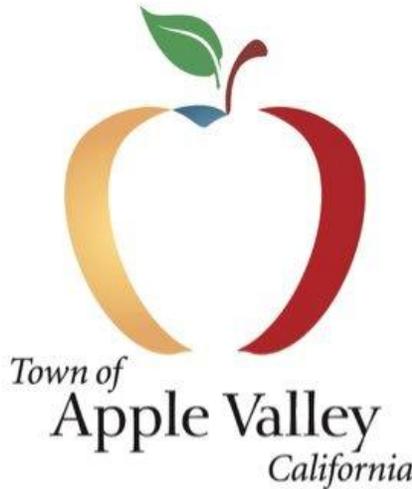


**FINAL INITIAL STUDY AND  
SUBSEQUENT MITIGATED NEGATIVE DECLARATION**

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**AMARGOSA LLC NAVAJO RD. & JOHNSON RD.  
WAREHOUSE PROJECT  
TOWN OF APPLE VALLEY, CALIFORNIA  
APN 0463-213-26, 0463-213-27, 0463-213-28**



**LEAD AGENCY:**

**TOWN OF APPLE VALLEY, PLANNING DIVISION  
14955 DALE EVANS PARKWAY  
APPLE VALLEY, CALIFORNIA 92307**

**REPORT PREPARED BY:**

**BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING  
2211 S. HACIENDA BOULEVARD, SUITE 107  
HACIENDA HEIGHTS, CALIFORNIA 91745**

**JANUARY 8, 2025**

**(REVISED JUNE 20, 2025)**

APPL 004

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## FINAL SUBSEQUENT MITIGATED NEGATIVE DECLARATION

**PROJECT NAME:** Amargosa LLC Navajo Rd. & Johnson Rd. Warehouse Project.

**PROJECT APPLICANT:** The Applicant for the proposed project is Simon Bouzaglou, 55555 Amargosa LLC , Attention Steeno Design Studio, Inc. 11774 Hesperia Road, Suite B-1. Hesperia, California.

**PROJECT LOCATION:** The project site is located in the north-central portion of the Town of Apple Valley. The site's Accessor Parcel Numbers (APNs) are 0463-213-26, 0463-213-27, and 0463-213-28. There is currently no address, but it is located at Navajo Road and Johnson Road. Johnson Road extends along the project site's south side and Navajo Road extends along the site's east side.

**TOWN AND COUNTY:** Town of Apple Valley, San Bernardino County.

**PROJECT:** The proposed project would be a 404,057 square foot industrial warehouse. The total ~~net~~ **gross** land area of the site is 871,200 square feet which is approximately 18.71 acres. As indicated previously, the new building would have a total floor area of 404,057 square feet. Two potential separate office areas would be provided at the southeast and southwest corners of the new building. Of the new building's total floor area, 391,638 square feet would be devoted to warehouse uses and 12,419 square feet would be office space. The new building could potentially be divided into two separate tenant spaces. The individual tenants have not yet been identified. The future occupants would have to comply with the Town's Zoning Ordinance with respect to the permitted uses. A total of 64 truck loading docks would be located along the building's north elevation. Truck and trailer parking, consisting of 48 spaces, would be provided along the northern side of the site. A total of 6 EV spaces for trucks would be located along the building's north side. A total of 222 vehicle parking spaces for employees and patrons would be located along the building's east, south, and west elevations and along the east perimeter of the site. Of this total, 203 spaces would be standard spaces, 7 spaces would be ADA spaces, and 12 spaces would be reserved for EV vehicles. The loading and receiving area is located to the north of the building and would be secured by a gate and a security guard house. Drainage and retention basins would be located along the Johnson Road frontage in the southern portion of the site. Landscaping totaling 90,969 square feet, would be provided throughout the site and along the roadway's frontages. This landscaping would consist of both drought tolerant ground cover, shrubs, and trees. An outside break area would be located near the building's northeast corner. Access to the project site would be provided by three driveway connections with the north side of Johnson Road and Navajo Road. The project would also be required to make improvements to Johnson Road and Navajo Road. No signals at the project driveways were required. The zoning designation of the site is *Specific Plan (North Apple Valley Specific Plan)*.

**EVALUATION FORMAT:** The attached initial study is prepared in accordance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of the attached Initial Study was guided by Section 15063 of the State CEQA Guidelines. The project was evaluated based on its effect on 21 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study checklist includes a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

<b>Potentially Significant Impact</b>	<b>Less than Significant With Mitigation Incorporated</b>	<b>Less than Significant</b>	<b>No Impact</b>
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Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

**No Impact:** No impacts are identified or anticipated, and no mitigation measures are required.

**Less than Significant Impact:** No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

**Less than Significant Impact with Mitigation:** Possible significant adverse impacts have been identified or anticipated and mitigation measures are required as a condition of the project's approval to reduce these impacts to a level below significance.

**Potentially Significant Impact:** Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below will be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist in the attached Initial Study.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources        | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology & Soils             | <input type="checkbox"/> Greenhouse Gas Emissions         | <input type="checkbox"/> Hazards & Hazardous Materials      |
| <input type="checkbox"/> Hydrology & Water Quality   | <input type="checkbox"/> Land Use & Planning              | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                       | <input type="checkbox"/> Population & Housing             | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                  | <input type="checkbox"/> Transportation & Traffic         | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities & Service Systems | <input type="checkbox"/> Wildfire                         | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION:** (To be completed by the Lead Agency) On the basis of this initial evaluation, the following finding is made:

<input type="checkbox"/>	The proposed project <i>COULD NOT</i> have a significant effect on the environment, and a <i>NEGATIVE DECLARATION</i> shall be prepared.
<input checked="" type="checkbox"/>	Although the proposed project could have a significant effect on the environment, there shall not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A <i>MITIGATED NEGATIVE DECLARATION</i> shall be prepared.
<input type="checkbox"/>	The proposed project <i>MAY</i> have a significant effect on the environment, and an <i>ENVIRONMENTAL IMPACT REPORT</i> is required.
<input type="checkbox"/>	The proposed project <i>MAY</i> have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An <i>ENVIRONMENTAL IMPACT REPORT</i> is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an <i>earlier EIR or NEGATIVE DECLARATION</i> pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that <i>earlier EIR or NEGATIVE DECLARATION</i> , including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature \_\_\_\_\_

Date \_\_\_\_\_



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- APPENDIX A – AIR QUALITY WORKSHEETS
- APPENDIX B – BIOLOGICAL RESOURCES ASSESSMENT
- APPENDIX C – CULTURAL RESOURCES REPORT
- APPENDIX D – GEOTECHNICAL REPORT
- APPENDIX E – UTILITIES CALCULATIONS
- APPENDIX F – HYDROLOGY REPORT
- APPENDIX G – TRAFFIC IMPACT ANALYSIS

## SECTION 1. INTRODUCTION

### 1.1 OVERVIEW OF THE PROPOSED PROJECT

The proposed project would be a 404,057 square foot industrial warehouse. The total ~~net~~**gross** land area of the site is 871,200 square feet which is approximately 18.71 acres. As indicated previously, the new building would have a total floor area of 404,057 square feet. Two separate office areas would be located at the southeast and southwest corners of the new building. The new building could potentially be divided into two separate tenant spaces. The individual tenants have not yet been identified. Future occupants would have to comply with the Town's Zoning Ordinance with respect to the permitted uses. Of the new building's total floor area, 391,638 square feet would be warehouse uses and 12,419 square feet would be office space. A total of 64 truck loading docks would be located along the building's north elevation. The maximum height of the new building would be 42-feet. Truck and trailer parking, consisting of 48 spaces, would be provided along the northern side of the site. A total of 6 EV spaces for trucks would be located along the building's north side. A total of 222 vehicle parking spaces for employees and patrons would be located along the building's east, south, and west elevations and along the east perimeter of the site. Of this total, 203 spaces would be standard spaces, 7 spaces would be ADA spaces, and 12 spaces would be reserved for EV vehicles. The loading and receiving area is located to the north of the building and would be secured by a gate and a security guard house. Drainage and retention basins would be located along the Johnson Road frontage in the southern portion of the site. Landscaping, totaling 90,969 square feet, would be provided throughout the site and along the roadway's frontages. This landscaping would consist of drought tolerant ground cover, shrubs, and trees. An outside break area would be located near the building's northeast corner. Access to the project site would be provided by three driveway connections with the north side of Johnson Road and two driveway connections with the west side of Navajo Road. The project would also be required to make improvements to Johnson Road and Navajo Road. No signals at the project driveways are required. The zoning designation of the site is *Specific Plan (North Apple Valley Specific Plan)*.<sup>1</sup>

### 1.2 PURPOSE OF THIS INITIAL STUDY

The Town of Apple Valley is the designated *Lead Agency*, and as such, the Town of Apple Valley will be responsible for the project's environmental review. Section 21067 of California Environmental Quality Act (CEQA) defines a Lead Agency as the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect on the environment.<sup>2</sup> As part of the proposed project's environmental review, the Town of Apple Valley has authorized the preparation of this Initial Study.<sup>3</sup> The primary purpose of CEQA is to ensure that decision-makers and the public understand the environmental implications of a specific action or project. An additional purpose of this Initial Study is to ascertain whether the proposed project will have the potential for significant adverse impacts on the environment once it is implemented. Pursuant to the CEQA Guidelines, additional purposes of this Initial Study include the following:

- To provide the Town of Apple Valley with information to use as the basis for deciding whether to prepare an environmental impact report (EIR), mitigated negative declaration, or negative declaration for a project;

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<sup>1</sup> Steeno Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-0. September 2023.*

<sup>2</sup> California, State of. *California Public Resources Code. Division 13, Chapter 2.5. Definitions. as Amended 2001. §21067.*

<sup>3</sup> *Ibid.* (CEQA Guidelines) §15050.

- To facilitate the project’s environmental assessment early in the design and development of the proposed project;
- To eliminate unnecessary EIRs; and,
- To determine the nature and extent of any impacts associated the proposed project.

Although this Initial Study was prepared with consultant support, the analysis, conclusions, and findings made as part of its preparation fully represent the independent judgment and position of the Town of Apple Valley, in its capacity as the Lead Agency. The Town of Apple Valley determined, as part of this Initial Study’s preparation, that a Mitigated Negative Declaration is the appropriate environmental document for the proposed project’s CEQA review.

Certain projects or actions may also require oversight approvals or permits from other public agencies. These other agencies are referred to as *Responsible Agencies* and *Trustee Agencies*, pursuant to Sections 15381 and 15386 of the State CEQA Guidelines.<sup>4</sup> This Initial Study and the *Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration* will be forwarded to the State Clearinghouse, responsible agencies, trustee agencies, and the public for review and comment. The NOI would also be posted at the San Bernardino County Clerk’s Office. This Initial Study and Mitigated Negative Declaration will also be forwarded to the State of California Office of Planning Research (the State Clearinghouse). A 30-day public review period will be provided to allow these entities and other interested parties to comment on the proposed project and the findings of this Initial Study.<sup>5</sup> Questions and/or comments should be submitted to the following contact person:

Town of Apple Valley Development Department, Planning Division  
14338 Civic Drive  
Town of Apple Valley, California 92323

### 1.3 INITIAL STUDY’S ORGANIZATION

The following annotated outline summarizes the contents of this Initial Study:

- *Section 1 Introduction* provides the procedural context surrounding this Initial Study’s preparation and insight into its composition.
- *Section 2 Project Description* provides an overview of the existing environment as it relates to the project area and describes the proposed project’s physical and operational characteristics.
- *Section 3 Environmental Analysis* includes an analysis of potential impacts associated with the construction and the subsequent operation of the proposed project.
- *Section 4 Conclusions* summarizes the findings of the analysis.
- *Section 5 References* identifies the sources used in the preparation of this Initial Study.

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<sup>4</sup> California, State of. Public Resources Code Division 13. *The California Environmental Quality Act. Chapter 2.5, Section 21067 and Section 21069.* 2000.

<sup>5</sup> California, State of. Public Resources Code Division 13. *The California Environmental Quality Act. Chapter 2.6, Section 2109(b).* 2000.

## 1.4 INITIAL STUDY'S REVISIONS FOLLOWING CIRCULATION

A 30-day public review period was provided to allow public agencies and other interested parties to comment on the proposed project and the findings of the Initial Study. Comment letters were received from the following entities:

- Blum, Collins & Ho LLP, Attorneys at Law, 707 Wilshire Boulevard, Suite 4880, Los Angeles, California 90017
- Lahontan Regional Water Quality Control Board. 15095 Amargosa Road, Bldg. 2, Suite 210, Victorville, California 92394

Following their review of the IS/MND, a number of revisions were recommended. These revisions are minor and would not require recirculation of the IS/MND. The deleted text is noted using ~~strikeout~~ while the new text is noted using bold lettering.



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## SECTION 2. PROJECT DESCRIPTION

### 2.1 PROJECT LOCATION

The proposed project site is located in the north-central portion of the Town of Apple Valley. The Town of Apple Valley is located in the southwestern portion of San Bernardino County in the southwestern Mojave Desert physiographic subregion. This physiographic subregion is commonly referred to as either the “Victor Valley” or the “High Desert” region due to its approximate elevation of 2,900 feet above sea level. The Victor Valley is separated from the more populated areas of coastal Southern California by the San Bernardino and San Gabriel mountains. The Town of Apple Valley is bounded on the north by unincorporated San Bernardino County; on the east by unincorporated San Bernardino County; the south by the City of Hesperia and unincorporated San Bernardino County; and on the west by the City of Adelanto. Regional access to the Town of Apple Valley is provided by three area highways: the Mojave Freeway (Interstate 15), extending in a southwest to northeast orientation west of the Town and State Route 18 traverses the southern portion of the Town in an east to west orientation.<sup>6</sup> The location of the Town of Apple Valley, in a regional context, is shown in Exhibit 1. An areawide map is provided in Exhibit 2.

Johnson Road extends along the project site’s south side and Navajo Road along the project’s east side. No street address has been assigned to the project site at this time. The corresponding Assessor Parcel Numbers (APN) are 0463-213-26, 0463-213-27, and 0463-213-28. The site’s latitude and longitude include 34°36'6.34"N; -117°11'29.18"W. The project site is located in Section 16, Township 6 North, and Range 3 West as shown on the United States Geological Survey (USGS) *Apple Valley North, California*. 7 ½ Minute Quadrangle. A local vicinity map is provided in Exhibit 3. An aerial photograph of the site and the surrounding area is provided in Exhibit 4.

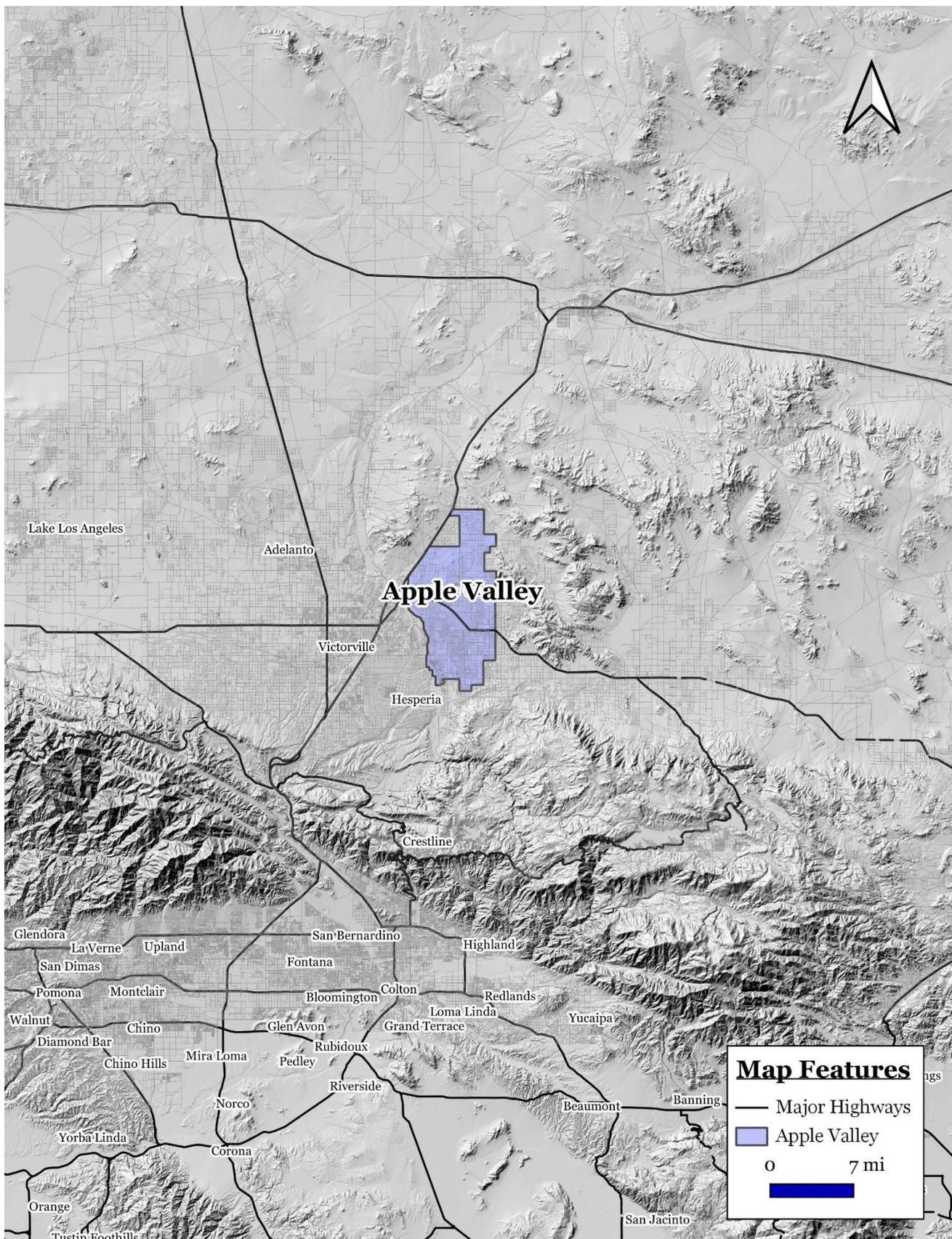
### 2.2 ENVIRONMENTAL SETTING

The proposed project site is located on a total ~~net~~**gross** land area of 18.72-acre across 3 parcels that are vacant though the site has been disturbed due to offroad activity and the illegal dumping of trash. Other than this disturbance, the site is undeveloped. The project site is located at the northwest corner of the intersection of Johnson Road and Navajo Road in the Town of Apple Valley, California. The property consists of vacant, desert land with sparse desert vegetation. Topographically, the site slopes gently to the southwest. Abundant trash and debris is present, primarily along the southern site boundary. Navajo Road, a dirt road, extends along the site’s east side with vacant, desert land continuing easterly. The adjacent properties to the west and north are vacant desert land, similar to the site. Mesa Linda Avenue, a dirt road, bounds the site further east with vacant, desert land beyond. Johnson Road, a paved roadway extends along the site’s south side. Sensitive receptors are generally considered to be those lands uses where the elderly and children congregate. The nearest sensitive receptors to the project site include scattered residential developments located more than two miles to the south of the site. Land uses and development located in the vicinity of the proposed project are outlined below:

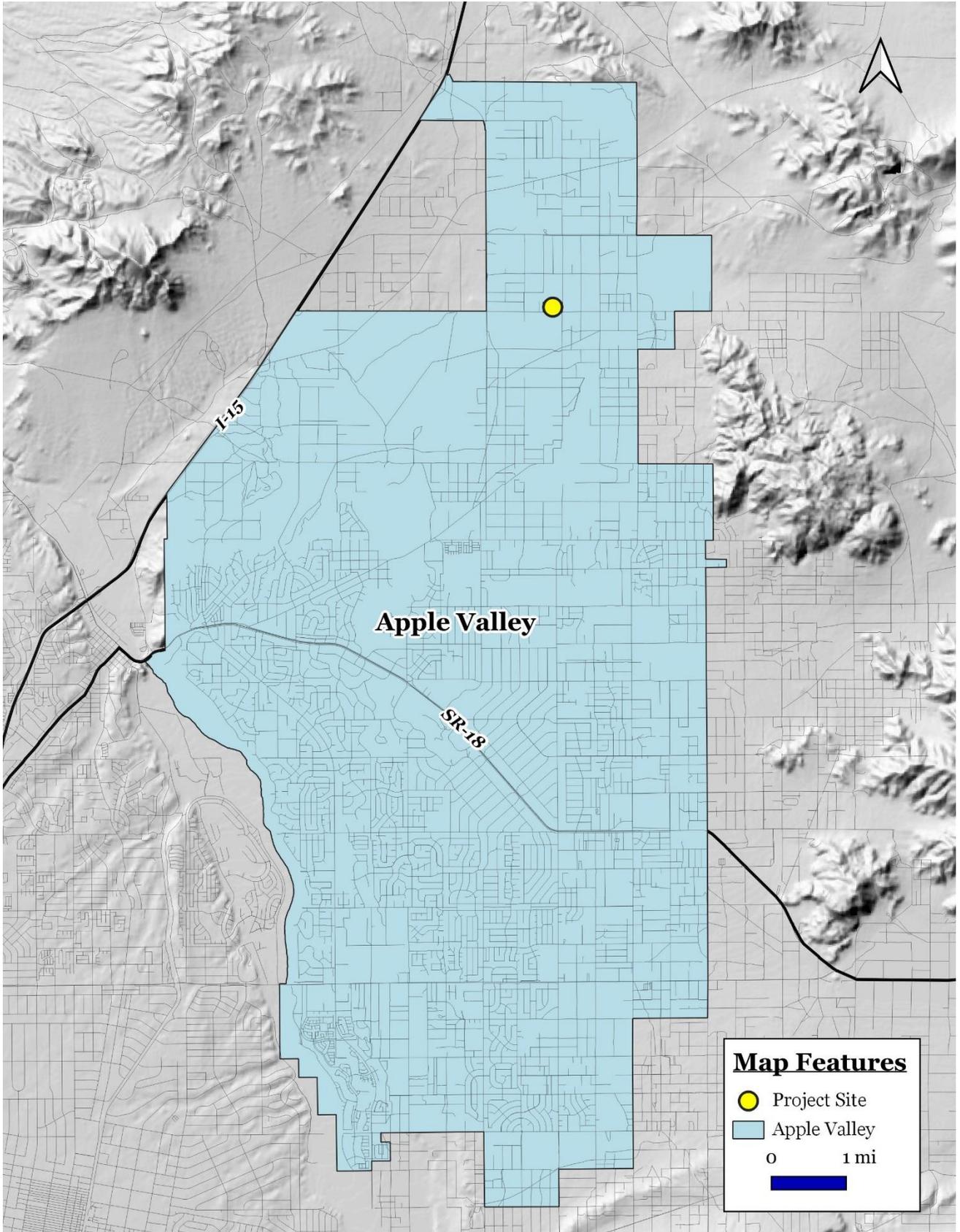
- *North of the project site:* Vacant, though disturbed land is located to the north of the site. This area’s General Plan and Zoning designation is *Specific Plan (North Apple Valley Specific Plan)*.<sup>7</sup>

<sup>6</sup> Google Earth. Website accessed February 2, 2024.

<sup>7</sup> Google Maps and Town of Apple Valley Zoning Map. Website accessed February 2, 2024.



**EXHIBIT 1 REGIONAL MAP**  
 SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING



## EXHIBIT 2 TOWN OF APPLE VALLEY MAP

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING



### EXHIBIT 3 LOCAL MAP

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING



**EXHIBIT 4 AERIAL IMAGE**  
SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

- *East of the project site:* Navajo Road extends along the project site’s east side. Vacant, though disturbed land is located to the north of the site. This area’s General Plan and Zoning designation is *Specific Plan (North Apple Valley Specific Plan)*.<sup>8</sup>
- *South of the project site:* Johnson Road extends along the project site’s southerly side. Further south, on the south side of this roadway, is the Victorville Collège of Public Safety (19190 Navajo Road) and the Walmart Distribution Center (21101 Johnson Road). This area’s General Plan and Zoning designation is *Specific Plan (North Apple Valley Specific Plan)*.<sup>9</sup>
- *West of the project site:* Vacant, undeveloped land is located to the west of the site. This area’s General Plan and Zoning designation is *Specific Plan (North Apple Valley Specific Plan)*.<sup>10</sup>

The land uses for the site and the surrounding area are summarized in Table 1.

**TABLE 1 EXISTING LAND USE AND LAND USE ZONING DISTRICTS**

Location	Existing Land Use	Land Use Zoning District
<b>Project Site</b>	Vacant land	This area is zoned as <i>Specific Plan</i>
North	Vacant land	This area is zoned as <i>Specific Plan</i>
South	Johnson Rd. and Industrial Use	This area is zoned as <i>Specific Plan</i>
East	Navajo Rd. and Vacant land	This area is zoned as <i>Specific Plan</i>
West	Vacant land	This area is zoned as <i>Specific Plan</i>

## **2.3 PHYSICAL CHARACTERISTICS OF THE PROPOSED PROJECT**

This Initial Study analyzes the environmental impacts associated with the development of a 404,057 square foot industrial warehouse. The total ~~net-gross~~ land area of the projects site is 871,200 square feet, which is approximately 18.71 acres. The proposed project would consist of the following elements:

- *Project Site.* The proposed project would be a 404,057 square foot industrial warehouse. The total ~~net-gross~~ land area of the site is 871,200 square feet which is approximately 18.71 acres. Hardscape and paved surfaces would total 701,963 square feet or 88.5% of the total site area. The loading and receiving area is located to the north of the building and would be secured by a gate and a security guard house. Drainage and retention basins would be located along the Johnson Road frontage in the southern portion of the site.<sup>11</sup>
- *Proposed Building.* As indicated previously, the new building would have a total floor area of 404,057 square feet. Two separate office areas would be located at the southeast and southwest corners of the new building. Of the new building’s total floor area, 391,638 square feet would be warehouse uses and 12,419 square feet would be office space. Each of the two office areas would include a ground level and a second level mezzanine. The warehouse would consist of a single level. A total of 64 truck loading docks would be located along the building’s north elevation. The new building would have a maximum height of 42-feet. The new building could potentially be divided into two separate tenant spaces. The individual tenants have not yet been identified. Future

<sup>8</sup> Google Maps and Town of Apple Valley Zoning Map. Website accessed February 2, 2024.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Steeno Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-0. September 2023.*

occupants would have to comply with the Town's Zoning Ordinance with respect to the permitted uses.<sup>12</sup>

- *Landscaping.* Landscaping totaling 90,969 square feet, would be provided throughout the site and along the roadway's frontages. An outside break area would be located near the building's northeast corner. The stormwater detention basins would also be landscaped. All of the landscaped areas would consist of drought tolerant species.<sup>13</sup>
- *Access and Internal Circulation.* Access to the project site would be provided by three driveway connections with the north side of Johnson Road and two driveway connections with the west side of Navajo Road. The project would also be required to make improvements to Johnson Road and Navajo Road. The project Applicant would be required to construct and improve the project's frontage with Johnson Road from the western project limit to Navajo Road. The project will be required to dedicate land and construct the 71-foot half-width of a major divided parkway road section including the project's driveway accessing Johnson Road. This may include land dedication to accommodate additional lanes at the intersection of Johnson Road and Navajo Road if required by the town. The Applicant would also be required to construct access and site frontage improvements on Navajo Road including improvements to the project's frontage with Navajo Road. The project would also be required to dedicate land and construct the 44-foot half-width of Navajo Road's secondary road designation including the proposed driveway accessing Navajo Road. Improvements to Navajo Road may include land dedication to accommodate additional lanes at the intersection of Johnson Road and Navajo Road if required by the town. No signals at the project driveways are required. The three driveways on the north side of Johnson Road would have a curb-to-curb width of 36-feet and would provide ingress and egress for vehicles. The southernmost driveway on Navajo Road would have a curb-to-curb width of 36-feet and would provide ingress and egress for vehicles while the northernmost driveway would have a curb-to-curb width of 50-feet and would provide ingress and egress for trucks to enter the loading and receiving area in the northern portion of the site. The internal drive aisles in the southerly portion of the site have a width of 36-feet.
- *Parking.* A total of 222 vehicle parking spaces for employees and patrons would be located along the building's east, south, and west elevations and along the east perimeter of the site. Of this total, 203 spaces would be standard spaces, 7 spaces would be ADA spaces, and 12 spaces would be reserved for EV vehicles. A total of 64 truck loading docks would be located along the building's north elevation. The maximum height of the new building would be 42-feet. Truck and trailer parking, consisting of 48 spaces, would be provided along the northern side of the site. A total of 6 EV spaces for trucks would be located along the building's north side. **The Applicant is requesting a variance for parking. The parking variance would permit the project to deviate from the City's parking standards to permit 222 parking spaces instead of the 438 parking spaces required under City Code. The project would continue to provide a total of 455 spaces when including the truck parking spaces.**
- *Utilities.* The proposed project would be required to connect with local sanitary 12-inch sewer line in Johnson Road and a 16-inch water line located in Navajo Road north of the project site. This water line is owned by Liberty Utilities. The eastern, western, and southern sides of the new building will be at grade to channelize storm flows around the building along with the street sections. Off-site grading is proposed on the east side of Navajo Road to direct the storm flows south to a culvert crossing and local road tilt section that will convey the off-site flows to the north side of Johnson Road where these flows will be conveyed west and released into the historic natural drainage

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<sup>12</sup> Steeno Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-0. September 2023.*

<sup>13</sup> Ibid.

conveyance west of the project site. Tributary flows along the northern property line will be collected in a channel system between the truck parking and the northern property line. Electrical service would be provided by Southern California Edison lines located along Johnson Road.

The proposed project’s site plan is shown in Exhibit 5. The proposed project is summarized in Table 2.

## 2.4 OCCUPANCY CHARACTERISTICS OF THE PROPOSED PROJECT

The proposed project would be a 404,057 square foot industrial warehouse. The proposed building is anticipated to employ about 338 employees. This is based on an employment ratio of one employee for every 1,195 square feet of floor area.<sup>14</sup> The new building could potentially be divided into two separate tenant spaces. The individual tenants have not yet been identified. Future occupants would have to comply with the Town’s Zoning Ordinance with respect to the permitted uses. The hours of operation for the proposed warehouse building is undetermined at this time though for purposes of analysis the tenants were assumed to occupy the building 24-hours a day, seven days a week.

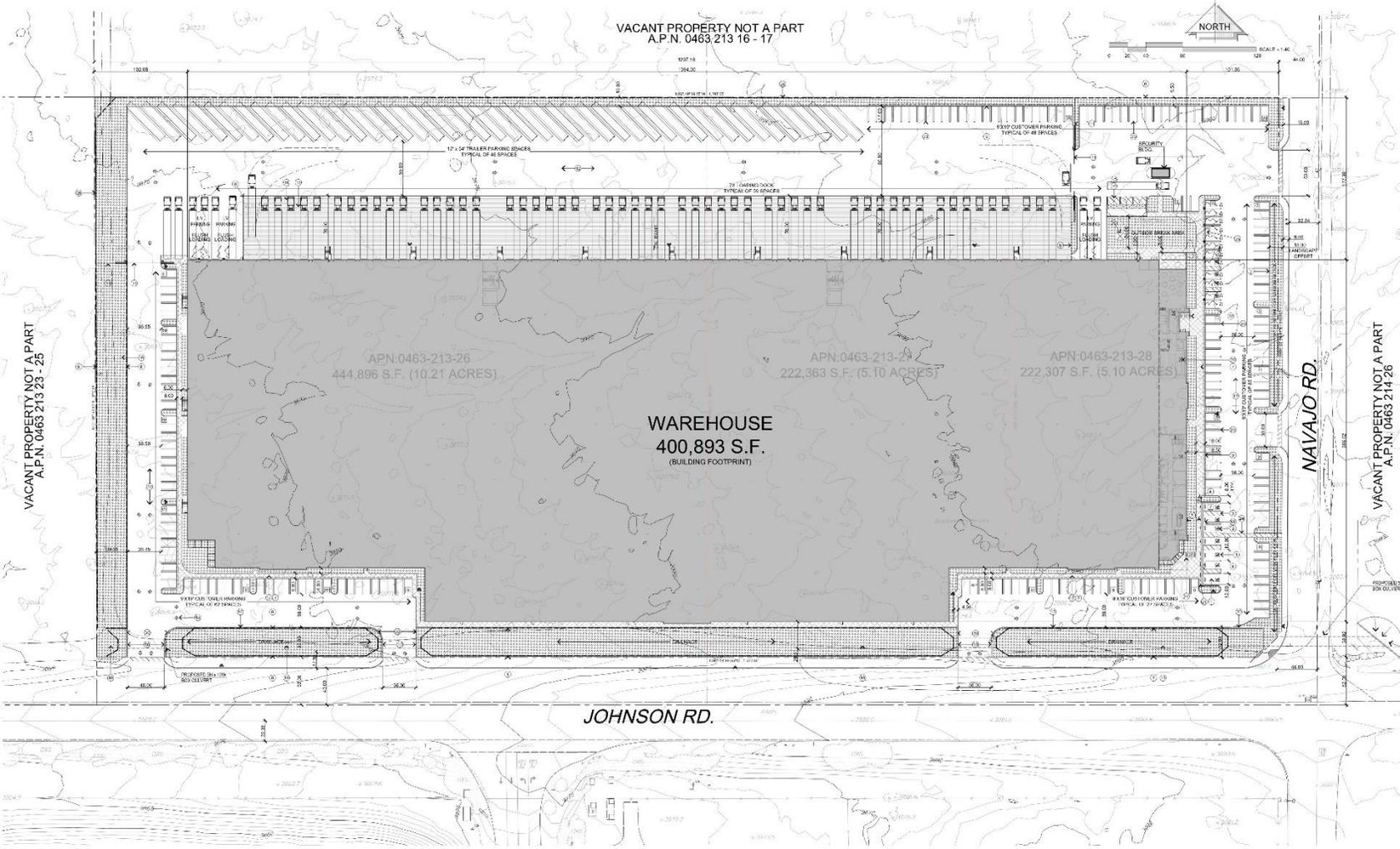
**TABLE 2 PROJECT SUMMARY**

Project Element	Description
Total Site Area	18.71-acres (871,200 sq. ft.)
Total Building Floor Area	404,057 sq. ft.
Total Office Floor Area	12,419 sq. ft.
Total Warehouse Floor Area	391,638 sq. ft.
Building Footprint	400,893 sq. ft.
Loading Docks	64 loading docks
Total Parking - Vehicle	222 spaces
Standard Spaces	203 spaces
ADA Spaces	7 spaces
EV Spaces	12 spaces
Truck/Trailer Parking	48 spaces
EV Truck Parking	6 Spaces
Landscaping	90,969 sq. ft.

Source: Steeno Design Studio, Inc.

<sup>14</sup> Natelson Company, Inc. *Employment Density Study, Summary Report*. October 31, 2001.

TOWN OF APPLE VALLEY • FINAL INITIAL STUDY AND SUBSEQUENT MITIGATED NEGATIVE DECLARATION  
AMARGOSA LLC NAVAJO RD. & JOHNSON RD. WAREHOUSE PROJECT • APN 0463-213-26, 0463-213-27, & 0463-213-28



**EXHIBIT 5 SITE PLAN**  
SOURCE: STEENO DESIGN STUDIO, INC

## 2.5 CONSTRUCTION CHARACTERISTICS

The new warehouse development would be developed in four major phases. The proposed project would involve the development of a 404,057 square foot industrial warehouse. The site's development is assumed to commence in June 2025 and would take approximately twelve months to complete. During each individual construction phase of development, the following construction activities will occur:

- *Grading (Phase 1)*. The project site would be graded and readied for the construction. This phase would require one month to complete. The typical heavy equipment used during this construction phase would include graders, bulldozers, offroad trucks, back-hoes, and trenching equipment.
- *Site Preparation (Phase 2)*. During this phase, the building footings, utility lines, and other underground infrastructure would be installed. This phase would require one month to complete. The typical heavy equipment used during this construction phase would include bulldozers, offroad trucks, back-hoes, front-end loaders, cranes, and forklifts.
- *Building (Phase 3)*. The new building would be constructed during this phase. This phase will take approximately eight months to complete. The typical heavy equipment used during this construction phase would include offroad trucks, cranes, and fork-lifts.
- *Paving, Landscaping, and Finishing (Phase 4)*. The development site would be paved during this phase. This phase will take approximately two months to complete. The typical heavy equipment used during this construction phase would include trucks, backhoes, rollers, pavers, and trenching equipment.

## 2.6 DISCRETIONARY ACTIONS

A Discretionary Action is an action taken by a government agency (for this project, the government agency is the Town of Apple Valley) that calls for an exercise of judgment in deciding whether to approve a project. The following discretionary approvals are required:

- Site Plan Review;
- Approval of the Mitigated Negative Declaration (MND); and,
- Adoption of the Mitigation Monitoring and Reporting Program (MMRP).

**The proposed project adheres to the Town's development standards related to setbacks and building height. The Applicant is requesting a variance for parking. The parking variance would permit the project to deviate from the City's parking standards to permit 222 parking spaces instead of the 438 parking spaces required under City Code. The project would provide a total of 455 spaces when including the truck parking spaces.**

Other permits issued by the Town of Apple Valley would include grading permits, building permits, and occupancy permits.



## SECTION 3 ENVIRONMENTAL ANALYSIS

This section of the Initial Study analyzes the potential environmental impacts that may result from the proposed project's implementation. The issue areas evaluated in this Initial Study include the following:

Aesthetics (Section 3.1);	Mineral Resources (Section 3.12);
Agricultural & Forestry Resources (Section 3.2);	Noise (Section 3.13);
Air Quality (Section 3.3);	Population & Housing (Section 3.14).
Biological Resources (Section 3.4);	Public Services (Section 3.15);
Cultural Resources (Section 3.5);	Recreation (Section 3.16);
Energy (Section 3.6)	Transportation (Section 3.17);
Geology & Soils (Section 3.7);	Tribal Cultural Resources (Section 3.18);
Greenhouse Gas Emissions; (Section 3.8);	Utilities (Section 3.19);
Hazards & Hazardous Materials (Section 3.9);	Wildfire (Section 3.20); and,
Hydrology & Water Quality (Section 3.10);	Mandatory Findings of Significance (Section 3.21).
Land Use & Planning (Section 3.11);	

### 3.1 AESTHETICS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project have a substantial adverse effect on a scenic vista?			✘	
B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.				✘
C. Would the project in nonurbanized areas, substantially degraded the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				✘
D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				✘

#### SOURCES

California Department of Transportation. *Official Designated Scenic Highways*.

Steen Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-0. September 2023.*

Town of Apple Valley, City of. *Town of Apple Valley General Plan 2030 , Land Use Element*. October 21, 2008

#### THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on aesthetics if it results in any of the following:

- The proposed project would have an adverse effect on a scenic vista, except as provided in PRC Sec. 21099.
- The proposed project would have an adverse effect on scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- The proposed project would substantially degrade the existing visual character or quality of public views of the site and its surroundings (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality. or,
- The proposed project would, except as provided in Public Resources Code Section 21099, create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The evaluation of aesthetics and aesthetic impacts is generally subjective, and it typically requires the identification of key visual features in the area and their importance. The characterization of aesthetic impacts involves establishing the existing visual characteristics including visual resources and scenic vistas

that are unique to the area. Visual resources are determined by identifying existing landforms (e.g., topography and grading), views (e.g., scenic resources such as natural features or urban characteristics), and existing light and glare characteristics (e.g., nighttime illumination). Changes to the existing aesthetic environment associated with the proposed project's implementation are identified and *qualitatively* evaluated based on the proposed modifications to the existing setting and the viewers' sensitivity. The project-related impacts are then compared to the context of the existing setting, using the threshold criteria discussed above.

