's recommended daily thresholds for project-specific impacts would also not cause a cumulatively considerable increase in emissions for those pollutants for which the MDAB is in nonattainment, and, therefore, would not be considered to have a significant, adverse air quality impact.

The area of the MDAB in which the Project is located is a nonattainment area for O3 and PM10 under the NAAQS and/or CAAQS. The poor air quality in the MDAB is the result of cumulative emissions from motor vehicles, off-road equipment, commercial and industrial facilities, and other emission sources. Projects that emit these pollutants or their precursors (i.e., VOC and NOx for O3) potentially contribute to poor air quality. As indicated in Draft EIR Table 4.2-9, daily construction emissions associated with the Project would not exceed the MDAQMD significance thresholds. Project operational-source air pollutant emissions, however, would result in exceedances of regional thresholds for emissions of NOX and CO and would be potentially significant before mitigation. With implementation of MM-AQ-1, long-term emissions of NOx and CO would be reduced to a less than significant level, and, therefore, the Project would not result in a cumulatively considerable air quality impact. (Draft EIR, pp. 4.2-41 – 4.2-42.)

C. BIOLOGICAL RESOURCES

The Project would result in potentially cumulatively considerable impacts to western Joshua trees. Western Joshua trees are a state candidate species for listing under CESA and are locally protected by the Town of Apple Valley and by the CDNPA. As required by MM-BIO-1 (Conservation of Western Joshua Tree Lands), mitigation for direct impacts to 6.9 acres of western Joshua trees at a 2:1 habitat replacement would be fulfilled through purchase of credits at a CDFW-approved mitigation bank or other conservation mechanism approved by the Town of Apple Valley and CDFW, for a total of 13.9 acres. Additionally, as required by MM-BIO-2 (Relocation of Desert Native Plants) and in accordance with Town of Apple Valley Municipal Code Chapter 9.76, the preparation of

a Joshua tree and desert native plants relocation plan is required to mitigate impacts to western Joshua trees as a result of the Project. As such, a Joshua Tree Preservation, Protection, and Relocation Plan, and Desert Native Plant Relocation Plan was prepared.

Potential impacts to special-status wildlife species, such as Mojave desert tortoise, burrowing owl, loggerhead shrike, LeConte's thrasher, Bendire's thrasher, American badger, desert kit fox, and nesting birds and raptors would be reduced to less than significant through Project implementation of MM-BIO-3 through MM-BIO-18. Implementing these mitigation measures would reduce potential impacts to less than significant and would significantly reduce the potential for direct or indirect impacts to special-status species. Therefore, there would not be a cumulatively considerable impact on any special-status species.

Potential impacts to jurisdictional waters of the United States and state, if necessary, would be reduced to less than significant through implementation of MM-BIO-3 (Designated Biologist Authority), MM-BIO-4 (Compliance Monitoring), MM-BIO-5 (Education Program), MM-BIO-6 (Construction Monitoring Notebook), MM-BIO-8 (Hazardous Waste), and MM-BIO-19 (Aquatic Resources Mitigation). Implementing these mitigation measures would reduce potential impacts to less than significant and would significantly reduce the potential for direct or indirect impacts to waters of the United States and state. Therefore, there would not be a cumulatively considerable impact to waters of the United States.

Additionally, the Project would not result in a significant impact to wildlife corridors and linkages, nor to local policies and regional conservation plans. The Project would therefore not contribute to a cumulative impact on these resources. (Draft DEIR, pp. 4.3-46 – 4.3-47)

D. CULTURAL RESOURCES

Cultural and Tribal Cultural Resources

The geographic scope of the cumulative cultural resources analysis is the region surrounding the Project site. Ongoing development and growth in the broader Project area may result in a cumulatively significant impact to cultural resources due to the continuing disturbance of undeveloped areas, which could potentially contain significant, buried archaeological or tribal cultural resources. However, as discussed above, the individual, Project-level impacts associated with cultural and tribal cultural resources were found to be less than significant with incorporation of mitigation measures (MM-CUL-1 through MM-CUL-5). The Project would be required by law to comply with all applicable federal, state, and local requirements related to historical, archaeological, and tribal cultural resources. Other related cumulative projects would similarly be required to comply with all such requirements and regulations, to be consistent with the provisions set forth by CEQA and the CEQA Guidelines, and to implement all feasible mitigation measures should a significant project-related and/or cumulative impact be identified. In consideration of these requirements, cumulative impacts would be less than significant.

Paleontological Resources

Potential cumulative impacts to paleontological resources would result from projects that combine to create an environment where fossils, exposed on the surface, are vulnerable to destruction by earthmoving equipment, looting by the public, and natural causes such as weathering and erosion. The majority of impacts to paleontological resources are site-specific and are therefore generally mitigated on a project-by-project basis. Cumulative projects would be required to assess impacts to paleontological resources. Additionally, as needed, projects would incorporate individual mitigation for site-specific geological units present on each individual project site. Furthermore, the Project does not propose construction (including grading/excavation) or design features that could directly or indirectly contribute to an increase in a cumulative impact to paleontological resources, as the mitigation measure provided in this analysis ensures any significant paleontological resources uncovered during Project excavations would be properly analyzed and salvaged by the on-site paleontological monitor. Therefore, the Project, in combination with the past, present, and reasonably foreseeable future projects in the Project vicinity, would result in less-than-significant cumulative impacts to paleontological resources, and no further mitigation measures are required. Moreover, impacts to paleontological resources would be avoided and/or mitigated with implementation of a paleontological mitigation program during excavations into paleontologically sensitive geological units. Therefore, the Project's contribution to cumulative impacts would not be cumulatively considerable. As such, cumulative impacts on paleontological resources would be less than significant. (Draft EIR, p. 4.4-27)

E. ENERGY

Cumulative projects that could exacerbate the Project's energy impacts include any projects that could result in wasteful, inefficient, or unnecessary use of energy. However, the Project would not result in wasteful, inefficient, or unnecessary use of energy during construction or operation. Construction will result in short-term and temporary energy demands. Operation of the Project would not result in a wasteful, inefficient, or unnecessary use of energy or conflict with an applicable plan. Therefore, the Project would have a less-than-significant impact with regards to cumulative energy impacts. (Draft EIR, p. 4.5-15.)

F. GREENHOUSE GAS EMISSIONS

As previously discussed in Section 4.6.1, Existing Conditions, GHG emissions impacts are inherently cumulative in nature. As shown in Draft EIR Table 4.6-6, the Project would result in GHG emissions in exceedance of the SCAQMD significance threshold, even after the implementation of all feasible mitigation. Therefore, Project GHG emissions would be cumulatively considerable and significant. (Draft EIR, p. 4.6-36)

G. HAZARDOUS AND HAZARDOUS MATERIALS

The geographic scope of the cumulative hazards and hazardous material analysis is the immediate Project area, including surrounding land uses and other nearby properties. Adverse effects of hazards and hazardous materials tend to be localized; therefore,

impacts from nearby projects would be limited, if any, and the Project site would be primarily affected by Project activities.

During construction, hazardous materials such as fuels and lubricants would be transported to and used on site in construction vehicles and equipment. These contaminants, if improperly handled, could expose the public environment to pollutants. However, water quality enhancement components of the Project, including the implementation of a SWPPP and stormwater BMPs would minimize the potential release of construction-related pollutants on and off site.

Post-development, routine operation of the Project would include the use of various hazardous materials, including chemical reagents, solvents, fuels, paints, and cleaners. These materials would be used for day-to-day operations as well as building and landscaping maintenance. However, compliance with applicable regulations involving hazardous materials during operation would ensure that such materials are transported, used, stored, and disposed of in a manner that minimizes the potential for upset and accident conditions resulting in the release of hazardous materials into the environment.