## ANALYSIS OF ENVIRONMENTAL IMPACTS

### A. *Would the project have a substantial adverse effect on a scenic vista? • Less than Significant Impact*

The proposed project would be a 404,057 square foot industrial warehouse. The total ~~net~~**gross** land area of the site is 871,200 square feet which is approximately 18.71 acres. As indicated previously, the new building would have a total floor area of 404,057 square feet. Two separate office areas would be located at the southeast and southwest corners of the new building. Of the new building's total floor area, 391,638 square feet would be warehouse uses and 12,419 square feet would be office space. A total of 64 truck loading docks would be located along the building's north elevation. The maximum height of the new building would be 42-feet. The dominant scenic views from the project site include the views of the San Bernardino and San Gabriel Mountains, located 20 miles south, southwest, and southeast of the site. In addition, local views are already dominated by neighboring development and telecommunication poles and lines. The construction of the proposed warehouse may alter views of the mountains from nearby developments located to the south of Johnson Road. However, the proposed project is of similar size and scale to the existing development that is present in the area. Construction equipment would be removed once the construction phases have been completed and any graded areas will be covered over in landscaping and new development.

The proposed project, once constructed, would be required to conform to all pertinent development and design standards of the Town of Apple Valley Municipal Code and the North Apple Valley Specific Plan. Views from the mountains would not be obstructed. Once operational, views of the aforementioned mountains would continue to be visible from the public right-of-way. *As a result, the impacts would be less than significant.*

### B. *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway • No Impact.*

According to the California Department of Transportation, none of the streets located adjacent to the proposed project site (Johnson Road or Navajo Road) are designated scenic highways and there are no state or county designated scenic highways in the vicinity of the project site. The nearest roadway eligible for Scenic Highway status is the State Route 247 located approximately 12.2 miles to the east of the site. The nearest other highways that are eligible for designation as a scenic highways include SR-2 (from SR-210 to SR-138), located 11 miles southwest of the Town ; SR-58 (from SR-14 to I-15), located 20 miles north of the Town; SR-138 (from SR-2 to SR-18), located 13 miles south of the Town; SR-173 (from SR-138 to SR-18), located 15 miles southeast of the Town; and, SR-247 (from SR-62 to I-15), located 23 miles east of the Town. The project site is located within an undeveloped property that does not include any rock outcroppings. According to Appendix B – Biological Resources Report, there is one (1) Joshua Tree located on the project site. As a result, the impacts would be less than significant with the implementation of Biological Resources Mitigation Measure No. 1, discussed in Section 3.4 Biological Resources.

The site is zoned as *Specific Plan* (North Apple Valley Specific Plan) and will be subject to all pertinent development requirements. Lastly, the project site does not contain any buildings listed in the State or National registry. The future warehouse development would not result in the degradation of the existing visual character of the proposed project site given the nature and extent of existing development in the vicinity. *As a result, no impacts would occur.*

**C. Would the project in nonurbanized areas, substantially degraded the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? • No Impact**

There are no protected views in the vicinity of the project site and the Town does not contain any designated or protected scenic vistas. The construction of the proposed warehouse may alter views of the mountains from nearby developments located to the south of Johnson Road. However, the proposed project is of similar size and scale to the existing development that is present in the area. Construction equipment would be removed once the construction phases have been completed and any graded areas will be covered over in landscaping and new development. Views of the surrounding vacant properties would be altered following the development though these properties are also designated for future development zoned *Specific Plan* (North Apple Valley Specific Plan). Any visual impacts related to the site's development (grading and building construction) would be short-term and would end following the site's development. Once development commences, the project would be required to conform to all pertinent development and design standards of the Town of Apple Valley Municipal Code and the North Apple Valley Specific Plan. Key design provisions in the North Apple Valley Specific Plan include the following:

- The size and placement of windows and doors should relate to the overall form of the building.
- Awnings shall be compatible with the architectural design of the structure and shall not dominate the building facade.
- Windows, doors, wall vents, stairways, and other architectural features shall be highlighted and treated in a decorative manner to break up flat surfaces that otherwise appear massive and bulky. Exceptions may be made for pueblo and adobe architecture. Techniques such as building cut-outs, overhangs, and staggered buildings shall be utilized to reduce the appearance of mass and bulk.
- Building materials shall provide architectural aesthetic quality, durability and ease of maintenance and shall be compatible with the architectural style of the building.
- New development shall be encouraged to utilize adobe, stucco, smooth plasters, earthen color block, natural stone, wood and terra cotta tile as the dominant building materials in response to the Town's desert environment. The use of some decorative metal features on the exterior of any portion of a structure is allowed.
- The use of wood siding should consider factors such as fading, staining and prematurely breaking down in the extreme climate of the high desert; and shall be maintained.
- Exterior building materials shall be composed of colors that will be consistent with the environment.
- The use of metal panels or metal sheathing, highly reflective or mirror-like materials, and/or standard gray concrete block on the exterior walls of any building or structure shall be prohibited with the exception that such materials may be used if finished with a masonry veneer including, but not limited to brick or stucco.

- Exposed plywood or particle board shall be prohibited on any building or structure.
- Piecemeal embellishment and frequent changes in material or color shall be avoided. 4. High-intensity colors, metallic colors, black, or fluorescent colors shall not be used. Building trim and accent areas may feature brighter colors, including primary colors, provided that the width of the trim shall not exceed two (2) feet.
- A broad range of roofing materials can be permitted in the Specific Plan area. However, corrugated metal, unpainted materials and/or reflective materials are not permitted.
- Landscape developments shall be designed, installed and maintained in accordance with the seven basic principles of Xeriscape landscaping.
- Areas which serve to focus vehicular traffic should be accented by the use of colorful shrubs and ground covers for enhanced visual interest. Project entries should utilize vertical accents such as Incense Cedar and Arizona Cypress to provide a sense of arrival to the project. In addition, plant materials at major project entries should be located to avoid interference with motorists. There are two types of entry statements, major and secondary. Major entry statements will include a wide variety of plant materials with medium to high densities, whereas secondary entry statements should have a more limited variety of plant materials with low to medium densities.

The proposed new development would be required to conform to the aforementioned design requirements. The architectural style, scale, and mass of the new building along with the other project elements would enhance the Johnson Road streetscape. *As a result, no impacts would occur.*

**D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ● No Impact.**

There are a number of major sources of light and glare located to the south of the project site (south of Johnson Road) including a large distribution facility and a community college, both of which are sources of both mobile and stationary sources of light and glare. In addition, vehicle traffic on Johnson Road is an additional source of light. Light sensitive land uses (typically residential development, hospitals, senior living facilities, etc.) are not found in the vicinity of the project site.

During construction, temporary lighting would be used to provide safety and security at the site. This temporary lighting would be removed once the project's construction phases have been completed. The proposed project would not expose any sensitive receptors to nighttime light trespass. Project-related sources of nighttime light would include those regularly seen within residential developments. The project will be required to comply with Section 16-3.11.060-Design Guidelines (E) Lighting (1. Light Design). In addition, the North Apple Valley Specific Plan includes the following provisions with respect to lighting:

- Lighting shall be used only for the functional requirements of safety, security, and identification. Unnecessary lighting is prohibited in the interest of energy efficiency and maintenance of the Town's Dark Sky Policy.
- All light and glare shall be directed onto the site and away from adjacent properties.
- Light standards shall blend architecturally with buildings, pedestrian areas, and other hardscape elements.
- Lighting fixtures in the vicinity of the airport shall be compatible with airport operations.

- All lighting used in parking lots for security purposes or safety-related uses shall be scheduled so light rays emitted by the fixture are projected below the imaginary horizontal plane passing through the lowest point of the fixture and in such a manner that the light is directed away from streets and adjoining properties.
- If lighting is used or is necessary for color rendition, the primary lighting system shall be supplemented with a secondary lighting system which shall serve as security-level lighting and shall be the sole source of lighting during the non-operating hours of each business.
- Lighting standards and fixtures shall be of a design compatible with the architecture of onsite buildings.
- Flashing lights are prohibited.
- The intensity of light at the boundary of any development onsite shall not exceed seventy-five (75) foot lamberts from a source of reflected light.
- Light standards should be limited to eighteen (18) to twenty-five (25) feet.

There are no light sensitive and uses located adjacent to the project site. The construction lighting and operational lighting would not impact adjacent views in the area. In addition, the proposed development would be required adhere to the above requirements outlined in the North Apple Valley Specific Plan. *As a result, no impacts would occur.*

### **MITIGATION MEASURES**

The analysis of aesthetics indicated that no impact on these resources would occur as part of the proposed project's implementation. As a result, no mitigation is required.

### 3.2 AGRICULTURE & FORESTRY RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses?				✘
B. Would the project conflict with existing zoning for agricultural uses, or a Williamson Act Contract?				✘
C. 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))?				✘
D. Would the project result in the loss of forest land or conversion of forest land to a non-forest use?				✘
E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to a non-forest use?				✘

#### SOURCES

California Department of Conservation. *State of California Williamson Act Contract Land*.  
[ftp://ftp.consrv.ca.gov/pub/dlrp/WA/2012%20Statewide%20Map/WA\\_2012\\_8x11.pdf](ftp://ftp.consrv.ca.gov/pub/dlrp/WA/2012%20Statewide%20Map/WA_2012_8x11.pdf).

Steen Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-o*.  
 September 2023.

#### THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on agriculture and forestry resources if it results in any of the following:

- The proposed project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- The proposed project would conflict with existing zoning for agricultural use, or a Williamson Act contract.
- The proposed project would 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)).

- The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.
- The proposed project would involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

The California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) was established in 1982 to track changes in agricultural land use and to help preserve areas of Important Farmland. It divides the state's land into eight categories of land use designation based on soil quality and existing agriculture uses to produce maps and statistical data. These maps and data are used to help preserve productive farmland and to analyze impacts on farmland. Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance are all Important Farmland and are collectively referred to as Important Farmland in this analysis. The highest rated Important Farmland is Prime Farmland. The California Land Conservation Act of 1965, or the Williamson Act, allows a city or county governments to preserve agricultural land or open space through contracts with landowners. The County has areas that are currently agriculture preserves under contract with San Bernardino County through the Williamson Act of 1965. Contracts last 10 years and are automatically renewed unless a notice of nonrenewal is issued.

## ANALYSIS OF ENVIRONMENTAL IMPACTS

**A. Would the project Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses? • No Impact.**

The proposed project would be a 404,057 square foot industrial warehouse. The total ~~net~~**gross** land area of the site is 871,200 square feet which is approximately 18.71 acres. As indicated previously, the new building would have a total floor area of 404,057 square feet. The zoning designation of the site is *Specific Plan (North Apple Valley Specific Plan)*. The proposed project site is largely vacant and undeveloped. According to the California Department of Conservation, the project site does not contain any areas of Farmland of Statewide Importance, and no agricultural uses are located onsite or adjacent to the property as shown in Exhibit 6. The implementation of the proposed project would not involve the conversion of any prime farmland, unique farmland, or farmland of statewide importance to urban uses. *As a result, no impacts would occur.*

**B. Would the project conflict with existing zoning for agricultural uses, or a Williamson Act Contract? • No Impact.**

The property is vacant and undeveloped. According to the California Department of Conservation Division of Land Resource Protection, the project site is not subject to a Williamson Act Contract. *As a result, no impacts would occur.*

**C.** *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))?* • *No Impact.*

The proposed project involves the construction of a 404,057 square feet industrial warehouse. The total area of the site is 871,200 square feet (18.71 acres). There are no forest lands or timberlands located within or adjacent to the site. Furthermore, the site's existing zoning designation does not contemplate forest land or timberland uses. *As a result, no impacts would occur.*

**D.** *Would the project result in the loss of forest land or conversion of forest land to a non-forest use?* • *No Impact.*

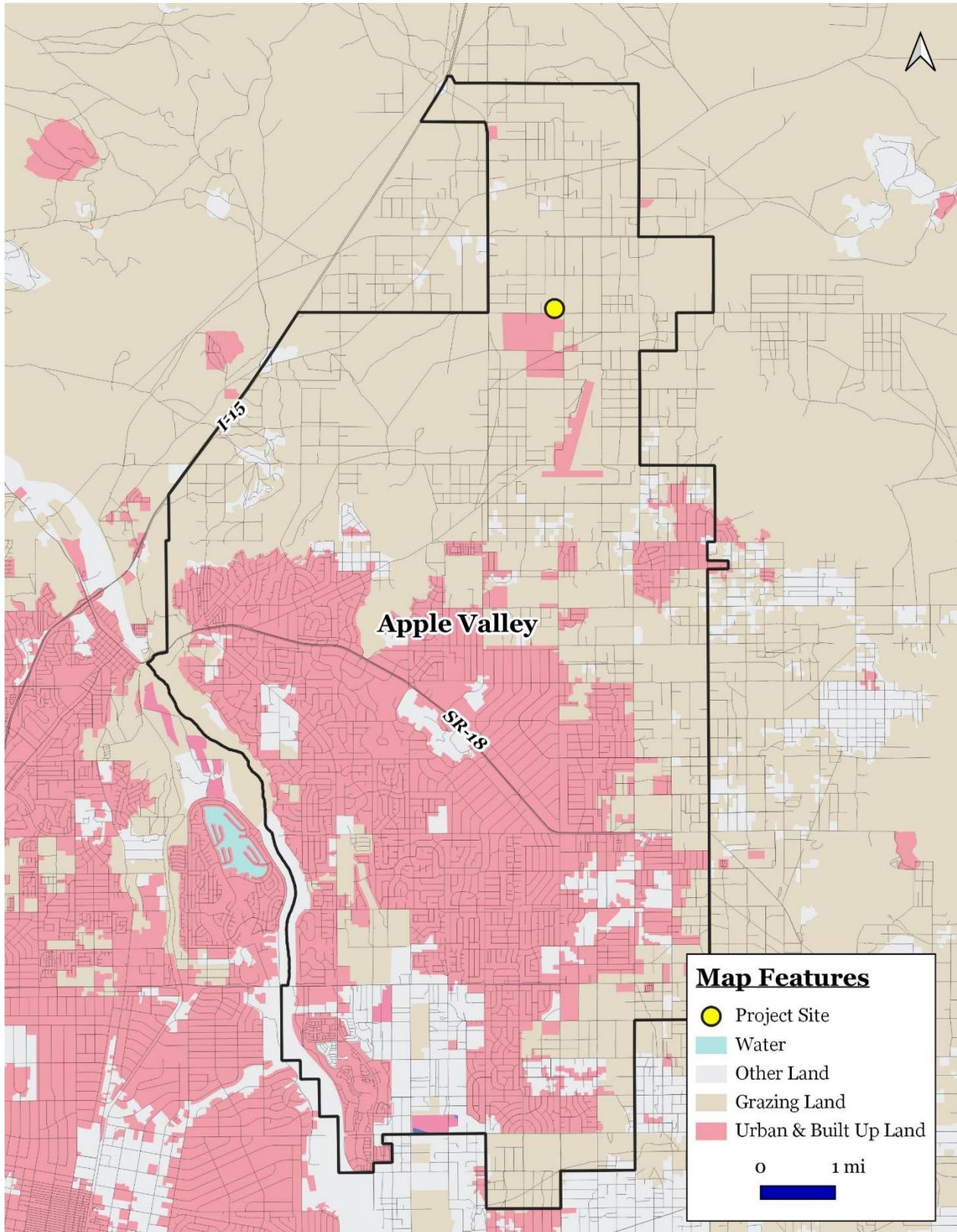
No forest lands are located within the project site. The proposed use will be restricted to the site and will not affect any land under the jurisdiction of the Bureau of Land Management (BLM). No loss or conversion of forest lands to urban uses will result from the proposed project's implementation. *As a result, no impacts would occur.*

**E.** *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to a non-forest use?* • *No Impact.*

The project would not involve loss of farmland to a nonagricultural use or conversion of forest land to non-forest use because the project site is currently vacant and does not contain any significant vegetation. No farmland conversion impacts will occur with the implementation of the proposed project. *As a result, no impacts would occur.*

**MITIGATION MEASURES**

The analysis of agricultural and forestry resources indicated that no impact on these resources would occur as part of the proposed project's implementation. As a result, no mitigation is required.



**EXHIBIT 6 AGRICULTURAL MAP**  
SOURCE: CALIFORNIA DEPARTMENT OF CONSERVATION

### 3.3 AIR QUALITY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project conflict with or obstruct implementation of the applicable air quality plan?			✘	
B. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?			✘	
C. Would the project expose sensitive receptors to substantial pollutant concentrations?			✘	
D. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			✘	

#### SOURCES

Appendix A – Air Quality Report (Worksheets)

Mojave Desert Air Quality Management District (MDAQMD). *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines*. Report dated August 2016.

Natelson Company, Inc. *Employment Density Study, Summary Report*. October 31, 2001.

Southern California Association of Governments. *Regional Transportation Plan/Sustainable Communities Strategy 2016-2040. Demographics & Growth Forecast*. April 2016.

Steen Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-o. September 2023*.

#### THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on air quality if it results in any of the following:

- The proposed project would conflict with or obstruct implementation of the applicable air quality plan.
- The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.
- The proposed project would expose sensitive receptors to substantial pollutant concentrations.
- The proposed project would result in other emissions (such as those leading to odors adversely affecting a substantial number of people).

The Mojave Desert Air Quality Management District (MDAQMD) has established quantitative thresholds for short-term (construction) emissions and long-term (operational) emissions for the criteria pollutants listed below. Projects in the Mojave Desert Air Basin (MDAB) generating construction and operational-

related emissions that exceed any of the following emissions thresholds are considered to be significant under CEQA.

- *Ozone (O<sub>3</sub>)* is a nearly colorless gas that irritates the lungs, and damages materials and vegetation. Ozone is formed a by photochemical reaction (when nitrogen dioxide is broken down by sunlight).
- *Carbon Monoxide (CO)* is a colorless, odorless toxic gas that interferes with the transfer of oxygen to the brain and is produced by the incomplete combustion of carbon-containing fuels emitted as vehicle exhaust. The threshold is 548 pounds per day of carbon monoxide (CO).
- *Nitrogen Oxide (NO<sub>x</sub>)* is a yellowish-brown gas, which at high levels can cause breathing difficulties. NO<sub>x</sub> is formed when nitric oxide (a pollutant from burning processes) combines with oxygen. The daily threshold is 137 pounds per day of nitrogen oxide (NO<sub>x</sub>).
- *Sulfur Dioxide (SO<sub>2</sub>)* is a colorless, pungent gas formed primarily by the combustion of sulfur-containing fossil fuels. Health effects include acute respiratory symptoms. The daily threshold is 137 pounds per day of sulfur oxides (SO<sub>x</sub>).
- *PM<sub>10</sub> and PM<sub>2.5</sub>* refers to particulate matter less than ten microns and two and one-half microns in diameter, respectively. Particulates of this size cause a greater health risk than larger-sized particles since fine particles can more easily cause irritation. The daily threshold is 82 pounds per day of PM<sub>10</sub> and 65 pounds per day of PM<sub>2.5</sub>.
- *Reactive Organic Gasses (ROG)* refers to organic chemicals that, with the interaction of sunlight photochemical reactions may lead to the creation of “smog.” The daily threshold is 137 pounds per day of ROG.

## ANALYSIS OF ENVIRONMENTAL IMPACTS

**A. Would the project conflict with or obstruct implementation of the applicable air quality plan? • Less than significant Impact.**

The proposed project would be a 404,057 square foot industrial warehouse. The total **net-gross** land area of the site is 871,200 square feet which is approximately 18.71 acres. As indicated previously, the new building would have a total floor area of 404,057 square feet. Two separate office areas would be located at the southeast and southwest corners of the new building. Of the new building’s total floor area, 391,638 square feet would be warehouse uses and 12,419 square feet would be office space. A total of 64 truck loading docks would be located along the building’s north elevation. Truck and trailer parking, consisting of 48 spaces, would be provided along the northern side of the side. A total of 6 EV spaces for trucks would be located along the building’s north side. A total of 222 vehicle parking spaces for employees and patrons would be located along the building’s east, south, and west elevations and along the east perimeter of the site. Of this total, 203 spaces would be standard spaces, 8 spaces would be ADA spaces, and 12 spaces would be reserved for EV vehicles.

Air quality impacts may occur during the construction or operation of a project, and may come from stationary (e.g., industrial processes, generators), mobile (e.g., automobiles, trucks), or area (e.g.,

residential water heaters) sources. Town of Apple Valley is located within the Mojave Desert Air Basin (MDAB) and is under the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD). The district covers the majority of the MDAB. The MDAB is an assemblage of mountain ranges interspersed with long broad valleys that often contain dry lakes. The MDAB is separated from the southern California coastal and central California valley regions by mountains (highest elevation approximately 10,000 feet). The Antelope Valley is bordered in the northwest by the Tehachapi Mountains and in the south by the San Gabriel Mountains. The adjacent Mojave Desert is bordered in the southwest by the San Bernardino Mountains.

Projects that are consistent with the projections of employment and population forecasts identified in the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) prepared by SCAG are considered consistent with the MDAQMP growth projections since the RTP/SCS forms the basis of the land use and transportation control portions of the MDAQMP. The RTP/SCS uses the Town's land use policy as outlined in the General Plan to develop the population, housing, and employment projections. These land use policies will establish the location and extent of future housing development and commercial and industrial development. This potential development would, in turn, would translate into future population and employment growth in the town. According to the Growth Forecast Appendix prepared by SCAG for the 2016-2045 RTP/SCS, the Town of Apple Valley employment will increase from 41,200 in 2016 to 61,200 in 2045, an increase of 20,000 new employees through the year 2045. The proposed project would be a 404,057 square foot industrial warehouse. The proposed building is anticipated to employ about 338 employees. This is based on an employment ratio of one employee for every 1,195 square feet of floor area.

The project's construction emissions are discussed under Subsection B and the emissions are shown in Table 3. As indicated in Table 3, the construction emissions would be below the thresholds of significance established by the MDAQMD. The proposed project's long-term (operational) airborne emissions would also be below levels that the MDAQMD considers to be a significant impact (refer to Table 4). Given that the proposed project is consistent with the site's zoning and general plan designation (i.e., no General Plan Amendment or Zone Change is required), the proposed project is not in conflict with the growth projections established for the Town by SCAG. *As a result, the impacts would be less than significant.*

**B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? • Less than Significant Impact.**

According to the MDAQMD, any project is significant if it triggers or exceeds the daily emissions threshold identified previously and noted at the bottom of Tables 3 and 4. In general, a project will have the potential for a significant air quality impact if any of the following are met:

- Generates total emissions (direct and indirect) that exceeds the MDAQMD thresholds (the proposed project emissions are less than the thresholds as indicated in Tables 3 and 4);
- Results in a violation of any ambient air quality standard when added to the local background (the proposed project will not result, in any violation of these standards);
- Does not conform with the applicable attainment or maintenance plan(s) (the proposed project is in conformance with the Town's Zoning and General Plan); and,

- Exposes sensitive receptors to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million and/or a Hazard Index (HI) (non-cancerous) greater than or equal to 1 (the proposed project will not expose sensitive receptors to substantial pollutant concentrations nor is the site located near any sensitive receptors).

The new warehouse development would be constructed in four phases and would take approximately twelve months to complete. During each individual construction phase of development, the following construction activities will occur:

- *Grading (Phase 1)*. The project site would be graded and readied for the construction. This phase would require one month to complete. The typical heavy equipment used during this construction phase would include graders, bulldozers, offroad trucks, back-hoes, and trenching equipment.
- *Site Preparation (Phase 2)*. During this phase, the building footings, utility lines, and other underground infrastructure would be installed. This phase would require one month to complete. The typical heavy equipment used during this construction phase would include bulldozers, offroad trucks, back-hoes, front-end loaders, cranes, and forklifts.
- *Building (Phase 3)*. The new buildings would be constructed during this phase. This phase will take approximately eight months to complete. The typical heavy equipment used during this construction phase would include offroad trucks, cranes, and fork-lifts.
- *Paving, Landscaping, and Finishing (Phase 4)*. The individual development sites will be paved during this phase. This phase will take approximately two months to complete. The typical heavy equipment used during this construction phase would include trucks, backhoes, rollers, pavers, and trenching equipment.

As shown in Table 3, the project’s daily construction emissions will not exceed the MDAQMD significance thresholds.

**TABLE 3 ESTIMATED DAILY CONSTRUCTION EMISSIONS**

<b>Construction Phase</b>	<b>ROG</b>	<b>NOx</b>	<b>CO</b>	<b>SO2</b>	<b>PM10</b>	<b>PM2.5</b>
Maximum Daily Emissions	97.0	31.7	31.6	0.06	9.26	5.25
Daily Thresholds	137	137	548	137	82	65
Significant Impact?	No	No	No	No	No	No

Source: CalEEMod V.2022.1.1.21

Long-term emissions refer to those air quality impacts that will occur once the proposed project has been constructed and is operational. These impacts will continue over the operational life of the project. The two main sources of operational emissions include mobile emissions and area emissions related to off-site electrical generation. The analysis of long-term operational impacts summarized in Table 4 also used the CalEEMod V.2022.1.1.21 computer model and was provided by York Engineering’s Air Quality and GHG Report. CalEEMod defaults were used for the weekday and weekend daily trip rates for the operational phase; and the average vehicle trip distances. The analysis summarized in Table 4 indicates that the operational (long-term) emissions will be below the MDAQMD daily emissions thresholds.

**TABLE 4 ESTIMATED OPERATIONAL EMISSIONS IN LBS./DAY**

Emission Source	ROG	NOx	CO	SO2	PM10	PM2.5
Total (lbs./day)	16.5	7.57	67.9	0.13	10.3	2.80
Daily Thresholds	137	137	548	137	82	65
Significant Impact?	No	No	No	No	No	No

Source: CalEEMod V.2022.1.1.21

The analysis presented in Tables 3 and 4 reflect projected emissions that are typically higher during the summer months and represent a worse-case scenario. As indicated in Tables 3 and 4, the impacts are considered to be less than significant. In addition, the MDAQMD Rule Book contains numerous regulations governing various activities undertaken within the district. Among these regulations is Rule 403.2 – Fugitive Dust Control which was adopted in 1996 for the purpose of controlling fugitive dust. Adherence to Rule 403.2 regulations is required for all projects undertaken within the district. All internal roadways and parking areas will be paved. Future construction truck drivers must also adhere to Title 13 - §2485 of the California Code of Regulations, which limits the idling of diesel-powered vehicles to less than five minutes.<sup>3</sup> The following MDAQMD rules would be adhered to and they would be effective in further reducing the construction emissions:

- The Applicant shall prepare and submit to the MDAQMD, prior to commencing earth-moving activity, a dust control plan that describes all applicable dust control measures that will be implemented at the project.
- The Applicant shall ensure that signage, compliant with Rule 403 Attachment B, is erected at each project site entrance no later than the commencement of construction.
- The Applicant shall ensure the use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.
- All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related track out onto paved surfaces and clean any project-related track out within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

*As a result, the impacts would be less than significant.*

**C. Would the project expose sensitive receptors to substantial pollutant concentrations? • Less than Significant Impact.**

According to the MDAQMD, residences, schools, daycare centers, playgrounds, and medical facilities are considered sensitive receptor land uses. Sensitive receptors are generally considered to be those lands uses

where the elderly and children congregate. The nearest sensitive receptors to the project site include scattered residential developments located more than two miles to the south of the site. The following project types proposed for sites within the specified distance to an existing or planned (zoned) sensitive receptor land use must be evaluated: any industrial project within 1,000 feet; a distribution center (40 or more trucks per day) within 1,000 feet; a major transportation project within 1,000 feet; a dry cleaner using perchloroethylene within 500 feet; and a gasoline dispensing facility within 300 feet. As indicated previously, the proposed project's projected short-term and long-term emissions would be below the MDAQMD's thresholds of significance. The proposed project would not impact any sensitive receptors. There are no homes, medical centers, or parks located within 1,000 feet of the project site. *As a result, the impacts would be less than significant.*

**D. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? • Less than Significant Impact.**

The project's construction would require the use of diesel fuel to power the construction equipment. The diesel fuel would be properly sealed in tanks and would be transported to the site by truck. Other hazardous materials that would be used on-site during the project's construction phase include, but are not limited to, gasoline, solvents, architectural coatings, and equipment lubricants. These products are strictly controlled and regulated and in the event of any spill, cleanup activities would be required to adhere to all pertinent protocols. In addition, construction truck drivers must adhere to Title 13 - §2485 of the California Code of Regulations, which limits the idling of diesel-powered vehicles to less than five minutes, which helps to reduce exhaust-related odors. Furthermore, the project's contractors must adhere to all pertinent MDAQMD and CARB rules and regulations that govern odors. Due to the protocols, the project's construction would not significantly impact a substantial number of people.

Once occupied, the proposed project would be a warehouse use. The transport and storage of materials within the building would be governed by the State of California Department of Transportation (Caltrans) and California Environmental Protection Agency (CalEPA). The proposed use of the project site will be enclosed within a concrete tilt-up building and will not present other emissions (such as those leading to odors) adversely affecting a substantial number of people. In addition, the development would be periodically inspected by both the Town and County to ensure that all pertinent codes are adhered to. *As a result, the impacts would be less than significant.*

## MITIGATION MEASURES

As indicated under Subsection B, the proposed project's construction would be required to adhere to a number of MDAQMD requirements that govern construction emissions. In addition, the proposed development would be required to comply with other control measures including those that control nuisance odors. As a result, no mitigation would be required.

### 3.4 BIOLOGICAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		✘		
B. 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?		✘		
C. Would the project have a substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		✘		
D. 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?			✘	
E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			✘	
F. 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?				✘
F. 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?				✘

### SOURCES

#### Appendix B – Biological Study

ELMT Consulting, Inc. *Biological Resources Assessment*. October 2024

ELMT Consulting, Inc. *Delineation of State and Federal Jurisdictional Waters*. October 2024.

Steen Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-0. September 2023.*

### THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on biological resources if it results in any of the following:

- The proposed project would 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.

- The proposed project would 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 US Fish and Wildlife Service.
- The proposed project would have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- The proposed project would 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.
- The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- The proposed project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Sensitive biological resources include a variety of plant and animal species that are specialized and endemic to a particular habitat type. Due to loss of habitat, some of these species have been designated by either, or both, the federal and state government resource agencies as threatened or endangered. Species listed as threatened include those whose numbers have dropped to such low levels and/or whose populations are so isolated that the continuation of the species could be jeopardized. Endangered species are those with such limited numbers or subject to such extreme circumstances that they are considered in imminent danger of extinction. Other government agencies and resource organizations also identify sensitive species, those that are naturally rare and that have been locally depleted and put at risk by human activities. While not in imminent danger of jeopardy or extinction, sensitive species are considered vulnerable and can become candidates for future listing as threatened or endangered.

## ANALYSIS OF ENVIRONMENTAL IMPACTS

**A.** *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? • Less than Significant Impact with Mitigation.*

The proposed project would be a 404,057 square foot industrial warehouse. The total **net-gross** land area of the site is 871,200 square feet which is approximately 18.71 acres. As indicated previously, the new building would have a total floor area of 404,057 square feet. Landscaping totaling 90,969 square feet, would be provided throughout the site and along the roadway's frontages. An outside break area would be located near the building's northeast corner. Access to the project site would be provided by three driveway connections with the north side of Johnson Road and two driveway connections with the west side of Navajo Road. The zoning designation of the site is *Specific Plan*.

On-site elevation ranges from approximately 3,076 to 3,096 feet above mean sea level and generally slopes from northeast to southwest. According to the topographic map, the project site occurs within the Apple Valley North 7.5-minute quadrangle. The site consists almost entirely of vacant/undeveloped land with

disturbance along the southern boundary of the project site associated with vehicle use as a shoulder and turnaround area along Johnson Road.

ELMT Consulting (ELMT) biologist Andrew N. Mestas conducted a field survey and evaluated the condition of the habitat within the project site on and surrounding area (survey area) on September 24, 2024. During the field investigation one (1) plant community was observed within the boundary of the project site: creosote bush scrub (refer to Appendix B – Biological Resources Report Exhibit 5, Vegetation). In addition, one (1) land cover type that would be classified as disturbed was observed onsite. This area is not a vegetation classification, but rather a land cover type. Disturbed areas occur along the western, eastern, and southern boundaries of the project site due to adjacent dirt access roads and Johnson Road. The disturbed areas support both barren and sparsely vegetated land with some non-native species present. Some plant species observed in the disturbed areas include red bromes, western tansymustard, and bristly fiddleneck. According to the CNDDDB and CNPS, four (4) special-status plant species have been recorded in the Turtle Valley and Apple Valley North quadrangles (refer to see Appendix C in Appendix B – Biological Resources Report). Western Joshua tree was the only special-status plant species observed onsite during the field investigation. Further, based on habitat requirements for the identified special-status species and known distributions, it was determined that the undeveloped portions of the project site that support the creosote bush scrub plant community do not have the potential to support any of the other special-status species documented as occurring within the vicinity of the project site are presumed absent. With the exception of Joshua tree, no impacts to special-status species are expected to occur. There are one (1) Joshua tree located on the project site. The following mitigation measures are applicable to the Joshua Tree that is present on the project site:

- *Biological Resources Mitigation Measure No. 1.* The western Joshua tree is a candidate threatened species under the California Endangered Species Act. Prior to the initiation of western Joshua tree removal, relocation, replanting, trimming, or pruning or any activity that may result in take of WJT on site, the Project Proponent shall obtain California Endangered Species Act Incidental Take Permit under Section 2081b of the CESA, or under the Western Joshua Tree Conservation Act (WJTCA) of Fish and Game Code (§§ 1927- 1927.12). California Fish and Game Code section 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”. Mitigation for CESA will occur at a minimum 1:1 or per the stem count per the WJTCA census in lieu fee. The Project site falls within an area of the WJTCA which qualifies for reduced Mitigation Fees for impacts to western Joshua trees (Fish and Wildlife Code, Section 1927). The reduced Mitigation Fees are as follows [Fish and Wildlife Code, Section 1927.3 (d)]: 1. Trees 5 meters of greater in height - \$1,000; 2. Trees 1 meter or greater but less than 5 meters in height - \$200; 3. Trees less than 1 meter in height - \$150. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. Additionally, California Department of Fish and Wildlife (CDFW) may require relocation of WJT based on the final WJT census. A Relocation Plan must be approved by CDFW prior to the issuance of a WJTCA ITP.

No fish or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) with frequent sources of water that would provide suitable habitat for fish were observed on or immediately adjacent to the project site. Therefore, no fish are expected to occur and are presumed absent from the project site.

No amphibians or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for amphibian species were observed on or immediately adjacent to the project site.

Therefore, no amphibians are expected to occur on the project site and are presumed absent.

The project site provides suitable foraging and nesting habitat for a variety of reptilian species adapted to conditions within the Mojave Desert. The only reptilian species observed during the field investigation included western whiptail (*Aspidoscelis tigris*). Common reptilian species that have the potential to occur on-site include northern Mohave rattlesnake (*Crotalus scutulatus scutulatus*), common side-blotched lizard (*Uta stansburiana elegans*), desert horned lizard (*Phrynosoma platyrhinos calidiarum*), desert spiny lizard (*Sceloporus magister*), and Great Basin gopher snake (*Pituophis catenifer deserticola*).

The project site provides suitable foraging and nesting habitat for a variety of resident and migrant bird species adapted to conditions within the Mojave Desert. Avian species detected during the survey included California horned lark (*Eremophila alpestris actia*), rock pigeon (*Columba livia*), and American crow (*Corvus brachyrhynchos*). Common avian species expected to occur on-site include cactus wren (*Campylorhynchus brunneicapillus*), house finch (*Haemorhous mexicanus*), black-throated sparrow (*Amphispiza bilineata*), rock wren (*Salpinctes obsoletus*), mourning dove (*Zenaida macroura*), common raven (*Corvus corax*), California quail (*Callipepla californica*), and red-tailed hawk (*Buteo jamaicensis*). Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). The following mitigation measure would be required in order to protect migratory bird species:

- *Biological Resources Mitigation Measure No. 2.* If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds shall be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

The project site provides suitable foraging and denning habitat for a variety of mammalian species adapted to conditions within the Mojave Desert. Most mammal species are nocturnal and are difficult to observe during a diurnal field visit. The only mammalian species observed during the field investigation were white-tailed antelope squirrel (*Ammospermophilus leucurus*) and black-tailed jackrabbit (*Lepus californicus*). Common mammalian species that have potential to occur on-site include desert woodrat (*Neotoma lepida*), coyote (*Canis latrans*), and desert cottontail (*Sylvilagus audubonii*). No bat species are expected to occur due to a lack of suitable roosting habitat (i.e., trees, crevices, abandoned structures) within and surrounding the project site.

According to the CNDDDB, thirteen (13) special-status wildlife species have been reported in the Turtle Valley and Apple Valley North quadrangles (refer to Appendix C of Appendix B – Biological Resources Report). California horned lark (*Eremophila alpestris actia*) was the only special-status wildlife species observed on-site. Based on habitat requirements for specific species and the availability and quality of on-site habitats, it was determined that the project site has a moderate potential to provide suitable habitat for Costa's hummingbird (*Calypte costae*) and loggerhead shrike (*Lanius ludovicianus*); and low potential to provide suitable habitat for Cooper's hawk (*Accipiter cooperii*), golden eagle (*Aquila chysaetos*), burrowing owl, desert tortoise and prairie falcon (*Falco mexicanus*). Further it was determined that the project site does not provide suitable habitat for any of the other special-status wildlife species known to occur in the area. The following mitigation measure would be required in order to ensure the absence of burrowing owls and desert tortoise from the project site:

- *Biological Resources Mitigation Measure No. 3.* A burrowing owl focused survey is recommended to be conducted to ensure the absence of burrowing owl from the project site. The focused survey will conform to the protocol detailed in the 2012 CDFW Staff Report on Burrowing Owl Mitigation. The survey will consist of four (4) visits, with at least one (1) survey between February 15 and April 15 and a minimum of three (3) surveys at least three weeks apart between April 15 and July 15, with at least one survey after June 15. Although not anticipated, if burrowing owl are found onsite during the survey, coordination will need to occur with CDFW to determine if avoidance and minimization measures can be implemented to avoid any direct or indirect impacts to burrowing owl, or if a "Take" permit will need to be prepared and approved by CDFW.
- *Biological Resources Mitigation Measure No. 4.* A desert tortoise presence/absence survey is recommended to be conducted to ensure desert tortoise are absence from the project stie and will not be impacted by project implementation. Survey transects shall be spaced at 10-meter (33-foot) intervals throughout the undeveloped portions of the project area to provide 100 percent visual coverage and increase the likelihood of locating desert tortoise and/or sign. All burrows, if present, will be thoroughly inspected for the presence of desert tortoise or evidence of recent use using non-intrusive methods (i.e., mirror, digital camera). Burrow characteristics including class, shape, orientation, size, and evidence of deterioration will be recorded on field data sheets. Although not anticipated, if desert tortoise are found onsite during the survey, coordination will need to occur with the USFWS and CDFW to determine if avoidance and minimization measures can be implemented to avoid any direct or indirect impacts to desert tortoise, or if "Take" permits will need to be prepared and approved by the USFWS and CDFW.

*As a result, the impacts would be less than significant with the incorporated mitigation measures.*

**B.** *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? • Less than Significant Impact with Mitigation.*

Two ephemeral drainages, named Drainage 1 and Drainage 2, were observed passing from the eastern boundary through the site and out through the western boundary of the project site during the field delineation. The drainages onsite flow into a storm drain that extends under Johnson Road and into detention basins associated with the Distribution Cetner south of the project site.

The onsite ephemeral drainage features are not relatively permanent, standing, or continuously flowing bodies of water and, therefore, will not qualify as waters of the United States under the regulatory authority of the Corps (Sackett v. EPA (2022) 143 S. Ct. 1322, 1336). However, the onsite drainage features will qualify as waters of the State and fall under the regulatory authority of the Regional Board and California Department of Fish and Wildlife (CDFW). Approximately 0.60 acres (3,910 linear feet) of non-wetland waters of the State occur on-site under the jurisdictional authority of the Regional Board. Likewise, the on-site drainage features exhibit characteristics consistent with CDFW's methodology and would be considered CDFW streambed totaling 0.60 acres (3,910 linear feet).

The delineation of State and Federal Jurisdictional Waters is attached as Appendix H – Jurisdictional Delineation of the Biological Study.. Under the Federal Wetland Definition, an area must exhibit all three wetland parameters described in the Corps Arid West Regional Supplement to be considered a jurisdictional wetland. Based on the results of the field delineation, it was determined that no areas within the project site met all three wetland parameters. Therefore, no jurisdictional wetland features exist within the project site.

Under the State Water Resources Control Board State Wetland Definition, an area is a wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation. Based on the results of the field delineation, it was determined that no areas within the Project site meet the State Wetland Definition. Therefore, no state wetland features exist within the Project site. Pursuant to Section 1602 of the California Fish and Game Code, the CDFW regulates any activity that will divert or obstruct the natural flow or alter the bed, channel, or bank (which may include associated biological resources) of a river or stream. CDFW jurisdictional areas were observed within the project site at the time of the investigation. Therefore, the following mitigation measure would be required:

- *Biological Resources Mitigation Measure No. 5.* Pursuant to Section 1602 of the California Fish and Game Code, the CDFW regulates any activity that will divert or obstruct the natural flow or alter the bed, channel, or bank (which may include associated biological resources) of a river or stream. CDFW jurisdictional areas were observed within the project site at the time of the investigation. Therefore, a Section 1602 Streambed Alteration Agreement from the CDFW will be required prior to project implementation.

*As a result, the impacts would be less than significant with mitigation.*

**C. *Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? • Less than Significant Impact with Mitigation.***

ELMT Consulting (ELMT) has prepared the Delineation of State and Federal Jurisdictional Waters Report for the Johnson Road Warehouse Project located in the Town of Apple Valley, San Bernardino County, California (attached as Appendix H – Jurisdictional Delineation). Under the United States Army Corps of Engineers, the Corps regulates discharges of dredged or fill materials into waters of the United States and wetlands pursuant to Section 404 of the CWA. No Corps jurisdictional areas were identified within the project site and a CWA Section 404 permit would not be required for the proposed project. The Regional Water Quality Control Board regulates discharges to surface waters pursuant to Section 401 of the CWA

and the California Porter-Cologne Water Quality Control Act. Regional Board jurisdictional areas were identified within the project site and the following mitigation measure would be required:

- *Biological Resources Mitigation Measure No. 6.* The Regional Water Quality Control Board regulates discharges to surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act. Regional Board jurisdictional areas were identified within the project site and a Report of Waste Discharge will be required for the proposed project for impacts to the onsite drainage features.

*As a result, less than significant impacts would occur with mitigation.*

**D. 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? • Less than Significant Impact.**

The project site does not function as a major wildlife movement corridor or linkage. As such, implementation of the proposed project is not expected to have a significant impact to wildlife movement opportunities or prevent local wildlife movement through the area since there is ample habitat adjacent to the project site to support wildlife movement opportunities. The developed roads, Johnson Road and Navajo Road, and the industrial development south of the project creates a barrier that deters wildlife and disrupts their movement patterns, making the site unsuitable as a wildlife corridor. Due to the lack of any identified impacts to wildlife movement, migratory corridors or linkages or native wildlife nurseries, *impacts will be less than significant.*

**E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? • Less than Significant Impact.**

As of July 10, 2023, California legislature passed and signed the Western Joshua Tree Conservation Act (WJTCA, Senate Bill 122) into effect listing the western Joshua tree (*Yucca brevifolia*) as an endangered species. The WJTCA authorizes CDFW to oversee the various permitting processes dealing with mitigation and/or removal of western Joshua trees. Therefore, any attempt to remove a Joshua tree from its current position will require a California Endangered Species Act Incidental Take Permit (CESA, ITP) or a Western Joshua Tree Conservation Act Incidental Take Permit (WJTCA, ITP). The Joshua Tree is also a protected plant in the County of San Bernardino under the Native Desert Plant Protection Plan (Ordinance Chapter 88.01.060). Western Joshua tree and diamond cholla are regulated species pursuant to Section 9.76.02, Desert Native Plant Protection, of the Town's ordinance. In the event that avoidance is not feasible, the project applicant will be required to obtain a Tree or Plant Removal Permit from the Town in addition to an ITP for Joshua tree, prior to removal of any regulated tree or plant. According to Appendix B – Biological Resources Report, there is one (1) Joshua Tree located on the project site. As a result, the impacts would be less than significant with the implementation of Biological Resources Mitigation Measure No. 1.

**F. 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? • No Impact.**

The Town of Apple Valley Multi-Species Conservation Plan is in planning phase. The Town and County are working in coordination with the Bureau of Land Management (BLM), USFWS, and CDFW to achieve

consistent and complimentary conservation planning goals between the MSHCP/NCCP and state and federal land use plans to achieve conservation benefits at a landscape level. The Plan will safeguard features and areas that warrant protection; plus ensure that future development within the Town and surrounding County lands is compliant with Federal and State Endangered Species Acts. The proposed project's implementation would be required to be in compliance with County of San Bernardino's Native Desert Plant Protection Plan, the California Department of Fish and Wildlife State Wildlife Action Plan and other approved local, regional, and state habitat conservation plan. *As a result, no impacts are anticipated.*

## MITIGATION MEASURES

The analysis of biological impacts determined that the following mitigation measures would be required to reduce the project's impacts to levels that would be less than significant.

*Biological Resources Mitigation Measure No. 1.* The western Joshua tree is a candidate threatened species under the California Endangered Species Act. Prior to the initiation of western Joshua tree removal, relocation, replanting, trimming, or pruning or any activity that may result in take of WJT on site, the Project Proponent shall obtain California Endangered Species Act Incidental Take Permit under Section 2081b of the CESA, or under the Western Joshua Tree Conservation Act (WJTCA) of Fish and Game Code (§§ 1927- 1927.12). California Fish and Game Code section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill". Mitigation for CESA will occur at a minimum 1:1 or per the stem count per the WJTCA census in lieu fee. The Project site falls within an area of the WJTCA which qualifies for reduced Mitigation Fees for impacts to western Joshua trees (Fish and Wildlife Code, Section 1927). The reduced Mitigation Fees are as follows [Fish and Wildlife Code, Section 1927.3 (d)]: 1. Trees 5 meters or greater in height - \$1,000; 2. Trees 1 meter or greater but less than 5 meters in height - \$200; 3. Trees less than 1 meter in height - \$150. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. Additionally, California Department of Fish and Wildlife (CDFW) may require relocation of WJT based on the final WJT census. A Relocation Plan must be approved by CDFW prior to the issuance of a WJTCA ITP.

*Biological Resources Mitigation Measure No. 2.* If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds shall be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

*Biological Resources Mitigation Measure No. 3.* A burrowing owl focused survey is recommended to be conducted to ensure the absence of burrowing owl from the project site. The focused survey will conform to the protocol detailed in the 2012 CDFW Staff Report on Burrowing Owl Mitigation. The survey will consist of four (4) visits, with at least one (1) survey between February 15 and April 15 and a minimum of three (3) surveys at least three weeks apart between April 15 and July 15, with at least one survey after June 15. Although not anticipated, if burrowing owl are found onsite during the survey, coordination will need to occur with CDFW to determine if avoidance and minimization measures can be implemented to avoid any direct or indirect impacts to burrowing owl, or if a “Take” permit will need to be prepared and approved by CDFW.

*Biological Resources Mitigation Measure No. 4.* A desert tortoise presence/absence survey is recommended to be conducted to ensure desert tortoise are absence from the project stie and will not be impacted by project implementation. Survey transects shall be spaced at 10-meter (33-foot) intervals throughout the undeveloped portions of the project area to provide 100 percent visual coverage and increase the likelihood of locating desert tortoise and/or sign. All burrows, if present, will be thoroughly inspected for the presence of desert tortoise or evidence of recent use using non-intrusive methods (i.e., mirror, digital camera). Burrow characteristics including class, shape, orientation, size, and evidence of deterioration will be recorded on field data sheets. Although not anticipated, if desert tortoise are found onsite during the survey, coordination will need to occur with the USFWS and CDFW to determine if avoidance and minimization measures can be implemented to avoid any direct or indirect impacts to desert tortoise, or if “Take” permits will need to be prepared and approved by the USFWS and CDFW.

*Biological Resources Mitigation Measure No. 5.* Pursuant to Section 1602 of the California Fish and Game Code, the CDFW regulates any activity that will divert or obstruct the natural flow or alter the bed, channel, or bank (which may include associated biological resources) of a river or stream. CDFW jurisdictional areas were observed within the project site at the time of the investigation. Therefore, a Section 1602 Streambed Alteration Agreement from the CDFW will be required prior to project implementation.

*Biological Resources Mitigation Measure No. 6.* The Regional Water Quality Control Board regulates discharges to surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act. Regional Board jurisdictional areas were identified within the project site and a Report of Waste Discharge will be required for the proposed project for impacts to the onsite drainage features.

### 3.5 CULTURAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project cause substantial adverse change in the significance of a historical resource pursuant to §15064.5?				✘
B. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		✘		
C. Would the project disturb any human remains, including those interred outside of dedicated cemeteries?			✘	

### SOURCES

#### Appendix C – Cultural Resources Study

California State Parks, Office of Historic Preservation. *Listed California Historical Resources*. Website accessed November 24, 2022.

California Department of Parks and Recreation. *California Historical Resources*. Website accessed on November 24, 2022.

Duke CRM. *Cultural and Paleontological Resources Assessment for the Navajo Road and Johnson Road Project, Town of Apple Valley, County of San Bernardino, California*. January 26, 2023.

Steen Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-O. September 2023.*

U. S. Department of the Interior, National Park Service. National Register of Historic Places. <http://nrhp.focus.nps.gov>. 2010.

### THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on cultural resources if it results in any of the following:

- The proposed project would cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.
- The proposed project would cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.
- The proposed project would disturb any human remains, including those interred outside of formal cemeteries.

Historic structures and sites are defined by local, State, and Federal criteria. A site or structure may be historically significant if it is locally protected through a General Plan or historic preservation ordinance. In addition, a site or structure may be historically significant according to State or Federal criteria even if the locality does not recognize such significance. To be considered eligible for the National Register, a

property's significance may be determined if the property is associated with events, activities, or developments that were important in the past, with the lives of people who were important in the past, or represents significant architectural, landscape, or engineering elements. Specific criteria include the following:

- Districts, sites, buildings, structures, and objects that are associated with the lives of significant persons in or past;
- Districts, sites, buildings, structures, and objects that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or,
- Districts, sites, buildings, structures, and objects that have yielded or may be likely to yield, information important in history or prehistory.

Ordinarily, properties that have achieved significance within the past 50 years are not considered eligible for the National Register. However, such properties *will qualify* if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- A religious property deriving primary significance from architectural or artistic distinction or historical importance;
- Districts, sites, buildings, structures, and objects that are associated with events that have made a significant contribution to the broad patterns of our history;
- A building or structure removed from its original location that is significant for architectural value, or which is the surviving structure is associated with a historic person or event;
- A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life;
- A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;
- A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived;
- A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or,
- A property achieving significance within the past 50 years if it is of exceptional importance.

## ANALYSIS OF ENVIRONMENTAL IMPACTS

**A. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? • No Impact.**

The proposed project would be a 404,057 square foot industrial warehouse. The total ~~net~~**gross** land area of the site is 871,200 square feet which is approximately 18.71 acres. As indicated previously, the new building would have a total floor area of 404,057 square feet. Access to the project site would be provided by three driveway connections with the north side of Johnson Road and two driveway connections with the west side of Navajo Road. The zoning designation of the site is *Specific Plan*.

The State has established *California Historical Landmarks* that include sites, buildings, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. *California Points of Historical Interest* has a similar definition, except they are deemed of local significance. A search of the National Register of Historic Places and the list of California Historical Resources was conducted, and it was determined that no historic resources were listed within the Town of Apple Valley.

The proposed project will not affect any structures or historical resources listed on the National or State Register or those identified as being eligible for listing on the National or State Register. Furthermore, the project site is not present on the list of historic resources identified by the State Office of Historic Preservation (SHPO). The proposed project will be limited to the project site and will not affect any structures or historical resources listed on the National or State Register or those identified as being eligible for listing on the National or State Register. Furthermore, the project site is not present on the list of historic resources identified by the State Office of Historic Preservation (SHPO). The project site is vacant and disturbed though the developments in surrounding areas do not have any historical or cultural significance. A Cultural Resources Study was also conducted by Duke CRM, attached as Appendix C, has not identified any paleontological resources and is considered to have a low sensitivity for paleontological resources. The project's implementation will not impact any Federal, State, or locally designated historic resources. *As a result, no impacts will result.*

**B. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? • Less than Significant Impact with Mitigation.**

No signs of human habitation nor any cemeteries are apparent within or near the project, and no signs of development on the parcel appear on any historic aerial map reviewed, nor on later USGS maps. On January 18, 2023, DUKE CRM conducted a records search at the South-Central Coastal Information Center (SCCIC). The SCCIC is part of the California Historical Resources Information System (CHRIS) and is located at California State University, Fullerton. The records search included a review of all recorded cultural resources and reports within a 1/2-mile radius of the Project. The records search did not identify any cultural resources within 1/2-mile of the Project. Additionally, the SCCIC identified two (2) cultural resources studies within 1/2-mile of the Project, none of which covered the Project Area. The two studies are Report number SB-00874 and SB-03677, from the year 1979 and 2001, respectively.

DUKE CRM conducted a review of online historical aerial photographs and historic USGS quad maps utilizing UCSB FrameFinder, HistoricAerials.com, and USGS Historical Topographic Map Explorer. The 1932 Barstow 1:125,000 map shows a road grid that includes Johnson Road and Navajo Rd. The Project

area shows no development. The 1957 Apple Valley 15' map and the 1968 aerial illustrates Johnson Road as dirt without reference to Navajo Road. The surrounding area remains undeveloped until the Midfield Aviation runway was constructed, which is graded circa 1969 and established prior to the 1984 aerial. Subsequent years show the increase in buildings to the south and west of the Project. The Project area has remained vacant with no evidence of trails or structures going through the site (HistoricAerials.com; accessed January 18, 2023).

DUKE CRM requested that the Western Science Center perform a paleontological records search for known fossil localities, within, and in the vicinity of, the Project. On January 12, 2023, the Western Science Center reported they did not find any paleontological resources within one (1) mile of the project. While the presence of any fossil material is unlikely in the near-surface excavations, if excavation activity disturbed deeper sediment dating to the earliest parts of the Holocene or late Pleistocene periods it would impact soils that may contain scientifically significant fossil resources. It is the recommendation of the Western Science Center that excavation activity associated with the development of the project area is unlikely to be paleontologically sensitive, but caution during development should be observed.

DUKE CRM assessed the proposed project for potentially significant impacts to paleontological and cultural resources under CEQA. Research and field survey did not identify any paleontological resources within the Project, and research suggests that the project area can be considered to have a low sensitivity for paleontological resources. Based on this assessment, no further paleontological investigation is warranted. No cultural resources are recorded within the project area, and the pedestrian survey did not identify any significant prehistoric or historical cultural resources. Also, groups that inhabited this area include the Serrano (Vanyume or Desert Serrano), the Kitanemuk, the Kawaiisu, and the Tataviam, all of Takiic or Numic descent. They were mobile hunter-gatherer groups with seasonal camps located based on local or regional resources. In addition, the Town of Apple Valley was historically a heavily visited location as it was a migratory stop along the Mojave Indian Trail but the first permanent residents weren't established until 1867. Based on these factors, the project area is assessed as having a moderate sensitivity for cultural resources, and archaeological monitoring of ground-disturbing activities is recommended. Since it is possible that previously unrecognized resources could exist at the site, the proposed project would be required to take the following mitigation measures:

- *Cultural Resources Mitigation Measure No. 1.* In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.
- *Cultural Resources Mitigation Measure No. 2.* If significant pre-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
- *Cultural Resources Mitigation Measure No. 3.* If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity

(within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

- *Cultural Resources Mitigation Measure No. 4.* A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the Town of Apple Valley prior to building final.
- *Cultural Resources Mitigation Measure No. 5.* Prior to the initiation of ground-disturbing activities, field personnel shall be alerted to the possibility of buried prehistoric or historic cultural deposits and paleontological resources. In the event that field personnel encounter buried cultural materials and/or paleontological resources, work in the immediate vicinity of the find shall cease and a qualified archaeologist/paleontologists must be retrained to assess the significance of the find. The qualified archaeologist/paleontologist shall have the authority to stop or divert construction excavation as necessary. If the qualified archaeologist/paleontologist finds that any cultural resources present meet eligibility requirements for listing on the California register or the national register of historic places (national register), plans for the treatments, evaluation, and mitigation of impacts to the find will need to be developed. Prehistoric or historic cultural materials that may be encountered during ground-disturbing activities include:
  - Historic-period artifacts such as glass bottles and fragments, cans, nails, ceramic and pottery fragments, and other metal objects;
  - Historic-period structural or building foundations, walkways, cisterns, pipes, privies, and other structural elements;
  - Pre-historic flaked-stone artifacts and debitage (waste material), consisting of obsidian, basalt, and/or cryptocrystalline silicates;
  - Dark, greasy soil that may be associated with charcoal, ash, bone, shell, flaked stone, ground stone and fire affected rocks; and Human remains.
  - Since it is possible that previously unrecognized resources could exist at the site, the proposed project would be required to the following mitigation measures:

The above mitigation measures would mitigate the potential impacts in the event that previously unrecognized resources could exist at the site. These measures would prevent these resources from being damaged during earth disturbance activities. *Adherence to the aforementioned mitigation measures would reduce the impacts to levels that are less than significant.*

**C. Would the project disturb any human remains, including those interred outside of dedicated cemeteries? • Less than Significant Impact.**

There are no dedicated cemeteries located in the vicinity of the project site. The proposed project will be restricted to the project site and therefore will not affect any dedicated cemeteries in the vicinity. Notwithstanding, the following mitigation is mandated by the California Code of Regulations (CCR) Section 15064.5(b)(4):

“A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of a historical resource. The lead agency shall ensure that any adopted measures

to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.”

Additionally, Section 5097.98 of the Public Resources Code states:

“In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with (b) Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning the investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.”

Adherence to the aforementioned standard condition will be required in the event human burials are encountered during grading. *As a result, the impacts would be less than significant.*

## MITIGATION MEASURES

The following mitigation measures would be required to address potential cultural resources impacts:

*Cultural Resources Mitigation Measure No. 1.* In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

*Cultural Resources Mitigation Measure No. 2.* If significant pre-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

*Cultural Resources Mitigation Measure No. 3.* If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

*Cultural Resources Mitigation Measure No. 4.* A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the Town of Apple Valley prior to building final.

*Cultural Resources Mitigation Measure No. 5.* Prior to the initiation of ground-disturbing activities, field personnel shall be alerted to the possibility of buried prehistoric or historic cultural deposits and paleontological resources. In the event that field personnel encounter buried cultural materials and/or paleontological resources, work in the immediate vicinity of the find shall cease and a qualified archaeologist/paleontologist must be retrained to assess the significance of the find. The qualified archaeologist/paleontologist shall have the authority to stop or divert construction excavation as necessary. If the qualified archaeologist/paleontologist finds that any cultural resources present meet eligibility requirements for listing on the California register or the national register of historic places (national register), plans for the treatments, evaluation, and mitigation of impacts to the find will need to be developed. Prehistoric or historic cultural materials that may be encountered during ground-disturbing activities include:

- Historic-period artifacts such as glass bottles and fragments, cans, nails, ceramic and pottery fragments, and other metal objects;
- Historic-period structural or building foundations, walkways, cisterns, pipes, privies, and other structural elements;
- Pre-historic flaked-stone artifacts and debitage (waste material), consisting of obsidian, basalt, and/or cryptocrystalline silicates;
- Dark, greasy soil that may be associated with charcoal, ash, bone, shell, flaked stone, ground stone and fire affected rocks; and Human remains.

### 3.6 ENERGY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			✘	
B. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			✘	

#### SOURCES

Appendix E – Utilities Calculations

Steen Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-0. September 2023.*

#### THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on energy resources if it results in any of the following:

- The proposed project would result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during the proposed project’s construction or operation.
- The proposed project would conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

Energy and natural gas consumption were estimated using default energy intensities by building type in CalEEMod. In addition, it was assumed the new buildings would be constructed pursuant to the 2022 CALGreen standards, which was considered in the CalEEMod inputs.

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation? • Less than Significant Impact.*

The proposed project would be a 404,057 square foot industrial warehouse. The total ~~net~~**gross** land area of the site is 871,200 square feet which is approximately 18.71 acres. As indicated previously, the new building would have a total floor area of 404,057 square feet. Two separate office areas would be located at the southeast and southwest corners of the new building. Of the new building’s total floor area, 391,638 square feet would be warehouse uses and 12,419 square feet would be office space. A total of 64 truck loading docks would be located along the building’s north elevation. The maximum height of the new building would be 42-feet. Truck and trailer parking, consisting of 48 spaces, would be provided along the northern side of

the side. A total of 6 EV spaces for trucks would be located along the building's north side. A total of 222 vehicle parking spaces for employees and patrons would be located along the building's east, south, and west elevations and along the east perimeter of the site. Of this total, 203 spaces would be standard spaces, 8 spaces would be ADA spaces, and 12 spaces would be reserved for EV vehicles. The proposed project is located within the service area of the Southern California Edison (SCE) Company and the Southwest Gas Company. The project site is currently vacant and has no demand for electricity and natural gas. Therefore, the development of the proposed project will create a permanent increase in the demand for electricity and natural gas.

Construction of the proposed project would result in short-term consumption of energy from the use of construction equipment and processes. Energy use during construction would be primarily from fuel consumption to operate heavy equipment, light-duty vehicles, machinery, and generators. Temporary grid power may also be needed for construction trailers or electric construction equipment. Energy use during construction would be temporary in nature, and construction equipment used would be typical of construction projects in the region. It is reasonable to assume contractors would avoid wasteful, inefficient, and unnecessary fuel consumption during construction to reduce construction costs. Given the physical characteristics of the site and the type of development proposed, there are no unusual project characteristics or construction processes that would require the use of equipment that would use more fuel or electricity than is used for comparable activities; or equipment that would not conform to current emissions standards (and related fuel efficiencies). In addition, as required by state law, idling times of construction vehicles are limited to no more than 5 minutes, thereby minimizing or eliminating unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. Equipment employed in the construction of the project would therefore not result in inefficient, wasteful, or unnecessary consumption of fuel or electricity.

The proposed project's construction would also involve the implementation of Best Available Control Measures (BACM) which are standard requirements for any construction or ground disturbance activity occurring within the jurisdiction of the MDAQMD. BACMs include, but are not limited to, requirements that the project proponent utilize only low-sulfur fuel having a sulfur content of 15 parts per million by weight or less; ensure off-road vehicles (i.e., self-propelled diesel-fueled vehicles 25 horsepower and above that were not designed to be driven on road) limit vehicle idling to five minutes or less; register and label vehicles in accordance with the California Air Resources Board (CARB) Diesel Off-Road Online Reporting System; restrict the inclusion of older vehicles into fleets; and retire, replace, or repower older engines or install Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). Furthermore, the proposed development would be constructed pursuant to the 2022 energy standards of Title 24.

Construction equipment greater than 150 horsepower (hp), is also required to comply with the Environmental Protection Agency (EPA)/California Air Resources Board (CARB) Tier 3 emissions standards and shall ensure that all construction equipment is tuned and maintained in accordance with the manufacturer's specifications. For engines from 175 to less than 750 hp, the Tier 4 Final regulations took effect on January 1, 2014. For engines from 49 to less than 75 hp, it took effect on January 1, 2013. Finally, for engines from 75 to less than 175 hp, Tier 4 the Tier 4 regulations took effect on January 1, 2015. In addition, the project would be required to comply with the California Code of Regulations, Title 13, Sections 2449(d)(3) and 2485, which minimizes the idling time of construction equipment either by shutting it off when not in use or by reducing the time of idling to no more than five minutes. These emissions standards require highly efficient combustion systems that maximize fuel efficiency and reduce unnecessary fuel consumption.

Once operational, electricity would be the primary source energy consumed on the site. Electricity would be used for building heating, cooling, and lighting, and natural gas would be used for building and water heating. Table 5 presents the estimated annual energy use from operation of the proposed project. According to the CalEEMod provided in Appendix B, the proposed project is anticipated to consume 1,996,779 kWh per year or 5,470 kWh of electricity on a daily basis (refer to Table 5). The proposed project’s natural gas consumption would be 7,798,960 kBTU per year or 21,367 kBTU of natural gas on a daily basis.

**TABLE 5 PROPOSED PROJECT’S ENERGY CONSUMPTION**

Type	Consumption Rate	Total Project Consumption
Electrical Consumption	5,470 kWh/day	1,996,779 kWh/year
Natural Gas Consumption	21,376 kBTU/day	7,798,960 kBTU

Source: CalEEMod V.2022.1.1.21

Increasingly stringent electricity, natural gas, and fuel efficiency standards combined with compliance with the most recent California Building Code (CBC) and CALGreen Code as part of Title 8 (Buildings and Construction) and Title 9 (Development Code) of the Town’s Code of Ordinances with respect to energy conservation standards would ensure operation of the project would consume only the energy required, and impacts from wasteful, inefficient, or unnecessary energy consumption would be less than significant. Construction and operation of the proposed project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources. *As a result, the impacts would be less than significant.*

**B. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? • Less Than Significant Impact.**

The 2022 California Green Building Standards Code (CGBSC) is also referred to as CALGreen, includes regulations for energy efficiency, water efficiency and conservation, material conservation and resource efficiency, environmental quality, and more. The California Code of Regulations (CCR) Title 24, Part 11: California Green Building Standards (Title 24) became effective to aid efforts to reduce GHG emissions associated with energy consumption. Title 24 now requires that new buildings reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant-emitting finish materials. The proposed project as well as any future development within the remainder of the project site will be required to conform to all pertinent energy conservation requirements. While the proposed project is a privately owned commercial use, the implementation of similar programs would prove effective in reducing potential energy consumption. The proposed project will be required to comply with all pertinent Title 24 requirements along with other Low Impact Development (LID) requirements. In addition, the proposed project would be in conformance with Town of Apple Valley’s Climate Action Plan (CAP). The CAP contains the following energy efficiency measures:

*(Policy) MO-20. Reduce energy use at all Town facilities by 15% by 2030.*

*(Policy) MO-21.* Replace all failing or failed fixtures and appliances in Town facilities with energy efficient fixtures and appliances. Light bulbs shall be replaced with CFL or LED bulbs. Appliances shall be Energy Star rated.

*(Policy) MO-22.* Encourage Liberty Utilities Apple Valley, Golden State, and other water purveyors to replace water systems with energy efficient motors, pumps and other equipment.

*(Policy) MO-23.* Encourage VVWRA to replace wastewater systems with energy efficient motors, pumps and other equipment.

*(Policy) MO-24.* Encourage the County of San Bernardino to capture and utilize landfill gas for use as an energy source including fuel for vehicles, operating equipment, and heating buildings.

*(Policy) MO-25.* Consider the installation of green roofs on Town facilities.

*(Policy) MO-26.* Consider the installation of cool roofs on Town facilities.

*(Policy) MO-27.* Reduce turf areas at Town facilities by 20% overall. MO-28. Modernize facilities and equipment at the golf course when financially feasible, including the well pumps.

*(Policy) MO-29.* Install semi-pervious surfaces which allow water to percolate at Town facilities to the extent economically feasible.

*(Policy) MO-30.* Install timers for all ball field lighting on Town facilities.

*(Policy) MO-31.* Consider a home weatherization and energy efficient appliance replacement grant program for existing residents including extremely low, very low and low-income households.

*(Policy) MO-32.* Continue to require that improvements made under the Residential Rehabilitation Loan Program be energy efficient. MO-33. Promote third-party energy efficiency programs, including the Energy Upgrade California program.

*(Policy) MO-33.* Promote third-party energy efficiency programs, including the Energy Upgrade California program.

The proposed project would not adversely impact or otherwise preclude the implementation of the above CAP policies. The Town's Energy and Mineral Resources Element includes the following programs:

*Program 1.A.1* While considering the future development of more stringent local energy performance standards, the Town shall continue to rigorously enforce all state mandated energy-conserving development and building codes/regulations.

*Program 1.A.2* The Town shall make available information to developers on energy efficient building design and conservation technologies addressing enhanced wall and ceiling insulation, efficient heating and cooling equipment, thermally efficient glazing, and efficient household appliances.

*Program 1.A.3* The Town shall periodically assess the local transportation system with a view to gaining greater efficiency in the movement of people and goods through the community. Opportunities to expand the public transport system, using buses equipped with bicycle racks and fueled by compressed natural gas or hydrogen, will be maximized. Widespread use of pedestrian pathways and alternative means of transport, such as bicycles and electric or hybrid vehicles, will be facilitated and encouraged.

*Program 1.A.4* The Town shall strive for efficient community land use and transportation planning and design, and shall assure the provision of convenient neighborhood shopping, medical and other professional services appropriately located to minimize travel and facilitate the use of alternative means of transportation.

*Program 1.B.1* Building regulations and guidelines will facilitate the safe and efficient installation of alternative energy systems in new and existing buildings. The Town will promote the use of such systems to residents, businesses, and the building industry by disseminating information on commercially available conservation technologies, solar, thermal and photovoltaic energy systems, fuel cell and other alternative energy resources.

*Program 1.B.2* The Town shall proactively promote alternative energy workshops and the local development of associated industries.

*Program 1.C.1* In coordination with state and federal legislators and regulators, the Town shall draw up a mutually agreed legislative and regulatory agenda to address its near and long-term energy and associated economic needs.

*Program 1.E.1* To the extent practical, the Town shall monitor and regulate the safe and environmentally responsible extraction and recycling of significant local mineral resources.

*Program 1.E.2* The Town shall maintain a formal relationship with the County Geologist or other qualified agency to monitor mineral resource operations under SMARA.

*Program 1.E.3* The Town shall require the recycling of mineral-based construction materials, including asphalt, concrete, gypsum and similar materials, and the use of recycled materials in new construction.

The proposed project would not adversely impact or otherwise preclude the implementation of the above Energy and Mineral Resources Element programs. *As a result, the impacts would be less than significant.*

## **MITIGATION MEASURES**

The analysis determined that the proposed project would not result in any significant impacts on energy. As a result, no mitigation would be required.

### 3.7 GEOLOGY & SOILS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project directly or indirectly, cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			✗	
i). Would the project, directly or indirectly, cause rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; Refer to Division of Mines and Geology Special Publication 42.				✗
ii). Would the project, directly or indirectly cause strong seismic ground shaking?			✗	
iii). Would the project, directly or indirectly cause seismic-related ground failure, including liquefaction.				✗
iv). Would the project, directly or indirectly cause landslides?				✗
B. Would the project result in substantial soil erosion or the loss of topsoil?			✗	
C. 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?			✗	
D. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			✗	
E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				✗
F. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✗		

### SOURCES

Appendix D – Geotechnical Report

California Department of Conservation. *Table 4, Cities and Counties Affected by Alquist Priolo Earthquake Fault Zones as of January 2010.*

California Department of Conservation. *State of California Williamson Act Contract Land.*  
[ftp://ftp.consrv.ca.gov/pub/dlrp/WA/2012%20Statewide%20Map/WA\\_2012\\_8x11.pdf](ftp://ftp.consrv.ca.gov/pub/dlrp/WA/2012%20Statewide%20Map/WA_2012_8x11.pdf).

San Bernardino County. *Multi-Jurisdictional Hazard Mitigation Plan - July 13, 2017.*

Steen Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-0. September 2023.*

United States Department of Agriculture. Natural Resources Conservation Service. Website accessed February 3, 2024.

## THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on geology and soils if it results in any of the following:

- The proposed project would, 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 (refer to Division of Mines and Geology Special Publication 42); strong seismic ground shaking; seismic-related ground failure, including liquefaction; and, landslides?
- The proposed project would result in substantial soil erosion or the loss of topsoil.
- The proposed project would 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.
- The proposed project would be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.
- The proposed project would have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.
- The proposed project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The proposed project's potential seismic and soils risk was evaluated in terms of the site's proximity to earthquake faults and unstable soils.

## ANALYSIS OF ENVIRONMENTAL IMPACTS

- A.** *Would the project, directly or indirectly, cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*
- i.** *Would the project, directly or indirectly, cause rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; Refer to Division of Mines and Geology Special Publication 42. • No Impact.*

The Town of Apple Valley is located in a seismically active region. Earthquakes from several active and potentially active faults in the Southern California region could affect the proposed project site. In 1972, the Alquist-Priolo Earthquake Zoning Act was passed in response to the damage sustained in the 1971 San Fernando Earthquake. The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. A list of cities and counties subject to the Alquist-Priolo Earthquake Fault Zones is available on the State's Department of

Conservation website. The Town of Apple Valley is not on the list. The nearest fault to the project site is the Helendale Fault, which is located approximately 3.5 miles northeast of the project site as shown in Exhibit 7. The Town of Apple Valley is located in a seismically active region. Earthquakes from several active and potentially active faults in the Southern California region could affect the proposed project site. In 1972, the Alquist-Priolo Earthquake Zoning Act was passed in response to the damage sustained in the 1971 San Fernando Earthquake. Surface ruptures are visible instances of horizontal or vertical displacement, or a combination of the two. The amount of ground shaking depends on the intensity of the earthquake, the duration of shaking, soil conditions, type of building, and distance from the epicenter or fault. The potential impacts from fault rupture and ground shaking are considered no greater for the project site than for the surrounding areas given the distance between the site and the fault trace. This fault would not lead to any fault rupture impacts. *As a result, no impacts will occur.*

**ii. Would the project, directly or indirectly cause strong seismic ground shaking? • Less than Significant Impact**

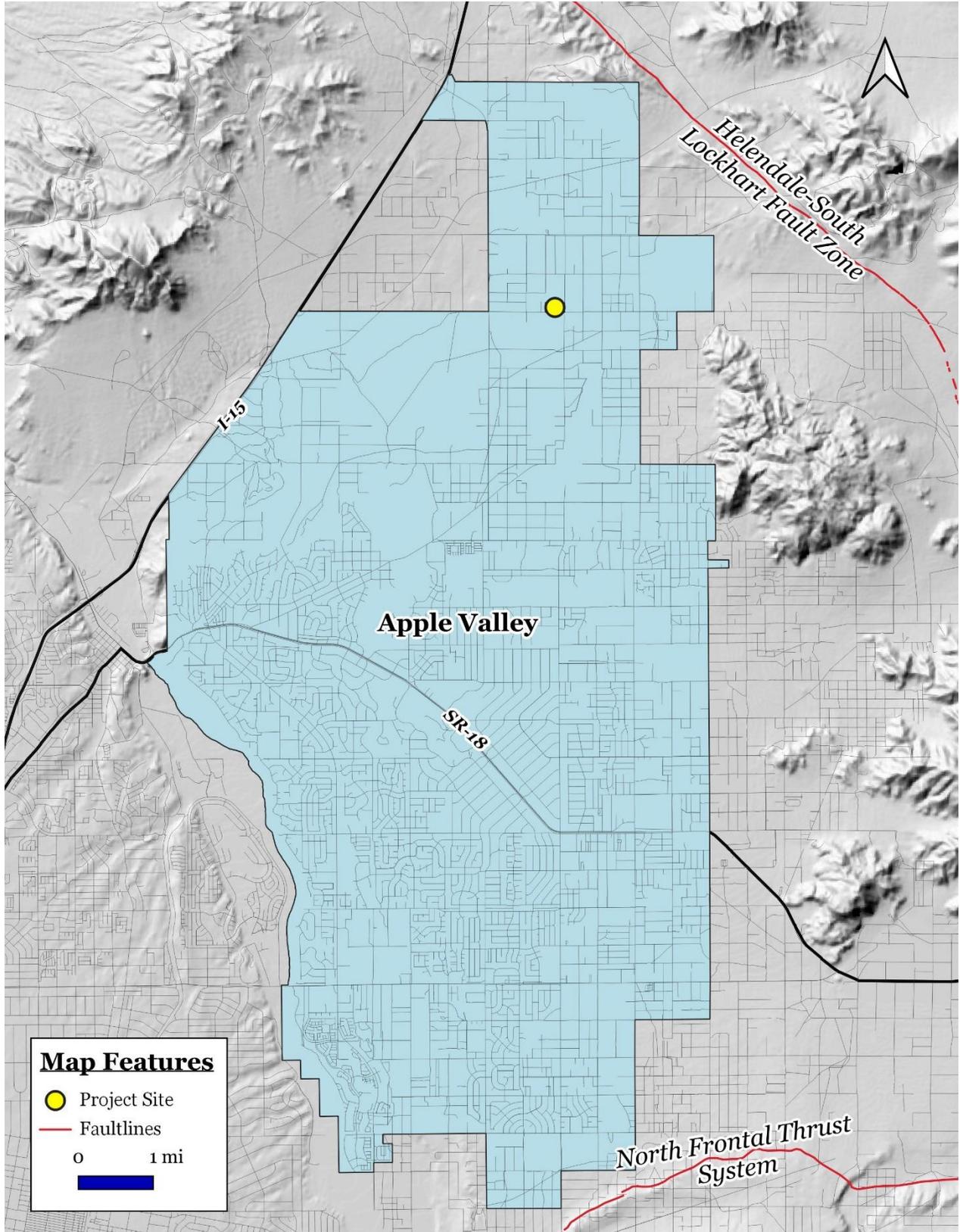
Significant ground shaking will likely impact the site within the design life of the proposed project, due to the project being located in a seismically active region. The project site is not located within an Alquist-Priolo Fault Rupture Hazard Study Zone, established by the State of California to restrict the construction of habitable structures across identifiable traces of known active faults. No active faults are known to project through the proposed project. As defined by the State of California, an active fault has undergone surface displacement within the past 11,700 years or during the Holocene epoch. From a geotechnical point of view, the subject property is considered suitable for the proposed improvements, provided the design information and conclusions and recommendations herein are incorporated into the plans and are implemented during construction. *As a result, the impacts will be less than significant.*

**iii. Would the project, directly or indirectly cause seismic-related ground failure, including liquefaction •No Impact**

According to the United States Geological Survey, liquefaction is the process by which water-saturated sediment temporarily loses strength and acts as a fluid. The risk for liquefaction is no greater on-site than it is for the region. The potential for liquefaction generally occurs during strong ground shaking within granular loose sediments where the groundwater is usually less than 50 feet below the ground surface. As groundwater is anticipated to lie greater than 50 feet beneath the site and the site is underlain by hard, igneous bedrock at relatively shallow depths, the possibility of liquefaction at the site is considered negligible. *As a result, no impacts would occur.*

**iv. Would the project, directly or indirectly cause landslides? •No Impact**

According to the United States Geological Survey, a landslide is defined as the movement of a mass of rock, debris, or earth down a slope. The project site is level with little to no sloping in the surrounding area. *As a result, no impacts would occur.*



**EXHIBIT 7 GEOLOGY MAP**  
SOURCE: CALIFORNIA DEPARTMENT OF CONSERVATION

**B. Would the project result in substantial soil erosion or the loss of topsoil? • Less than Significant Impact.**

Alluvial materials were encountered within all the exploratory borings to the maximum depths explored. These units were noted to mainly consist of silty sand with minor well graded sand with silt. These materials were typically tan to red brown in color and were noted to contain some secondary calcite. The alluvial materials were in a relatively loose state at the surface becoming medium dense to very dense state at a depth of approximately 2 feet and generally becoming increasingly dense with increasing depth based on our equivalent Standard Penetration Test (SPT) data and in-place density testing. Igneous bedrock was encountered within all of the exploratory borings underlying the alluvial materials above to the maximum depths explored. These units were encountered at depths of approximately 10 to 20 feet and were noted to mainly consist of dry, gray, coarse to medium grained granitic rock. The bedrock was in a relatively hard state based on our equivalent Standard Penetration Test (SPT) data and in-place density testing.