The State of California requires all businesses that handle more than a specified amount of hazardous materials or extremely hazardous materials, to submit an HMBP to its local CUPA. The HMBP must include an inventory of the hazardous materials used in the facility, and emergency response plans and procedures to be used in the event of a significant or threatened significant release of a hazardous material. The HMBP must also include the Material Safety Data Sheet for each hazardous and potentially hazardous substance used, which summarizes the physical and chemical properties of the substances and their health impacts. In the event of an accidental release of hazardous materials, the HMBP requires immediate notification to all appropriate agencies and personnel of a release, identification of local emergency medical assistance appropriate for potential accident scenarios, contact information of all company emergency coordinators of the business, a listing and location of emergency equipment at the business, an evacuation plan, and a training program for business personnel. As such, it is not expected that the Project would create a significant hazard to the public or the environment through routine operations or reasonably foreseeable upset and accident conditions or result in the release or exposure of hazardous materials into the environment. Therefore, cumulative hazards and hazardous materials impacts would be less than significant. (Draft EIR, p. 4.7-10)

H. HYDROLOGY AND WATER QUALITY

The geographic context for the analysis of cumulative impacts associated with water quality is the encompassing Mojave River Watershed for surface water and the Upper Mojave River Valley Groundwater Basin for groundwater. Cumulative development in the watershed and groundwater basin could add new sources of stormwater runoff that could adversely affect surface water or groundwater quality. Construction activities associated with the Project could temporarily increase the number of exposed surfaces that could contribute to sediments in stormwater runoff. Additionally, materials associated with construction activities could be deposited on surfaces and carried to receiving waters in stormwater runoff. However, all cumulative development in the region would be subject

to the existing regulatory requirements to protect water quality and minimize increases in stormwater runoff as has been described for the proposed Project. For example, Part 1, Section I of the MS4 Phase II NPDES Permit requires the Town of Apple Valley as well as other co-permittees to effectively prohibit non-stormwater discharges from within its boundaries, into that portion of the MS4 that it owns or operates. Part 2, Section 1.E of the MS4 Phase II NPDES Permit requires the Town to control discharges to and from municipal sewer systems, so as to comply with the NPDES permit and to specifically prohibit certain discharges identified in the NPDES Permit.

Every 2 two years, the Lahontan RWQCB must re-evaluate water quality within its geographic region and identify those water bodies not meeting water quality standards. For those impaired water bodies, a TMDL must be prepared and implemented to reduce pollutant loads to levels that would not contribute to a violation of water quality standards. All developments within the Mojave River Watershed are subject to the water quality standards outlined in the Mojave River Basin Plan and must comply with any established TMDLs. The continuing review process would ensure that cumulative development within the watershed would not substantially degrade water quality.

The county and local jurisdictions located within San Bernardino County are co-permittees under the San Bernardino County MS4 Phase II NPDES stormwater permit. The NPDES permit sets limits on pollutants being discharged into waterways and requires that the project designer and/or contractor of all new development projects that fall under specific project categories develop a WQMP that includes LID design requirements related to water quality. The LID design requirements would address long-term effects on water quality within the San Bernardino County watersheds and ensure that BMPs and LID designs minimize potential water quality concerns to the maximum extent practicable. Therefore, impacts associated with water quality standards and polluted runoff in the watersheds would be minimized, and the Project's contribution to cumulative impacts would be less than significant.

Stormwater Drainage

Less-than-Significant Impact. The geographic context for the analysis of cumulative impacts related to storm drainage is the Mojave River Watershed, which is moderately urbanized with impervious surfaces. Cumulative development within San Bernardino County could potentially increase the number of impervious surfaces that could cause or contribute to storm drain system capacity exceedance, alter the existing storm drain system, and/or require the construction of new or expanded facilities. All new development and redevelopment within the watershed would be subject to the environmental review process that would analyze potential impacts associated with stormwater runoff to the storm drain system. Cumulative projects would also be subject to existing stormwater regulatory requirements including the completion of drainage analyses to ensure that excessive on- or off-site flooding and runoff would not occur. Similar to the proposed Project, cumulative projects are required to be designed such that any increases in stormwater runoff are retained and infiltrated for the full 10-year storm event and at least 95% of the 100-year storm event. As such, the Project would substantially reduce the volume of stormwater that is discharged off site and thus would not contribute to adverse effects related to stormwater volumes. Potential impacts to

drainages associated with the Project would not contribute considerably to cumulative impacts and the impact would be less than significant. (Draft EIR, pp. 4.8-17 – 4.8-18)

I. LAND USE AND PLANNING

Implementation of the proposed Project, combined with the development of ongoing projects and future industrial projects in the greater Project area could potentially result in cumulative impacts associated with land use and planning if these projects collectively conflict with either existing land uses or other future projects in the area. The anticipated impacts of the Project in conjunction with cumulative development in the area of the Project would result in the loss of open space. However, potential land use impacts require evaluation on a case-by-case basis because of the interactive effects of a specific development and its immediate environment. As described throughout this Draft EIR, the proposed Project would not conflict with the goals and policies of the Apple Valley General Plan or North Apple Valley Industrial Specific Plan. In addition, the proposed Project would be an allowable use and would not conflict with the Town's land use or zoning classifications. Therefore, as proposed the Project would be consistent with the goals and policies of the Apple Valley General Plan and the North Apple Valley Industrial Specific Plan, and the Project would therefore not contribute to a cumulatively considerable impact regarding land use.

Furthermore, all related projects would be required to undergo environmental review on a case-by-case basis in accordance with the requirements of CEQA. Each related project would also be required to demonstrate consistency with all applicable planning documents governing the Project site, including the Apple Valley General Plan and the Zoning Ordinance, and any applicable Specific Plans. Should potential impacts be identified, appropriate mitigation would be prescribed that would likely reduce potential impacts to less-than-significant levels. Therefore, the proposed Project would not result in a cumulatively considerable impact related to land use. (Draft EIR, pp. 4.9-8 – 4.9-9)

J. POPULATION AND HOUSING

The cumulative context for traffic noise is the traffic volume increases on roadways in the Project vicinity as a result of implementation of the proposed Project. The Project transportation analysis considered the addition of traffic trips from cumulative projects as identified by the Town.

Non-transportation noise sources (e.g., Project operation) and construction noise impacts are typically project-specific and highly localized (i.e., these do not generally affect the community noise level at distances beyond several hundred feet). Construction activities associated with proposed or future development within the area would contribute to cumulative noise levels, but in a geographically limited and temporary manner. As other development occurs in the area, noise from different types of uses (e.g., traffic, aircraft, and fixed noise sources) would continue to combine, albeit on a localized basis, to cause increases in overall background noise conditions within the area. As a result, such sources do not significantly contribute to cumulative noise impacts at distant locations and are not evaluated on a cumulative level.

The analysis of off-site Project-related traffic noise levels included an evaluation of traffic volumes and resulting roadway traffic noise levels from cumulative (i.e., Year 2040) projects. Draft EIR Table 4.10-10 shows that the maximum noise level increase for the Year 2040 versus Year 2040 plus Project scenario would be 3 dB or less at every studied road segment. Traffic noise would not be cumulatively considerable. (Draft EIR, p. 4.10-19)

K. PUBLIC SERVICES

A cumulatively significant impact related to public services would occur as a result of population growth and development within the Town due to the Project and cumulative projects, including past, present, and reasonably foreseeable future projects. A list of cumulative projects relevant to the proposed Project is included in Section 3.2 of Chapter 3, Project Description, of this Draft EIR. The cumulative study area is based on the service area of each public service that would serve the Project. As discussed above, Project impacts on fire and police protection services would be less than significant. The implementation of prevention measures, compliance with applicable state and local regulations, as well as the payment of IDFs would ensure that fire and police protection would continue to be provided at an adequate level of service in the Town. Similar to the proposed Project, all cumulative projects would be subject to the same requirements, including the payment of DIFs. Cumulative Projects would also be required to undergo environmental review, in compliance of the requirements of CEQA. Should any potentially significant impacts to public services be identified, appropriate mitigation would be prescribed to reduce these impacts to a less than significant level.

In addition, as discussed in the initial study (Appendix A), the Project would not result in a significant impact to schools, parks, or other public facilities. Therefore, the Project would not have a cumulatively considerable impact associated with these public services. As such, because the Project would not create a significant impact on public services, and because cumulative projects would be subject to the same requirements, cumulatively considerable impacts associated with the Project would be less than significant. (Draft EIR, pp. 4.11-7 – 4.11-8)

L. TRANSPORTATION

As discussed above in Threshold B, the Project VMT would exceed the Town's VMT per service population impact threshold by 80.4% in the Buildout condition. Since future building tenants are unknown at this time, implementation of trip reduction measures cannot be guaranteed to reduce Project generated VMT to a level of less than significant; the Project's cumulative VMT impact is considered significant and unavoidable.