Specific requirements that govern wind and water erosion during site preparation and construction activities would be effective in reducing both wind and water erosion. The project's construction will not result in soil erosion with adherence to those development requirements that restrict stormwater runoff (and the resulting erosion) and require soil stabilization. In addition, stormwater discharges from construction activities that disturb one or more acres, or smaller sites disturbing less than one acre that are part of a common plan of development or sale, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater permitting program. Prior to initiating construction, contractors must obtain coverage under an NPDES permit, which is administered by the State. In order to obtain an NPDES permit, the project Applicant must prepare a Stormwater Pollution Prevention Plan (SWPPP). Both of these requirements are identified as mitigation measures. The Town has identified sample construction Best Management Practices (BMPs) that may be included in the mandatory SWPPP. The use of these construction BMPs identified in the mandatory SWPPP will prevent soil erosion and the discharge of sediment into the local storm drains during the project's construction phase. Following development, a large portion of the project site would be paved over and landscaped. *As a result, the impacts would be less than significant.*

**C. 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? • Less than Significant Impact.**

The proposed project's construction will not result in soil erosion since the project's contractors must implement the construction BMPs identified in the mandatory SWPPP. The BMPs will minimize soil erosion and the discharge of sediment off-site. Additionally, the project site is not located within an area that could be subject to landslides or liquefaction. The soils that underlie the project site possess a low potential for shrinking and swelling. Soils that exhibit certain shrink-swell characteristics become sticky when wet and expand according to the moisture content present at the time. Since the soils have a low shrink-swell potential, lateral spreading resulting from an influx of groundwater is slim. The likelihood of lateral spreading will be further reduced since the project's implementation will not require grading and excavation that would extend to depths required to encounter groundwater. Moreover, the project will not result in the direct extraction of groundwater. The proposed project site is located on an 18.72-acre parcel that is currently vacant and undisturbed. *As a result, the impacts would be less than significant.*

**D. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? • Less than Significant Impact.**

Expansive soils are those that contain significant amounts of clay minerals resulting in the ability to expel water (shrink) or absorb water (swell), which allows these soils to expand (or shrink) as a result of changes in moisture content. The pressure differential induced by the shrinking or swelling of expansive soils can have significant harmful effects upon structures and other structural improvements.

In the Town of Apple Valley, expansive soils are primarily associated with areas underlain by older fan deposits containing clay-rich soil profiles, which are in the moderately expansive range. In addition, the Apple Valley Dry Lake contains very fine-grained silts and clays that are potentially expansive. 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. The project site is underlain by the Arizo-Cajon complex and Helendale-Bryman loamy sands Association that are considered to have a very low expansion potential. For very low expansive soils and specialized construction procedures to resist expansive soil activity are not considered necessary. *As a result, the impacts will be less than significant.*

**E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water? • No Impact.**

The proposed project will connect to the Town's sanitary sewer system. As a result, no impacts associated with the use of septic tanks will occur as part of the proposed project's implementation.

**F. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? • Less than Significant Impact with Mitigation.**

The surface deposits in the proposed project area are composed entirely of younger Quaternary Alluvium. This younger Quaternary Alluvium is unlikely to contain significant vertebrate fossils, at least in the uppermost layers. Two mitigation measures (Mitigation Measure 1 and Mitigation Measure 2) included in Section 3.5 Cultural Resources would also address the potential for the discovery of paleontological resources that may be encountered during ground disturbance. These measures are listed below:

- *Cultural Resources Mitigation Measure No. 1.* In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.
- *Cultural Resources Mitigation Measure No. 2.* If significant pre-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The archaeologist shall

monitor the remainder of the project and implement the Plan accordingly.

*As a result, the impacts would be less than significant with mitigation.*

## **MITIGATION MEASURES**

The analysis determined that the proposed project would require the following mitigation measures to ensure the appropriate NPDES and SWPPP protocols are adhered to :

*Cultural Resources Mitigation Measure No. 1.* In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

*Cultural Resources Mitigation Measure No. 2.* If significant pre-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

### 3.8 GREENHOUSE GAS EMISSIONS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✘	
B. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✘	

#### SOURCES

Appendix A – Air Quality Analysis

California Department of Conservation. *Table 4, Cities and Counties Affected by Alquist Priolo Earthquake Fault Zones as of January 2010.*

California Department of Conservation. *State of California Williamson Act Contract Land.*  
[ftp://ftp.consrv.ca.gov/pub/dlrp/WA/2012%20Statewide%20Map/WA\\_2012\\_8x11.pdf](ftp://ftp.consrv.ca.gov/pub/dlrp/WA/2012%20Statewide%20Map/WA_2012_8x11.pdf).

San Bernardino County. *Multi-Jurisdictional Hazard Mitigation Plan - July 13, 2017.*

Steen Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-O. September 2023.*

United States Department of Agriculture. Natural Resources Conservation Service. Website accessed February 3, 2024.

#### THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on greenhouse gas emissions if it results in any of the following:

- The proposed project would generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment.
- The proposed project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Examples of GHG that are produced both by natural and industrial processes include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O). The accumulation of GHG in the atmosphere regulates the earth's temperature. Without these natural GHG, the Earth's surface would be about 61°F cooler. However, emissions from fossil fuel combustion have elevated the concentrations of GHG in the atmosphere to above natural levels. These man-made GHG will have the effect of warming atmospheric temperatures with the attendant impacts of changes in the global climate, increased sea levels, and changes to the worldwide biome. The major GHG that influence global warming are described below.

- *Water Vapor.* Water vapor is the most abundant GHG present in the atmosphere. While water vapor is not considered a pollutant, while it remains in the atmosphere it maintains a climate necessary for life. Changes in the atmospheric concentration of water vapor is directly related to

the warming of the atmosphere rather than a direct result of industrialization. As the temperature of the atmosphere rises, more water is evaporated from ground storage (rivers, oceans, reservoirs, soil). Because the air is warmer, the relative humidity can be higher (in essence, the air is able to “hold” more water when it is warmer), leading to more water vapor in the atmosphere. As a GHG, the higher concentration of water vapor is then able to absorb more thermal indirect energy radiated from the Earth, thus further warming the atmosphere. When water vapor increases in the atmosphere, more of it will eventually also condense into clouds, which are more able to reflect incoming solar radiation. This will allow less energy to reach the Earth’s surface thereby affecting surface temperatures.

- *Carbon Dioxide (CO<sub>2</sub>)*. The natural production and absorption of CO<sub>2</sub> is achieved through the terrestrial biosphere and the ocean. Manmade sources of CO<sub>2</sub> include the burning coal, oil, natural gas, and wood. Since the industrial revolution began in the mid-1700’s, these activities have increased the atmospheric concentrations of CO<sub>2</sub>. Prior to the industrial revolution, concentrations were fairly stable at 280 parts per million (ppm). The International Panel on Climate Change (IPCC Fifth Assessment Report, 2014) Emissions of CO<sub>2</sub> from fossil fuel combustion and industrial processes contributed about 78% of the total GHG emissions increase from 1970 to 2010, with a similar percentage contribution for the increase during the period 2000 to 2010.
- *Methane (CH<sub>4</sub>)*. CH<sub>4</sub> is an extremely effective absorber of radiation, although its atmospheric concentration is less than that of CO<sub>2</sub>. Methane’s lifetime in the atmosphere is brief (10 to 12 years), compared to some other GHGs (such as CO<sub>2</sub>, N<sub>2</sub>O, and Chlorofluorocarbons (CFCs)). CH<sub>4</sub> has both natural and anthropogenic sources. It is released as part of the biological processes in low oxygen environments, such as in swamplands or in rice production (at the roots of the plants). Over the last 50 years, human activities such as growing rice, raising cattle, using natural gas, and mining coal have added to the atmospheric concentration of methane. Other human-related sources of methane production include fossil-fuel combustion and biomass burning.
- *Nitrous Oxide (N<sub>2</sub>O)*. Concentrations of N<sub>2</sub>O also began to increase at the beginning of the industrial revolution. In 1998, the global concentration of this GHG was documented at 314 parts per billion (ppb). N<sub>2</sub>O is produced by microbial processes in soil and water, including those reactions which occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load. It is also commonly used as an aerosol spray propellant.
- *Chlorofluorocarbons (CFC)*. CFCs are gases formed synthetically by replacing all hydrogen atoms in methane or ethane (C<sub>2</sub>H<sub>6</sub>) with chlorine and/or fluorine atoms. CFCs are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the Earth’s surface). CFCs have no natural source but were first synthesized in 1928. It was used for refrigerants, aerosol propellants, and cleaning solvents. Due to the discovery that they are able to destroy stratospheric ozone, a global effort to halt their production was undertaken and in 1989 the European Community agreed to ban CFCs by 2000 and subsequent treaties banned CFCs worldwide by 2010. This effort was extremely successful, and the levels of the major CFCs are now remaining level or declining. However, their long atmospheric lifetimes mean that some of the CFCs will remain in the atmosphere for over 100 years.
- *Hydrofluorocarbons (HFC)*. HFCs are synthetic man-made chemicals that are used as a substitute for CFCs. Out of all the GHGs, they are one of three groups with the highest global warming potential. The HFCs with the largest measured atmospheric abundances are (in order), HFC-23 (CHF<sub>3</sub>), HFC-134a (CF<sub>3</sub>CH<sub>2</sub>F), and HFC-152a (CH<sub>3</sub>CHF<sub>2</sub>). Prior to 1990, the only significant

emissions were HFC-23. HFC-134a use is increasing due to its use as a refrigerant. Concentrations of HFC-23 and HFC-134a in the atmosphere are now about 10 parts per trillion (ppt) each. Concentrations of HFC-152a are about 1 ppt. HFCs are manmade and used for applications such as automobile air conditioners and refrigerants.

- *Perfluorocarbons (PFC)*. PFCs have stable molecular structures and do not break down through the chemical processes in the lower atmosphere. High-energy ultraviolet rays about 60 kilometers above Earth's surface are able to destroy the compounds. Because of this, PFCs have very long lifetimes, between 10,000 and 50,000 years. Two common PFCs are tetrafluoromethane (CF<sub>4</sub>) and hexafluoroethane (C<sub>2</sub>F<sub>6</sub>). Concentrations of CF<sub>4</sub> in the atmosphere are over 70 ppt. The two main sources of PFCs are primary aluminum production and semiconductor manufacturing.
- *Sulfur Hexafluoride (SF<sub>6</sub>)*. SF<sub>6</sub> is an inorganic, odorless, colorless, nontoxic, nonflammable gas. SF<sub>6</sub> has the highest global warming potential of any gas evaluated; 23,900 times that of CO<sub>2</sub>. Concentrations in the 1990s were about 4 ppt. Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection.

The MDAQMD mass emissions threshold is 10,000 tons (9,702 metric tons (MT)) CO<sub>2</sub>e per year.

## ANALYSIS OF ENVIRONMENTAL IMPACTS

**A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? • Less than Significant Impact.**

The proposed project would be a 404,057 square foot industrial warehouse (non-rail and non-cold storage). The total ~~net~~ gross land area of the site is 871,200 square feet which is approximately 18.71 acres. As indicated previously, the new building would have a total floor area of 404,057 square feet. Two separate office areas would be located at the southeast and southwest corners of the new building. Of the new building's total floor area, 391,638 square feet would be warehouse uses and 12,419 square feet would be office space. A total of 64 truck loading docks would be located along the building's north elevation. A total of 6 EV spaces for trucks would be located along the building's north side. A total of 222 vehicle parking spaces for employees and patrons would be located along the building's east, south, and west elevations and along the east perimeter of the site. Of this total, 203 spaces would be standard spaces, 8 spaces would be ADA spaces, and 12 spaces would be reserved for EV vehicles.

The State of California requires CEQA documents to do an evaluation of greenhouse gas (GHG) emissions or gases that trap heat in the atmosphere. GHG are emitted by both natural processes and human activities. Examples of GHG that are produced both by natural and industrial processes include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O). Carbon dioxide equivalent, or CO<sub>2</sub>E, is a term that is used for describing different greenhouse gases in a common and collective unit. The MDAQMD established the 10,000 MTCO<sub>2</sub> threshold for industrial land uses.

Greenhouse gases, primarily carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous (N<sub>2</sub>O) oxide, collectively reported as carbon dioxide equivalents (CO<sub>2</sub>e) – are directly emitted from stationary source combustion of natural gas in equipment such as water heaters, boilers, process heaters, and furnaces. GHGs are also emitted from mobile sources such as on-road vehicles and off-road construction equipment burning fuels such as gasoline, diesel, biodiesel, propane, or natural gas (compressed or liquefied). Indirect GHG emissions result from electric power generated elsewhere (i.e., power plants) used to operate process equipment, lighting, and utilities at a facility. Also, included in GHG quantification is electric power used

to pump the water supply (e.g., aqueducts, wells, pipelines) and disposal and decomposition of municipal waste in landfills. California's Building Energy Efficiency Standards are updated on an approximately three-year cycle. The 2019 standards improved upon the 2016 standards for new construction of, and additions and alterations to, residential, commercial, and industrial buildings. The 2019 standards went into effect on January 1, 2020. Since the Title 24 standards require energy conservation features in new construction (e.g., high efficiency lighting, high-efficiency heating, ventilating, and air-conditioning (HVAC) systems, thermal insulation, double-glazed windows, water conserving plumbing fixtures, etc.), they indirectly regulate and reduce GHG emissions. Using CalEEMod, direct onsite and offsite GHG emissions were estimated for construction and operation, and indirect offsite GHG emissions were estimated to account for electric power used by the proposed project, water conveyance, and solid waste disposal. Table 6 shows unmitigated and mitigated GHG emissions and evaluates mitigated emissions against MDAQMD significance thresholds. Operational measures incorporate typical code-required energy and water conservation features. Off-site traffic impacts are included in these emissions estimates, along with construction emissions amortized over 30 years.

**TABLE 6 GREENHOUSE GAS EMISSIONS INVENTORY**

Source	GHG Emissions (MT/year)			
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> E
Short-Term (Construction) - Total Emissions	663	0.01	0.04	675
Construction Amortized over 30 years				22.5
Long-Term (Operational) - Total Emissions	2,938	6.66	0.16	3,156
Total Emissions				3,178.5
Significance Threshold				<b>10,000 MTCO<sub>2</sub>E</b>

Source: CalEEMod V.2022.1.1.21

The MDAQMD interim GHG significance threshold is set as 10,000 metric tons of carbon dioxide equivalents per year (MT CO<sub>2</sub>E/year) for industrial project with a project's construction emissions amortized over 30 years or the project life and added to operational emissions. As indicated in Table 6 the construction emissions amortized over 30 years is 22.5 metric tons CO<sub>2</sub>E per year. The operational emission is 3,156 metric tons MTCO<sub>2</sub>E per year for a combined total of 3,178.5 MTCO<sub>2</sub>E per year, which is well below the threshold of 10,000 MTCO<sub>2</sub>E per year. Operational measures incorporate typical code required energy and water conservation features. Off-site traffic impacts are included in these emissions estimates, along with construction emissions amortized over 30 years. *As a result, the impacts would be less than significant.*

**B. *Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases? • Less than Significant Impact.***

The Town of Apple Valley's Climate Action Plan (CAP) describes general programs, policies, and specific actions that ... "will move the Town in the direction of realizing GHG emission reductions." Section IV.ii of the CAP provides 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.

*CO-2. Establish and enforce idling time limits for delivery vehicles. Idling shall not be permitted for more than 5 minutes. The proposed project would comply with this policy.*

*CO-3. Encourage the replacement of gasoline or diesel fleet vehicles with hybrid or alternative fuel*

vehicles, if available for intended use. *The proposed project would not preclude the implementation of this policy.*

CO-4. Establish an employee carpooling program, including incentives (preferred parking, flex time incentives, etc.) for participating employees. *The proposed project would comply with this policy.*

CO-5. (Encourage) Provide employees with free or discounted public transit passes. *The proposed project would not preclude the implementation of this policy.*

CO-6. Replace failing or failed fixtures and appliances with energy efficient fixtures and appliances. *The proposed project would comply with this policy.*

CO-7. Light bulbs shall be replaced with CFL or LED bulbs. *The proposed project would comply with this policy.*

CO-8. Appliances shall be Energy Star rated. Replace traditional water heater with an instant water heating system. *The proposed project would comply with this policy.*

CO-9. Replace traditional roofing with a cool roof. Increase insulation in walls and roof to a minimum R-30. *The proposed project would not preclude the implementation of this policy.*

CO-10. Install weather-stripping on all doors and windows. *The proposed project would not preclude the implementation of this policy.*

CO-11. Replace grass/turf areas with drought tolerant or native plants, or with decorative rock or gravel.  
CO-12. Replace water fixtures (faucets, toilets, etc.) with high efficiency fixtures. *The proposed project would not preclude the implementation of this policy.*

CO-11. Replace grass/turf areas with drought tolerant or native plants, or with decorative rock or gravel. *The proposed project would not preclude the implementation of this policy.*

CO-12. Replace water fixtures (faucets, toilets, etc.) with high efficiency fixtures. *The proposed project would comply with this policy.*

CO-13. Replace water heater and/or pool heater with a solar water heating system. *The proposed project would comply with this policy.*

CO-14. Install solar panels or photovoltaic system. *The proposed project would not preclude the implementation of this policy.*

CO-17. Increase recycling by 20%. Currently, recycling is mandatory for businesses that generate four cubic yards or more of commercial solid waste per week and for multifamily residential dwellings of five units or more (Senate Bill 1018). *The proposed project would comply with this policy.*

CO-18. For businesses, encourage two-sided printing and electronic document submittals to reduce paper waste. *The proposed project would not preclude the implementation of this policy.*

ND-10. Install bus stop(s) and secure scheduled transit service from Victor Valley Transit Authority. *The proposed project would not preclude the implementation of this policy.*

ND-16. Install Energy Star appliances and energy efficient fixtures. *The proposed project would comply with this policy.*

ND-17. Install all CFL or LED light bulbs. *The proposed project would comply with this policy.*

ND-18. Install common area electric vehicle charging station(s) and secure bicycle racks. *The proposed project would comply with this policy.*

ND-24. Recycle and/or salvage non-hazardous construction and demolition waste, and develop and

implement a construction waste management plan quantifying the reduction in the waste stream. *The proposed project would comply with this policy.*

ND-25. Reuse construction waste in project features (e.g. shattered concrete or asphalt can be ground and used in walkways and parking lots). *The proposed project would comply with this policy.*

The San Bernardino County Transit Authority (SBCTA) authorized the preparation of a county-wide Regional Greenhouse Gas Reduction Plan. This plan was completed and finalized in March of 2014. The plan contains multiple reduction measures that would be effective in reducing GHG emissions throughout the SBCTA region.

- Integrate state, regional, and local sustainable community/smart growth principles into the development and entitlement process;
- Develop a system of trails and corridors that facilitates and encourages bicycling and walking;
- Require new development to provide transit facilities, such as bus shelters, transit bay and turnouts, as necessary;
- Require the future development of community-wide servicing facilities to be sites in transit-ready areas that can be served and made accessible by public transit;
- Provide development-related incentives for projects that promote transit use;
- Designate and maintain a network of truck routes that provide for the effective transport of goods while minimizing negative impacts on local circulation and noise sensitive land uses;
- Transition the Town's Fleet to low emission/fuel efficient vehicles while minimizing negative impacts on local circulation and noise sensitive land uses;
- Encourage Carpooling; and,
- Work with the regional transit provider to provide shade, weather protection, seating and lighting at all stops

The project's construction and operation will not adversely preclude or directly affect the implementation of those policies. As indicated in Table 6, the construction emissions amortized over 30 years is 22.5 metric tons CO<sub>2</sub>E per year. The operational emission is 3,156 metric tons MTCO<sub>2</sub>E per year for a combined total of 3,178.5 MTCO<sub>2</sub>E per year, which is well below the threshold of 10,000 MTCO<sub>2</sub>E per year. The project will comply with the Town of Apple Valley's Climate Action Plan which would contribute to GHG reductions. As a result, the project will not involve or require any variance from an adopted plan, policy, or regulation governing GHG emissions. The GHG Screening Table was used to evaluate this project pursuant to the GHG Reduction Plan to identify relevant mitigation. *As a result, the impacts would be less than significant.*

## **MITIGATION MEASURES**

The analysis of potential impacts related to greenhouse gas emissions indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

### 3.9 HAZARDS & HAZARDOUS MATERIALS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			×	
B. 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?		×		
C. 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?				×
D. 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?				×
E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				×
F. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				×
G. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?				×
E. Would the project for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				×
F. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			×	
G. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?			×	

#### SOURCES

CalEPA. *DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List)*.  
[http://www.dtsc.ca.gov/SiteCleanup/Cortese\\_List.cfm](http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm).

Toll-Free Airline. *Riverside Public and Private Airports, California*.  
<http://www.tollfreeairline.com/california/riverside.htm>.

Google Maps. Website accessed February 1, 2023.

San Bernardino County. *Multi-Jurisdictional Hazard Mitigation Plan* - July 13, 2017.

Steen Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-O.*  
September 2023.

## THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on hazards and hazardous materials if it results in any of the following:

- The proposed project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- The proposed project would 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.
- The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- The proposed project would 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.
- The proposed project would result in a safety hazard or excessive noise for people residing or working in the project area 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.
- The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- The proposed project would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Hazardous materials refer generally to hazardous substances that exhibit corrosive, poisonous, flammable, and/or reactive properties and have the potential to harm human health and/or the environment. Hazardous materials are used in a wide variety of products (household cleaners, industrial solvents, paint, pesticides, etc.) and in the manufacturing of products (e.g., electronics, newspapers, plastic products). Hazardous materials can include petroleum, natural gas, synthetic gas, acutely toxic chemicals, and other toxic chemicals that are used in agriculture, commercial, and industrial uses; businesses; hospitals; and households. Accidental releases of hazardous materials can occur from a variety of causes, including highway incidents, warehouse fires, train derailments, shipping accidents, and industrial incidents.

## ANALYSIS OF ENVIRONMENTAL IMPACTS

**A.** *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? • Less than Significant Impact.*

The proposed project would be a 404,057 square foot industrial warehouse. The total ~~net~~**gross** land area of the site is 871,200 square feet which is approximately 18.71 acres. As indicated previously, the new building would have a total floor area of 404,057 square feet. Two separate office areas would be located at the southeast and southwest corners of the new building. Of the new building's total floor area, 391,638 square feet would be warehouse uses and 12,419 square feet would be office space.

The project's construction would require the use of diesel fuel to power the construction equipment. The diesel fuel would be properly sealed in tanks and would be transported to the site by truck. Other hazardous materials that would be used on-site during the project's construction phase include, but are not limited to, gasoline, solvents, architectural coatings, and equipment lubricants. These products are strictly controlled and regulated and in the event of any spill, cleanup activities would be required to adhere to all pertinent protocols. Once occupied, the proposed project would be a warehouse use. The transport and storage of materials within the building would be governed by the State of California Department of Transportation (Caltrans) and California Environmental Protection Agency (CalEPA). The proposed use of the project site will be enclosed within a concrete tilt-up building and will not present a noise, sight, odor, light, or other environmental impact to the surrounding area. In addition, the development would be periodically inspected by both the Town and County to ensure that all pertinent codes are adhered to. *As a result, the impacts would be less than significant.*

**B. 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? • Less than Significant Impact with Mitigation.**

As indicated previously, the project's construction would require the use of diesel fuel to power the construction equipment. The diesel fuel would be properly sealed in tanks and would be transported to the site by truck. Other hazardous materials that would be used on-site during the project's construction phase include, but are not limited to, gasoline, solvents, architectural coatings, and equipment lubricants. These products are strictly controlled and regulated and in the event of any spill, cleanup activities would be required to adhere to all pertinent protocols. The following mitigation would be required to address the potential risk of upset during project operation:

- *Hazards & Hazardous Materials Mitigation Measure No.1* The Applicant will be required to prepare a safety and hazard mitigation plan that indicates those protocols that must be adhered to in the event of an accident. This plan will be reviewed and approved by the Town of Apple Valley prior to the issuance of the Occupancy Permit.

As indicated in Subsection D, the project site is not listed in either the CalEPA's Cortese List or the Envirostor database. As a result, the likelihood of encountering contamination or other environmental concerns during the project's construction phase is remote. The proposed use of the project site will be enclosed within a concrete tilt-up building and will not present a noise, sight, odor, light, or other environmental impact to the surrounding area. In addition, the development would be periodically inspected by both the Town and County to ensure that all pertinent codes are adhered to. *As a result, the impacts would be less than significant with Mitigation.*

**C. 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? • No Impact.**

The nearest school to the project site is Victor Valley Community College, located approximately 450 feet of the project site to the south. The project's construction would require the use of diesel fuel to power the construction equipment. The diesel fuel would be properly sealed in tanks and would be transported to the site by truck. Other hazardous materials that would be used on-site during the project's construction phase include, but are not limited to, gasoline, solvents, architectural coatings, and equipment lubricants. These products are strictly controlled and regulated and in the event of any spill, cleanup activities would be

required to adhere to all pertinent protocols. Any handling, transport, use, or disposal must comply with all applicable federal, state, and local agencies and regulations, including the Environmental Protection Agency (EPA), Department of Toxic Substances Control (DTSC), California Division of Occupational Safety and Health (CAL/OSHA), Resource Conservation and Recovery Act (RCRA), and the Apple Valley Fire Protection District. Once operational, all of the products transported to and from the project site would be located inside the enclosed building. The new building could potentially be divided into two separate tenant spaces. The individual tenants have not yet been identified. Future occupants would have to comply with the Town's Zoning Ordinance with respect to the permitted uses of light industrial zoning. The proposed warehouse project would be reviewed by the Town of Apple Valley and the San Bernardino County Fire Department prior to occupancy. This review and the ongoing compliance with the County's building and fire codes would reduce any potential impacts. In addition, the new warehouse building would have sprinklers. *As a result, no impacts would occur.*

**D. *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? • No Impact.***

Government Code Section 65962.5 refers to the Hazardous Waste and Substances Site List, commonly known as the Cortese List. The Cortese List is a planning document used by the State and other local agencies to comply with CEQA requirements that require the provision of information regarding the location of hazardous materials release sites. A search was conducted through the California Department of Toxic Substances Control Envirostor website to identify whether the project site is listed in the database as a Cortese site. The project site is not identified as a Cortese site. *As a result, no impacts will occur.*

**E. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? • No Impact.***

The project site is not located within an airport land use plan and is not located within two miles of a public airport or public use airport. The nearest airport to the site is the Apple Valley Airport, located approximately 0.92 miles south of the project site. The current Apple Valley Airport was established as a CSA general aviation airport. The San Bernardino County Sheriff and California Highway Patrol helicopter operations are also based at this airport. The project will not introduce a structure that will interfere with the approach and take off aircraft utilizing any regional airports. The project site is located well outside of any takeoff and landing overlay zones (refer to Figure a-1 of the Apple Valley Comprehensive Airport Master Plan). *As a result, no impacts would occur.*

**F. *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? • Less than Significant Impact.***

At no time will any adjacent street (Johnson Avenue or Navajo Avenue) be completely closed to traffic during the proposed project's construction. The construction staging area would be located onsite. In addition, all construction staging must occur on-site. Typical Town of Apple Valley requirements include prior notification of any lane or road closures with sufficient signage prior to and during any closures, flag crews with radio communication when necessary to coordinate traffic. The contractors would be required to comply with these requirements, which would maintain emergency access and allow for evacuation if needed during construction activities. Compliance with these requirements would ensure that short-term

impacts related to this issue are less than significant.

As indicated herein in Section 2, access to the project site would be provided by three driveway connections with the north side of Johnson Road and two driveway connections with the west side of Navajo Road. The three driveways on the north side of Johnson Road would have a curb-to-curb width of 36-feet and would provide ingress and egress for vehicles. The southernmost driveway on Navajo Road would have a curb-to-curb width of 36-feet and would provide ingress and egress for vehicles while the northernmost driveway would have a curb-to-curb width of 50-feet and would provide ingress and egress for trucks to enter the loading and receiving area in the northern portion of the site. The internal drive aisles in the southerly portion of the site have a width of 36-feet. These improvements would be subject to compliance with the Apple Valley Development Code and would be reviewed by the Apple Valley Fire Protection District and San Bernardino County Sheriff's Department through the Apple Valley general development review process. Proper site design and compliance with standard and emergency access requirements would allow for evacuation if necessary during ongoing commercial operations. This would ensure that long-term impacts related to this issue are less than significant. *As a result, the impacts would be less than significant.*

**G. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires? • Less than Significant Impact.**

The project site is located in an urbanizing area and the adjacent properties directly south of Johnson Avenue are developed. The project site along with the entire Town is located within a “moderate fire hazard severity zone” and Local Responsibility Area (LRA).<sup>15</sup> During construction, especially during land clearance activities, contractors will be required to ensure that construction equipment and activities do not initiate any wildfires. A construction staging would be required to be located onsite and not on adjacent undeveloped properties. Once developed, the project is required to comply with 2019 California Building Code requirements for ignition-resistant construction building materials. *As a result, the impacts would be less than significant.*

## MITIGATION MEASURES

The analysis of potential impacts related to hazards and hazardous materials indicated that following mitigation measures would be required to reduce the project's impacts to levels that would be less than significant.

*Hazards & Hazardous Materials Mitigation Measure No.1* The Applicant will be required to prepare a safety and hazard mitigation plan that indicates those protocols that must be adhered to in the event of an accident. This plan will be reviewed and approved by the Town of Apple Valley prior to the issuance of the Occupancy Permit.

<sup>15</sup> CalFire. *Very High Fire Hazard Severity Zone Map for SW San Bernardino County*.  
[http://frap.fire.ca.gov/webdata/maps/san\\_bernardino\\_sw/](http://frap.fire.ca.gov/webdata/maps/san_bernardino_sw/)

### 3.10 HYDROLOGY & WATER QUALITY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			✘	
B. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			✘	
C. 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 or through the addition of impervious surfaces, in a manner or,			✘	
i) Would the project result in substantial erosion or siltation on- or off-site;			✘	
ii) Would the project substantially increase the rate or amount of surface runoff in a manner in which would result in flooding on- or off-site.			✘	
iii) Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			✘	
iv) Would the project impede or redirect flood flows?			✘	
D. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?				✘
E. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				✘

### SOURCES

Appendix F – Hydrology Report.

ELMT Consulting, Inc. *Biological Resources Assessment*. October 2024.

Google Maps. Website accessed February 1, 2023.

San Bernardino County. *Multi-Jurisdictional Hazard Mitigation Plan* - July 13, 2017.

Steen Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-0. September 2023.*

United States. Federal Emergency Management Agency. *Flood Insurance Rate Mapping Program*. 2022.

## THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on hydrology and water quality if it results in any of the following:

- The proposed project would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.
- The proposed project would substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.
- The proposed project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or, impede or redirect flood flows.
- The proposed project would risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones.
- The proposed project would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

## ANALYSIS OF ENVIRONMENTAL IMPACTS

**A. *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? • Less than Significant Impact.***

The proposed project would be a 404,057 square foot industrial warehouse. The total ~~net~~**gross** land area of the site is 871,200 square feet which is approximately 18.71 acres. As indicated previously, the new building would have a total floor area of 404,057 square feet. Two separate office areas would be located at the southeast and southwest corners of the new building. Of the new building's total floor area, 391,638 square feet would be warehouse uses and 12,419 square feet would be office space. The proposed development site will be located in the north-central portion of the Town of Apple Valley.

The proposed project will be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of storm water. This NPDES permit ensures that Best Management Practices (BMPs) such as vegetated swales, buffers, and/or infiltration areas are incorporated into new development projects to maintain water quality. The project site is located within the jurisdiction of the Lahontan Regional Water Quality Control Board (RWQCB), which is part of the Upper Mojave Hydrologic Area. The Lahontan RWQCB designates beneficial uses for waters in the Mojave Watershed, which are identified in the Water Quality Control Plan for the Lahontan Region (Basin Plan). Coverage under an NPDES permit includes the submittal of a Notice of Intent (NOI) application to the SWRCB, the receipt of a Waste Discharge Identification Number, and the preparation of a Storm Water Pollution Prevention Plan (SWPPP) for construction discharges. To protect water quality over the short term (i.e., during construction), the project-specific SWPPP will describe the construction contractor's activities to comply with the requirements in the NPDES permit. The SWPPP is intended to facilitate a process whereby the

operator evaluates potential pollutant sources at the site and implements BMPs designed to prevent or control the discharge of pollutants in storm water runoff.

The project Applicant will be required to adhere to Chapter 10.30.210 - Erosion and Sediment Control, of the municipal code regulates erosion and sediment control. In addition, stormwater discharges from construction activities that disturb one or more acres, or smaller sites disturbing less than one acre that are part of a common plan of development or sale, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater permitting program. *As a result, the impacts would be less than significant.*

The proposed project is located within the Mojave River Groundwater Basin, which is the primary source of domestic groundwater in Apple Valley through several subsurface aquifers or subareas. The Alto Subarea has the largest water supply in the Mojave River Groundwater Basin. The Mojave River Groundwater Basin, including the Alto Subarea, is in a state of overdraft and therefore subject to adjudication via the Mojave Basin Area and the Warren Valley Adjudications. The Adjudication limits the amount of groundwater that may be withdrawn without replenishment via imported groundwater. Although current reliance on groundwater recharge is primarily from precipitation and runoff from the San Bernardino and San Gabriel Mountains to the south, the Mojave Water Agency (MWA) has established a groundwater replenishment program to reduce annual and cumulative groundwater overdraft through artificial recharge into the Mojave River Groundwater Basin, including the Alto Subarea.

According to the Apple Valley Ranchos Water Company (AVRWC), which provides domestic water services to most of the Town of Apple Valley, water quality within the Town is very high, and in many instances exceeds U.S. EPA and California Department of Health Services standards.<sup>68</sup> Nevertheless, total dissolved solids (TDS) and nitrates affect groundwater in the Alto Subarea of the Mojave River Groundwater Basin.<sup>69</sup> The State Maximum Contaminant Level (MCL) of TDS is 1,000 milligrams per liter (mg/L), and concentrations of TDS measured in water wells in Apple Valley range from 120 to 960 mg/L, with an average of 248 mg/L.<sup>70</sup> The primary source of TDS in Apple Valley groundwater is from runoff and leaching of natural deposits. The State MCL and Public Health Goal (PHG) or Maximum Contaminant Level Goal (MCLG) of nitrates is 45 parts per million (ppm), and concentrations of nitrates measured in water wells in Apple Valley range from 2.5 and 17 ppm of nitrates as NO<sub>3</sub>, with an average of 6.4 ppm.<sup>71</sup> The primary source of nitrates in Apple Valley groundwater is from long-term discharge from on-lot septic systems.

Groundwater was not encountered within any of exploratory borings as advanced to a maximum depth of approximately 30 feet below the existing ground surface. In order to estimate the approximate depth to groundwater in the site area, a search was conducted for local groundwater (well) level measurements within the State of California Department of Water Resources online database (CDWR, 2023). The closest well found is State Well Number 06No3W15Q001S, located approximately 1.2 (0.75 miles) east of the site. In this well, groundwater records were available from 1933 to 2015. The depth of water in this well fluctuated from approximately 76 feet in 2015 to approximately 114 feet in 1933. Maximum depths during site development are expected to occur during construction of the subterranean infiltration chamber system, but which would not extend below existing site grades to depths that would reach the water table or impair or alter the direction or rate of flow of groundwater or introduce TDS, nitrates, or other contaminants into the groundwater table. Additionally, the proposed project would connect to Apple Valley's municipal sewer system. No septic systems are proposed, and no groundwater extraction would occur as part of the proposed project's implementation. *As a result, the impacts would be less than significant.*

**B. *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? • Less than Significant Impact.***

Groundwater was not encountered within any of exploratory borings as advanced to a maximum depth of approximately 30 feet below the existing ground surface. In order to estimate the approximate depth to groundwater in the site area, a search was conducted for local groundwater (well) level measurements within the State of California Department of Water Resources online database (CDWR, 2023). The closest well found is State Well Number 06N03W15Q001S, located approximately 1.2 (0.75 miles) east of the site. In this well, groundwater records were available from 1933 to 2015. The depth of water in this well fluctuated from approximately 76 feet in 2015 to approximately 114 feet in 1933. A ground surface elevation of approximately 3,132 feet above mean sea level was listed. Based on this information, groundwater at the site appears to be greater than 50 feet below the lowest ground surface elevation at the site. No new direct construction-related impacts to groundwater supplies, or groundwater recharge activities would occur as part of the proposed project's implementation. Water used to control fugitive dust will be transported to the site via truck. No direct groundwater extraction will occur. Furthermore, the construction and post-construction BMPs will address contaminants of concern from excess runoff, thereby preventing the contamination of local groundwater. As a result, there would be no direct groundwater withdrawals associated with the proposed project's implementation. *As a result, the impacts would be less than significant.*

**C. *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 or through the addition of impervious surfaces? • Less than Significant Impact.***

Two ephemeral drainages, named Drainage 1 and Drainage 2, were observed passing from the eastern boundary through the site and out through the western boundary of the project site during the field delineation.<sup>16</sup> The drainages onsite flow into a storm drain that extends under Johnson Road and into detention basins associated with the Distribution Cetner south of the project site (refer to Exhibit 8). Under the United States Army Corps of Engineers, the Corps regulates discharges of dredged or fill materials into waters of the United States and wetlands pursuant to Section 404 of the CWA. No Corps jurisdictional areas were identified within the project site and a CWA Section 404 permit would not be required for the proposed project.

The Regional Water Quality Control Board regulates discharges to surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act. Regional Board jurisdictional areas were identified within the project site and Biological Resources Mitigation Measure No. 6 would be incorporated. Pursuant to Section 1602 of the California Fish and Game Code, the CDFW regulates any activity that will divert or obstruct the natural flow or alter the bed, channel, or bank (which may include associated biological resources) of a river or stream. CDFW jurisdictional areas were observed within the project site at the time of the investigation and Biological Resources Mitigation Measure No. 5 would be incorporated. The eastern, western, and southern sides of the new building will be at grade to channelize storm flows around the building along with the street sections. Off-site grading is proposed on the east side of Navajo Road to direct the storm flows south to a culvert crossing and local road tilt section that will convey the off-site flows to the north side of Johnson Road where these flows will be convey west and

released into the historic natural drainage conveyance west of the project site. Tributary flows along the northern property line will be collected in a channel system between the truck parking and the northern property line. The site would be designed so the proposed hardscape surfaces (the building and paved areas) will percolate into the landscape parkway areas. *As a result, the impacts would be less than significant.*

**i. *Would the project result in a substantial erosion or siltation on- or off-site; • Less than Significant Impact***

The proposed project will be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of storm water. This NPDES permit ensures that Best Management Practices (BMPs) such as vegetated swales, buffers, and/or infiltration areas are incorporated into new development projects to maintain water quality. The project site is located within the jurisdiction of the Lahontan Regional Water Quality Control Board (RWQCB), which is part of the Upper Mojave Hydrologic Area. The Lahontan RWQCB designates beneficial uses for waters in the Mojave Watershed, which are identified in the Water Quality Control Plan for the Lahontan Region (Basin Plan). Coverage under an NPDES permit includes the submittal of a Notice of Intent (NOI) application to the SWRCB, the receipt of a Waste Discharge Identification Number, and the preparation of a Storm Water Pollution Prevention Plan (SWPPP) for construction discharges. The project Applicant will be required to adhere to Chapter 10.30.210 - Erosion and Sediment Control, of the municipal code regulates erosion and sediment control. In addition, stormwater discharges from construction activities that disturb one or more acres, or smaller sites disturbing less than one acre that are part of a common plan of development or sale, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater permitting program. Due to project requiring to follow the NPDES, the project would not result in a substantial erosion or siltation on or off-site. *As a result, the impacts would be less than significant.*

**ii. *Would the project substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; • Less than Significant Impact***

The project's construction and operation will be restricted to the designated project site and the project will not increase the amount of any stream or river that would lead to on- or off-site siltation or erosion. Predevelopment, the entire site is covered over in earth and pervious surfaces. The total building area would be 400,888 square feet or 50.56% of the total site area. Hardscape and paved surfaces would total 301,075 square feet or 37.97% of the total site area. Drainage and retention basins would be located along the Johnson Road frontage in the southern portion of the site. Landscaping totaling 90,969 square feet, would be provided throughout the site and along the roadway's frontages. Based on the San Bernardino County Hydrology Manual and CivilDesign Unit Hydrograph Software, the 1956-acre tributary area, soils areas, CN values, and lengths as well as the Lag Calculation. it was determined that the Watershed would produce 1,681 cubic feet per second (cfs) with an associated volume of 433 acre-feet of storm water. In order to protect off-site flows from on-site contaminated flows, two Contech CDS System clarifiers CDS2020-5 will be installed to treat on-site flows prior to exiting the site into the off-site drainage conveyance channels. The CDS System separates and traps trash, debris, sediment, and hydrocarbons from storm water runoff. *As a result, the impacts would be less than significant.*

**iii. *Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; • Less than Significant Impact***

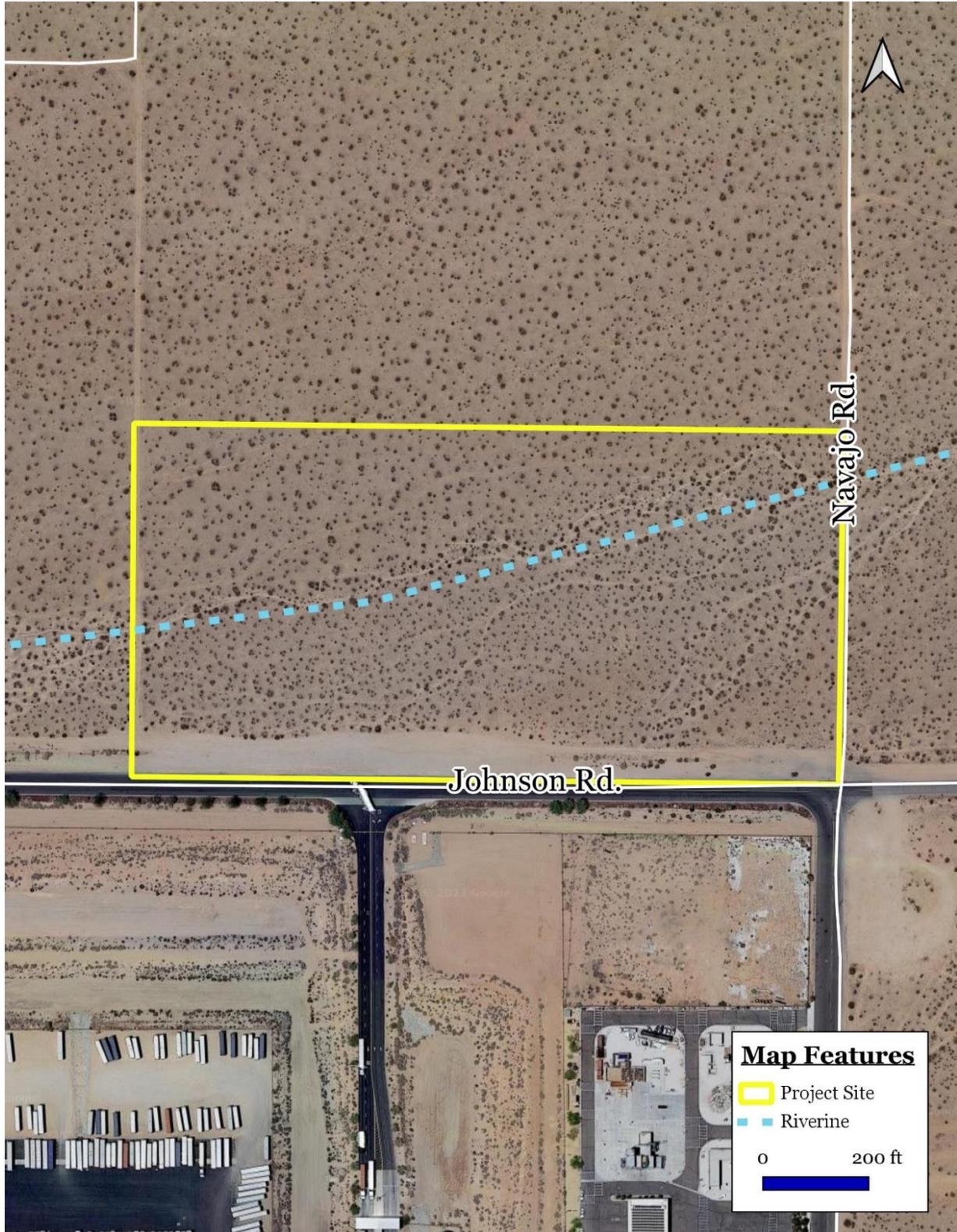
The project's construction would be restricted to the site and would not alter the course of any stream or channel or river that would lead to on- or off-site siltation or erosion. Based on the San Bernardino County Hydrology Manual and CivilDesign Unit Hydrograph Software, Exhibit F of the Hydrology Study shows the 1956-acre tributary area, soils areas, CN values, and lengths as well as the Lag Calculation. Once entered into the software with the 100-year 24-hour rainfall data, it was determined that the Watershed would produce 1681 cfs with an associated volume of 433 acre-feet of storm water. Based on the limitations associated with Section A-A above, only 521 cfs is passing through of 1681 cfs tributary to the site. At this point it was determined that an additional 158.25 cfs would add on as the flows travel west to the site for a total of 679.25 cfs as these flows leave the site on the west. The volume associated with this flow can be deduced as  $(679.25/1956 * 433 =)$  139 acre-feet. The 18.20 acre development site will support a building that is approximately 350,000 square feet, truck docks, employee and truck parking with limited landscaping. There will also be outside seating areas, trash facilities and other appurtenances. The pavement at the northern side of the building will be depressed 4-feet below the building to provide docking space for semi-trucks. A portion of this area will be used as retention for the excess stormwater that is generated by the development of the site. The eastern, western, and southern sides of the building will be at grade to channelize storm flows around the building along with the street sections. Off-site grading is proposed on the east side of Navajo Road to direct the storm flows south to a culvert crossing and local road tilt section that will convey the off-site flows to the north side of Johnson Road where these flows will be convey west and released into the historic natural drainage conveyance west of the project site. Tributary flows along the northern property line will be collected in a channel system between the truck parking and the northern property line. *As a result, the potential impacts would be less than significant.*

**iv. Would the project impede or redirect flood flows? • Less than Significant Impact**

The proposed project is partially situated in a Zone X and Zone D flood zone, an area of minimal flood hazard. The nearest flood zone is situated approximately 1 mile to the southwest and the project's construction and operation will be designed to accommodate this inundation characteristic. The pavement at the northern side of the building will be depressed 4-feet below the building to provide docking space for semi-trucks. A portion of this area will be used as retention for the excess stormwater that is generated by the development of the site. The eastern, western, and southern sides of the building will be at grade to channelize storm flows around the building along with the street sections. Off-site grading is proposed on the east side of Navajo Road to direct the storm flows south to a culvert crossing and local road tilt section that will convey the off-site flows to the north side of Johnson Road where these flows will be convey west and released into the historic natural drainage conveyance west of the project site. Tributary flows along the northern property line will be collected in a channel system between the truck parking and the northern property line. *As a result, the impacts would be less than significant.*

**D. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation? • No Impact.**

As mentioned previously, the proposed project site is not located within a Flood Hazard zone. The proposed project site is not located in an area that is subject to inundation by seiche or tsunami. In addition, the project site is located inland approximately 70 miles from the Pacific Ocean and the project site would not be exposed to the effects of a tsunami. *As a result, no impacts would occur.*



## EXHIBIT 8 WATER RESOURCES MAP

SOURCE: CALIFORNIA DEPARTMENT OF CONSERVATION

**E.** *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? • No Impact.*

The proposed project is required to be in compliance with Chapter 10.30.210 of the Town of Apple Valley Municipal Code. In addition, the project's operation will not interfere with any groundwater management or recharge plan because there are no active groundwater management recharge activities on-site or in the vicinity. To ensure the project would not substantially degrade surface or groundwater quality, inhibit groundwater recharge potential, or substantially deplete groundwater supplies, and the project would not conflict with any applicable water quality control plan or sustainable groundwater management plan, the proposed project will be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of storm water. This NPDES permit ensures that Best Management Practices (BMPs) such as vegetated swales, buffers, and/or infiltration areas are incorporated into new development projects to maintain water quality. *As a result, no impacts would occur.*

### **MITIGATION MEASURES**

As indicated previously, hydrological characteristics will not substantially change as a result of the proposed project. As a result, no mitigation is required.

### 3.11 LAND USE & PLANNING

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project physically divide an established community?				✘
B. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				✘

#### SOURCES

Google Maps. Website accessed February 1, 2023.

Steen Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-0. September 2023.*

Town of Apple Valley Zoning Map. Website accessed February 2, 2024.

#### THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, acting as Lead Agency, a project may be deemed to have a significant adverse impact on mineral resources if it results in any of the following:

- The proposed project would physically divide an established community.
- The proposed project would 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.

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

##### A. *Would the project physically divide an established community?* • No Impact.

The proposed project would be a 404,057 square foot industrial warehouse. The total **net-gross** land area of the site is 871,200 square feet which is approximately 18.71 acres. As indicated previously, the new building would have a total floor area of 404,057 square feet. Two separate office areas would be located at the southeast and southwest corners of the new building. Of the new building’s total floor area, 391,638 square feet would be warehouse uses and 12,419 square feet would be office space. A total of 64 truck loading docks would be located along the building’s north elevation. The maximum height of the new building would be 42-feet. The zoning designation of the site is *Specific Plan*. The proposed project site is located on a total **net-gross** land area of 18.72-acre across 3 parcels that are vacant though the site has been disturbed. Land uses and development located in the vicinity of the proposed project are outlined below:

- *North of the project site:* Vacant, though disturbed land is located to the north of the site. This area’s General Plan and Zoning designation is *Specific Plan (North Apple Valley Specific Plan)*.
- *East of the project site:* Navajo Road extends along the project site’s east side. Vacant, though disturbed land is located to the north of the site. This area’s General Plan and Zoning designation is *Specific Plan (North Apple Valley Specific Plan)*.

- *South of the project site:* Johnson Road extends along the project site’s southerly side. Further south, on the south side of this roadway, is the Victorville Collège of Public Safety (19190 Navajo Road) and the Walmart Distribution Center (21101 Johnson Road). This area’s General Plan and Zoning designation is *Specific Plan (North Apple Valley Specific Plan)*.
- *West of the project site:* Vacant, undeveloped land is located to the west of the site. This area’s General Plan and Zoning designation is *Specific Plan (North Apple Valley Specific Plan)*.

The granting of the requested entitlements and subsequent construction of the proposed project will not result in any expansion of the use beyond the current boundaries. As a result, the project will not lead to any division of an existing established neighborhood. *As a result, no impacts would result.*

**B. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? • No Impact.**

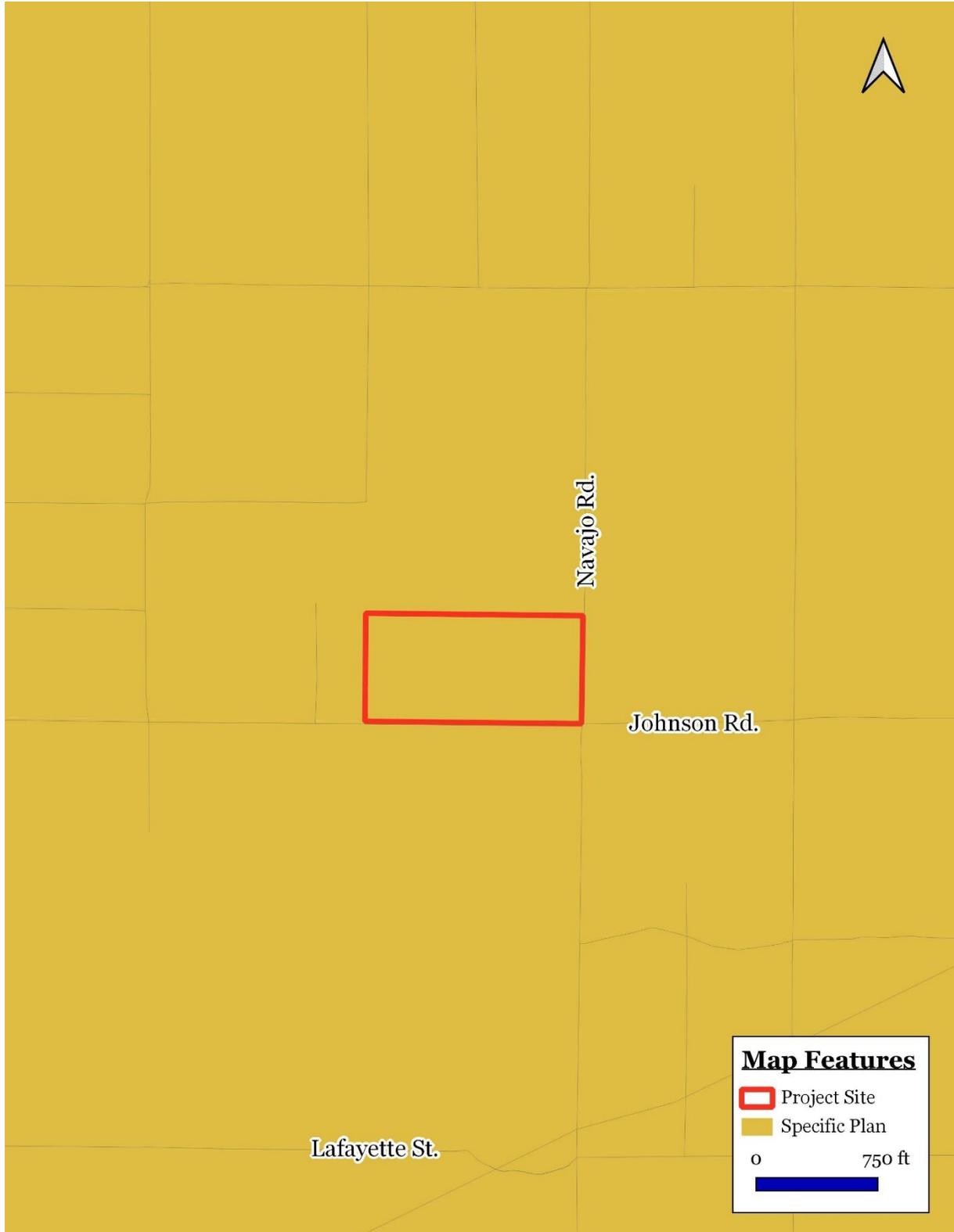
The project site is located within an area designated as *Specific Plan (North Apple Valley Specific Plan)* within the Town of Apple Valley General Plan Land Use Element (refer to Exhibit 19). This category of land use is characterized by the surrounding warehousing and industrial land uses. The proposed development would be consistent with the Town of Apple Valley General Plan and Zoning Ordinance requirements. According to the North Apple Valley Specific Plan, warehouse uses are a permitted use. The Town of Apple Valley seeks “to facilitate the development of high quality industrial development to provide for the Town’s economic future. To that end, this Specific Plan establishes development standards and guidelines intended to guide land owners and developers in their project designs. These standards and guidelines assure the long-term development of a quality industrial park which will include distinctive, highly identifiable complements, such as entry monumentation and landscaping, which give the North Apple Valley Industrial Specific Plan area a sense of place and identity in the community.” The Specific Plan includes four land use designations, and one overlay. The land use designations are: General Commercial – Specific Plan; Industrial – Airport; Industrial – Specific Plan; and Industrial – General. The project site is within the *Specific Plan – Industrial* zone. This designation allows for a broad range of clean manufacturing and warehousing uses, ranging from furniture manufacture to warehouse distribution facilities. Key features of this designation include:

1. Outdoor storage must be completely screened from view.
2. All uses must be conducted within enclosed buildings.
3. Perimeter landscaping must be complementary with that of surrounding projects to provide a unified, cohesive streetscape.

Appropriate land uses in this designation include manufacturing facilities with showrooms and offices, regional warehousing facilities, and support services for manufacturing and warehousing. The proposed project would conform to these requirements. *As a result, no impacts would result.*

## **MITIGATION MEASURES**

The analysis determined that no impacts on land use and planning would result upon the implementation of the proposed project. As a result, no mitigation measures are required.



**EXHIBIT 9 LAND USE AND ZONING MAP**  
SOURCE: TOWN OF APPLE VALLEY

### 3.12 MINERAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. 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?				✘
B. Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✘

#### SOURCES

Google Maps. Website accessed February 1, 2023.

California, State of. Department of Conservation. *California Oil, Gas, and Geothermal Resources Well Finder*. <https://maps.conservation.ca.gov/doggr/wellfinder/#openModal/-117.41448/34.56284/14>.

California Department of Conservation. *Mineral Land Classification Map for the Town of Apple Valley Quadrangle*. Map accessed January 31, 2023.

Steen Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-O. September 2023.*

Town of Apple Valley Zoning Map. Website accessed February 2, 2024.

#### THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on mineral resources if it results in any of the following:

- The proposed project would 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.
- The proposed project would result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

**A. 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? • No Impact.**

The proposed project would be a 404,057 square foot industrial warehouse. The total ~~net~~ gross land area of the site is 871,200 square feet which is approximately 18.71 acres. As indicated previously, the new building would have a total floor area of 404,057 square feet. Two separate office areas would be located at the southeast and southwest corners of the new building. Of the new building's total floor area, 391,638 square feet would be warehouse uses and 12,419 square feet would be office space. A total of 64 truck loading docks would be located along the building's north elevation. The maximum. The zoning designation of the site is *Specific Plan*. A review of California Division of Oil, Gas, and Geothermal Resources well finder indicates that there are no wells located in the vicinity of the project site. The Surface Mining and Reclamation Act of 1975 (SMARA) has developed mineral land classification maps and reports to assist in

the protection and development of mineral resources. According to the SMARA, the following four mineral land use classifications are identified:

- *Mineral Resource Zone 1 (MRZ-1)*: This land use classification refers to areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.
- *Mineral Resource Zone 2 (MRZ-2)*: This land use classification refers to areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists.
- *Mineral Resource Zone 3 (MRZ-3)*: This land use classification refers to areas where the significance of mineral deposits cannot be evaluated from the available data. Hilly or mountainous areas underlain by sedimentary, metamorphic, or igneous rock types and lowland areas underlain by alluvial wash or fan material are often included in this category. Additional information about the quality of material in these areas could either upgrade the classification to MRZ-2 or downgraded it to MRZ-1.
- *Mineral Resource Zone 4 (MRZ-4)*: This land use classification refers to areas where available information is inadequate for assignment to any other mineral resource zone.

The project site itself is not located in a Significant Mineral Aggregate Resource Area (SMARA) nor is it located in an area with active mineral extraction activities. A review of California Division of Oil, Gas, and Geothermal Resources well finder indicates that there are no wells located in the vicinity of the project site. The project site is located within Mineral Resource Zone (MRZ-3A), which means there may be significant mineral resources present. As indicated previously, the site is undeveloped and there are no active mineral extraction activities occurring on-site or in the adjacent properties. As a result, no impacts to mineral resources will occur.

**B. *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*** • *No Impact.*

As previously mentioned, no mineral, oil, or energy extraction and/or generation activities are located within the project site. Moreover, the proposed project will not interfere with any resource extraction activity. Therefore, no impacts will result from the implementation of the proposed project.

## **MITIGATION MEASURES**

The analysis of potential impacts related to mineral resources indicated that no significant adverse impacts would result from the approval of the proposed project and its subsequent implementation. As a result, no mitigation measures are required.

### 3.13 NOISE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in 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?			✘	
B. Would the project result in generation of excessive ground borne vibration or ground borne noise levels?			✘	
C. For a project located within the vicinity of a private airstrip or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✘

#### SOURCES

Google Maps. Website accessed February 1, 2023.

Bugliarello, et. al. *The Impact of Noise Pollution*, Chapter 127, 1975.

Steno Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-0. September 2023.*

Town of Apple Valley Zoning Map. Website accessed February 2, 2024.

#### THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on noise if it results in any of the following:

- The proposed project would result in 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.
- The proposed project would result in the generation of excessive ground borne vibration or ground borne noise levels.
- For a proposed 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?

Noise levels may be described using a number of methods designed to evaluate the “loudness” of a particular noise. The most commonly used unit for measuring the level of sound is the decibel (dB). Zero on the decibel scale represents the lowest limit of sound that can be heard by humans. The eardrum may rupture at 140 dB In general, an increase of between 3.0 dB and 5.0 dB in the ambient noise level is considered to represent the threshold for human sensitivity. Noise level increases of 3.0 dB or less are not generally perceptible to persons with average hearing abilities. The most commonly used unit for measuring the level of sound is the decibel (dB). Zero on the decibel scale represents the lowest limit of sound that can be heard by humans. Noise levels associated with common everyday activities are illustrated in Exhibit 10.

<b>dB LEVELS</b>		
 <b>Serious Injury</b>	165	
	160	
	155	
	150	
 <b>Pain</b>	145	
	140	<i>sonic boom</i>
	135	
	130	
	125	<i>jet take off at 200 ft.</i>
	120	
 <b>Discomfort</b>	139	<i>music in night club interior</i>
	110	<i>motorcycle at 20 ft.</i>
	105	<i>power mower</i>
	100	
	95	<i>freight train at 50 ft.</i>
	90	<i>food blender</i>
 <b>Range of Typical Noise Levels</b>	85	<i>electric mixer, light rail train horn</i>
	80	
	75	
	70	<i>portable fan, roadway traffic at 50 ft.</i>
	65	
	60	<i>dishwasher, air conditioner</i>
	55	
	50	<i>normal conversation</i>
	45	<i>refrigerator, light traffic at 100 ft.</i>
	40	
 <b>Threshold of Hearing</b>	35	<i>library interior (quiet study area)</i>
	30	
	25	
	20	
	15	
	10	<i>rustling leaves</i>
	5	
0		

## EXHIBIT 10 TYPICAL NOISE SOURCES AND LOUDNESS SCALE

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

## ANALYSIS OF ENVIRONMENTAL IMPACTS

**A.** *Would the project result in 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? • Less than Significant Impact.*

The proposed project would be a 404,057 square foot industrial warehouse. The total ~~net~~**gross** land area of the site is 871,200 square feet which is approximately 18.71 acres. As indicated previously, the new building would have a total floor area of 404,057 square feet. Two separate office areas would be located at the southeast and southwest corners of the new building. Of the new building's total floor area, 391,638 square feet would be warehouse uses and 12,419 square feet would be office space. The zoning designation of the site is *Specific Plan*. The primary sources of noise in the Town of Apple Valley Planning Area are freeways and roadways, railroad traffic, SCLA aircraft operations, and stationary sources. Future sources of noise generated on-site will include noise from vehicles traveling to and from the project and noise emanating from back-up alarms, building equipment noise (air conditioning units, and other equipment), and other noises typically associated with commercial development. The eardrum may rupture at 140 dB. In general, an increase of between 3.0 dB and 5.0 dB in the ambient noise level is considered to represent the threshold for human sensitivity. In other words, increases in ambient noise levels of 3.0 dB or less are not generally perceptible to persons with average hearing abilities. The Town of Apple Valley Noise Control Ordinance includes the following requirements with respect to noise exposure and control:

- *13.01.050 - Noise levels prohibited.* Noise levels shall not exceed the ambient noise levels in Section 13.01.040 by the following dB(A) levels for the cumulative period of time specified: Less than 5dB(A) for a cumulative period of more than thirty minutes in any hour; Less than 10 dB(A) for a cumulative period of more than fifteen minutes in any hour; Less than 15 dB(A) for a cumulative period of more than five minutes in any hour; Less than 20 dB(A) for a cumulative period of more than one minute in any hour; 20 dB(A) or more for any period of time.
- *13.01.060 - Noise source exemptions.* The following activities shall be exempted from the provisions of this chapter: All mechanical devices, apparatus or equipment used, related to or connected with emergency machinery, vehicle or work. The provisions of this regulation shall not preclude the construction, operation, maintenance and repairs of equipment, apparatus or facilities of park and recreation projects, public works projects or essential public works services and facilities, including those utilities subject to the regulatory jurisdiction of the California Public Utilities Commission. Activities conducted on the grounds of any elementary, intermediate, or secondary school or college. Outdoor gatherings, public dances and shows, provided said events are conducted pursuant to a permit as required by this code. Activities conducted in public parks and public playgrounds, provided said events are conducted pursuant to a permit as required by this code. Any activity to the extent regulation thereof has been preempted by state or federal law. Trac on any roadway or railroad right-of-way. The operation of the Southern California Logistics Airport. Construction activity on private properties that are determined by the director of building and safety to be essential to the completion of a project
- *13.01.070 - Notice and penalties.* Any person violating any of the provisions or failing to comply with the requirements of this chapter, is guilty of a civil penalty, punishable in accordance with Chapter 1.05. In addition, in the discretion of the Town attorney and based upon the specific facts and circumstances presented to him or her, any such violation may be charged as an infraction subject to the penalties contained in Section 1.04.010.

None of the land uses located adjacent to the project site are considered “noise sensitive” where people reside or where the presence of unwanted sound could adversely affect the use of the land. Although there would be a relatively high single-event noise exposure potential causing intermittent noise nuisance during equipment operation, the overall effect on ambient noise levels would be negligible because the daily construction-related vehicle operations are minor when compared to existing truck traffic on Johnson Road, and freight truck loading and unloading activities at the distribution facility located to the south of the project site. Compliance with Section 9.73.060(F) of the Town of Apple Valley Development Code to ensure construction-related noise impacts remain less than significant.

As indicated previously, none of the land uses adjacent to the project site are considered “noise sensitive” where people reside or where the presence of unwanted sound could adversely affect the use of the land. The properties adjacent to the north and east are vacant, unoccupied lands. The properties adjacent to the south consist of warehousing similar to the proposed project. A total of 64 truck loading docks would be located along the building’s north elevation. A reference noise level measurement for loading dock activities was collected to represent the truck idling/reefer activity at a neighboring receiving dock next to the offices of Blodgett Baylosis Environmental Planning. The truck idling activity reference noise level measurement was taken adjacent to the parking position with a direct line of site. During the measurement period, the recorded noise levels were 65.2 dBA at a uniform distance of 50 feet. This represents a worst case since the line of sight between the proposed project’s loading docks and the existing uses located to the south of Johnson Road will be obstructed by the new building. In addition, the distance between the receiving area and the existing uses will be at least 200 feet with no direct line of sight. The new building will be located between the new receiving areas (loading docks and truck maneuvering area) and the aforementioned uses. As a result, the new building will attenuate the loading dock noise impacts on the neighboring uses. Operational noise-related impacts would be less than significant. Mitigation is not required. *Adherence to the Town’s noise control requirements would reduce the project’s construction and operational noise levels to impacts that are less than significant.*

**B. *Would the project result in generation of excessive ground borne vibration or ground borne noise levels? • Less than Significant Impact.***

The construction of the proposed project will result in the generation of vibration and noise, though the vibrations and noise generated during the project’s construction will not adversely impact an sensitive receptors. The background vibration velocity level in residential areas is usually around 50 vibration velocity level (VdB). The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity of 75 VdB is the approximately dividing line between barely perceptible and distinctly perceptible levels for many people. Sources within buildings such as operation of mechanical equipment, movement of people, or the slamming of doors causes most perceptible indoor vibration. Construction activities may result in varying degrees of ground vibration, depending on the types of equipment, the characteristics of the soil, and the age and construction of nearby buildings. The operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Ground vibrations associated with construction activities using modern construction methods and equipment rarely reach the levels that result in damage to nearby buildings though vibration related to construction activities may be discernible in areas located near the construction site. A possible exception is in older buildings where special care must be taken to avoid damage. Table 7 summarizes the levels of vibration and the usual effect on people and buildings. The U.S. Department of Transportation (U.S. DOT) has guidelines for vibration levels from construction related to their activities and recommends that the maximum peak-particle-velocity (PPV) levels remain below 0.05 inches per

second at the nearest structures. PPV refers to the movement within the ground of molecular particles and not surface movement. Vibration levels above 0.5 inches per second have the potential to cause architectural damage to normal dwellings. The U.S. DOT also states that vibration levels above 0.015 inches per second (in/sec) are sometimes perceptible to people, and the level at which vibration becomes an irritation to people is 0.64 inches per second.

**TABLE 7 COMMON EFFECTS OF CONSTRUCTION VIBRATION**

Peak Particle Velocity (in/sec)	Effects on Humans	Effects on Buildings
<0.005	Imperceptible	No effect on buildings
0.005 to 0.015	Barely perceptible	No effect on buildings
0.02 to 0.05	Level at which continuous vibrations begin to annoy occupants of nearby buildings	No effect on buildings
0.1 to 0.5	Vibrations considered unacceptable for persons exposed to continuous or long-term vibration.	Minimal potential for damage to weak or sensitive structures
0.5 to 1.0	Vibrations considered bothersome by most people, tolerable if short-term in length	Threshold at which there is a risk of architectural damage to buildings with plastered ceilings and walls. Some risk to ancient monuments and ruins.
>3.0	Vibration is unpleasant	Potential for architectural damage and possible minor structural damage

Source: U.S. Department of Transportation

Typical levels from vibration generally do not have the potential for any structural damage. Some construction activities, such as pile driving and blasting, can produce vibration levels that may have the potential to damage some vibration sensitive structures if performed within 50 to 100 feet of the structure. The reason that normal construction vibration does not result in structural damage has to do with several issues, including the frequency vibration and magnitude of construction related vibration. Unlike earthquakes, which produce vibration at very low frequencies and have a high potential for structural damage, most construction vibration is in the mid- to upper- frequency range, and therefore has a lower potential for structural damage.

The project’s implementation will not require deep foundations since the underlying fill soils will be removed and the height of the proposed buildings will be limited (a single level). The new building would be constructed over a shallow foundation that will extend no more than three to four feet bgs. The use of shallow foundations precludes the use of pile drivers or any auger type equipment. However, other vibration generating equipment may be used on-site during construction. As stated above, the project will require the use of excavators, loaders, bulldozers, and haul trucks. Various types of construction equipment have been measured under a wide variety of construction activities with an average of source levels reported in terms of velocity levels as shown in Table 7. Although the table gives one level for each piece of equipment, it should be noted that there is a considerable variation in reported ground vibration levels from construction activities. The data in Table 8 does provide a reasonable estimate for a wide range of soil conditions. Based on Transit Noise and Vibration Impact Assessment, a vibration level of 102 VdB (vibration decibels, or 0.5 inches per second [in/sec]) is considered safe and would not result in any construction vibration damage.

**TABLE 8 VIBRATION SOURCE LEVELS FOR TYPICAL CONSTRUCTION EQUIPMENT**

Construction Equipment		PPV @25 ft. (inches/sec.)	Vibration (VdB) @ 25 ft.
Pile Driver (impact)	Upper range	1.58	112
	Typical	0.644	104
Pile Driver (Sonic)	Upper range	0.734	105
	Typical	0.170	93
Clam Shovel Drop		0.202	94
Large Bulldozer		0.089	87
Caisson Drilling		0.089	87
Loaded Trucks		0.076	86
Small Bulldozer		0.035	79

Source: Noise and Vibration During Construction

As stated above, the use of shallow foundations precludes the use of pile drivers or any auger type equipment. The resulting vibrations from construction equipment are less than 102 VdB, thus the construction of the project would not result in excessive ground borne vibration or ground borne noise levels. Slight increases in ground-borne noise levels could occur during the construction phase. The limited duration of construction activities and the Town’s construction-related noise control requirements will reduce the potential impacts. The project will be required to adhere to all pertinent Town noise control regulations. In addition, the cumulative traffic associated with the proposed project will not be great enough to result in a measurable or perceptible increase in traffic noise (it typically requires a doubling of traffic volumes to increase the ambient noise levels to 3.0 dBA or greater). Once in operation, the new building could potentially be divided into two separate tenant spaces. The individual tenants have not yet been identified. Future occupants would have to comply with the Town’s Zoning Ordinance with respect to the permitted light industrial uses and ground borne noise levels. *As a result, the impacts will be less than significant.*

**C.** *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? • No Impact.*

The project site is not located within an airport land use plan. The project site is located approximately 0.92 miles north of Apple Valley Airport. The proposed use is not considered to be a sensitive receptor. The project site is located well outside of any takeoff and landing overlay zones (refer to Figure a-1 of the Apple Valley Comprehensive Airport Master Plan). In addition, the project site would be located well outside any 65 CNEL noise contour (refer to Exhibit 5-2 of the Apple Valley Comprehensive Airport Master Plan). As a result, the proposed project will not expose people residing or working in the project area to excessive noise levels related to airport uses. *As a result, no impacts would occur.*

## MITIGATION MEASURES

The analysis determined that no impacts on noise would result upon the implementation of the proposed project. As a result, no mitigation measures are required.

### 3.14 POPULATION & HOUSING

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✘
B. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✘

#### SOURCES

Google Maps. Website accessed February 1, 2023.

Natelson Company, Inc. *Employment Density Study, Summary Report*. October 31, 2001.

Steen Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-O. September 2023.*

Town of Apple Valley Zoning Map. Website accessed February 2, 2024.

#### THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on population and housing if it results in any of the following:

- The proposed project would induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
- The proposed project would displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?* • *No Impact.*

The proposed project would be a 404,057 square foot industrial warehouse. The total ~~net~~-gross land area of the site is 871,200 square feet which is approximately 18.71 acres. As indicated previously, the new building would have a total floor area of 404,057 square feet. Two separate office areas would be located at the southeast and southwest corners of the new building. Of the new building’s total floor area, 391,638 square feet would be warehouse uses and 12,419 square feet would be office space. A total of 64 truck loading docks would be located along the building’s north elevation. The zoning designation of the site is *Specific Plan*. The zoning designation of the site is Specific Plan. There is currently no address, but it is located at Navajo Road and Johnson Road. Growth-inducing impacts are generally associated with the provision of urban services to an undeveloped or rural area. Growth-inducing impacts include the following:

- *New development in an area presently undeveloped and economic factors which may influence development.* The site is currently undeveloped and undisturbed. Land uses surrounding the

property are designated as *Specific Plan (North Apple Valley Specific Plan)*. This designation would not permit residential development.

- *Extension of roadways and other transportation facilities.* Future roadway and other infrastructure connections will serve the proposed project site only.
- *Extension of infrastructure and other improvements.* The installation of any new utility lines will not lead to subsequent offsite development since these utility connections will serve the site only. At present, existing water sewer connections will need to be extended to serve the project site. The project's potential utility impacts are analyzed in Section 3.19.
- *Major off-site public projects (treatment plants, etc.).* The project's increase in demand for utility services can be accommodated without the construction or expansion of landfills, water treatment plants, or wastewater treatment plants. The project's potential utility impacts are further analyzed in Section 3.19.
- *The removal of housing requiring replacement housing elsewhere.* The site would not add any new housing units on the vacant parcel. No existing housing units would be removed. As a result, no replacement housing will be required.
- *Additional population growth leading to increased demand for goods and services.* Although the potential exists for the proposed project to result in population growth through employment opportunities, the project is consistent with the General Plan land use designation and Zoning and Development Code for the site.
- *Short-term growth-inducing impacts related to the project's construction.* The project will result in temporary employment during the construction phase.

The proposed project will utilize existing roadways and infrastructure. The newly established roads and existing utility lines will serve the project site only and will not extend into undeveloped areas beyond the project site. The proposed project will not result in any unplanned growth. Although the potential exists for the proposed project to result in population growth through employment opportunities, the project is consistent with the General Plan land use designation and Zoning and Development Code for the site. Therefore, population increase as a result of the proposed project is not considered substantial or unplanned. The proposed project would have a less than significant impact to the environment from population growth. *Therefore, no impacts will result.*

**B. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? • No Impact.**

The project site is vacant and disturbed with dirt roads going through the project. This property has a General Plan and zoning designation of Specific Plan. No housing units will be displaced as a result of the proposed project's implementation. The proposed project would be a 404,057 square foot industrial warehouse. The proposed building is anticipated to employ about 338 employees. This is based on an employment ratio of one employee for every 1,195 square feet of floor area. Therefore, no impacts will result.

## MITIGATION MEASURES

The analysis of potential population and housing impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

### 3.15 PUBLIC SERVICES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
<b>A.</b> 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 would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:			✘	
<b>i).</b> Would the project result in substantial adverse physical impacts associated with Fire protection?			✘	
<b>ii).</b> Would the project result in substantial adverse physical impacts associated with Police protection?			✘	
<b>iii).</b> Would the project result in substantial adverse physical impacts associated with Schools?			✘	
<b>iv).</b> Would the project result in substantial adverse physical impacts associated with Parks?			✘	
<b>v).</b> Would the project result in substantial adverse physical impacts associated with Other public facilities?			✘	

#### SOURCES

Google Maps. Website accessed February 1, 2023.

Steno Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-0. September 2023.*

Town of Apple Valley Zoning Map. Website accessed February 2, 2024.

#### THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on public services if it results in any of the following:

- The proposed project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection, police protection, schools, parks or other public facilities.

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

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

The proposed project would be a 404,057 square foot industrial warehouse. As indicated previously, the new building would have a total floor area of 404,057 square feet. Two separate office areas would be located at the southeast and southwest corners of the new building. Of the new building’s total floor area, 391,638

square feet would be warehouse uses and 12,419 square feet would be office space. A total of 64 truck loading docks would be located along the building's north elevation. The zoning designation of the site is *Specific Plan*. The site's Accessor Parcel Numbers (APNs) are 0463-213-26, 0463-213-27 and 0463-213-28. The zoning designation of the site is Specific Plan. There is currently no address, but it is located at Navajo Road and Johnson Road.

**i). *Would the project have fire protection? Less than Significant Impact.***

The Town of Apple Valley receives fire protection services from the Apple Valley Fire Protection District (AVFPD). AVFPD is an independent District that serves the Town and unincorporated areas of San Bernardino County. The District's approximately 206 square mile service area extends easterly from the Mojave River as far as the dry lakes toward Lucerne Valley. The following stations are found in the area:

- *Station No. 331* at 22400 Headquarters Drive has 12 staff, and is equipped with a Type-1 engine, a Type-2 water tender, and a medium-level rescue vehicle.
- *Station No. 332* at 18857 Highway 18 has 9 staff. Equipment includes a Type-1 engine and a Type-3 engine.
- *Station No. 333* at 20604 Highway 18 is staffed with private ambulance company personnel.
- *Station 334* at 12143 Kiowa Road has 9 staff, a Type-1 engine, and a Type-3 engine. • *Station No. 335* at 21860 Tussing Ranch Road is staffed by paid-call staff only. This means that staff members are alerted via pager to calls within the response area. The station is equipped with a Type-1 engine and a Type-3 water tender.
- *Station No. 336* at 19235 Yucca Loma Road has 6 career and 10 paid-call staff, and is equipped with a rescue squad vehicle, a Type-1 engine, a Type-4 engine, an Incident Command bus, an Incident Support unit and a Type-2 truck.
- *Station No. 337* at 19305 Jess Ranch Parkway was added in October 2007. Staffing has been expanded, as of April 2008, from 2 to 4 staff members. The station is equipped with a Type-4 Medic Patrol, a Hazmat Trailer, and a Reserve Squad.

The Department operates a fleet of four Medic Engines, one medic truck, and one Medic squad. The staffing consists of 51 firefighting personnel. Apple Valley Fire Center is the closest fire department to the project site, located 1.32 miles southeast of the project site. The proposed project will be required to conform to all fire protection and prevention requirements, including, but not limited to, building setbacks, emergency access, and fire flow (or the flow rate of water that is available for extinguishing fires). The proposed project would only place an incremental demand on fire services and the project will be constructed with strict adherence to all pertinent building and fire codes. Project design features incorporated into the structural design and layout of the proposed development would keep service demand increases to a minimum. For example, the Town and AVFPD will coordinate closely to enforce fire codes and other applicable standards and regulations as part of building plan review and conduct building inspections. The AVFPD will continue to review the development process to identify and mitigate any fire hazards and ensure adequate emergency water flow to the proposed development. The project would also be required to pay Development Impact Fees to fund capital costs associated with constructing new public safety structures such as fire stations and purchasing equipment for new public safety structures. Furthermore, the project will be reviewed by Town Fire officials to ensure adequate fire service and safety as a result of project implementation. *As a result, the impacts would be less than significant.*

**ii). Would the project have police protection? Less than Significant Impact.**

Law enforcement services within the Town are provided by the San Bernardino County Sheriff's Department which serves the community from one police station located at 14931 Dale Evans Parkway. The proposed project will also be required to comply with the County and Town security requirements. The proposed project would only place an incremental demand on police protection services. The proposed project would be secured at all times. The proposed development would be reviewed by the Department to ensure provision of adequate police protection and compliance with established Sheriff's Department standards. The Town would also continue to monitor population levels and Sheriff's Department staffing levels to ensure that sufficient levels of police protection are provided. The continual monitoring of police staffing levels by the Town would ensure the proposed project would not result in a significant reduction in police response times. *As a result, the impacts would be less than significant.*

**iii). Would the project be near schools? Less than Significant Impact.**

The nearest educational facility to the project site is Victor Valley Community College, located to the south of the project site. Due to the nature of the proposed project, no direct enrollment impacts regarding school services will occur. The project site is industrial in nature and will not result in any direct school enrollment impacts (as opposed to a residential uses). Pursuant to SB-50, payment of fees to the applicable school district is considered full mitigation for project-related impacts. The proposed project's school enrollment impacts will be off-set by the school fees that will be paid by the developer. *As a result, the impacts would be less than significant.*

**iv). Would the project be near parks? Less than Significant Impact.**

The nearest park to the project site is Sycamore Rocks Park located approximately located 4.18 miles to the southeast. The proposed project will not result in any local increase in residential development (directly or indirectly) that could potentially impact the local recreational facilities. The proposed project's construction would be short-term in nature and the construction employment would end once the construction phases are complete. Given the park's distance from the development site (4.18 miles) the use of this park on a regular basis by construction employees would likely be limited. Once operational, future employees may visit the park from time to time the number and duration of visits would likely be limited due to the park's distance from the site. It is important to note that an outside break area would be located near the building's northeast corner. The project Applicant will be required to pay in-lieu park fees required by the Town. *As a result, the impacts would be less than significant.*

**v). Would the project have other public facilities? Less than Significant Impact.**

The proposed project will not create direct local population growth that could potentially create demand for other governmental service. *As a result, the impacts would be less than significant.*

## **MITIGATION MEASURES**

The analysis of public service impacts indicated that no significant adverse impacts are anticipated, and no mitigation is required with the implementation of the proposed project.

### 3.16 RECREATION

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. 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?				✘
B. Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✘

#### SOURCES

Google Maps. Website accessed February 1, 2023.

Steen Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-0. September 2023.*

Town of Apple Valley Zoning Map. Website accessed February 2, 2024.

#### THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on recreation if it results in any of the following:

- The proposed project would 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.
- The proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

**A.** *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?* • *No Impact.*

The proposed project would be a 404,057 square foot industrial warehouse. The total **net-gross** land area of the site is 871,200 square feet which is approximately 18.71 acres. As indicated previously, the new building would have a total floor area of 404,057 square feet. Two separate office areas would be located at the southeast and southwest corners of the new building. An outside break area would be located near the building’s northeast corner. Access to the project site would be provided by three driveway connections with the north side of Johnson Road and two driveway connections with the west side of Navajo Road. The zoning designation of the site is *Specific Plan*. No parks are located adjacent to the site. The nearest park to the project site is Sycamore Rocks Park located approximately located 4.18 miles to the southeast. The

proposed project would not result in any improvements that would potentially significantly physically alter any public park facilities and services. *As a result, no impacts would occur.*

**B. Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? • No Impact.**

As previously indicated, the implementation of the proposed project would not affect any existing parks and recreational facilities in the Town. No such facilities are located adjacent to the project site. *As a result, no impacts would occur.*

### **MITIGATION MEASURES**

The analysis of potential impacts related to parks and recreation indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

### 3.17 TRANSPORTATION

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			✘	
B. Would the project conflict or be inconsistent with CEQA Guidelines §15064.3 subdivision (b)?			✘	
C. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✘	
D. Would the project result in inadequate emergency access?				✘

#### SOURCES

Appendix G Traffic Impact Analysis

David Evans and Associates Inc. *Draft Focused Traffic Impact Analysis Report Proposed Johnson Road Industrial Building (Warehouse) November 27, 2023.*

Google Maps. Website accessed February 1, 2023.

Steen Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-0. September 2023.*

Town of Apple Valley Zoning Map. Website accessed February 2, 2024.

#### THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on transportation and circulation if it results in any of the following:

- The proposed project would conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.
- The proposed project would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).
- The proposed project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- The proposed project would result in inadequate emergency access.

## ANALYSIS OF ENVIRONMENTAL IMPACTS

**A. Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? • Less than Significant Impact.**

The proposed project would be a 404,057 square foot industrial warehouse. The total ~~net-gross~~ land area of the site is 871,200 square feet which is approximately 18.71 acres. As indicated previously, the new building would have a total floor area of 404,057 square feet. Two separate office areas would be located at the southeast and southwest corners of the new building. Of the new building's total floor area, 391,638 square feet would be warehouse uses and 12,419 square feet would be office space. The project's floor area was revised upwards by the project's design team. **The proposed building analyzed in the MND is 24,400 square feet greater than the design first evaluated in the traffic study. The traffic report analyzed a building with a floor area of 379,657 square feet. The building was subsequently redesigned so that it would have a total floor area of 404,057 square feet. This represents a difference of 24,400 square feet. The MND's prepares sent the revised site plan to the traffic engineer (David Evans and Associates, Inc. [DEA]) that prepared the original traffic report. The traffic engineer concluded the following with respect to the revised site plan with the larger floor area.**

A total of 64 truck loading docks would be located along the building's north elevation. The maximum height of the new building would be 42-feet. Truck and trailer parking, consisting of 48 spaces, would be provided along the northern side of the side. A total of 6 EV spaces for trucks would be located along the building's north side. A total of 222 vehicle parking spaces for employees and patrons would be located along the building's east, south, and west elevations and along the east perimeter of the site. Of this total, 203 spaces would be standard spaces, 8 spaces would be ADA spaces, and 12 spaces would be reserved for EV vehicles. Landscaping totaling 90,969 square feet, would be provided throughout the site and along the roadway's frontages. An outside break area would be located near the building's northeast corner. Access to the project site would be provided by three driveway connections with the north side of Johnson Road and two driveway connections with the west side of Navajo Road. The zoning designation of the site is *Specific Plan*.

All the study intersections are currently side-street stop controlled, or all-way stop-controlled. The trip generation rates for the site were obtained from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition. ~~Table 9 summarizes the estimated trip generation of the Proposed Johnson Road Industrial Project for an average weekday, and weekday AM (7-9 AM) and PM (4-6 PM) peak hours, based on the secondary average rates identified in Table 9. The proposed project would generate about 896 vehicle trips per day and 91 vehicle trips in both the AM and PM peak hours. It is standard practice to convert vehicle trips to passenger car equivalents (PCEs) for intersection capacity analysis. This conversion reflects the effects of large vehicles on intersection operations both from the physical space a truck occupies but also from their effect on the intersection's saturation flow rate due to the slower acceleration of trucks. When converted to PCEs, the Proposed Johnson Road Industrial Project generates approximately 1,259 daily PCEs, and 128 PCEs in both the AM and PM peak hours. The average daily and peak hour trip generation was estimated for the Johnson Road industrial development site plan with a smaller warehouse floor area of 404,057 square feet and compared to the~~

trip generation previously studied for a 410,241 square foot warehouse, a reduction of 6,184 square feet. The comparison includes vehicular trip generation and conversion to passenger car equivalents (PCEs) using the same rates and conversion factors used in the analysis of the previously studied warehouse. The difference in peak hour trips equals one or fewer vehicles in the AM and PM peak hours. The difference in passenger car equivalents (PCEs), used in analyzing intersection capacity, equals between two and three PCEs in each peak hour, about a 2% decrease.

**TABLE 9: JOHNSON ROAD INDUSTRIAL BUILDING (WAREHOUSE) PROJECT TRIP GENERATION**

Land Use	Gross Floor Area (KSF)	Daily	AM Peak Hour of Adjacent Street Traffic			PM Peak Hour of Adjacent Street Traffic		
			In	Out	Total	In	Out	Total
<b>Warehouse</b> (Rates are the Average of ITE Land Use Categories 150, 154, 156, and 157)	379.66	Vehicle Trip Generation Rates (Trips Per 1,000 Square Feet of Gross Floor Area)						
		2.36	0.18	0.06	0.24	0.07	0.17	0.24
		Total Vehicle Trip Generation						
		896 954	70 75	21 22	91 97	26 27	66 70	91 97
	Mode Share	Project Trip Generation by Vehicle Type						
Passenger Cars (Percent of Total)	74.21%	665 708	52 55	16 17	68 72	19 20	49 52	68 72
2-Axle Trucks (Percent of Total)	4.55%	41 43	3 3	1 1	4 4	1 1	3 3	4 4
3-Axle Trucks (Percent of Total)	4.18%	37 40	3 3	1 1	4 4	1 1	3 3	4 4
4-Axle Trucks (Percent of Total)	17.04%	153 162	12 13	4 4	16 17	4 5	11 12	16 17
	PCE Factor	Project Trip Generation in Passenger Car Equivalents (PCE)						
Passenger Cars)	1.0	665 708	52 55	16 17	68 72	19 20	49 52	68 72
2-Axle Trucks	1.5	61 65	5 5	1 2	6 7	2 2	4 5	6 7
3-Axle Trucks	2.0	75 80	6 6	2 2	8 8	2 2	5 6	8 8
4 + Axle Trucks	3.0	458 487	36 38	11 11	47 50	13 14	34 36	47 50
<b>Total Passenger Car Equivalents (PCE)</b>		1,259 1,340	99 105	29 31	128 136	36 38	92 98	128 136

Notes:

KSF = Thousands of Square Feet.

AM / PM Peak Hour of Adjacent Street Traffic = Trip generation coinciding with the highest hourly volumes of traffic on the adjacent streets during the AM (7:00 AM and 9:00 AM) and PM (4:00 PM and 6:00 PM) commuter peak periods.

Source of trip generation rates: Institute of Transportation Engineers (ITE) Trip Generation (11th Edition). Average rates for land use category 150 (Warehouse).

Source of passenger car / truck mode share (percentage of total): South Coast Air Quality Management District High Cube Warehouse Trip Generation Study (2016). Based on data from eight high cube warehouses in the Inland Empire over 1,000,000 square feet in size. The average warehouse building size is 1,364,496 square feet.

Passenger Car Equivalents (PCE) factors: Industry standard values utilized in neighboring jurisdictions

The proposed project is consistent with the land use designation that is assigned to the project site. Furthermore, the proposed development would not be inconsistent with the policies included in the Town's North Apple Valley Industrial Specific Plan Chapter IV. Infrastructure Section A. Circulation, Roads and

Alternative Transportation. Navajo Road would be a major component of the area’s circulation system due to its location midway between Dale Evans Parkway and Central Road. Navajo Road, a Divided Major Arterial from Corwin Road to Johnson Road, and a Secondary Road from Johnson Road to Quarry Road. Johnson Road is depicted in the Town’s General Plan as a Major Road. At no time during construction will Johnson Road or Navajo Road be completely closed to traffic. All construction staging must occur on-site. During project operations, the project would have adequate emergency access to allow emergency vehicles to access the project site. Johnson Road or Navajo Road would not be closed due to the project’s operations. The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. *As a result, the impacts would be less than significant.*

**B. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b)? • Less than Significant Impact.**

A VMT analysis was prepared in accordance with the Town’s adopted Resolution No. 2021-08 (Adopting Thresholds of Significance for Vehicle Miles Traveled (VMT)). Under the California Environmental Quality Act (CEQA) which states that a development project would result in a significant project-generated VMT impact if either of the following conditions are satisfied:

1. The baseline project generated VMT per service population (population plus employees) exceeds the Town of Apple Valley General Plan Buildout VMT per service population, or
2. The cumulative (2040) project generated VMT per service population exceeds the Town of Apple Valley General Plan Buildout VMT per service population. In addition to project-generated VMT, the town adopted significance thresholds for a project’s effect on VMT in Apple Valley. The resolution states that a project’s effect on VMT would be considered significant if it resulted in either of the following conditions to be satisfied:
3. The baseline link-level boundary Town-wide VMT per service population increases under the plus project condition compared to the no project condition, or
4. The cumulative link-level boundary Town-wide VMT per service population increases under the plus project condition compared to the no project condition. The term “link-level boundary Town-wide” refers to all vehicle miles of travel on all roadways within the town limits of Apple Valley. The following describes the key findings and the conclusions of the VMT analysis.

The proposed project parcels are not in a low VMT-generating Traffic Analysis Zone (which are indicated in green) in baseline year 2023 and in future year 2040 conditions. The TAZ containing the project exceeds the county’s VMT / Service population threshold by more than 385% in baseline conditions and a little over 100% in future 2040 conditions. Because the project does not satisfy any of the county’s screening criteria it is required to prepare a VMT analysis.

The SBTAM model was used to estimate project-generated VMT for a baseline (2016) and a horizon year (2040) scenario. The SBTAM socioeconomic database for each scenario was updated with the project land use to calculate project VMT. The databases were also used to obtain the town’s population and employment to estimate service population. In both the baseline and horizon year scenarios, the VMT/service population

metric for the Johnson Road Industrial Building (Warehouse) project is less than the Town of Apple Valley’s general plan buildout significance threshold. The second analysis, the project’s effect on town-wide VMT, used the SBTAM model to estimate the VMT on all roadways within the town’s limits for the baseline and 2040 scenarios with and without the project. The metric indicating a significant impact (VMT/Service population) at a town-wide scale under the “with project” conditions compared to the metric under the “without project” conditions does not increase and does not satisfy the town’s significance threshold.

**Table 10 Project-Generated VMT Analysis**

Metric	2016 Baseline Conditions		2040 Conditions	
	Johnson Road Warehouse (project)	Town of Apple Valley General Plan Buildout (Threshold) [a]	Johnson Road Warehouse (project)	Town of Apple Valley General Plan Buildout (Threshold) [a]
Population	0		0	
Employment [b]	180		180	
Service Population	180		180	
OD VMT [c]	5,950		5,694	
OD VMT per service population	33.1	33.2	31.6	33.2

Notes:

[a] Source: SBCTA VMT Screening Tool: <https://www.gosbcta.com/vmtscreening>

[b] Source: SCAG Employment Density Study Summary Report, October 31, 2001 (using 2,111 square feet per employee).

[c] The project’s Origin/Destination (OD) VMT derived from the San Bernardino Traffic Analysis Model (SBTAM) Source of analysis: General Technologies and Solutions (GTS)

As shown in Table 10, the project-generated VMT concludes that the project-generated VMT metric of VMT / Service population is less than the VMT / Service population representing buildout of Apple Valley’s general plan and, therefore, the project does not cause a significant impact based on the town’s adopted significance thresholds for project-generated VMT. This study also concludes that the metric for the project’s “effects on town-wide VMT” –VMT / service population—for the baseline and horizon year scenarios “with the project” do not increase the metric over the “without project” scenarios. Therefore, the proposed Johnson Road Industrial Building (Warehouse) project does not have a significant impact based on the town’s adopted significance thresholds for the project’s effect on town-wide VMT. *As the result, the impacts would be less than significant.*

**C. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? • Less than Significant Impact.**

Access to the project site would be provided by three driveway connections with the north side of Johnson Road and two driveway connections with the west side of Navajo Road. The three driveways on the north side of Johnson Road would have a curb-to-curb width of 36-feet and would provide ingress and egress for vehicles. The southernmost driveway on Navajo Road would have a curb-to-curb width of 36-feet and would provide ingress and egress for vehicles while the northernmost driveway would have a curb-to-curb with of 50-feet and would provide ingress and egress for trucks to enter the loading and receiving area in the northern portion of the site. The internal drive aisles in the southerly portion of the site have a width of 36-feet. A total of 222 vehicle parking spaces for employees and patrons would be located along the building’s east, south, and west elevations and along the east perimeter of the site. Of this total, 203 spaces would be

standard spaces, 8 spaces would be ADA spaces, and 12 spaces would be reserved for EV vehicles. A total of 64 truck loading docks would be located along the building's north elevation. The maximum height of the new building would be 42-feet. Truck and trailer parking, consisting of 48 spaces, would be provided along the northern side of the site. A total of 6 EV spaces for trucks would be located along the building's north side. **The proposed project adheres to the Town's development standards related to setbacks and building height. The Applicant is requesting a variance for parking. The parking variance would permit the project to deviate from the City's parking standards to permit 222 parking spaces instead of the 438 parking spaces required under City Code. The project would provide a total of 455 spaces when including the truck parking spaces.** The proposed project will not expose future drivers to dangerous intersections or sharp curves and the proposed project will not introduce incompatible equipment or vehicles to the adjacent roads. The project Applicant would be required to construct and improve the project's frontage with Johnson Road from the western project limit to Navajo Road. The project will be required to dedicate land and construct the 71-foot half-width of a major divided parkway road section including the project's driveway accessing Johnson Road. This may include land dedication to accommodate additional lanes at the intersection of Johnson Road and Navajo Road if required by the town. The Applicant would also be required to construct access and site frontage improvements on Navajo Road including improvements to the project's frontage with Navajo Road. The project would also be required to dedicate land and construct the 44-foot half-width of Navajo Road's secondary road designation including the proposed driveway accessing Navajo Road. Improvements to Navajo Road may include land dedication to accommodate additional lanes at the intersection of Johnson Road and Navajo Road if required by the town. *With these required design measures, the impacts would be less than significant.*

**D. Would the project result in inadequate emergency access? • No Impact.**

The proposed project would not affect emergency access to the project itself or any adjacent parcels. At no time during construction will Johnson Road or Navajo Road be completely closed to traffic. All construction staging must occur on-site. During project operations, the project would have adequate emergency access to allow emergency vehicles to access the project site. Johnson Road or Navajo Road would not be closed due to the project's operations. As a result, no impacts are associated with the proposed project's implementation.

## **MITIGATION MEASURES**

The analysis of potential transportation impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

### 3.18 TRIBAL CULTURAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. 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) Would the project have 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). Would the project have resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1 In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American.		✘		

### SOURCES

Appendix C - Cultural Resources Report

Google Maps. Website accessed February 1, 2023.

Steen Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-O. September 2023.*

Town of Apple Valley Zoning Map. Website accessed February 2, 2024.

### THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on tribal cultural resources if it results in any of the following:

- The proposed project would 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 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).
- The proposed project would 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 a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section

5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

## ANALYSIS OF ENVIRONMENTAL IMPACTS

**A.** *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 • Less than Significant Impact with Mitigation.*

The proposed project involves the construction of a 404,057 square feet industrial warehouse. The total area of the site is 871,200 square feet which is approximately 18.71 acres. There will be 148 standard parking spaces, 12 EV parking spaces, and 6 accessible parking spaces with a total of 166 parking spaces. There will be 6 truck EV parking spaces and 86 trailer parking spaces with a total of 92 parking spaces. The site's Accessor Parcel Numbers (APNs) are 0463-213-26, 0463-213-27 and 0463-213-28. The zoning designation of the site is Specific Plan. A Tribal Resource is defined in Public Resources Code section 21074 and includes the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “non-unique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms to the criteria of subdivision (a).

DUKE CRM conducted a records search conducted by the South Central Coastal Information Center (SCCIC). The SCCIC located at the California State University, Fullerton is part of the California Historical Resources Information System (CHRIS). The records search included a review of all recorded cultural resources within a 1/2-mile radius of the Project, as well as a review of known cultural resource reports. In addition, the California Built Environment Resources Directory (BERD) was examined, which includes the National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, and California Points of Historical Interest. The BERD did not identify cultural resources within the Project.<sup>17</sup>

<sup>17</sup> Duke CRM. Cultural and Paleontological Resources Assessment for the Johnson/Navajo Road Project. January 26, 2023.

The records search from the SCCIC was conducted on January 18, 2023. The records search did not identify any cultural resources within 1/2 of the Project. Additionally, the SCCIC identified two (2) cultural resource studies within 1/2 mile of the Project, none of which covered the Project area (See Table 1 in Appendix C – Cultural Resources Report). Additionally, an inquiry to the Native American Heritage Commission (NAHC) was submitted to ascertain the presence of known sacred sites, Native American cultural resources, and/or human remains within the boundaries of the proposed Project. On January 15, 2023, the NAHC indicated that there have been no Native American cultural resources identified within the Sacred Lands File for the Project location (see Attachment 2 in Appendix C – Cultural Resources Report).

All potentially interested tribes identified by the NAHC were also contacted pursuant to AB-52 for information regarding their knowledge of cultural resources that were within or near the project area. The Yuhaaviatam of San Manuel Nation (YSMN) and the Morongo Band of Mission Indians responded with several mitigation measures, which are included below. Adherence to the mitigation measures presented in Subsection Mitigation Measures will minimize potential impacts to levels that are less than significant.

**i. *Would the 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), • No Impact***

Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources as defined in subdivision (k) of Section 5020.1. The project site is not listed in the California Register of Historical Resources or Apple Valley's Historical Resources Register. *As a result, no impacts would occur.*

**ii. *Would the project have a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1 In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe? • Less than Significant Impact with Mitigation.***

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

A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “non-unique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms to the criteria of subdivision (a).

The NAHC search of their Sacred Lands File to identify any spiritually significant and/or sacred sites or traditional use areas in the project vicinity were negative. Additionally, all potentially interested tribes identified by the NAHC were also contacted pursuant to AB-52 for information regarding their knowledge of cultural resources that were within or near the project area and no resources were identified within the project site. In case previously unearthed resources are found on the project site, the Yuhaaviatam of San Manuel Nation and the Morongo Band of Mission Indians have responded with the following mitigation measures:

*Tribal Cultural Resources Mitigation Measure No. 1.* The Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN) shall be contacted, as detailed in CUL-1, of any pre-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

*Tribal Cultural Resources Mitigation Measure No. 2.* Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

*Tribal Cultural Resources Mitigation Measure No. 3.* Tribal Monitoring Services Agreement Prior to the issuance of grading permits, the applicant shall enter into a Tribal Monitoring Services Agreement with the Morongo Band of Mission Indians (MBMI) for the Project. The Tribal Monitor shall be on-site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources.

*Tribal Cultural Resources Mitigation Measure No. 4.* Retention of Archaeologist Prior to any ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post replacement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind), and prior to the issuance of grading permits, the Applicant shall retain a Qualified Archaeologist who meets the U.S. Secretary of the Interior Standards (SOI). The Archaeologist shall be present during all ground-disturbing activities to identify any known or suspected archaeological and/or cultural resources. The Archaeologist will conduct a Cultural Resource Sensitivity Training, in conjunction with the Tribe[s] Tribal Historic Preservation Officer (THPO), and/or designated Tribal Representative. The training session will focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event.

*Tribal Cultural Resources Mitigation Measure No. 5.* Cultural Resource Management Plan Prior to any ground-disturbing activities the project Archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. This Plan shall be written in consultation with the consulting Tribe[s] and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the project schedule.

*Tribal Cultural Resources Mitigation Measure No. 6.* Pre-Grade Meeting The retained Qualified archeologist and Consulting Tribe[s] representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.

*Tribal Cultural Resources Mitigation Measure No. 7.* On-site Monitoring During all ground-disturbing activities the Qualified Archaeologist and the Tribal Monitor shall be on-site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Tribal Monitoring will be discontinued when the depth of grading and the soil conditions no longer retain the potential to contain cultural deposits. The Qualified Archaeologist, in consultation with the Tribal Monitor, shall be responsible for determining the duration and frequency of monitoring.

*Tribal Cultural Resources Mitigation Measure No. 8.* Inadvertent Discovery of Cultural Resources In the event that previously unidentified cultural resources are unearthed during construction, the Qualified Archaeologist and the Tribal Monitor shall have the authority to temporarily divert and/or temporarily halt ground-disturbance operations in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non- significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

If a potentially significant cultural resource(s) is discovered, work shall stop within a 60-foot perimeter of the discovery and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find, so that the find can be evaluated by the Qualified Archaeologist and Tribal Monitor[s]. The Archaeologist shall notify the Lead Agency and consulting Tribe[s] of said discovery. The Qualified Archaeologist, in consultation with the Lead Agency, the consulting Tribe[s], and the Tribal Monitor, shall determine the significance of the discovered resource. A recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the Qualified Archaeologist in consultation with the Tribe[s] and the Tribal Monitor[s] and be submitted to the Lead Agency for review and approval. Below are the possible treatments and dispositions of significant cultural resources in order of CEQA preference:

- A. Full avoidance.
- B. If avoidance is not feasible, Preservation in place.
- C. If Preservation in place is not feasible, all items shall be reburied in an area away from any future impacts and reside in a permanent conservation easement or Deed Restriction.
- D. If all other options are proven to be infeasible, data recovery through excavation and then curation in a Curation Facility that meets the Federal Curation Standards (CFR 79.1)

*Tribal Cultural Resources Mitigation Measure No. 9.* Inadvertent Discovery of Human Remains The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].

- A. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours

of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.

B. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.

C. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98

D. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.

*Tribal Cultural Resources Mitigation Measure No. 10.* FINAL REPORT: The final report[s] created as a part of the project (AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe[s] for review and comment. After approval of all parties, the final reports are to be submitted to the Eastern Information Center, and the Consulting Tribe[s]

Adherence to the above mitigations *would reduce impacts to less than significant impact.*

## **MITIGATION MEASURES**

The following mitigation measures are required as a means to reduce potential tribal cultural resources impacts to levels that are less than significant:

The following mitigation measures will be required to address potential cultural resources impacts:

*Tribal Cultural Resources Mitigation Measure No. 1.* The Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN) shall be contacted, as detailed in CUL-1, of any pre-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

*Tribal Cultural Resources Mitigation Measure No. 2.* Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or

applicant shall, in good faith, consult with YSMN throughout the life of the project.

*Tribal Cultural Resources Mitigation Measure No. 3.* Tribal Monitoring Services Agreement Prior to the issuance of grading permits, the applicant shall enter into a Tribal Monitoring Services Agreement with the Morongo Band of Mission Indians (MBMI) for the Project. The Tribal Monitor shall be on-site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources.

*Tribal Cultural Resources Mitigation Measure No. 4.* Retention of Archaeologist Prior to any ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post replacement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind), and prior to the issuance of grading permits, the Applicant shall retain a Qualified Archaeologist who meets the U.S. Secretary of the Interior Standards (SOI). The Archaeologist shall be present during all ground- disturbing activities to identify any known or suspected archaeological and/or cultural resources. The Archaeologist will conduct a Cultural Resource Sensitivity Training, in conjunction with the Tribe[s] Tribal Historic Preservation Officer (THPO), and/or designated Tribal Representative. The training session will focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event.

*Tribal Cultural Resources Mitigation Measure No. 5.* Cultural Resource Management Plan Prior to any ground-disturbing activities the project Archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. This Plan shall be written in consultation with the consulting Tribe[s] and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the project schedule.

*Tribal Cultural Resources Mitigation Measure No. 6.* Pre-Grade Meeting The retained Qualified archeologist and Consulting Tribe[s] representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.

*Tribal Cultural Resources Mitigation Measure No. 7.* On-site Monitoring During all ground-disturbing activities the Qualified Archaeologist and the Tribal Monitor shall be on-site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Tribal Monitoring will be discontinued when the depth of grading and the soil conditions no longer retain the potential to contain cultural deposits. The Qualified Archaeologist, in consultation with the Tribal Monitor, shall be responsible for determining the duration and frequency of monitoring.

*Tribal Cultural Resources Mitigation Measure No. 8.* Inadvertent Discovery of Cultural Resources In the event that previously unidentified cultural resources are unearthed during construction, the Qualified Archaeologist and the Tribal Monitor shall have the authority to temporarily divert and/or temporarily halt ground-disturbance operations in the area of discovery to allow for the evaluation of

potentially significant cultural resources. Isolates and clearly non- significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

If a potentially significant cultural resource(s) is discovered, work shall stop within a 60-foot perimeter of the discovery and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find, so that the find can be evaluated by the Qualified Archaeologist and Tribal Monitor[s]. The Archaeologist shall notify the Lead Agency and consulting Tribe[s] of said discovery. The Qualified Archaeologist, in consultation with the Lead Agency, the consulting Tribe[s], and the Tribal Monitor, shall determine the significance of the discovered resource. A recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the Qualified Archaeologist in consultation with the Tribe[s] and the Tribal Monitor[s] and be submitted to the Lead Agency for review and approval. Below are the possible treatments and dispositions of significant cultural resources in order of CEQA preference:

- A. Full avoidance.
- B. If avoidance is not feasible, Preservation in place.
- C. If Preservation in place is not feasible, all items shall be reburied in an area away from any future impacts and reside in a permanent conservation easement or Deed Restriction.
- D. If all other options are proven to be infeasible, data recovery through excavation and then curation in a Curation Facility that meets the Federal Curation Standards (CFR 79.1)

*Tribal Cultural Resources Mitigation Measure No. 9.* Inadvertent Discovery of Human Remains The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].

A. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.

B. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.

C. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave

goods pursuant to PRC §5097.98

D. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to reburial the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.

*Tribal Cultural Resources Mitigation Measure No. 10. FINAL REPORT:* The final report[s] created as a part of the project (AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe[s] for review and comment. After approval of all parties, the final reports are to be submitted to the Eastern Information Center, and the Consulting Tribe[s].

### 3.19 UTILITIES AND SERVICE SYSTEMS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			✘	
B. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?			✘	
C. Would the project result in a determination by the waste water 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?			✘	
D. Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			✘	
E. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				✘

#### SOURCES

Appendix E – Utilities Calculations.

Google Maps. Website accessed February 1, 2023.

Steen Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-0. September 2023.*

Town of Apple Valley Zoning Map. Website accessed February 2, 2024.

#### THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on utilities if it results in any of the following:

- The proposed project would 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.
- The proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.
- The proposed project would result in a determination by the wastewater treatment provider which serves or may serve the proposed project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

- The proposed project would 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.
- The proposed project would negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals.
- The proposed project would comply with Federal, State, and local management and reduction statutes and regulations related to solid waste.

## ANALYSIS OF ENVIRONMENTAL IMPACTS

**A.** *Would the project require or result in 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? • Less than Significant Impact.*

The proposed project would be a 404,057 square foot industrial warehouse. The total ~~net~~**gross** land area of the site is 871,200 square feet which is approximately 18.71 acres. As indicated previously, the new building would have a total floor area of 404,057 square feet. Two separate office areas would be located at the southeast and southwest corners of the new building. Of the new building's total floor area, 391,638 square feet would be warehouse uses and 12,419 square feet would be office space. A total of 64 truck loading docks would be located along the building's north elevation. The zoning designation of the site is *Specific Plan*.

There are no existing water or wastewater treatment plants, electric power plants, telecommunications facilities, natural gas facilities, or stormwater drainage infrastructure located on-site. The project site is currently undeveloped and has existing sewer and water connections adjacent to the project site. The proposed project's connection can be adequately handled by the existing infrastructure. *As a result, the impacts will be less than significant.*

**B.** *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? • Less than Significant Impact.*

The project site and the surrounding area is under the jurisdiction of the Mojave Water Agency (MWA). The MWA has four-(4) contracts and is entitled to 85,800 acre-feet cumulative per year of supplemental water from the California Water Project (CWP or California Aqueduct) along with another 4,000 acre-feet in January 2020. The original 50,800 acre-feet entitlement of the CWP has been available for 50+ years and the MWA has purchased additional water transfers (first of several from Dudley Ranch) on March 26, 1996, which increased the entitlement by 25,000 acre-feet yearly. Only 7,257 acre-feet per year has been committed to the Morongo Basin, leaving 82,543 acre-feet available to provide "Supplement/Make Up Water" under MWA's jurisdiction in 2020. The proposed project would be required to connect with local sanitary 12-inch sewer line in Johnson Road and a 16-inch water line located in Navajo Road north of the project site. This water line is owned by Liberty Utilities. The anticipated water demand for the proposed project is summarized in Table 11. The applicant will need a letter from the Town of Apple Valley Water Department (VWD) in order to ensure water can be served to the site.

**Table 11 Projected Water Consumption**

Project Element	Consumption Rate	Project Consumption
Warehouse (404,057 sq. ft.)	0.045 /day/sq. ft.	18,460.8 gals./day
Total		18,460.8 gals./day

Source: Blodgett Baylosis Environmental Planning

The proposed project will be required to implement all Town water conservation regulations. *As a result, the impacts will be less than significant.*

**C.** *Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? • Less than Significant Impact.*

The Town of Apple Valley owns, operates, and maintains the local wastewater collection system. Wastewater facilities needed to serve the Town are identified in the Town's Sewer Master Plan (2013). This document is slated for an update within the next few years to ensure the system's adequacy to meet future needs of the Town's build out. Currently the Town has force main lines and gravity sewer lines of from 6 inches to 24 inches in diameter that connect to regional intercept lines that convey wastewater to a wastewater treatment plant operated by the Victor Valley Wastewater Treatment Authority (VWVRA) in Victorville. Currently the Town has force main lines and gravity sewer lines of from 6 inches to 24 inches in diameter that connect to regional intercept lines that convey wastewater to a wastewater treatment plant operated by the Victor Valley Wastewater Treatment Authority (VWVRA) in Victorville.

Table 12 indicates the proposed projects anticipated effluent generation rate. The proposed project would be required to connect with local sanitary 12-inch sewer line in Johnson Road and a 16-inch water line located in Navajo Road north of the project site. This water line is owned by Liberty Utilities. The VWVRA was formed by the Mojave Water Agency to help meet the requirements of the Clean Water Act and to provide wastewater treatment for the growing area. The Authority's first treatment plant began operating in 1981, providing treatment for up to 4.5 million gallons of wastewater per day. Since that time, VWVRA has had several plant upgrades and several capacity increases. Current sewer treatment capacity of the VWVRA facility is 14 million gallons per day, and plans are currently being developed to process as many as 22 million gallons per day of wastewater. The local infrastructure would have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments in conjunction with associated fees and existing plans, as applicable and as needed. *As a result, the impacts will be less than significant.*

**Table 12 Projected Effluent Generation**

Project Element	Generation Rate	Project Generation
Warehouse (404,057 sq. ft.)	0.025 gals./day/sq. ft.	10,256 gals./day
Total		10,256 gals./day

Source: Blodgett Baylosis Environmental Planning

**D. Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? • Less than Significant Impact.**

The Town of Apple Valley contracts with Burrtec Waste Industries of Fontana, California for the collection and disposal of solid waste. Burrtec provides weekly curbside pick-up of recyclable materials for residential, commercial and industrial development. Solid waste collected in the planning area by Burrtec is hauled to the Victorville landfill, approximately 12 miles to the northwest and is a part of the San Bernardino County landfill system. The operating permit for the Victorville landfill allows for a maximum of 3,000 tons a day. Currently, it receives an average of 900 tons per day. Table 13 indicates the proposed projects anticipated solid waste generation rate which would be 3,663.5 pounds per day.

**Table 13 Projected Solid Waste Generation**

Project Element	Generation Rate	Project Generation
Warehouse (404,057 sq. ft.)	8.93 lbs./day/Unit	3,663.5 lbs./day
Total		3,663.5 lbs./day

Source: Blodgett Baylosis Environmental Planning

The Town of Apple Valley utilizes the Town of Apple Valley Landfill for solid waste disposal. This landfill is operated by the Solid Waste Management Division of the San Bernardino County Public Works Department in accordance with a Waste Disposal Agreement between the Town and the County. The Town of Apple Valley landfill currently operates on 67-acres of a total 491-acre property with a capacity of 1,180 tons per day. The operating permit for the Victorville landfill allows for a maximum of 3,000 tons a day. Currently, it receives an average of 900 tons per day. *The impacts will be less than significant.*

**E. Would the project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste? • No Impact.**

The proposed project, like all other development in Town of Apple Valley and San Bernardino County, will be required to adhere to Town and County ordinances with respect to waste reduction and recycling. As a result, no impacts related to State and local statutes governing solid waste are anticipated.