The Project may increase a hazardous condition due to queuing impacts at intersection No. 5 under the Opening Year (2025) plus Project traffic conditions and Horizon Year (2040) plus Project conditions. Since the Town does not have jurisdiction over this intersection, improvements cannot be assumed to be in place prior to Project's occupancy.

Therefore, Project's impacts to VMT and increase in hazardous conditions (e.g., queuing) would be significant and unavoidable, and thus, the Project could contribute to a cumulatively considerable impacts associated with VMT and queuing and hazardous design features. (Final EIR, p. 4.12-22 – 4.12-23)

M. UTILITIES AND SERVICE SYSTEMS

The Project would not result in cumulatively considerable impacts related to utilities and service systems, as discussed below.

Water Supply

Development of the Project would increase water demand (approximately 40 AFY) compared to existing conditions. The Project would be served by Liberty Utilities for which their 2020 UWMP contains detailed information about the urban water supplier's water supply and demand projections out to 2045. The water demand for the cumulative projects is also accounted for in the UWMP because they are consistent with the existing general plan designation and zoning that was established in the plan. According to the Town's General Plan, the land use and zoning designations for the Project site are Regional Commercial (C-R). Additionally, the Project site is located within the Warehouse Distribution Regional Commercial (C-R) Overlay. Given much of Liberty Utilities' service area is already built out, the Project's additional water demand reasonably fits within this projected increase. The UWMP indicates that Liberty Utilities can meet water demands during normal years, single-dry years, and a 5-consecutive-year drought period over the next 25 years (Liberty Utilities 2021). This is because although the underlying basin is adjudicated, there is no hard limit on the amount of groundwater that can be produced annually; however, the Judgement requires Liberty Utilities to pay the Watermaster for any overages above their allocation to be used for purchasing SWP replacement water. Liberty Utilities can also meet its obligation by transferring unused allocations from other parties in the Alto Subarea. Therefore, because it has historically been able to meet demands during historical 5-year droughts, has a water shortage contingency plan, and planned demand/supply management measures in place, it is projected to meet all demands projected out to 2045 (Liberty Utilities 2021). As such, there is no cumulative impact and the Project would not be expected to result in increased water usage causing the need for new entitlements, resources, and/or treatment facilities that are not already being planned to accommodate regional growth forecasts.

Lastly, compliance with the CALGreen Building Code would be required for new development. In addition, CALGreen Building Code standards require a mandatory reduction in outdoor water use, in accordance with the CDWR Model Water Efficient Landscape Ordinance. This would ensure that the Project does not result in wasteful or inefficient use of limited water resources and may, in fact, result in an overall decrease in water use per person.

Due to water planning efforts and water conservation standards, impacts would not be cumulatively considerable.

Wastewater

The Project would increase the amount of wastewater that is being generated in the area. However, as previously described, with the upsizing and installation of the sewer improvements, the wastewater treatment facilities in the Project would have the capacity to convey and treat municipal flows. Additionally, Town addresses its long-term planning efforts through the development of a long-term capital improvements program, which serves as a fundamental roadmap of required water, recycled water, and water reclamation facilities needed to support the build out of existing jurisdictional general plans throughout its service area. The Town's Capital Improvements Program relies on its Sewer System Master Plan (Town of Apple Valley 2013) to identify the wastewater and recycled water infrastructure projects that will be necessary to accommodate future build-out in its service area. As cumulative increases in wastewater treatment demand within the service area require facility upgrades, the Town would charge service connection fees. Such fees would ensure that capital improvements are completed sufficiently to accommodate increased wastewater inflows associated with the Project area. As such, due to the Town's longterm planning efforts, the Town would have adequate capacity to serve the Project and cumulative projects' projected demand in addition to the provider's existing commitments using existing entitlements and infrastructure, and impacts would not be cumulatively considerable.

Solid Waste

Development of the Project would increase land-use intensities in the area, resulting in increased solid waste generation in the service area for the Victorville Sanitary Landfill. However, per CALGreen, 65% of construction and debris waste must be diverted from landfills. Once operational, AB 939 mandates that cities divert from landfills, at a minimum, 50% of the total solid waste generated to recycling facilities. In addition, to reduce on-site solid waste generation, the Project would be required to implement waste reduction, diversion, and recycling during both construction and operation. Therefore, through compliance with state and local solid waste diversion requirements, Project impacts would not be cumulatively considerable.

Electric Power, Natural Gas, and Telecommunication

Development of the Project would add to demands for energy and would increase requirements for telecommunication technology infrastructure. As stated in Section 4.13.1, the ISO plans and coordinates grid enhancements to ensure that electrical power is provided to California consumers. To this end, transmission owners (investor-owned utilities such as SCE) file annual transmission expansion/modification plans to accommodate the state's growing electrical needs. The ISO reviews and either approves or denies the proposed additions. In addition, and perhaps most importantly, the ISO works with other areas in the western United States electrical grid to ensure that adequate power supplies are available to the state. In this manner, continuing reliable and affordable electrical power is assured to existing and new consumers throughout the state. Typically, upgrades to utility networks fall under the jurisdiction of CPUC and would be subject to environmental review as electrical projects are proposed. As a result of this process, which involves ongoing monitoring and electrical project development, SCE ensures that it can provide adequate electrical service to the Project area.

As part of the Project, natural gas and telecommunication lines would be extended onto the Project site from their existing locations within the vicinity of the Project site, resulting in localized less-than-significant impacts. Given the nature of telecommunication and gas lines (which are not typically subject to the constraints of existing facilities), once telecommunication lines are extended to the Project site, no additional telecommunication or gas line construction is anticipated to be required. Additionally, cumulative development would be subject to review on a case-by-case basis. Should the applicable service provider determine that upgrades or extensions of infrastructure be required, any such upgrades would be included within each project's environmental review. As a result, impacts associated with upgrades of electric, natural gas, and telecommunication facilities would not be cumulatively considerable. (Draft EIR, pp. 4.13-17- 4.13-19)

SECTION VI.
FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Sections 15126(c) and 15126.2(c) of the CEQA Guidelines, require that an EIR address any significant irreversible environmental changes that would occur should the project be implemented. Generally, a project would result in significant irreversible environmental changes if any of the following would occur:

- The project would involve a large commitment of non-renewable resources;
- The primary and secondary impacts of the project would generally commit future generations to similar uses;
- The project involves uses in which irreversible damage could result from any potential environmental accidents; or
- The proposed consumption of resources is not justified.

Change in Land Use that Commits Future Generations to Similar Uses

According to the Town of Apple Valley General Plan and the Apple Valley Municipal Code, the land use and zoning designations for the Project site are Regional Commercial (C-R) with a Warehouse Distribution Regional Commercial Overlay (Town of Apple Valley 2009; Town of Apple Valley 2022). The Project is consistent with the Project site's land use and zoning designations applied by the Town of Apple Valley General Plan and the Apple Valley Municipal Code. As such, although construction of the Project would develop a total of 1,080,125 square feet of industrial/warehouse space on the Project site, the Town already committed the site to industrial/warehouse (and similar) uses when the Town designated and zoned the site as Regional Commercial (C-R) with a Warehouse Distribution Regional Commercial Overlay.

Land uses surrounding the Project site primarily consist of vacant land. However, existing and approved large-scale industrial facilities are located in the broader Project area within 2 to 3 miles of the Project site. Since the Project site is located near existing urbanized uses, including other industrial uses, the Project would not result in land use changes that would commit future generations to uses that already occur in the Project area. Thus, implementation would not commit future generations to similar uses, given that this proposed use is already found throughout the Town. According to the Town's General Plan, the Project site falls within the North Apple Valley Industrial Specific Plan land use designation (Town of Apple Valley 2009).

According to the North Apple Valley Industrial Specific Plan, the land use designation for the site is Specific Plan Industrial (Town of Apple Valley 2012) (see Figure 3-6, Specific Plan Land Use Designations). The Project is consistent with the Project site's land use and zoning designations applied by the Town of Apple Valley General Plan, Specific Plan, and the Town of Apple Valley Municipal Code. As such, although construction of the Project would develop a total of 1,080,125 square feet of industrial/warehouse space on

the Project site, the Town has already committed the site to industrial/warehouse (and similar) uses when the Town designated and zoned the site as Specific Plan Industrial.