**MITIGATION MEASURES**

The analysis of utilities impacts indicated that no significant adverse impacts would result from the proposed project’s approval and subsequent implementation. As a result, no mitigation is required.

### 3.20 WILDFIRE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?				✗
B. Would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				✗
C. Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				✗
D. 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?				✗

#### SOURCES

Google Maps. Website accessed February 1, 2023.

Steen Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-0. September 2023.*

Town of Apple Valley Zoning Map. Website accessed February 2, 2024.

#### THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on wildfire risk and hazards if it results in any of the following:

- The proposed project would, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, substantially impair an adopted emergency response plan or emergency evacuation plan.
- The proposed project would, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.
- The proposed project would, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

- The proposed project would, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, 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.

## ANALYSIS OF ENVIRONMENTAL IMPACTS

**A. Would the project substantially impair an adopted emergency response plan or emergency evacuation plan? • No Impact.**

The proposed project would be a 404,057 square foot industrial warehouse. The total ~~net~~**gross** land area of the site is 871,200 square feet which is approximately 18.71 acres. As indicated previously, the new building would have a total floor area of 404,057 square feet. Two separate office areas would be located at the southeast and southwest corners of the new building. Of the new building's total floor area, 391,638 square feet would be warehouse uses and 12,419 square feet would be office space. The zoning designation of the site is *Specific Plan*.<sup>18</sup> Surface streets will be improved by pavement at construction and will serve the project site and adjacent area. Furthermore, the proposed project would not involve the closure or alteration of any existing evacuation routes that would be important in the event of a wildfire. At no time during construction will any of the adjacent streets be completely closed to traffic. All construction staging must occur on-site. *As a result, no impacts will occur.*

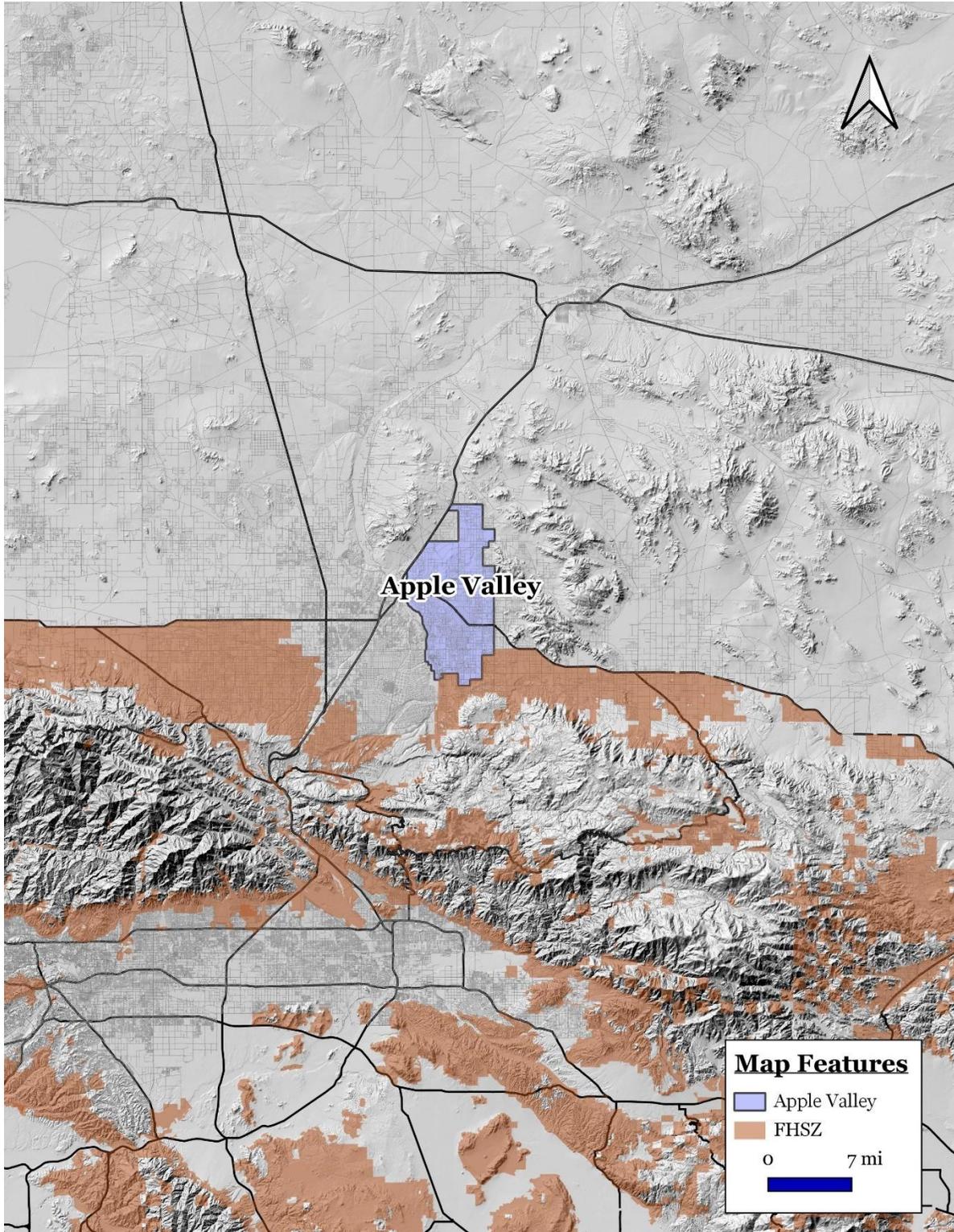
**B. Would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? • No Impact.**

The project site is not located within any fire hazard severity zones. The proposed project may be exposed to particulate emissions generated by wildland fires in the mountains (the site is located approximately 20 miles northeast and north of the San Gabriel and San Bernardino Mountains). However, the potential impacts would not be exclusive to the project site since criteria pollutant emissions from wildland fires may affect the entire Town as well as the surrounding cities and unincorporated county areas. *As a result, no impacts will occur.*

**C. Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? • No Impact.**

The project site is not located in an area that is classified as a moderate fire risk severity within a Local Responsibility Area (LRA), and therefore will not require the installation of specialized infrastructure such as fire roads, fuel breaks, or emergency water sources. *As a result, no impacts will occur.*

<sup>18</sup> Steeno Design Studio, Inc. *Project: Industrial Development Amargosa, LLC. Site Plan, Sheet A-0. September 2023.*



**EXHIBIT 11 FHSZ MAP**

SOURCE: CALFIRE

**D.** *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? • No Impact.*

There is no risk from wildfire within the project site or the surrounding area given the project site's distance from any area that may be subject to a wildfire event. The proposed project site is not located within an area classified as very high fire hazard severity zones and is not within a flood zone. Therefore, the project will not expose future employees to flooding or landslides facilitated by runoff flowing down barren and charred slopes. *As a result, no impacts will occur.*

### **MITIGATION MEASURES**

The analysis of wildfire impacts indicated that less than significant impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

### 3.21 MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		✘		
B. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				✘
C. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				✘

The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this environmental assessment:

- A. The proposed project *will not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. As indicated in Section 3.1 through 3.20, the proposed project will not result in any significant unmitigable environmental impacts. Mitigation measures include *Biological Resources Mitigation Measures No. 1 through 6, Cultural Resources Mitigation Measures No. 1 through 5, Geological Resources Mitigation Measure No. 1, Hazards & Hazardous Materials Mitigation Measure No.1, and Tribal Cultural Resources Mitigation Measures No. 1 through 10.*
- B. The proposed project *will not* have impacts that are individually limited, but cumulatively considerable. The environmental impacts will not lead to a cumulatively significant impact on any of the issues analyzed herein.
- C. The proposed project *will not* have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. As indicated in Section 3.1 through 3.20, the proposed project will not result in any significant unmitigable environmental impacts.



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## SECTION 4 CONCLUSIONS

### 4.1 FINDINGS

The Initial Study determined that the proposed project is not expected to have significant adverse environmental impacts. The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this Initial Study:

- The proposed project *will not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species or eliminate important examples of the major periods of California history or prehistory.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable.
- The proposed project *will not* have environmental effects which will cause substantially adverse effects on human beings, either directly or indirectly.

### 4.2 MITIGATION MONITORING

In addition, pursuant to Section 21081(a) of the Public Resources Code, findings must be adopted by the decision-maker coincidental to the approval of a Negative Declaration. These findings shall be incorporated as part of the decision-maker's findings of fact, in response to AB-3180 and in compliance with the requirements of the Public Resources Code. In accordance with the requirements of Section 21081(a) and 21081.6 of the Public Resources Code, the Town of Apple Valley can make the following additional findings: a mitigation monitoring and reporting program will be required.

#### FINDINGS RELATED TO MITIGATION MONITORING

The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of the Initial Study that was prepared for the proposed project:

- The proposed project *will not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species or eliminate important examples of the major periods of California history or prehistory.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable.
- The proposed project *will not* have environmental effects which will cause substantially adverse effects on human beings, either directly or indirectly.

In addition, pursuant to Section 21081(a) of the Public Resources Code, findings must be adopted by the decision-maker coincidental to the approval of a Negative Declaration. These findings shall be incorporated as part of the decision-maker's findings of fact, in response to AB-3180 and in compliance with the requirements of the Public Resources Code. In accordance with the requirements of Section 21081(a) and 21081.6 of the Public Resources Code, the Town of Apple Valley can make the following additional findings that a mitigation monitoring and reporting program will be required.

## MITIGATION MEASURES

The analysis of biological impacts determined that the following mitigation measures would be required to reduce the project's impacts to levels that would be less than significant.

*Biological Resources Mitigation Measure No. 1.* The western Joshua tree is a candidate threatened species under the California Endangered Species Act. Prior to the initiation of western Joshua tree removal, relocation, replanting, trimming, or pruning or any activity that may result in take of WJT on site, the Project Proponent shall obtain California Endangered Species Act Incidental Take Permit under Section 2081b of the CESA, or under the Western Joshua Tree Conservation Act (WJTCA) of Fish and Game Code (§§ 1927- 1927.12). California Fish and Game Code section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill". Mitigation for CESA will occur at a minimum 1:1 or per the stem count per the WJTCA census in lieu fee. The Project site falls within an area of the WJTCA which qualifies for reduced Mitigation Fees for impacts to western Joshua trees (Fish and Wildlife Code, Section 1927). The reduced Mitigation Fees are as follows [Fish and Wildlife Code, Section 1927.3 (d)]: 1. Trees 5 meters or greater in height - \$1,000; 2. Trees 1 meter or greater but less than 5 meters in height - \$200; 3. Trees less than 1 meter in height - \$150. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem or trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. Additionally, California Department of Fish and Wildlife (CDFW) may require relocation of WJT based on the final WJT census. A Relocation Plan must be approved by CDFW prior to the issuance of a WJTCA ITP.

*Biological Resources Mitigation Measure No. 2.* If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds shall be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

*Biological Resources Mitigation Measure No. 3.* A burrowing owl focused survey is recommended to be conducted to ensure the absence of burrowing owl from the project site. The focused survey will conform to the protocol detailed in the 2012 CDFW Staff Report on Burrowing Owl Mitigation. The survey will consist of four (4) visits, with at least one (1) survey between February 15 and April 15 and a minimum of three (3) surveys at least three weeks apart between April 15 and July 15, with at least one survey after June 15. Although not anticipated, if burrowing owl are found onsite during the survey, coordination will need to occur with CDFW to determine if avoidance and minimization measures can be implemented to avoid any direct or indirect impacts to burrowing owl, or if a “Take” permit will need to be prepared and approved by CDFW.

*Biological Resources Mitigation Measure No. 4.* A desert tortoise presence/absence survey is recommended to be conducted to ensure desert tortoise are absence from the project stie and will not be impacted by project implementation. Survey transects shall be spaced at 10-meter (33-foot) intervals throughout the undeveloped portions of the project area to provide 100 percent visual coverage and increase the likelihood of locating desert tortoise and/or sign. All burrows, if present, will be thoroughly inspected for the presence of desert tortoise or evidence of recent use using non-intrusive methods (i.e., mirror, digital camera). Burrow characteristics including class, shape, orientation, size, and evidence of deterioration will be recorded on field data sheets. Although not anticipated, if desert tortoise are found onsite during the survey, coordination will need to occur with the USFWS and CDFW to determine if avoidance and minimization measures can be implemented to avoid any direct or indirect impacts to desert tortoise, or if “Take” permits will need to be prepared and approved by the USFWS and CDFW.

*Biological Resources Mitigation Measure No. 5.* Pursuant to Section 1602 of the California Fish and Game Code, the CDFW regulates any activity that will divert or obstruct the natural flow or alter the bed, channel, or bank (which may include associated biological resources) of a river or stream. CDFW jurisdictional areas were observed within the project site at the time of the investigation. Therefore, a Section 1602 Streambed Alteration Agreement from the CDFW will be required prior to project implementation.

*Biological Resources Mitigation Measure No. 6.* The Regional Water Quality Control Board regulates discharges to surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act. Regional Board jurisdictional areas were identified within the project site and a Report of Waste Discharge will be required for the proposed project for impacts to the onsite drainage features.

The following mitigation measures would be required to address potential cultural resources impacts:

*Cultural Resources Mitigation Measure No. 1.* In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

*Cultural Resources Mitigation Measure No. 2.* If significant pre-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

*Cultural Resources Mitigation Measure No. 3.* If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

*Cultural Resources Mitigation Measure No. 4.* A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the Town of Apple Valley prior to building final.

*Cultural Resources Mitigation Measure No. 5.* Prior to the initiation of ground-disturbing activities, field personnel shall be alerted to the possibility of buried prehistoric or historic cultural deposits and paleontological resources. In the event that field personnel encounter buried cultural materials and/or paleontological resources, work in the immediate vicinity of the find shall cease and a qualified archaeologist/paleontologist must be retained to assess the significance of the find. The qualified archaeologist/paleontologist shall have the authority to stop or divert construction excavation as necessary. If the qualified archaeologist/paleontologist finds that any cultural resources present meet eligibility requirements for listing on the California register or the national register of historic places (national register), plans for the treatments, evaluation, and mitigation of impacts to the find will need to be developed. Prehistoric or historic cultural materials that may be encountered during ground-disturbing activities include:

- Historic-period artifacts such as glass bottles and fragments, cans, nails, ceramic and pottery fragments, and other metal objects;
- Historic-period structural or building foundations, walkways, cisterns, pipes, privies, and other structural elements;
- Pre-historic flaked-stone artifacts and debitage (waste material), consisting of obsidian, basalt, and/or cryptocrystalline silicates;
- Dark, greasy soil that may be associated with charcoal, ash, bone, shell, flaked stone, ground stone and fire affected rocks; and Human remains.

The surface deposits in the proposed project area are composed entirely of younger Quaternary Alluvium. This younger Quaternary Alluvium is unlikely to contain significant vertebrate fossils, at least in the uppermost layers. Two mitigation measures (Mitigation Measure 1 and Mitigation Measure 2) included in Section 3.5 Cultural Resources would also address the potential for the discovery of paleontological resources that may be encountered during ground disturbance. These measures are listed below:

*Paleontological Resources Mitigation Measure No. 1.* In the event that paleontological resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist/paleontologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area

may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

*Paleontological Resources Mitigation Measure No. 2.* If significant paleontological resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

The analysis of potential impacts related to hazards and hazardous materials indicated that following mitigation measures would be required to reduce the project's impacts to levels that would be less than significant.

*Hazards & Hazardous Materials Mitigation Measure No.1* The Applicant will be required to prepare a safety and hazard mitigation plan that indicates those protocols that must be adhered to in the event of an accident. This plan will be reviewed and approved by the Town of Apple Valley prior to the issuance of the Occupancy Permit.

The following mitigation measures are required as a means to reduce potential tribal cultural resources impacts to levels that are less than significant:

*Tribal Cultural Resources Mitigation Measure No. 1.* The Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN) shall be contacted, as detailed in CUL-1, of any pre-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

*Tribal Cultural Resources Mitigation Measure No. 2.* Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

*Tribal Cultural Resources Mitigation Measure No. 3.* Prior to the issuance of grading permits, the applicant shall enter into a Tribal Monitoring Services Agreement with the Morongo Band of Mission Indians (MBMI) for the Project. The Tribal Monitor shall be on-site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources.

*Tribal Cultural Resources Mitigation Measure No. 4.* Prior to any ground-disturbing activities

(including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post replacement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind), and prior to the issuance of grading permits, the Applicant shall retain a Qualified Archaeologist who meets the U.S. Secretary of the Interior Standards (SOI). The Archaeologist shall be present during all ground- disturbing activities to identify any known or suspected archaeological and/or cultural resources. The Archaeologist will conduct a Cultural Resource Sensitivity Training, in conjunction with the Tribe[s] Tribal Historic Preservation Officer (THPO), and/or designated Tribal Representative. The training session will focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event.

*Tribal Cultural Resources Mitigation Measure No. 5.* Prior to any ground-disturbing activities the project Archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. This Plan shall be written in consultation with the consulting Tribe[s] and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the project schedule.

*Tribal Cultural Resources Mitigation Measure No. 6.* The retained Qualified archeologist and Consulting Tribe[s] representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.

*Tribal Cultural Resources Mitigation Measure No. 7.* During all ground-disturbing activities the Qualified Archaeologist and the Tribal Monitor shall be on-site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Tribal Monitoring will be discontinued when the depth of grading and the soil conditions no longer retain the potential to contain cultural deposits. The Qualified Archaeologist, in consultation with the Tribal Monitor, shall be responsible for determining the duration and frequency of monitoring.

*Tribal Cultural Resources Mitigation Measure No. 8.* In the event that previously unidentified cultural resources are unearthed during construction, the Qualified Archaeologist and the Tribal Monitor shall have the authority to temporarily divert and/or temporarily halt ground-disturbance operations in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non- significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed. If a potentially significant cultural resource(s) is discovered, work shall stop within a 60-foot perimeter of the discovery and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find, so that the find can be evaluated by the Qualified Archaeologist and Tribal Monitor[s]. The Archaeologist shall notify the Lead Agency and consulting Tribe[s] of said discovery. The Qualified Archaeologist, in consultation with the Lead Agency, the consulting Tribe[s], and the Tribal Monitor, shall determine the significance of the discovered resource. A recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the Qualified Archaeologist in consultation with the Tribe[s] and the Tribal Monitor[s] and be submitted to the Lead Agency for review and approval. Below are the possible treatments and dispositions of significant cultural resources in order of CEQA preference: A.

Full avoidance. B. If avoidance is not feasible, Preservation in place. If Preservation in place is not feasible, all items shall be reburied in an area away from any future impacts and reside in a permanent conservation easement or Deed Restriction. If all other options are proven to be infeasible, data recovery through excavation and then curation in a Curation Facility that meets the Federal Curation Standards (CFR 79.1)

*Tribal Cultural Resources Mitigation Measure No. 9.* The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].

A. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.

B. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.

C. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98

D. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.

*Tribal Cultural Resources Mitigation Measure No. 10.* The final report[s] created as a part of the project (AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe[s] for review and comment. After approval of all parties, the final reports are to be submitted to the Eastern Information Center, and the Consulting Tribe[s]

## **MITIGATION MONITORING MATRIX**

The monitoring and reporting for the mitigation measures, including the period for implementation, monitoring agency, and the monitoring action, are identified in Table 14.

<b>Table 14 Mitigation Monitoring Program</b>			
<b>MEASURE</b>	<b>ENFORCEMENT AGENCY</b>	<b>MONITORING PHASE</b>	<b>VERIFICATION</b>
<p><i>Biological Resources Mitigation Measure No. 1.</i> The western Joshua tree is a candidate threatened species under the California Endangered Species Act. Prior to the initiation of western Joshua tree removal, relocation, replanting, trimming, or pruning or any activity that may result in take of WJT on site, the Project Proponent shall obtain California Endangered Species Act Incidental Take Permit under Section 2081b of the CESA, or under the Western Joshua Tree Conservation Act (WJTCA) of Fish and Game Code (§§ 1927- 1927.12). California Fish and Game Code section 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”. Mitigation for CESA will occur at a minimum 1:1 or per the stem count per the WJTCA census in lieu fee. The Project site falls within an area of the WJTCA which qualifies for reduced Mitigation Fees for impacts to western Joshua trees (Fish and Wildlife Code, Section 1927). The reduced Mitigation Fees are as follows [Fish and Wildlife Code, Section 1927.3 (d)]: 1. Trees 5 meters of greater in height - \$1,000; 2. Trees 1 meter or greater but less than 5 meters in height - \$200; 3. Trees less than 1 meter in height - \$150. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. Additionally, California Department of Fish and Wildlife (CDFW) may require relocation of WJT based on the final WJT census. A Relocation Plan must be approved by CDFW prior to the issuance of a WJTCA ITP.</p>	<p>Town of Apple Valley Planning Division</p> <p><i>(The Applicant is responsible for implementation)</i></p>	<p><i>Prior to the start of any construction related activities.</i></p> <p>Mitigation ends at the completion of the construction phase.</p>	<p>Date:</p> <p>Name &amp; Title:</p>
<p><i>Biological Resources Mitigation Measure No. 2.</i> If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds shall be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.</p>	<p>Town of Apple Valley Planning Division</p> <p><i>(The Applicant is responsible for implementation)</i></p>	<p><i>Prior to the start of any construction related activities.</i></p> <p>Mitigation ends at the completion of the construction phase.</p>	<p>Date:</p> <p>Name &amp; Title:</p>
<p><i>Biological Resources Mitigation Measure No. 3.</i> A burrowing owl focused survey is recommended to be conducted to ensure the absence of burrowing owl from the project site. The focused survey will conform to the protocol detailed in the 2012 CDFW Staff Report on Burrowing Owl Mitigation. The survey will consist of four (4) visits, with at least one (1) survey between February 15 and April 15 and a minimum of three (3) surveys at least three weeks apart between April 15 and July 15, with at least one survey after June 15. Although not anticipated, if burrowing owl are found onsite during the survey, coordination will need to occur with CDFW to determine if avoidance and minimization measures can be implemented to avoid any direct or indirect impacts to burrowing owl, or if a “Take” permit will need to be prepared and approved by CDFW.</p>	<p>Town of Apple Valley Planning Division</p> <p><i>(The Applicant is responsible for implementation)</i></p>	<p><i>Prior to the start of any construction related activities.</i></p> <p>Mitigation ends at the completion of the construction phase.</p>	<p>Date:</p> <p>Name &amp; Title:</p>
<p><i>Biological Resources Mitigation Measure No. 4.</i> A desert tortoise presence/absence survey is recommended to be conducted to ensure desert tortoise are absence from the project stie and will not be impacted by project implementation. Survey transects shall be spaced at 10-meter (33-foot) intervals throughout the undeveloped portions of the project area to provide 100 percent visual coverage and increase the likelihood of locating desert tortoise and/or sign. All burrows, if present, will be thoroughly inspected for the presence of desert tortoise or evidence of recent use using non-intrusive methods (i.e., mirror, digital camera). Burrow characteristics including class, shape, orientation, size, and evidence of deterioration will be recorded on field data sheets. Although not anticipated, if desert tortoise are found onsite during the survey, coordination will need to occur with the USFWS and CDFW to determine if avoidance and minimization</p>	<p>Town of Apple Valley Planning Division</p> <p><i>(The Applicant is responsible for implementation)</i></p>	<p><i>Prior to the start of any construction related activities.</i></p> <p>Mitigation ends at the completion of the construction phase.</p>	<p>Date:</p> <p>Name &amp; Title:</p>

**Table 14 Mitigation Monitoring Program**

MEASURE	ENFORCEMENT AGENCY	MONITORING PHASE	VERIFICATION
measures can be implemented to avoid any direct or indirect impacts to desert tortoise, or if “Take” permits will need to be prepared and approved by the USFWS and CDFW.			
<i>Biological Resources Mitigation Measure No. 5.</i> Pursuant to Section 1602 of the California Fish and Game Code, the CDFW regulates any activity that will divert or obstruct the natural flow or alter the bed, channel, or bank (which may include associated biological resources) of a river or stream. CDFW jurisdictional areas were observed within the project site at the time of the investigation. Therefore, a Section 1602 Streambed Alteration Agreement from the CDFW will be required prior to project implementation.	Town of Apple Valley Planning Division  <i>(The Applicant is responsible for implementation)</i>	<i>During the project's construction phase.</i>	Date:  Name & Title:
<i>Biological Resources Mitigation Measure No. 6.</i> The Regional Water Quality Control Board regulates discharges to surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act. Regional Board jurisdictional areas were identified within the project site and a Report of Waste Discharge will be required for the proposed project for impacts to the onsite drainage features.	Town of Apple Valley Planning Division  <i>(The Applicant is responsible for implementation)</i>	<i>Prior to the start of any construction related activities.</i>	Date:  Name & Title:
<i>Cultural Resources Mitigation Measure No. 1.</i> In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.	Town of Apple Valley Planning Division  <i>(The Applicant is responsible for implementation)</i>	<i>During the project's construction phase.</i>  Mitigation ends when construction is completed.	Date:  Name & Title:
<i>Cultural Resources Mitigation Measure No. 2.</i> If significant pre-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.	Town of Apple Valley Planning Division  <i>(The Applicant is responsible for implementation)</i>	<i>During the project's construction phase.</i>  Mitigation ends when construction is completed.	Date:  Name & Title:
<i>Cultural Resources Mitigation Measure No. 3.</i> If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.	Town of Apple Valley Planning Division  <i>(The Applicant is responsible for implementation)</i>	<i>During the project's construction phase.</i>  Mitigation ends when construction is completed.	Date:  Name & Title:
<i>Cultural Resources Mitigation Measure No. 4.</i> A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the Town of Apple Valley prior to building final.	Town of Apple Valley Planning Division  <i>(The Applicant is responsible for implementation)</i>	<i>During the project's construction phase.</i>  Mitigation ends when construction is completed.	Date:  Name & Title:

**Table 14 Mitigation Monitoring Program**

MEASURE	ENFORCEMENT AGENCY	MONITORING PHASE	VERIFICATION
<p>Cultural Resources Mitigation Measure No. 5. Prior to the initiation of ground-disturbing activities, field personnel shall be alerted to the possibility of buried prehistoric or historic cultural deposits and paleontological resources. In the event that field personnel encounter buried cultural materials and/or paleontological resources, work in the immediate vicinity of the find shall cease and a qualified archaeologist/paleontologists must be retained to assess the significance of the find. The qualified archaeologist/paleontologist shall have the authority to stop or divert construction excavation as necessary. If the qualified archaeologist/paleontologist finds that any cultural resources present meet eligibility requirements for listing on the California register or the national register of historic places (national register), plans for the treatments, evaluation, and mitigation of impacts to the find will need to be developed. Prehistoric or historic cultural materials that may be encountered during ground-disturbing activities include:</p> <ul style="list-style-type: none"> <li>• Historic-period artifacts such as glass bottles and fragments, cans, nails, ceramic and pottery fragments, and other metal objects;</li> <li>• Historic-period structural or building foundations, walkways, cisterns, pipes, privies, and other structural elements;</li> <li>• Pre-historic flaked-stone artifacts and debitage (waste material), consisting of obsidian, basalt, and/or cryptocrystalline silicates;</li> <li>• Dark, greasy soil that may be associated with charcoal, ash, bone, shell, flaked stone, ground stone and fire affected rocks; and Human remains.</li> </ul>	<p>Town of Apple Valley Planning Division</p> <p><i>(The Applicant is responsible for implementation)</i></p>	<p><i>Prior to the start of any construction related activities.</i></p> <p>Mitigation ends at the completion of the construction phase.</p>	<p>Date:</p> <p>Name &amp; Title:</p>
<p><i>Paleontological Resources Mitigation Measure No. 1.</i> In the event that paleontological resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist/paleontologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.</p>	<p>Town of Apple Valley Planning Division</p> <p><i>(The Applicant is responsible for implementation)</i></p>	<p><i>During the project's construction phase.</i></p> <p>Mitigation ends when construction is completed.</p>	<p>Date:</p> <p>Name &amp; Title:</p>
<p><i>Paleontological Resources Mitigation Measure No. 2.</i> If significant paleontological resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.</p>	<p>Town of Apple Valley Planning Division</p> <p><i>(The Applicant is responsible for implementation)</i></p>	<p><i>During the project's construction phase.</i></p> <p>Mitigation ends when construction is completed.</p>	<p>Date:</p> <p>Name &amp; Title:</p>
<p><i>Hazards &amp; Hazardous Materials Mitigation Measure No.1</i> The Applicant will be required to prepare a safety and hazard mitigation plan that indicates those protocols that must be adhered to in the event of an accident. This plan will be reviewed and approved by the Town of Apple Valley prior to the issuance of the Occupancy Permit.</p>	<p>Town of Apple Valley Planning Division</p> <p><i>(The Applicant is responsible for implementation)</i></p>	<p><i>Prior to the start of any construction related activities.</i></p>	<p>Date:</p> <p>Name &amp; Title:</p>
<p><i>Tribal Cultural Resources Mitigation Measure No. 1.</i> The Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN) shall be contacted, as detailed in CUL-1, of any pre-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.</p>	<p>Town of Apple Valley Planning Division</p> <p><i>(The Applicant is responsible for implementation)</i></p>	<p><i>Prior to the start of any construction related activities.</i></p> <p>Mitigation ends at the completion of the construction phase.</p>	<p>Date:</p> <p>Name &amp; Title:</p>
<p><i>Tribal Cultural Resources Mitigation Measure No. 2.</i> Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.</p>	<p>Town of Apple Valley Planning Division</p> <p><i>(The Applicant is responsible for implementation)</i></p>	<p><i>During the project's construction phase.</i></p> <p>Mitigation ends when construction is completed.</p>	<p>Date:</p> <p>Name &amp; Title:</p>

**Table 14 Mitigation Monitoring Program**

MEASURE	ENFORCEMENT AGENCY	MONITORING PHASE	VERIFICATION
<p><i>Tribal Cultural Resources Mitigation Measure No. 3.</i> Prior to the issuance of grading permits, the applicant shall enter into a Tribal Monitoring Services Agreement with the Morongo Band of Mission Indians (MBMI) for the Project. The Tribal Monitor shall be on-site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources.</p>	<p>Town of Apple Valley Planning Division</p> <p><i>(The Applicant is responsible for implementation)</i></p>	<p><i>Prior to the start of any construction related activities.</i></p> <p>Mitigation ends at the completion of the construction phase.</p>	<p>Date:</p> <p>Name &amp; Title:</p>
<p><i>Tribal Cultural Resources Mitigation Measure No. 4.</i> Prior to any ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post replacement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind), and prior to the issuance of grading permits, the Applicant shall retain a Qualified Archaeologist who meets the U.S. Secretary of the Interior Standards (SOI). The Archaeologist shall be present during all ground-disturbing activities to identify any known or suspected archaeological and/or cultural resources. The Archaeologist will conduct a Cultural Resource Sensitivity Training, in conjunction with the Tribe[s] Tribal Historic Preservation Officer (THPO), and/or designated Tribal Representative. The training session will focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event.</p>	<p>Town of Apple Valley Planning Division</p> <p><i>(The Applicant is responsible for implementation)</i></p>	<p><i>Prior to the start of any construction related activities.</i></p> <p>Mitigation ends at the completion of the construction phase.</p>	<p>Date:</p> <p>Name &amp; Title:</p>
<p><i>Tribal Cultural Resources Mitigation Measure No. 5.</i> Prior to any ground-disturbing activities the project Archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. This Plan shall be written in consultation with the consulting Tribe[s] and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the project schedule.</p>	<p>Town of Apple Valley Planning Division</p> <p><i>(The Applicant is responsible for implementation)</i></p>	<p><i>Prior to the start of any construction related activities.</i></p> <p>Mitigation ends at the completion of the construction phase.</p>	<p>Date:</p> <p>Name &amp; Title:</p>
<p><i>Tribal Cultural Resources Mitigation Measure No. 6.</i> The retained Qualified archeologist and Consulting Tribe[s] representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.</p>	<p>Town of Apple Valley Planning Division</p> <p><i>(The Applicant is responsible for implementation)</i></p>	<p><i>During the project's construction phase.</i></p> <p>Mitigation ends when construction is completed.</p>	<p>Date:</p> <p>Name &amp; Title:</p>
<p><i>Tribal Cultural Resources Mitigation Measure No. 7.</i> During all ground-disturbing activities the Qualified Archaeologist and the Tribal Monitor shall be on-site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Tribal Monitoring will be discontinued when the depth of grading and the soil conditions no longer retain the potential to contain cultural deposits. The Qualified Archaeologist, in consultation with the Tribal Monitor, shall be responsible for determining the duration and frequency of monitoring.</p>	<p>Town of Apple Valley Planning Division</p> <p><i>(The Applicant is responsible for implementation)</i></p>	<p><i>During the project's construction phase.</i></p> <p>Mitigation ends when construction is completed.</p>	<p>Date:</p> <p>Name &amp; Title:</p>

**Table 14 Mitigation Monitoring Program**

MEASURE	ENFORCEMENT AGENCY	MONITORING PHASE	VERIFICATION
<p><i>Tribal Cultural Resources Mitigation Measure No. 8.</i> In the event that previously unidentified cultural resources are unearthed during construction, the Qualified Archaeologist and the Tribal Monitor shall have the authority to temporarily divert and/or temporarily halt ground-disturbance operations in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed. If a potentially significant cultural resource(s) is discovered, work shall stop within a 60-foot perimeter of the discovery and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find, so that the find can be evaluated by the Qualified Archaeologist and Tribal Monitor[s]. The Archaeologist shall notify the Lead Agency and consulting Tribe[s] of said discovery. The Qualified Archaeologist, in consultation with the Lead Agency, the consulting Tribe[s], and the Tribal Monitor, shall determine the significance of the discovered resource. A recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the Qualified Archaeologist in consultation with the Tribe[s] and the Tribal Monitor[s] and be submitted to the Lead Agency for review and approval. Below are the possible treatments and dispositions of significant cultural resources in order of CEQA preference: A. Full avoidance. B. If avoidance is not feasible, Preservation in place. If Preservation in place is not feasible, all items shall be reburied in an area away from any future impacts and reside in a permanent conservation easement or Deed Restriction. If all other options are proven to be infeasible, data recovery through excavation and then curation in a Curation Facility that meets the Federal Curation Standards (CFR 79.1).</p>	<p>Town of Apple Valley Planning Division</p> <p><i>(The Applicant is responsible for implementation)</i></p>	<p><i>During the project's construction phase.</i></p> <p>Mitigation ends when construction is completed.</p>	<p>Date:</p> <p>Name &amp; Title:</p>
<p><i>Tribal Cultural Resources Mitigation Measure No. 9.</i> The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].</p> <p>A. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.</p> <p>B. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.</p> <p>C. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98</p> <p>D. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.</p>	<p>Town of Apple Valley Planning Division</p> <p><i>(The Applicant is responsible for implementation)</i></p>	<p><i>During the project's construction phase.</i></p> <p>Mitigation ends when construction is completed.</p>	<p>Date:</p> <p>Name &amp; Title:</p>
<p><i>Tribal Cultural Resources Mitigation Measure No. 10.</i> The final report[s] created as a part of the project (AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe[s] for review and comment. After approval of all parties, the final reports are to be submitted to the Eastern Information Center, and the Consulting Tribe[s].</p>	<p>Town of Apple Valley Planning Division</p> <p><i>(The Applicant is responsible for implementation)</i></p>	<p><i>During the project's construction phase.</i></p> <p>Mitigation ends when construction is completed.</p>	<p>Date:</p> <p>Name &amp; Title:</p>

## SECTION 5 REFERENCES

### 5.1 PREPARERS

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### 5.2 REFERENCES

The references that were consulted have been identified using footnotes.

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## 6. COMMENTS AND RESPONSE TO COMMENTS

### 6.1 INTRODUCTION & PROJECT OVERVIEW

The proposed project would be a 404,057 square foot industrial warehouse. The total net land area of the site is approximately 18.71 acres. As indicated previously, the new building would have a total floor area of 404,057 square feet. Two potential separate office areas would be provided at the southeast and southwest corners of the new building. Of the new building's total floor area, 391,638 square feet would be devoted to warehouse uses and 12,419 square feet would be office space. The new building could potentially be divided into two separate tenant spaces. The individual tenants have not yet been identified. The future occupants would have to comply with the Town's Zoning Ordinance with respect to the permitted uses. A total of 64 truck loading docks would be located along the building's north elevation. Truck and trailer parking, consisting of 48 spaces, would be provided along the northern side of the site. A total of 6 EV spaces for trucks would be located along the building's north side. A total of 222 vehicle parking spaces for employees and patrons would be located along the building's east, south, and west elevations and along the east perimeter of the site. Of this total, 203 spaces would be standard spaces, 7 spaces would be ADA spaces, and 12 spaces would be reserved for EV vehicles. The loading and receiving area is located to the north of the building and would be secured by a gate and a security guard house. Drainage and retention basins would be located along the Johnson Road frontage in the southern portion of the site. Landscaping totaling 90,969 square feet, would be provided throughout the site and along the roadway's frontages. This landscaping would consist of both drought tolerant ground cover, shrubs, and trees. An outside break area would be located near the building's northeast corner. Access to the project site would be provided by three driveway connections with the north side of Johnson Road and Navajo Road. The project would also be required to make improvements to Johnson Road and Navajo Road. No signals at the project driveways were required. The zoning designation of the site is *Specific Plan (North Apple Valley Specific Plan)*.

The Town of Apple Valley determined, as part of the Initial Study's preparation, that a Mitigated Negative Declaration was the appropriate environmental document for the proposed project's CEQA review. Certain projects or actions may also require oversight approvals or permits from other public agencies. The Initial Study and the Notice of Intent to Adopt a Mitigated Negative Declaration was forwarded to responsible agencies, trustee agencies, and the public for review and comment. A 30-day public review period was provided to allow these entities and other interested parties to comment on the proposed project and the findings of the Initial Study. Comment letters were received from the following entity:

- Blum, Collins & Ho LLP, Attorneys at Law, 707 Wilshire Boulevard, Suite 4880, Los Angeles, California 90017
- Lahontan Regional Water Quality Control Board, 15095 Amargosa Road, Bldg. 2, Suite 210, Victorville, California 92394

## 6.2 COMMENTS & RESPONSE TO COMMENTS

### COMMENTS & RESPONSES – BLUM, COLLINS & HO LLP

#### Comment #1 1.0 Summary

*The project proposes the construction and operation of one 404,057 square foot (sf) industrial warehouse warehousing building on approximately 18.71 net acres of vacant land. The 404,057 sf building is comprised of 391,638 sf of warehouse area and 12,419 sf of ground floor and mezzanine office area. The building includes 64 truck/trailer loading dock doors and the project site provides a total of 222 passenger vehicle parking stalls and 48 truck/trailer parking stalls.*

#### Response #1

The comment is noted for the record. No response is required.