Land uses surrounding the Project site include light industrial, the Apple Valley Airport, and scattered residential uses. The land use proposed as part of the Project would be consistent with existing development that was implemented consistent with the Town's planning and zoning documents and would further assist the Town in implanting its land use vision for the area. Thus, the Project would not result in land use changes that would commit future generations to uses that already occur in the Project area, particularly given that this proposed use is consistent with long term planning documents and consistent with nearby uses.

Irreversible Damage from Environmental Accidents

Potential environmental accidents of concern include those events that would adversely affect the environment or public due to the type of quantity of materials released and the receptors exposed to that release. Construction activities associated with the Project would involve some risk of environmental accidents. However, these activities would be conducted in accordance with all applicable federal, state, and local regulations, and would follow professional industry standards for safety. Once operational, any materials associated with environmental accidents would comply with applicable federal, state, and local regulations. Use of any such materials would not adversely affect the environment or public due to the type or quantity of materials released and the receptors exposed to that release.

Large Commitment of Nonrenewable Resources

Commitment of nonrenewable resources includes issues related to increased energy consumption, loss of agricultural lands, and lost access to mining reserves. There would be an irretrievable commitment of labor, capital, and materials used during the construction and operation of the Project. Nonrenewable resources would primarily be committed in the form of fossil fuels such as fuel, oil, natural gas, and gasoline used by equipment associated with construction of the Project. Consumption of other nonrenewable or slowly renewable resources would also occur. These resources would include lumber and other forest products, sand and gravel, asphalt, and metals such as steel, copper, and lead.

To ensure that energy implications are considered in project decisions, CEQA requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy (California Public Resources Code Section 21100[b][3]). Energy conservation implies that a project's cost-effectiveness be reviewed not only in dollars, but also in terms of energy requirements. For many projects, cost-effectiveness may be determined more by energy efficiency than by initial dollar costs. A lead agency may consider the extent to which an energy source serving a project has already undergone environmental review that adequately analyzed and mitigated the effects of energy production.

Consistent with California Public Resources Code Section 211009(b)(3), CEQA Guidelines Appendix G, and a ruling set forth by the court in California Clean Energy Committee v. City of Woodland, potentially significant energy implications of a project must be considered in an EIR to the extent relevant and applicable to that project.

Accordingly, based on the energy consumption thresholds set forth in both Appendix F and Appendix G of the CEQA Guidelines, the Project's estimated energy demands (both short-term construction and long-term operational demands) were evaluated. The overall purpose of the energy analysis was to evaluate whether the Project would result in the wasteful, inefficient, or unnecessary consumption of energy.

As further assessed in the energy analysis, for new development, such as that proposed by the Project, compliance with California Title 24 energy efficiency requirements is considered demonstrable evidence of efficient use of energy. The Project would provide for and promote energy efficiencies beyond those required under other applicable federal and state standards and regulations, and in doing so would meet or exceed all Title 24 standards. On this basis, the Project would not result in the inefficient, wasteful, or unnecessary consumption of energy. (Draft EIR, pp. 6-2 through 6-4.)

SECTION VII.
GROWTH-INDUCING IMPACTS

Section 15126.2(e) of the State CEQA Guidelines requires a Draft EIR to discuss the ways the Project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. In accordance with State CEQA Guidelines Section 15126.2(e), a Project would be considered to have a growth-inducing effect if it would:

- Directly or indirectly foster economic or population growth, or the construction of additional housing in the surrounding environment;
- Remove obstacles to population growth (e.g., construction of an infrastructure expansion to allow for more construction in service areas);
- Tax existing community service facilities, requiring the construction of new facilities that could cause significant environmental effects; or
- Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

In addition, CEQA Guidelines that that growth inducement must not be assumed.

The 1M Warehouse Project (Project) would require a temporary construction workforce and a permanent operational workforce, both of which could potentially induce population growth in the Project area. The temporary workforce would be needed to construct the three industrial/warehouse buildings and associated improvements. The number of construction workers needed during any given period would largely depend on the specific stage of construction but would likely range from a dozen to several dozen

workers on a daily basis.

Because the future tenants are not known yet, the number of jobs that the Project would generate cannot be precisely determined. Thus, for purposes of analyses, employment estimates were calculated using average employment density factors reported by the Southern California Association of Governments. The Southern California Association of Governments reports that for every 1,195 square feet of warehouse space in San Bernardino County, the average numbers of jobs supported is one employee (Natelson Company Inc. 2001). The Project would include 1,080,125 square feet of industrial/warehouse space, excluding associated improvements. As such, the estimated number of employees required for operation would be approximately 904.

The Town has a population of approximately 75,867 residents, according to the U.S. Census Bureau (U.S. Census Bureau 2022). According to the Town's General Plan, upon build-out, the Town could support a population of 185,858 residents (Town of Apple Valley 2009). As such, the Project-related increase of approximately 904 employees would represent a nominal percentage of the Town's projected future population upon General Plan build-out.1 As such, the Project's temporary and permanent employment requirements could likely be met by the Town's existing labor force without people needing to relocate into the Project region, and the Project would not stimulate population growth or a population concentration above what is assumed in local and regional land use plans.

Projects that physically remove obstacles to growth, or projects that indirectly induce growth, are those that may provide a catalyst for future unrelated development in the area. The Project would involve installation of new water and sewer lines in the Project vicinity. The purpose of these new utilities is solely to serve the needs of the Project, and not to provide capacity for future projects or growth. In addition, since the surrounding Project area is already served by existing wet and dry utilities, the Project would not expand sanitary sewer or stormwater drainage infrastructure into areas not previously served by such utilities.

Further, given that the surrounding Project area is already served by existing wet and dry utilities, it is unlikely that the Project would tax existing community service facilities or require construction or expansion of new regional scale facilities with capacity to serve more than just the Project. Thus, the Project would not result in indirect population growth by providing vehicular access to an area presently lacking such access.

Based on the proximity of the Project site to existing facilities, the average response times in the Project area, the ability for nearby cities to respond to emergency calls, and the fact that the Project site is already located within the San Bernardino County Fire Department and San Bernardino County Sheriff's Department service areas, the Project would be adequately served by public services without the construction of new, or the expansion of existing, facilities. Although the Project could potentially result in an incremental increase in calls for service to the Project site compared to existing conditions, this increase is expected to be nominal (as opposed to new residential or commercial/retail land uses, which do result in greater increase in calls for service) and would not result in the need for new or expanded fire or police facilities. Lastly, since the Project would not

directly or indirectly induce unplanned population growth in the Town, it is not anticipated that many people would relocate to the Town as a result of the Project, and an increase in school-age children requiring public education is not expected to occur as a result. Thus, the need for new or expanded school facilities is not required.

In conclusion, the Project could cause population growth through new job opportunities. However, this growth falls well within Town and regional growth projections for population and housing. The Project would not remove obstacles to population growth and would not cause an increase in population such that new community facilities or infrastructure would be required outside of the Project site. Lastly, the Project is not expected to encourage or facilitate other activities that could significantly affect the environment, as explained above. For these reasons, the Project is not considered to be significantly growth inducing. (Draft EIR, pp. 6-1 through 6-2.)

SECTION VIII.
ALTERNATIVES

A. BACKGROUND

The Draft EIR analyzed three alternatives to the Project as proposed and evaluated these alternatives for their ability to avoid or reduce the Project's significant environmental effects while also meeting the majority of the Project's objectives. The Town finds that it has considered and rejected as infeasible the alternatives identified in the EIR and described below. This section sets forth the potential alternatives to the Project analyzed in the EIR and evaluates them in light of the Project objectives, as required by CEQA.

Where significant impacts are identified, section 15126.6 of the State CEQA Guidelines requires EIRs to consider and discuss alternatives to the proposed actions. Subsection (a) states:

> (a) An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

Subsection 15126.6(b) states the purpose of the alternatives analysis:

> (b) Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code

> Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

In subsection 15126.6(c), the State CEQA Guidelines describe the selection process for a range of reasonable alternatives:

> (c) The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the Project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

The range of alternatives required is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed Project. Alternatives are limited to ones that would avoid or substantially lessen any of the significant effects of the Project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the Project.

B. PROJECT OBJECTIVES

The following objectives have been established for the Project (Draft EIR) :

Objective 1: Develop an industrial building approximately 1,000,000 square feet ± in size to meet the existing and growing demand for large-format logistics and warehouse buildings in the region.

Objective 2: Develop a fiscally sound, jobs-producing, and tax-generating land use in north Apple Valley.

Objective 3: Concentrate nonresidential uses near existing roadways, highways, and freeways in an effort to isolate and reduce any potential environmental impacts related to truck traffic congestion, air emissions, industrial noise, and biological resources to the greatest extent feasible.

Objective 4: Create a project that takes advantage of and enhances existing

infrastructure, including the proximity to major regional roadways, railroad service corridors, and other similar infrastructure.

Objective 5: Implement the development patterns envisioned in the North Apple Valley Industrial Specific Plan.

C. ALTERNATIVES CONSIDERED BUT REJECTED FROM DETAILED ANALYSIS

Section 15126.6(c) of the State CEQA Guidelines specifies that an EIR should (1) identify alternatives that were considered by the lead agency but were eliminated from detailed consideration because they were determined to be infeasible during the scoping process; and (2) briefly explain the reasons underlying the lead agency's determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives; (ii) infeasibility; and/or (iii) inability to avoid significant environmental impacts.

The following alternatives were considered but rejected as part of the environmental analysis for the Project:

- Alternative Land Uses
- Alternate Sites

Finding: The Town rejects the Alternative Land Uses and Alternate Sites alternatives, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternatives do not avoid any significant and unavoidable impacts, (2) the alternatives would likely not further reduce any of the proposed project's significant impacts; and (3) the alternatives are technically, financially, and legally infeasible given that they would not reduce significant adverse impacts or considered infeasible to construct or operate. Therefore, these alternatives are eliminated from further consideration.

D. EVALUATION OF ALTERNATIVES SELECTED FOR ANALYSIS

The alternatives selected for further detailed review within the EIR focus on alternatives that could the Project's significant environmental impacts, while still meeting most of the basic Project objectives. Those alternatives include:

- **Alternative 1: No Project/No Build Alternative**
- **Alternative 2: Other Development**
- **Alternative 3: Reduced Development Intensity**

1. Alternative 1: No Project/No Build Alternative

Description:

Under Alternative 1, construction of the Project would not occur. The Project site would remain unchanged, and development activities related to construction and operation of the proposed industrial/warehouse buildings, associated office spaces, surface parking and loading areas, and all other proposed on- and off-site improvements would not occur.

In the short term, consistent with the existing conditions, the Project site would continue to be undeveloped. Under Alternative 1, the Project site would remain vacant, undeveloped land, although the site would presumably continue to be subject to illegal dumping, trespassing, and unpermitted off-road vehicle use, similar to the existing conditions.

Impacts:

The Project site would remain unchanged and would remain a vacant, undeveloped, yet disturbed property. On-site conditions would remain similar to existing conditions, and because development activities associated with the Project would not occur, nearly all environmental impacts would be reduced compared with Project conditions. Exceptions would include impacts related to agricultural and forestry resources, mineral resources, recreation, which would result in no impact, whether or not the Project is constructed on the Project site.

Impacts associated with hydrology and water quality would likely be greater under Alternative 1 than with the Project, as the new engineered stormwater drainage system would not be constructed on the Project site as proposed under the Project. Under existing conditions, no storm drain or treatment facilities are currently found on site, and thus, stormwater is not presently collected or treated on the Project site prior to being discharging off site. This same stormwater drainage scenario would continue to occur under Alternative 1, resulting in greater impacts related to surface drainage, water quality, erosion, and potentially periodic isolated flooding.

Attainment of Project Objectives:

Overall, none of the mitigation measures (MMs) required for the Project would be necessary with Alternative 1, and this Project alternative would not result in any significant adverse and unavoidable impacts. However, Alternative 1 would not develop a jobs-producing and tax generating land use near transportation corridors within the housing-rich Victor Valley/High Desert region (Objective 1); concentrate non-residential uses near existing roadways, highways, and freeways (Objective 2); develop a fiscally sound and employment generating land use that maximizes utilization of warehouse permitted areas (Objective 3); create a project that takes advantage of and enhances existing infrastructure, including the proximity to major regional roadways such as I-15, railroad service corridors, and other similar infrastructure (Objective 4); or fulfill the existing and growing demand for logistics and warehouse uses in the region (Objective 5). As such, Alternative 1 would not meet any of the Project objectives.

Finding: The Town rejects Alternative 1: No Project/No Build Alternative, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to meet any of the Project objectives; and (2) the alternative would result in increased impacts relating to hydrology and water quality.

2. Alternative 2: Other Development Project

Description:

Under Alternative 2, the Project site would be redeveloped with other land uses, consistent with the property's I-SP designation.

Permitted uses in the I-SP designation include manufacturing facilities with showrooms and offices, regional warehousing facilities, and support services for manufacturing and warehousing. The North Apple Valley Industrial Specific Plan lists several different uses that are either specially or conditionally permitted under the I-SP designation. These include commercial storage facilities/mini-warehouses (i.e., self-storage facilities), offices, manufacturing, small and large equipment sales and rental, schools, vehicle rental and sales, minor and major vehicle repair, and vehicle wash facilities.

No zoning variances are being requested as part of the Project, and thus, the Project would be constructed consistent with the design requirements set forth for the I-SP designation in the North Apple Valley Industrial Specific Plan. It is assumed that Alternative 2 would involve development of a land use that would be permissible either by right or by a conditional use permit. For purposes of this analysis, it assumed that Alternative 2 would consist of a 900,000 square-foot warehouse and 100,000 square-foot showroom (i.e., Ikea or similar). It is also assumed that this alternative would share a similar development intensity/floor-area-ratio/site coverage as the Project. Land uses that are expressly not allowed under the I-SP designation—specifically residential—would not be considered under Alternative 2.

Impacts:

It is assumed that Alternative 2 would involve construction and operation of a land use of similar development and operational intensity as the Project, would have a similar floor-area-ratio as the Project, and would be subject to the same federal, state, and local requirements (e.g., incorporation of a new engineered stormwater drainage system, architectural design review) as the Project. Similar to the proposed Project, it is anticipated that impacts associated with greenhouse gas emissions and transportation would still be significant and unavoidable. Thus, it is expected that environmental impacts associated with Alternative 2 would be similar to those environmental impacts resulting from implementation of the Project. This alternative would not avoid or substantially reduce the significant impacts of the Project, although it would meet all of the project objectives.

Aesthetics

Under Alternative 2, the Project would be constructed and operated as planned on the Project site. Alternative 2 would still involve the development of approximately 1,000,000 square feet of warehouse and showroom space, which would still be the primary visual feature on the Project site. For these reasons, aesthetics impacts would be similar under Alternative 2.

Air Quality

Under Alternative 2, the extent of construction activities would be the same compared to the Project. Thus, construction-related air quality emissions would not be reduced. Operational air quality impacts and may even be slightly increased due to the increase in trip generation. Air quality impacts would be similar under Alternative 2.

Biological Resources

Under Alternative 2, the Project would be constructed and operated as planned on the entire Project site, and development intensity would not be reduced. Alternative 2 would develop the entirety of the Project site, resulting in a similar overall building footprint. As such, the project site and potential suitable habitat would still be disturbed as a result of development activities, which would not reduce impacts from a biological resources perspective. Therefore, biological resources impacts would be similar under Alternative 2.

Cultural, Tribal Cultural, and Paleontological Resources

Under Alternative 2, the Project would be constructed and operated as planned on the Project site, and with a similar development intensity. Similar to the Project, the entirety of the Project site would need to be disturbed to various extents, which would result in the same potential to disturb presently unknown/unrecorded cultural, tribal cultural, and paleontological resources as the Project. Therefore, cultural resources impacts would be similar under Alternative 2.

Energy

The level of construction activities would not be reduced under Alternative 2 compared to the Project. Thus, construction-related energy usage would be the same as the project. Alternative 2 would not generate fewer vehicle trips per day due and would not have a less building space than the Project as proposed; thus, on-site and mobile energy consumption would be similar to the Project. Accordingly, energy usage associated with long-term operation of Alternative 2 would be similar compared to the Project. Therefore, energy impacts would not be reduced under Alternative 2.

Greenhouse Gas Emissions

Similar to air quality, the extent of construction activities would be similar under Alternative 2 compared to the Project. Thus, construction-related GHG emissions would not be lessened. Alternative 2 would generate an increase in vehicle trips per day due to the use onsite with a 900,000 square-foot warehouse and 100,000 square-foot showroom (i.e., Ikea or similar). Accordingly, GHG emissions associated with long-term operation of Alternative 2 would be slightly increased compared to the Project. As discussed above, the Project would result in significant and unavoidable impacts with regard to generating GHG emissions. Implementation of the mitigation measures under the Project and Alternative 2 would not reduce potential operation-related GHG emissions.. Similar to the Project, impacts would still remain significant and unavoidable.

Hazards and Hazardous Materials

Under Alternative 2, the Project would be constructed and operated as planned on the site, and with a similar development intensity. Incorporation of MM-HAZ-1 would still be required under Alternative 2, which mandates, among other requirements, the removal and disposal of on-site debris and used tires from the Project area in accordance with all applicable guidelines, and that a qualified environmental professional shall screen soils in the identified area prior to excavation and grading based on the nature of the potential contamination. As such, under Alternative 2, the cleanup activities required pursuit to MM-HAZ-1 would be initiated, and the Project would still help to remediate the Project site through compliance with MM-HAZ-1. Therefore, hazards and hazardous materials impacts would be similar under Alternative 2.

Hydrology and Water Quality

Under Alternative 2, the new engineered stormwater drainage system would be constructed on the Project site as proposed under the Project. Under existing conditions, no storm drain or treatment facilities are currently found on site, and thus, stormwater is not presently collected or treated on the Project site prior to being discharging off site. However, under Alternative 2, the Project and its on-site stormwater drainage system would be designed to comply with all state, regional, and local regulation related to site stormwater drainage and water quality during both construction and operation of the Project, regardless of the size of the Project. Therefore, hydrology and water quality impacts would be similar under Alternative 2.

Land Use and Planning

Similar to the proposed Project, Alternative 2 would be consistent with the Project Site’s existing General Plan and Zoning Code. Given the substantial similarities in uses between the Project and Alternative 2, Alternative 2 would otherwise not conflict with any plans, policies, or ordinances adopted for the purposes of mitigating or avoiding environmental effects. Therefore, land use and planning impacts would be similar under Alternative 2.

Noise

Noise associated with Alternative 2 would occur during short-term construction activities and under long-term operation. The types of construction activities conducted on the Project site would be similar under Alternative 2 would generally cover the same physical area. The types of construction equipment used and the types of construction activities conducted on site would be similar under Alternative 2, and the peak daily noise levels generated during the construction phase would also be similar.

Under long-term operational conditions, noise generated by Alternative 2 would primarily be associated with vehicles traveling to and from the site, and on-site vehicle idling, maneuvering, and parking. Alternative 2 would generate an increase in daily trips compared to the Project, and, as such, would contribute to an increase in traffic-related noise to local roadways compared to the Project. The increase in traffic noise associated with Alternative 2 would continue to be noticeable to residents along the roadway segments impacted by the Project. Therefore, noise impacts would be slightly increased, but similar, under Alternative 2 due to the increase in traffic trips and associated noise.

Transportation and Traffic

In addition, the trip generation rate used to analyze the Project's estimated trip generation (refer to the Transportation Impact Analysis prepared for the Project [Appendix J]) assumed that the Project would support general light industrial and high-cube warehousing uses. Light industrial and high-cube warehousing uses often have lower trip generation rate (either daily or peak hour) than some of the other land uses that are permitted by right or conditional permitted in the CIBP zone, including but not limited to manufacturing facilities with showrooms and offices, regional warehousing facilities, and support services for manufacturing and warehousing (higher daily and peak hour trip generation rates). Based on the trip generation rates provided by the Institute of Transportation Engineers (ITE), Trip Generation Manual, 11th Edition, 2021., a "discount home furnishing super store" (900,000 square-foot warehouse and 100,000 square-foot showroom (i.e., Ikea or similar)) would result in daily trips of 20.00 trips per day per 1,000 square feet (TSF) which equals 20,000 daily trips; 570 trips per day during the AM peak hour; and 1,570 trips during the PM peak hour. High-cube warehousing (non-sort), which was the land use used to analyze the proposed Project, would generate 2,784 daily trips; 231 trips during the AM peak hour; and 246 trips during the PM peak hour. As such, a 900,000 square-foot warehouse and 100,000 square-foot showroom (i.e., Ikea or similar) could potentially result in greater peak hour or daily trip generation compared with the Project, even if the development footprint is similar or identical. Thus, there would be a potential for increased impacts associated with traffic congestion, tailpipe air and greenhouse gas (GHG) emissions, and traffic noise under Alternative 2.

VMT is largely dependent on the specific land use type of a particular project and the location of that project. Thus, the average trip length for passenger vehicle and

truck trips associated with the Project would essentially remain constant. In addition, the Project's VMT per employee would also stay relatively the same under Alternative 2 as the Project's VMT per employee. Therefore, transportation impacts with regard to VMT would be similar under Alternative 2.

With regard to the Project's significant and unavoidable queueing and hazards impacts, the intersection that is anticipated to experience queueing issues under the Horizon Year (2040) conditions would experience these issues regardless of the Project. As such, even with a similar building-square footage and slight increase in trip generation, this intersection would continue to experience these issues. Improvement measures would still be required for Alternative 2; however, because the affected intersection is outside of the Town's jurisdiction, these improvements cannot be assumed to be in place prior to occupancy, and these impacts are considered significant and unavoidable. As such, transportation impacts with regard to queueing and hazards impacts would be similar under Alternative 2.

Utilities and Service Systems

Under Alternative 2, the Project would be constructed and operated as planned on the Project site, with a similar development intensity. All other on- and off-site improvements proposed as part of the Project are assumed to still be required under Alternative 2. As such, the same wet and dry utilities would be required, with construction and operational characteristics of these on- and off-site improvements being similar to the Project. Therefore, utilities and service systems impacts would be similar under Alternative 2.

Attainment of Project Objectives:

All of the mitigation measures required for the Project would also apply to Alternative 2, as the land use type, development intensity, and/or site coverage would be similar to the Project, and thus, construction and operation characteristics should also be relatively similar. There is the possibility under Alternative 2, however, that some impacts associated with trip generation may be greater than those resulting from implementation of the Project, given that a warehouse and showroom have a higher peak-hour and/or daily trip-generation rate.

As a 900,000 square-foot warehouse and 100,000 square-foot showroom (i.e., Ikea or similar) land use on the Project site, Alternative 2 would be expected to satisfy all of the Project objectives, including developing an industrial building to meet the growing demand for large-format logistics and warehouse buildings in the region (objective 1); developing a jobs-producing and tax generating land use in north Apple Valley (Objective 2); concentrating non-residential uses near existing roadways, highways, and freeways (Objective 3); creating a project that takes advantage of and enhances existing infrastructure, including the proximity to major regional roadways such as I-15 and U.S. Highway 395, railroad service corridors, and other similar infrastructure (Objective 4); and implementing development

patterns envisioned in the North Apple Valley Industrial Specific Plan (Objective 5).

Finding: The Town rejects Alternative 2: Other Development Project, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to avoid or reduce the Project's significant and unavoidable impacts relating to GHG and transportation/traffic; and (2) the alternative would result in increased impacts relating to air quality and noise.

3. Alternative 3: Reduced Development Intensity

Description:

Under Alternative 3, the Project would be constructed and operated as planned on the Project site, with the exception that the size of the proposed development would be reduced by 60%, equating to an industrial/warehouse project consisting of approximately 432,050 square feet, compared to the Project's 1,080,125 square feet. Since the building footprint would be reduced by 648,075 square feet (approximately 14.8 acres), this extra space on the Project site would remain vacant. All other on- and off-site improvements proposed as part of the Project are assumed to still be required under Alternative 3.

Impacts:

Under Alternative 3, the Project's development footprint would be reduced by 60% compared to the Project. As a result, it is assumed that a similar reduction in the duration of construction activities and operational intensity would occur. Likewise, a smaller building footprint would be expected to support fewer operational activities than the larger footprints proposed as part of the Project. Thus, the severity of many environmental impacts related to construction and operational phases would be either the same or reduced under Alternative 3; however, impacts would not be substantially reduced or reduced below a level of significance. The environmental impacts that would have a reduction in severity include aesthetics, air quality, energy, and GHG emissions. However, because the development intensity would be reduced under Alternative 3 compared to the Project, certain environmental impacts would differ as a result of this reduction, as the following analysis demonstrates.

Aesthetics

Under Alternative 3, the Project would be constructed and operated as planned on the Project site, with the exception that the size of the proposed development would be reduced by 60%, equating to the 648,075 square feet (approximately 14.8 acres) of extra space on the Project site that would likely be left undeveloped. A reduction in building square footage would reduce the scale and massing of the buildings. Nonetheless, Alternative 3 would still involve the development of approximately 432,050 square feet of industrial space, which would still be the

primary visual feature on the Project site. For these reasons, aesthetics impacts would be similar but lessened under Alternative 3.

Air Quality

Under Alternative 3, the extent of construction activities would be reduced compared to the Project. Thus, construction-related air quality emissions would be lessened. As with the Project, Alternative 3 would require mitigation measures to reduce short-term construction emissions of VOC. With required mitigation, Alternative 3, would not exceed the numerical thresholds of significance established by the Mojave Desert Air Quality Management District (MDAQMD); this is the same outcome that would occur under the Project.

Alternative 3 would generate fewer vehicle trips per day due to the reduction in the amount of building space. Accordingly, air pollutant emissions associated with long-term operation of Alternative 3 would be lessened compared to the Project.

However, Alternative 3 would still require implementation of mitigation measures similar to those imposed for the Project. Therefore, air quality impacts would be similar under Alternative 3.

Biological Resources

Under Alternative 3, the Project would be constructed and operated as planned on the entire Project site, although the development intensity would be reduced. Compared to the Project, Alternative 3 would develop less of the Project site, resulting in a smaller overall building footprint. However, in accordance with the Town's development standards, the undeveloped portion of the site would not be allowed to be completely unimproved, but instead would still need to be landscaped. As such, any vacant land and potential suitable habitat in these areas would still be disturbed as a result of landscaping activities, reducing any benefits from a biological resources perspective. Therefore, biological resources impacts would be similar under Alternative 3.

Cultural, Tribal Cultural, and Paleontological Resources

Under Alternative 3, the Project would be constructed and operated as planned on the Project site, but with a reduced development intensity. Compared to the Project, Alternative 3 would develop less of the Project site with buildings, parking and loading areas, and other associated improvements, resulting in a smaller overall building footprint on the site that would disturb less land. However, as previously discussed, Alternative 3 would likely not be able to maintain vacant areas on the Project site, but instead would still need to landscape these locations. As such, the entirety of the Project site would need to be disturbed to various extents, which would result in the same potential to disturb presently unknown/unrecorded cultural, tribal cultural, and paleontological resources as the Project. Therefore, cultural resources impacts would be similar under Alternative 3.

Energy

The level of construction activities would be reduced under Alternative 3 compared to the Project. Thus, construction-related energy usage would be lessened. Alternative 3 would also generate fewer vehicle trips per day due and would have a less building space than the Project as proposed, result in less on-site and mobile energy consumption. Accordingly, energy usage associated with long-term operation of Alternative 3 would be lessened compared to the Project. Therefore, energy impacts would be reduced under Alternative 3.

Greenhouse Gas Emissions

Similar to air quality, the extent of construction activities would be reduced under Alternative 3 compared to the Project. Thus, construction-related GHG emissions would be lessened. Alternative 3 would also generate fewer vehicle trips per day due to the reduction in the amount of building space. Accordingly, GHG emissions associated with long-term operation of Alternative 3 would be lessened compared to the Project. As discussed above, the Project would result in significant and unavoidable impacts with regard to generating GHG emissions. Implementation of the mitigation measures under the Project and Alternative 3 would reduce potential operation-related GHG emissions. However, the effectiveness of the mitigation measures and the associated emission reductions cannot be accurately quantified at this time and GHG emissions impacts are inherently cumulative in nature. In order to reduce potentially significant impacts associated with GHG, the project would need to be reduced in size by 86%. Based on a 60% reduction in development, GHG emissions impacts would be reduced under Alternative 3, but would still remain significant and unavoidable.

Hazards and Hazardous Materials

Under Alternative 3, the Project would be constructed and operated as planned on the site, with the exception that the development intensity would be reduced. Incorporation of MM-HAZ-1 would still be required under Alternative 3, which mandates, among other requirements, the removal and disposal of on-site debris and used tires from the Project area in accordance with all applicable guidelines, and that a qualified environmental professional shall screen soils in the identified area prior to excavation and grading based on the nature of the potential contamination. As such, under Alternative 3, the cleanup activities required pursuit to MM-HAZ-1 would be initiated, and the Project would still help to remediate the Project site through compliance with MM-HAZ-1. Therefore, hazards and hazardous materials impacts would be similar under Alternative 3.

Hydrology and Water Quality

Under Alternative 3, the new engineered stormwater drainage system would be constructed on the Project site as proposed under the Project. Under existing conditions, no storm drain or treatment facilities are currently found on site, and thus, stormwater is not presently collected or treated on the Project site prior to

being discharging off site. However, under Alternative 3, the Project and its on-site stormwater drainage system would be designed to comply with all state, regional, and local regulation related to site stormwater drainage and water quality during both construction and operation of the Project, regardless of the size of the Project. Therefore, hydrology and water quality impacts would be similar under Alternative 3.

Land Use and Planning

Similar to the proposed Project, Alternative 3 would be consistent with the Project Site's existing General Plan and Zoning Code. Given the substantial similarities in uses between the Project and Alternative 3, Alternative 3 would otherwise not conflict with any plans, policies, or ordinances adopted for the purposes of mitigating or avoiding environmental effects. Therefore, land use and planning impacts would be similar under Alternative 3.

Noise

Noise associated with Alternative 3 would occur during short-term construction activities and under long-term operation. The types of construction activities conducted on the Project site would be similar under Alternative 3 would generally cover the same physical area. However, because Alternative 3 would result in construction of less building area on site, it is anticipated that the duration of noise impacts during the building construction and architectural coating phase would slightly decrease under Alternative 3 compared to the Project. Nonetheless, the types of construction equipment used and the types of construction activities conducted on site would be similar under Alternative 3, and the peak daily noise levels generated during the construction phase would also be similar.

Under long-term operational conditions, noise generated by Alternative 3 would primarily be associated with vehicles traveling to and from the site, and on-site vehicle idling, maneuvering, and parking. Alternative 3 would generate fewer daily trips than the Project, and, as such, would contribute less traffic-related noise to local roadways than the Project. However, the increase in traffic noise associated with Alternative 3 would still be noticeable to residents along the roadway segments impacted by the Project. Therefore, noise impacts would be similar under Alternative 3.

Transportation and Traffic

VMT is largely dependent on the specific land use type of a particular project and the location of that project. While a reduction in a Project's size could reduce the overall VMT associated with a given project, reducing a project's square footage would not necessarily have an effect on a project's average trip length. Thus, while under Alternative 3 the Project's development footprint would be reduced by 60% compared to the Project, the average trip length for passenger vehicle and truck trips associated with the Project would essentially remain constant. In addition, because a reduction in Project size would correlate to a similar reduction in on-site

workforce, the Project's VMT per employee would also stay relatively the same under Alternative 3 as the Project's VMT per employee. Therefore, transportation impacts with regard to VMT would be similar under Alternative 3.

With regard to the Project's significant and unavoidable queueing and hazards impacts, the intersection that is anticipated to experience queueing issues under the Horizon Year (2040) conditions would experience these issues regardless of the Project. As such, even with the reduction in building-square footage and corresponding reduction in trip generation, this intersection would continue to experience these issues. Improvement measures would still be required for Alternative 3; however, because the affected intersection is outside of the Town's jurisdiction, these improvements cannot be assumed to be in place prior to occupancy, and these impacts are considered significant and unavoidable. As such, transportation impacts with regard to queueing and hazards impacts would be similar under Alternative 3.

Utilities and Service Systems

Under Alternative 3, the Project would be constructed and operated as planned on the Project site, with the exception that the size of the proposed development would be reduced by 60%. All other on- and off-site improvements proposed as part of the Project are assumed to still be required under Alternative 3. As such, the same wet and dry utilities would be required, with construction and operational characteristics of these on- and off-site improvements being similar to the Project. Therefore, utilities and service systems impacts would be similar under Alternative 3.

Attainment of Project Objectives:

Based on the above, given that Alternative 3 would result in incremental reductions in both construction activity, daily operational trips on Project area roadways, and a reduction in the scale of the proposed buildings, Alternative 3 result in incremental reductions in the severity of impacts related to aesthetics, air quality, energy, and GHG emissions. Although impacts would be incrementally reduced, impacts would not be substantially reduced, or reduced below a level of significance. In the case of GHG, the reductions in Project-related trips would not be substantial enough as to reduce impacts to below a level of significance. Impacts associated with energy and noise are less than significant under both the Project and Alternative 3 scenarios, although emissions would be lessened under Alternative 3. All of the same mitigation measures required for the Project would be necessary for Alternative 3, and no new measures would be required.

Impacts associated with agriculture and forestry resources, biological resources, cultural, tribal cultural, and paleontological resources, geology and soils, hazards, hazardous materials, and wildfire, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, noise, transportation, and utilities and service systems would generally be the same under Alternative 3 compared to the Project.

Alternative 3 would be expected to satisfy many of the Project objectives, concentrating non-residential uses near existing roadways, highways, and freeways (Objective 3); creating a project that takes advantage of and enhances existing infrastructure, including the proximity to major regional roadways such as I-15 and U.S. Highway 395, railroad service corridors, and other similar infrastructure (Objective 4); and implementing development patterns envisioned in the North Apple Valley Industrial Specific Plan (Objective 5). However, in regards to developing a jobs-producing and tax generating land use in north Apple Valley (Objective 2), Alternative 3 would create 362 jobs compared to the 904 that would be generated by the proposed project, which is a reduction of 542 jobs. In addition, Objective 1 is to develop an industrial building approximately 1,000,000 square feet in size to meet the growing demand for large-format logistics and warehousing buildings in the region. Alternative 3 would not meet this project objective.

Finding: The Town rejects Alternative 3 Reduced Development Intensity, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to meet all of the Project objectives; and (2) the alternative fails to avoid or reduce the Project's significant and unavoidable impacts relating to GHG and transportation/traffic.

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. Based on the alternatives analysis contained within the Draft EIR), Alternative 3 is identified as the Environmentally Superior Alternative.

If the No Project/No Development Alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other Project alternatives. The EIR analysis also evaluates another environmentally superior alternative among the remaining alternatives. Table 7-1 of the Final EIR provides a comparison of the Project with the Project alternatives. Table 7-2 of the Final EIR presents how the Project and each of the Project alternatives compare in terms of meeting the Project objectives. Based on a comparison of Alternative 2 and Alternative 3, environmental impacts associated with aesthetics, air quality, energy and GHG emissions, would be less under Alternative 3 compared to Alternative 2. Impacts associated with biological resources, cultural, tribal cultural, and paleontological resources, hazards and hazardous materials, hydrology and water quality, transportation, and utilities and services systems would be similar under Alternative 3 compared to Alternative 2. Although Alternative 3 would reduce impacts compared to the proposed project, it would not avoid or substantially lessen impacts to below a level of significance. Alternative 2 would result in similar impacts as the project, but with an increase in trip generation rates, and would meet all of the project objectives.

However, Alternative 3 would not meet project Objective 1 of developing an industrial building approximately 1,000,000 square feet in size. Alternative 3 would also not meet Objective 2 to the same extent as the proposed project. Alternative 3 would

produce less jobs and generate less tax revenue compared to the proposed project. In addition, Alternative 3 would also not meet Objective 5 to the same extent as the proposed project. Therefore, while Alternative 3 would have reduced impacts compared to the proposed project, it would not eliminate any of the significant and unavoidable impacts and it would not meet all project objectives.

SECTION IX.
ADOPTION OF STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to State CEQA Guidelines Section 15093(a), the Town must balance, as applicable, the economic, legal, social, technological, or other benefits of the Project against its unavoidable environmental risks in determining whether to approve the project. If the specific benefits of the project outweigh the unavoidable adverse environmental effects, those environmental effects may be considered acceptable.

Having reduced the adverse significant environmental effects of the Project to the extent feasible by adopting the mitigation measures; having considered the entire administrative record on the project; the Town has weighed the benefits of the Project against its unavoidable adverse impacts after mitigation in regards to aesthetics resources, agriculture and forestry resources, air quality – operations, and transportation/traffic. While recognizing that the unavoidable adverse impacts are significant under CEQA thresholds, the Town nonetheless finds that the unavoidable adverse impacts that will result from the Project are acceptable and outweighed by specific social, economic and other benefits of the Project.

In making this determination, the factors and public benefits specified below were considered. Any one of these reasons is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Town would be able to stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Records of Proceeding.

The Town therefore finds that for each of the significant impacts which are subject to a finding under CEQA Section 21081(a)(3), that each of the following social, economic, and environmental benefits of the Project, independent of the other benefits, outweigh the potential significant unavoidable adverse impacts and render acceptable each and every one of these unavoidable adverse environmental impacts:

1. The Project would provide much-needed flexible industrial space to fulfill the needs of the growing industrial sector in an area that faces a shortage of such space. The greater Southern California region is expected to continue to see strong demand for industrial facilities driven by the needs of retail and e-commerce users for facilities with modern amenities to maximize distribution efficiency, as well by as the scarcity of available facilities and land to develop such facilities in the more expensive and constrained Los Angeles, Orange County, San Bernardino and Riverside area industrial markets. The limited availability of industrial facilities can

result in negative effects such as stock-outs, trade bottlenecks, and delays in the time it takes for good to reach consumers. The Project would provide a 1,080,125 square-foot industrial/warehouse building with associated office spaces and loading areas. The delivery of these facilities would provide industrial users with much-needed flexible industrial space at a time when market demands for such space are at historic highs. The delivery of the Project would also result in the benefit of supporting the goods movement industry in decreasing lead times for delivery of consumer products and increasing the local supply of goods for regional consumers.

2. The Project encourages economic growth and diversity within the Town by providing flexible industrial facilities for businesses wishing to invest in the Town. The Project would increase annual property tax revenues as improvements increase the assessable value of the Project site and would also generate additional revenues through the collection of certain other taxes, licenses, and fees associated with business operation. The Project applicant's expenditures associated with constructing the Project would also supplement the Town's General Fund as sales tax revenues are collected during the sales of construction materials. The Project would support temporary construction jobs and permanent jobs once constructed. The generation of these jobs would result in indirect economic benefits as wages associated with these jobs translate to regional economic growth by way of local spending, as well as indirect fiscal benefits when wages are spent on goods and services, which generates sales tax revenues for the General Fund.

3. The Project would assist the Town in the concentrating non-residential uses away from residential uses in the Town. These land uses can often be incompatible due to the operational characteristics of non-residential uses, which by their nature, can result in traffic congestion, air emissions, and industrial light and noise. In summary, development of the proposed industrial use within an area designated for industrial uses would assist the Town in maximizing the utility of an industrially-designated vacant parcel to result in Town- and region-wide economic benefits associated with job creation and the provision of needed services to local businesses; in concentrating non-residential uses away from residential areas; and in fulfilling the Town's vision for a developed, high-quality business park environment for those wishing to invest in the Town.

4. With its close proximity to these major regional roadways and other similar infrastructure, the Project takes advantage of and enhances existing infrastructure. The Project is located in the northern part of the Town, which is within the Victor Valley region of San Bernardino County. Specifically, the Project site is located south of Johnson Road, west of Sycamore Lane, north Lafayette Street, and east of Central Road. Regional access to the Project is provided via Interstate 15, located approximately 4.6 miles west of the Project site. The Project would include various off-site

street improvements to these major regional roadways to ensure efficient off-site circulation, including extending the roadways and providing new frontage.

5. The proposed Project would result in the development of a currently vacant site with a Project that is consistent with the development patterns envisioned in the Town's North Apple Valley Industrial Specific Plan. The proposed Project would use the locational characteristics (specifically, the Project's proximity to I-15) to provide needed flexible industrial space to businesses wishing to invest in the Town. Moreover, the Project area is one with other proposed and approved warehouse and logistics uses that have similar land use and zoning designations to the Project site. These facilities take advantage of the area's proximity to regional transportation corridors, facilitating the regional and national goods movement industry. Development of the proposed Project in this area and in a location that is designated and zoned for industrial uses would result in the development of a vacant site with uses that are similar to the surrounding existing uses, thereby assisting the Town in creating a cohesive, high-quality business-park environment, as envisioned by the Town's North Apple Valley Industrial Specific Plan.