#### Comment #2 1.1 Project Piecemealing

*The MND does not accurately or adequately describe the project, meaning “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” (CEQA § 15378). The project required approval of a Lot Line Adjustment or Map to consolidate APNs 0463-213-26, -27, and -28 to a single building site now known as APN 0463-213-37 owned by 55555 Amargosa LLC, as depicted by San Bernardino County GIS1 that reflects official records.*

*CEQA § 15165 requires that where an individual project is a necessary precedent for action on a larger project, or commits the Lead Agency to a larger project, an environmental document must address itself to the scope of the larger project. The Lot Line Adjustment or Map was a necessary precedent for action on the larger project - development of the proposed warehouse on a single lot. The LLA/Map was necessary to remove existing property lines as it is not permitted for buildings to be constructed across property lines. The MND must be revised to comply with CEQA § 15165 by preparing an EIR which discloses and analyzes this prior action.*

#### Response #2

The statement is incorrect. The ISMND, on page 9, indicated the previous APN numbers that would be applicable to the site (APNs 0463-213-26, 0463-213-27, and 0463-213-28). The lot line adjustment created the single lot (APN 0463-213-37) which would correspond to the project site shown and described in the ISMND. The project in its entirety is discussed throughout the ISMND. The lot line adjustment would permit the project's boundaries to reflect the proposed project boundaries. Finally, the IS/MND clearly identified the original four parcels prior to the lot line adjustment. The CEQA Guidelines (Section 15165) indicates that certain actions cannot be undertaken to “piecemeal” a project that would potentially reduce a project's potential cumulative impact. The original four lots do not include any land areas that are located outside of the proposed project's contemplated boundaries.

### **Comment #3 2.0 Project Description**

*The MND states that, “The total net land area of the site is 871,200 square feet which is approximately 18.71 acres.” However, 18.71 acres is equal to 815,007 square feet. The stated 871,200 square feet is equal to 20 acres, which is the property’s size in gross acres as shown by the San Bernardino County GIS2 for APN 0463-213-37 owned by 55555 Amargosa LLC. The MND is inadequate as an informational document and must be revised to accurately state the project site’s size. As stated above, an EIR must also be prepared to describe and analyze the lot consolidation actions and disclose the project site’s new APN to the public and decision makers.*

### **Response #3**

The ISMND indicated that the “net land area total net land area of the site is 871,200 square feet which is approximately 18.71 acres.” The comment is correct in that the figure of 871,200 square feet refers to gross area. The net land area of 18.71-acres is correctly identified throughout the ISMND. The net land area was used since this measure represents that land area would be under the control of the future development site that would be occupied by project-related improvements (the building, parking areas, internal circulation, landscaping, etc.). The noted correction that would indicate that the 18.71 acres refers to the net land area and is noted by reference herein in Section 3.

### **Comment #4 2.0 Project Description (Continued)**

*The MND does not include a detailed site plan, floor plan, detailed building elevations, or a detailed grading plan. The basic components of a Planning Application include a detailed site plan, floor plan, conceptual grading plan, written narrative, and detailed elevations. The MND does not provide any grading plan or information regarding the quantity of import/export material associated with project construction or site preparation. Verification of the import/export materials is vital as it directly informs the quantity of necessary truck hauling trips due to soil import/export during the grading phase of construction. There are also no building elevations provided to verify building height, paint colors, or materials. The Site Plan provided in Exhibit 5 has been edited to remove pertinent information from public review, such as the construction notes, zoning conformance matrix (development standard compliance, etc.), and site data. An EIR must be prepared to include wholly accurate and adequate detailed project site plan, floor plan, grading plan, elevations, and project narrative for public review.*

### **Response #4**

CEQA does not require a detailed project description declaration to provide a detailed site plan, floor plan, detailed building elevations, or a detailed grading plan. (State CEQA Guidelines Section 15071.) The MND provides detailed maps of the project location on pages 10 through 13 in compliance with State CEQA Guidelines section 15071. Additionally, the project description (Refer to Section 2.3) include the following information that outlined the proposed project’s physical characteristics:

“Project Site. The proposed project would be a 404,057 square foot industrial warehouse. The total net land area of the site is 871,200 square feet which is approximately 18.71 acres. Hardscape and paved surfaces would total 701,963 square feet or 88.5% of the total site area. The loading and receiving area is located to the north of the building and would be secured by a gate and a security guard house. Drainage and retention basins would be located along the Johnson Road frontage in the southern portion of the site.

Proposed Building. As indicated previously, the new building would have a total floor area of 404,057 square feet. Two separate office areas would be located at the southeast and southwest corners of the new building. Of the new building's total floor area, 391,638 square feet would be warehouse uses and 12,419 square feet would be office space. Each of the two office areas would include a ground level and a second level mezzanine. The warehouse would consist of a single level. A total of 64 truck loading docks would be located along the building's north elevation. The new building would have a maximum height of 42-feet. The new building could potentially be divided into two separate tenant spaces. The individual tenants have not yet been identified. Future occupants would have to comply with the Town's Zoning Ordinance with respect to the permitted uses.

Landscaping. Landscaping totaling 90,969 square feet, would be provided throughout the site and along the roadway's frontages. An outside break area would be located near the building's northeast corner. The stormwater detention basins would also be landscaped. All of the landscaped areas would consist of drought tolerant species.

Access and Internal Circulation. Access to the project site would be provided by three driveway connections with the north side of Johnson Road and two driveway connections with the west side of Navajo Road. The project would also be required to make improvements to Johnson Road and Navajo Road. The project Applicant would be required to construct and improve the project's frontage with Johnson Road from the western project limit to Navajo Road. The project will be required to dedicate land and construct the 71-foot half-width of a major divided parkway road section including the project's driveway accessing Johnson Road. This may include land dedication to accommodate additional lanes at the intersection of Johnson Road and Navajo Road if required by the town. The Applicant would also be required to construct access and site frontage improvements on Navajo Road including improvements to the project's frontage with Navajo Road. The project would also be required to dedicate land and construct the 44-foot half-width of Navajo Road's secondary road designation including the proposed driveway accessing Navajo Road. Improvements to Navajo Road may include land dedication to accommodate additional lanes at the intersection of Johnson Road and Navajo Road if required by the town. No signals at the project driveways are required. The three driveways on the north side of Johnson Road would have a curb-to-curb width of 36-feet and would provide ingress and egress for vehicles. The southernmost driveway on Navajo Road would have a curb-to-curb width of 36-feet and would provide ingress and egress for vehicles while the northernmost driveway would have a curb-to-curb width of 50-feet and would provide ingress and egress for trucks to enter the loading and receiving area in the northern portion of the site. The internal drive aisles in the southerly portion of the site have a width of 36-feet.

Parking. A total of 222 vehicle parking spaces for employees and patrons would be located along the building's east, south, and west elevations and along the east perimeter of the site. Of this total, 203 spaces would be standard spaces, 7 spaces would be ADA spaces, and 12 spaces would be reserved for EV vehicles. A total of 64 truck loading docks would be located along the building's north elevation. The maximum height of the new building would be 42-feet. Truck and trailer parking, consisting of 48 spaces, would be provided along the northern side of the site. A total of 6 EV spaces for trucks would be located along the building's north side.

Utilities. The proposed project would be required to connect with local sanitary 12-inch sewer line in Johnson Road and a 16-inch water line located in Navajo Road north of the project site. This water line is owned by Liberty Utilities. The eastern, western, and southern sides of the new building will be at grade to channelize storm flows around the building along with the street sections. Off-site grading is proposed on the east side of Navajo Road to direct the storm flows south to a culvert crossing and local road tilt section that will convey the off-site flows to the north side of Johnson Road where these flows

will be convey west and released into the historic natural drainage conveyance west of the project site. Tributary flows along the northern property line will be collected in a channel system between the truck parking and the northern property line. Electrical service would be provided by Southern California Edison lines located along Johnson Road.”

In addition, the following operational Characteristics are outlined in the ISMND in Section 2.4:

“The proposed project would be a 404,057 square foot industrial warehouse. The proposed building is anticipated to employ about 338 employees. This is based on an employment ratio of one employee for every 1,195 square feet of floor area. The new building could potentially be divided into two separate tenant spaces. The individual tenants have not yet been identified. Future occupants would have to comply with the Town’s Zoning Ordinance with respect to the permitted uses. The hours of operation for the proposed warehouse building is undetermined at this time though for purposes of analysis the tenants were assumed to occupy the building 24-hours a day, seven days a week.”

Finally, the analysis of construction-related air quality impacts did consider variables related to grading. Grading would occur over a 30-day period. During this period, approximately 3-acres would be graded on a daily basis. Given the sites relatively level topography, limited export would be required. Excavation would be required to accommodate the concrete footing, parking areas, and utilities. The grading plan indicates over excavation would be required for the building pad (2 to 5 feet) and the pavement section(1-foot). The air quality analysis did calculate the number of trips that would occur during the grading phases of development.

### **Comment #5 3.3 Air Quality, 3.6 Energy, and 3.8 Greenhouse Gas Emissions**

*The MND does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project, and the environmental analysis that it tiers from also excludes this information. This is in conflict with CEQA Guidelines Section 15131 (c), which requires that “Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project.” This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.03, CalEPA’s screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project’s census tract (6071012101) is highly burdened by pollution. The surrounding community bears the impact of multiple sources of pollution and is more polluted than other census tracts in many pollution indicators measured by CalEnviroScreen. For example, the project census tract ranks in the 80th percentile for ozone burden and 60th percentile for traffic burdens. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure. Exhaust fumes contain toxic chemicals that can damage DNA, cause cancer, make breathing difficult, and cause low weight and premature births.*

### **Response #5**

There is no affirmative requirement under CEQA to consider issues of environmental justice. Moreover, there are no measures or benchmarks that can be utilized to quantitatively assess a single project’s impacts on an area’s CalEnviroScreen score. Neither the Town, the MDAQMD, nor the CEQA guidelines include thresholds that consider environmental justice such as the CalEnviroScreen results, but rather account for

the potential health effects of a project with project-level thresholds. There is currently no air quality guidance or thresholds to analyze areas with higher pollution levels differently from areas with lower pollution. While CalEnviroScreen is a useful tool in assessing a community's risk, it is not an appropriate tool for evaluating a project's impact on the environment as required under CEQA.

According to the model referenced in the comment, the Town of Apple Valley and the project site are not located in a “disadvantaged” Census Tract. The ISMND analyzed and identified the proposed project’s short-term (construction-related) impacts, the project’s long-term (operational ) impacts, and the project’s greenhouse gas emissions. The new warehouse development would be constructed in four phases and would take approximately twelve months to complete. As shown in Table 3 included in the ISMND, the project’s daily construction emissions will not exceed the MDAQMD significance thresholds. Long-term emissions refer to those air quality impacts that will occur once the proposed project has been constructed and is operational. These impacts will continue over the operational life of the project. The two main sources of operational emissions include mobile emissions and area emissions related to off-site electrical generation. The analysis of long-term operational impacts summarized in Table 4 also used the CalEEMod V.2022.1.1.21 computer model. CalEEMod defaults were used for the weekday and weekend daily trip rates for the operational phase; and the average vehicle trip distances. The analysis summarized in Table 4 indicates that the operational (long-term) emissions will be below the MDAQMD daily emissions thresholds.

Table 6 in the ISMND shows unmitigated and mitigated GHG emissions and evaluates mitigated emissions against MDAQMD significance thresholds. The MDAQMD interim GHG significance threshold is set as 10,000 metric tons of carbon dioxide equivalents per year (MT CO<sub>2</sub>E/year) for industrial project with a project’s construction emissions amortized over 30 years or the project life and added to operational emissions. As indicated in Table 6 in the ISMND the construction emissions amortized over 30 years is 22.5 metric tons CO<sub>2</sub>E per year. The operational emission is 3,156 metric tons MTCO<sub>2</sub>E per year for a combined total of 3,178.5 MTCO<sub>2</sub>E per year, which is well below the threshold of 10,000 MTCO<sub>2</sub>E per year.

**Comment #6 3.3 Air Quality, 3.6 Energy, and 3.8 Greenhouse Gas Emissions (Continued)**

*The census tract ranks in the 85th percentile for solid waste facility impacts. Solid waste facilities can expose people to hazardous chemicals, release toxic gases into the air (even after these facilities are closed), and chemicals can leach into soil around the facility and pose a health risk to nearby populations. The census tract also bears more impacts from cleanup sites than 52% of the state. Chemicals in the buildings, soil, or water at cleanup sites can move into nearby communities through the air or movement of water.*

*Further, the census tract is a diverse community including 22% Hispanic, 10% African-American, and 2% Asian-American residents, whom are especially vulnerable to the impacts of pollution. The community also has a high rate of poverty, meaning 53% of the households in the census tract have a total income before taxes that is less than the poverty level. Income can affect health when people cannot afford healthy living and working conditions, nutritious food and necessary medical care. Poor communities are often located in areas with high levels of pollution. Poverty can cause stress that weakens the immune system and causes people to become ill from pollution. Living in poverty is also an indication that residents may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 89th percentile for incidence of cardiovascular disease and 88th percentile for incidence of asthma.*

## Response #6

These existing sources of potential pollutants cited in the above comment are not relevant to the analysis of this project's impacts nor are they related to the project." The nearest residential uses are residential developments located more than two miles to the south of the site. As indicated in Section 3.9 of the ISMND, the project's construction would require the use of diesel fuel to power the construction equipment. The diesel fuel would be properly sealed in tanks and would be transported to the site by truck. Other hazardous materials that would be used on-site during the project's construction phase include, but are not limited to, gasoline, solvents, architectural coatings, and equipment lubricants. These products are strictly controlled and regulated and in the event of any spill, cleanup activities would be required to adhere to all pertinent protocols. The following mitigation would also be implemented to further address potential impacts associated with the project's operation:

- The Applicant will be required to prepare a safety and hazard mitigation plan that indicates those protocols that must be adhered to in the event of an accident. This plan will be reviewed and approved by the Town of Apple Valley prior to the issuance of the Occupancy Permit. *Hazards & Hazardous Materials Mitigation Measure No.1.*

As indicated in Subsection D, the project site is not listed in either the CalEPA's Cortese List or the Envirostor database. As a result, the likelihood of encountering contamination or other environmental concerns during the project's construction phase is remote. The proposed use of the project site will be enclosed within a concrete tilt-up building and will not present a noise, sight, odor, light, or other environmental impact to the surrounding area. In addition, the development would be periodically inspected by both the Town and County to ensure that all pertinent codes are adhered to. The comment does not provide any substantial evidence concerning the adequacy of the analysis. Nevertheless, the comment will be forwarded to the decision-makers for their consideration.

## Comment #7 3.3 Air Quality, 3.6 Energy, and 3.8 Greenhouse Gas Emissions (Continued)

*The State of California lists three approved compliance modeling softwares for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved software. The CalEEMod modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project's significant Energy impacts and fuel consumption to the public and decision makers. Since the MND did not accurately or adequately model the energy impacts in compliance with Title 24, a finding of significance must be made. An EIR with modeling using one of the approved software types must be prepared and circulated for public review in order to adequately analyze the project's significant environmental impacts. This is vital as the MND utilizes CalEEMod as a source in its methodology and analysis, which is clearly not an approved software.*

## Response #7

The CalEEMod computer program was specifically developed by the California Air Resources Board (CARB) to analyze construction emissions, mobile emissions, stationary emissions, and greenhouse gas emissions for CEQA analysis. Both the SCAQMD and the MDAQMD both require the use of CalEEMod in CEQA studies. The CalEEMod quantifies ozone precursors, criteria pollutants, and greenhouse gas emissions from the construction and operation of new land use development in California. The models referred to in the comment are not designed to replace the CalEEMod computer model. These models are used to calculate a new building energy's efficiency. The California Energy Commission (Energy Commission) has

approved the aforementioned software identified in the comment to calculate a building's energy efficiency in accordance with the California Code of Regulations.

### **Comment #8 3.11 Land Use and Planning**

*The MND concludes that, "The proposed project would conform to these requirements," meaning the requirements of the NAVISP. The MND does not list the requirements nor demonstrate the project's compliance or noncompliance with these requirements. Notably, Table III-2 Development Standards within the NAVISP states that the maximum building coverage in the I SP land use designation is 45% while the project is proposed at 49.07% coverage. The site plan provided by Exhibit 5 in the MND does not provide any details regarding the project's other development standard compliance or noncompliance, and it is not possible for the public to ascertain the project's compliance or noncompliance with the other development standards at this time. Due to (at minimum) the project's noncompliance with the NAVISP building coverage maximum, an EIR must be prepared to include a finding of significance.*

### **Response #8**

The project site is within the *Specific Plan – Industrial* zone. This designation allows for a broad range of clean manufacturing and warehousing uses. Key features of this designation include:

1. Outdoor storage must be completely screened from view.
2. All uses must be conducted within enclosed buildings.
3. Perimeter landscaping must be complementary with that of surrounding projects to provide a unified, cohesive streetscape.

Appropriate land uses in this designation include manufacturing facilities with showrooms and offices, regional warehousing facilities, and support services for manufacturing and warehousing. The proposed project would conform to these requirements. The proposed project adheres to the Town's development standards related to setbacks and building height. The Applicant is requesting a variance for parking and lot coverage. This information has been incorporated into the ISMND by reference in Section 3.

### **Comment #9 3.11 Land Use and Planning (continued)**

*The MND does not provide a consistency analysis with all land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The project has significant potential to conflict with many of these items, including but not limited to the following from the Climate Action Plan and General Plan and an EIR must be prepared with a consistency analysis in order to provide an adequate and accurate environmental document:*

1. *ND-6. For projects within the North Apple Valley Industrial Specific Plan, develop employee housing within one mile of the industrial project. (Climate Action Plan)*
2. *ND-7. Preserve trees occurring on-site either through in situ protection during and after construction, or through transplant and relocation within landscaped areas.(Climate Action Plan)*
3. *3. ND-10. Install bus stop(s) and secure scheduled transit service from Victor Valley Transit Authority. (Climate Action Plan)*

4. 4. ND-14. Use passive solar design by orienting buildings and incorporating landscaping to maximize passive solar heating during the winter, and minimize solar heating during the summer. (Climate Action Plan)
5. 5. Circulation Element Program 1.A.4: The Town shall require that all intersections maintain a Level of Service D during both the morning and evening peak hour.

## Response #9

The project site is located within an area designated as *Specific Plan* (North Apple Valley Specific Plan) within the Town of Apple Valley General Plan Land Use Element (refer to Exhibit 19). This category of land use is characterized by the surrounding warehousing and industrial land uses. The proposed development would be consistent with the Town of Apple Valley General Plan and Zoning Ordinance requirements. According to the North Apple Valley Specific Plan, warehouse uses are a permitted use. The Town of Apple Valley seeks “to facilitate the development of high quality industrial development to provide for the Town’s economic future. To that end, this Specific Plan establishes development standards and guidelines intended to guide land owners and developers in their project designs. These standards and guidelines assure the long-term development of a quality industrial park which will include distinctive, highly identifiable complements, such as entry monumentation and landscaping, which give the North Apple Valley Industrial Specific Plan area a sense of place and identity in the community.” The Specific Plan includes four land use designations, and one overlay. The land use designations are: General Commercial – Specific Plan; Industrial – Airport; Industrial – Specific Plan; and Industrial – General. The project site is within the *Specific Plan – Industrial* zone. This designation allows for a broad range of clean manufacturing and warehousing uses, ranging from furniture manufacture to warehouse distribution facilities. Key features of this designation include:

1. Outdoor storage must be completely screened from view.
2. All uses must be conducted within enclosed buildings.
3. Perimeter landscaping must be complementary with that of surrounding projects to provide a unified, cohesive streetscape.

Appropriate land uses in this designation include manufacturing facilities with showrooms and offices, regional warehousing facilities, and support services for manufacturing and warehousing. The proposed project would conform to these requirements. In addition, the proposed project does not conflict with the policies that were identified in the comment. The policies and the project’s conformity are summarized below:

1. ND-6. For projects within the North Apple Valley Industrial Specific Plan, develop employee housing within one mile of the industrial project. (Climate Action Plan). This policy is an areawide policy that must be implemented through the City’s land use controls. The use is in conformance with the Town of Apple Valley’s General Plan and Zoning Maps.
2. ND-7. Preserve trees occurring on-site either through in situ protection during and after construction, or through transplant and relocation within landscaped areas.(Climate Action Plan). ELMT Consulting (ELMT) biologist Andrew N. Mestas conducted a field survey and evaluated the condition of the habitat within the project site on and surrounding area (survey area) on September 24, 2024. During the field investigation one (1) plant community was observed within the boundary of the project site: creosote bush scrub (refer to Appendix B – Biological Resources Report Exhibit 5, Vegetation). A single Western Joshua tree was observed on site. No other tree specimens are sound on-site.

3. ND-10. Install bus stop(s) and secure scheduled transit service from Victor Valley Transit Authority. (Climate Action Plan). The proposed project does not have the jurisdictional authority to install news bus stops.
4. ND-14. Use passive solar design by orienting buildings and incorporating landscaping to maximize passive solar heating during the winter, and minimize solar heating during the summer. (Climate Action Plan). The proposed project's implementation would not preclude this policy. The project's adherence to stringent electricity, natural gas, and fuel efficiency standards combined with compliance with the most recent California Building Code (CBC) and CALGreen Code as part of Title 8 (Buildings and Construction) and Title 9 (Development Code) of the Town's Code of Ordinances would facilitate energy efficiency.
5. Circulation Element Program 1.A.4: The Town shall require that the difference in passenger car equivalents (PCEs), used in analyzing intersection capacity, equal ten PCEs in each peak hour, about an 8% increase. After distributing the incremental increase in traffic to the study intersections, the greatest increase in traffic volume (in PCEs) at any given intersection is 9 PCEs assigned inbound and outbound at Johnson Road and Dale Evans Parkway. All other study intersections experience an incremental increase of 6 PCEs or less. The increase is inconsequential at the intersection that, with the implementation of mitigations, operates at LOS B in both peak hours.

**Comment #10 3.11 Land Use and Planning (continued)**

*The MND has not provided any information or analysis on the buildout conditions of the General Plan or the North Apple Valley Industrial Specific Plan (NAVISP). Table II-2: Specific Plan Land Use Designations Buildout Summary of the NAVISP states that the Industrial - Specific Plan designation will have a buildout square footage of 42,599,240, and this analysis is based upon new development construction at 22% building coverage of the site. The proposed building site is 815,007 net square feet and the building is constructed at 49.07% site coverage, which is more than double the quantity analyzed for every site in the NAVISP. Other projects in the NAVISP area have also constructed at higher building coverage rates than the NAVISP analyzed, such as the Project Jupiter Distribution Warehouse (29% building coverage of the site), the Development at Dale Evans and Lafayette16 (35% building coverage of the site), GTS Cold Storage17 (49.9% building coverage of the site), 1M Warehouse (36.9% building coverage of the site), and Cordova Complex and Quarry at Pawnee Warehouses (Building 1: 41.2% building coverage of the site; Building 2: 44.2% building coverage of the site). The MND has not demonstrated that the proposed project is within the buildout scenario of the NAVISP, including all cumulative development constructed since the inception of the NAVISP, approved projects not yet constructed, and "projects in the pipeline." An EIR must be prepared to include a finding of significance as there is no meaningful evidence to support a less than significant finding.*

**Response #10**

The buildout calculations, referred to in Table II-2 of the Specific Plan's buildout scenario assumed a building lot coverage of 22% which is significantly less than the 45% lot coverage allowed under the Industrial - Specific Plan designation. This 22% lot coverage assumes that just under 1/4 of any given parcels land area would be developed with some type of structure. This translated into approximately 3/4 of the land remaining in some form of open space which is unrealistic. Given the lack of development constraints (level topography, proximity to improved roadways, utilities, etc), the site's development can more readily

accommodate a greater lot coverage. It is important to note that the requested cumulative regional analysis is provided in the EIR that was prepared for the North Apple Valley Industrial Specific Plan.

**Comment #11 3.11 Land Use and Planning (Continued)**

*Table III-41: Preferred Alternative General Plan Land Use Designation Build Out Summary: Town & Unincorporated Lands of the General Plan EIR states that the Industrial Specific Plan land use designation within the Town limits will have a buildout of 36,938,445 total square feet. The proposed project's 404,057 square feet represents 1.09% of the General Plan buildout for this land use designation, which is significant to be attributed to a single project. As discussed above, the MND has not demonstrated that the proposed project is within the General Plan buildout scenario, including all cumulative development constructed since approval of the General Plan, approved projects not yet constructed, and "projects in the pipeline." Other recent industrial projects such as Project Jupiter Distribution Warehouse (1,360,875 square feet of industrial/warehouse space<sup>20</sup>), GTS Cold Storage (385,004 square feet of industrial/warehouse space<sup>21</sup>), The Development at Dale Evans and Lafayette (1,207,544 square feet of industrial/warehouse space<sup>22</sup>), Apple Valley (2,520,000 square feet of industrial/warehouse space), 1M Warehouse (1,080,125 square feet of industrial/warehouse space<sup>24</sup>), Cordova Complex and Quarry at Pawnee (3,022,294 square feet of industrial/warehouse space<sup>25</sup>), and SPR 2023-006 Cordova Business Center (504,508 square feet of industrial/warehouse space<sup>26</sup>) cumulatively with the proposed project generate 10,484,407 square feet of industrial/warehouse space, which is 28.4% of the General Plan buildout capacity accounted for by only a few recent industrial projects. An EIR must be prepared to include this analysis in order to provide an adequate and accurate environmental analysis.*

**Response #11**

The proposed project conforms to the applicable specific plan designation. The statement "The proposed project's 404,057 square feet represents 1.09% of the General Plan buildout for this land use designation" is misleading. The buildout calculations, shown in II-2 assume a building lot coverage of 22% which is significantly less than the 45% allowed under the Industrial - Specific Plan designation. This 22% lot coverage assumes that just under ¼ of any given parcels land area would be developed with some type of structure. This translated into approximately ¾ of the land remaining in some form of open space which is unrealistic. As a result, the potential buildout is much greater assuming a lot coverage standard of 45%. The project conforms to the Town's industrial land use designation and the site plan has undergone staff review. The Applicant is requesting a variance for parking and lot coverage.

**Comment #12 3.14 Population and Housing**

*The MND finds that impacts to population and housing will not be significant without providing any meaningful quantified analysis or evidence to support this conclusion. The MND provides a general statement that, "Although the potential exists for the proposed project to result in population growth through employment opportunities, the project is consistent with the General Plan land use designation and Zoning and Development Code for the site. Therefore, population increase as a result of the proposed project is not considered substantial or unplanned." The MND has not provided evidence that the locally available workforce is qualified for or interested in work in the construction and/or industrial sector. Without this supporting evidence, the project must relying on the entire labor force within the greater SCAG region to fill the project's construction and operational jobs. This will increase VMT and emissions during all phases of construction and operations and an EIR must be prepared to account for longer worker trip distances.*

## Response #12

No housing units are located within the project site boundaries. This property has a General Plan and zoning designation of Specific Plan. Therefore, the statement that the proposed “project could lead to unplanned growth” is incorrect. No housing units will be displaced as a result of the proposed project’s implementation. The proposed project would be a 404,057 square foot industrial warehouse. The proposed building is anticipated to employ about 338 employees. This is based on an employment ratio of one employee for every 1,195 square feet of floor area. Given the Town’s current unemployment rate of 6.6% percent, there are approximately 1,700 residents actively seeking work. In general, mitigation for local hiring requirements under CEQA focuses on ensuring the project’s environmental impacts are minimized and that local hiring policies are implemented effectively. This can include measures like prioritizing local hires for specific jobs, providing training opportunities, or setting aside funds for local community initiatives. The IS/MND does not preclude the project proponents from working with the City to promote the hiring of local residents.

## Comment #13 3.14 Population and Housing (Continued)

*SCAG’s Connect SoCal Demographics and Growth Forecast states that Apple Valley will add 9,400 jobs from 2019 - 2050. Utilizing the MND’s calculation of 338 employees, the project represents 3.6% of Apple Valley’s employment growth from 2019 - 2050. A single project accounting for this amount of growth over 31 years represents a significant amount of growth. An EIR must be prepared to include this analysis, and also provide a cumulative analysis discussion of projects approved since 2019, General Plan adoption, NAVISP adoption, and projects “in the pipeline” to determine if the project will exceed SCAG’s and/or the Town’s employment and/or population growth forecast. For example, other recent projects such as Apple Valley (2,520,000 square feet of industrial/warehouse space; 2,108 employees), Apple Valley Commercial Project (49,995 square feet commercial space; 75 employees<sup>29</sup>), The Development at Dale Evans and Lafayette (1,207,544 square feet of industrial/warehouse space; 1,172 employees), 1M Warehouse (1,080,125 square feet of industrial/warehouse space; 904 employees<sup>31</sup>), Cordova Complex and Quarry at Pawnee (3,022,294 square feet of industrial/warehouse space; 2,529 employees), Cordova Business Center Cordova Business Center (494,000 square feet of industrial/warehouse space; 200 employees) and Inland Empire North Logistics Center (2,604,446 square feet of industrial/warehouse space; 2,179 employees) combined with the proposed project will cumulatively generate 9,505 employees, which is 101.1% of Apple Valley’s employment growth forecast over 31 years accounted for by only eight recent industrial projects. These totals increase exponentially when commercial and other industrial development activity is added to the brief list of recent activity above. An EIR must be prepared to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since 2016 (SCAG), General Plan adoption, NAVISP adoption, and projects “in the pipeline” to determine if the proposed project will exceed the employment/population growth forecasts by SCAG and/or the Town’s General Plan.*

## Response #13

According to the Growth Forecast Appendix prepared by SCAG for the 2016-2045 RTP/SCS, the Town of Apple Valley employment will increase from 41,200 in 2016 to 61,200 in 2045, an increase of 20,000 new employees through the year 2045. The proposed project is anticipated to employ about 338 employees. This is based on an employment ratio of one employee for every 1,195 square feet of floor area. Given the Town’s current unemployment rate of 6.6% percent, there are approximately 1,700 residents actively seeking work. The proposed project’s employment would account for 1.69% of the total projected employment growth

through 2045. The additional 338 new jobs that would be created by the proposed project would also help to alleviate the Town's unemployment where approximately 1,700 residents are actively seeking work. The new jobs would be beneficial and this increased employment involving 338 new jobs, does not warrant the preparation of an EIR. Finally, the growth forecasts and the labor force data covers the entire Town rather than individual projects. In this way the project specific contribution to the metrics concerning employment may be made.

#### **Comment #14 3.17 Transportation**

*The approved scoping agreement, which is included as Appendix A within Appendix G: Traffic Impact Analysis, provides the following project description: "The Proposed Johnson Road Industrial Project consists of a 379,657 square foot speculative industrial warehouse building located on approximately 18.71-acres in the north part of the town and within the North Apple Valley Industrial Specific Plan area." Notably, the project analyzed within Appendix G and the information utilized for specific threshold analysis in the MND is 379,657 square feet, which is 24,400 square feet smaller than the 404,057 square foot building presented for analysis in the MND. Figure 2: Project Site Plan within Appendix G also demonstrates a different building layout and site design than depicted in Exhibit 5: Site Plan within the MND. The Traffic Analysis and the MND are inadequate as informational documents as the project analyzed is smaller and materially different than the proposed project and the MND therefore does not adequately or accurately disclose the project's potentially significant impacts. For example, the MND relies upon this analysis to find that the project is consistent with the General Plan and will not result in significant VMT impacts, and a smaller and materially different project is the basis of these findings. An EIR must be prepared that analyzes the whole of the project as proposed, including the site design and overall size of the building.*

#### **Response #14**

The project's floor area was revised upwards by the project's design team. The proposed building analyzed in the MND is 24,400 square feet smaller than the design evaluated in the traffic study. The traffic report analyzed a building with a floor area of 379,657 square feet. The building was subsequently redesigned so that it would have a total floor area of 404,057 square feet. This represents a difference of 24,400 square feet. The differences are minor and were judged by the City's Traffic Engineer to not be significant enough to warrant revision of the scoping agreement. The MND's preparer sent the revised site plan to the traffic engineer (David Evans and Associates, Inc. [DEA]) that prepared the original traffic report. The traffic engineer concluded the following:

- A comparison of the estimated trip generation between the previously studied warehouse and the current larger proposed warehouse found that the magnitude of the incremental increase in peak hour trips (and conversion to Passenger Car Equivalents) is small and would have a negligible effect on the delay and level of service presented in the original traffic impact analysis nor does it change the study's recommendations.
- An estimate of the VMT generated by the incremental increase in warehouse employees due to the larger proposed floor area, when added to the project-generated VMT of the previously studied warehouse, does not change the metric for project-generated VMT (Project VMT / Service Population) nor does it change the same metric under "Project Effect on VMT" evaluation.

- An analysis of the incremental change in trip generation and VMT of the revised site plan with a 410,241 square foot warehouse has a negligible effect on the Draft Traffic Impact Analysis report prepared in November 2023 and would not change the findings or recommendations of the report.

A copy of the memorandum cited above is included as an attachment to the RTC.

**Comment #15 3.17 Transportation (Continued)**

*The MND has not adequately analyzed the project’s potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project’s potential to result in inadequate emergency access. The MND describes overall site design concept items such as quantity of parking spaces and driveway widths to conclude that, “The proposed project will not expose future drivers to dangerous intersections or sharp curves and the proposed project will not introduce incompatible equipment or vehicles to the adjacent roads.” The MND has not provided any exhibits depicting the available truck/trailer turning radius at the intersection of the project driveways and the adjacent streets to determine if there is enough space available to accommodate heavy truck maneuvering. Further, there are no exhibits providing on-site analysis regarding available space on the property to accommodate heavy truck maneuvering. Notably, passenger car parking stalls are located on the northeastern side of the project site, within the truck/trailer loading dock area and adjacent to angled truck/trailer parking stalls. These parking stalls may be in use at any time and further restrict truck/trailer movement on the site, require additional queuing area for trucks and passenger cars, and present a safety hazard with potential for conflicts between passenger cars and trucks/trailers. This issue and overall truck/trailer access at the site has not been analyzed and an EIR must be prepared to include a finding of significance as it has not provided any meaningful evidence to support a less than significant finding.*

**Response #15**

The Applicant’s design team used various design tools to ensure the truck maneuvering areas were sufficient to accommodate the proposed truck turning movements. A turning movement is illustrated on the site plan which shows that there is sufficient distance to accommodate a truck turning movements and the vehicle parking stalls. The trucks would enter the site from Navajo Road through a 50-foot wide driveway. This northernmost driveway would have a curb-to-curb width of 50-feet and would provide ingress and egress for trucks to enter the loading and receiving area in the northern portion of the site. A distance of more than 100-feet is located between the driveway entrances and the security house. For the project site, there is a distance of more than 200 feet between the security gate and the driveway entrance.

The project Applicant would be required to construct and improve the project’s frontage with Johnson Road from the western project limit to Navajo Road. The project will be required to dedicate land and construct the 71-foot half-width of a major divided parkway road section including the project’s driveway accessing Johnson Road. This may include land dedication to accommodate additional lanes at the intersection of Johnson Road and Navajo Road if required by the town. The Applicant would also be required to construct access and site frontage improvements on Navajo Road including improvements to the project’s frontage with Navajo Road. The project would also be required to dedicate land and construct the 44-foot half-width of Navajo Road’s secondary road designation including the proposed driveway accessing Navajo Road. Improvements to Navajo Road may include land dedication to accommodate additional lanes at the intersection of Johnson Road and Navajo Road if required by the Town of Apple Valley.

**Comment #16 3.17 Transportation (Continued)**

*The MND also utilizes uncertain language in stating that, “Improvements to Navajo Road may include land dedication to accommodate additional lanes at the intersection of Johnson Road and Navajo Road if required by the town. With these required design measures, the impacts would be less than significant.” It is clearly unknown at the time that the MND is published whether these improvements would be required, yet the MND relies upon these street improvements to conclude that impacts would be less than significant. An EIR must be prepared to include a complete analysis of off-site project improvements and list all required improvements for analysis in order to provide an adequate and accurate informational document.*

**Response #16**

The roadway improvements that are mandatory are identified as mitigation and have been reviewed and approved by the Town’s Traffic Engineer. The above improvements were identified by the Town’s traffic engineer and the traffic consultant that prepared the traffic study. The improvements would be required to be implemented by the project Applicant and were based on the findings of the traffic engineer. The need and effectiveness of the traffic improvements were based on the results of the traffic analysis (refer to the summary [Section 1.9] included in the Traffic analysis).

**Comment #17 3.17 Transportation (Continued)**

*There are also no exhibits depicting emergency vehicle access. The MND states that, “The proposed project would not affect emergency access to the project itself or any adjacent parcels. At no time during construction will Johnson Road or Navajo Road be completely closed to traffic. All construction staging must occur on-site. During project operations, the project would have adequate emergency access to allow emergency vehicles to access the project site. Johnson Road or Navajo Road would not be closed due to the project’s operations. As a result, no impacts are associated with the proposed project’s implementation.” However, there is no information regarding the requirements for emergency vehicle access or the project’s compliance or noncompliance with these requirements. Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA’s requirement for meaningful disclosure and adequate informational documents. An EIR must be prepared to include a finding of significance as the MND has not provided any meaningful evidence to support a less than significant finding.*

**Response #17**

The ISMND clearly identifies Johnson Road and Navajo Road as the two primary emergency access routes for the proposed project. The proposed project would not affect emergency access to the project itself or any adjacent parcels. At no time during construction will Johnson Road or Navajo Road be completely closed to traffic. All construction staging must occur on-site. Furthermore, the Town of Apple Valley requires that a construction site emergency action plan (EAP) be developed, outlining procedures for reporting emergencies, evacuation routes, and emergency contact information. It is also important to note that the properties located to north, west, and east are currently vacant and undeveloped. The projects implementation would improve future access to the properties. The project’s site plan was also reviewed to ensure that it adhered to all pertinent Fire Department access requirements for emergency vehicles. These requirements were adhered to in the site plan’s design. These requirements include building setback around the building, turnaround areas for equipment, and access to the building from all sides.

**Comment #18 3.21 Mandatory Findings of Significance**

*The MND has not provided an adequate or accurate cumulative analysis discussion here to demonstrate the impact of the proposed project in a cumulative setting. The MND has not provided any information or analysis on the buildout conditions of the General Plan or the North Apple Valley Industrial Specific Plan (NAVISP). Table II-2: Specific Plan Land Use Designations Buildout Summary of the NAVISP states that the Industrial - Specific Plan designation will have a buildout square footage of 42,599,240, and this analysis is based upon new development construction at 22% building coverage of the site. The proposed building site is 815,007 net square feet and the building is constructed at 49.07% site coverage<sup>36</sup>, which is more than double the quantity analyzed for every site in the NAVISP. Other projects in the NAVISP area have also constructed at higher building coverage rates than the NAVISP analyzed, such as the Project Jupiter Distribution Warehouse<sup>37</sup> (29% building coverage of the site), the Development at Dale Evans and Lafayette<sup>38</sup> (35% building coverage of the site), GTS Cold Storage<sup>39</sup> (49.9% building coverage of the site), 1M Warehouse (36.9% building coverage of the site), and Cordova Complex and Quarry at Pawnee Warehouses<sup>40</sup> (Building 1: 41.2% building coverage of the site; Building 2: 44.2% building coverage of the site). The MND has not demonstrated that the proposed project is within the buildout scenario of the NAVISP, including all cumulative development constructed since the inception of the NAVISP, approved projects not yet constructed, and “projects in the pipeline.” An EIR must be prepared to include a finding of significance as there is no meaningful evidence to support a less than significant finding.*

**Response #18**

Comment noted. Please refer to responses 10, 11, and 13.

**Comment #19 3.21 Mandatory Findings of Significance (Continued)**

*Table III-41: Preferred Alternative General Plan Land Use Designation Build Out Summary: Town & Unincorporated Lands of the General Plan EIR<sup>41</sup> states that the Industrial Specific Plan land use designation within the Town limits will have a buildout of 36,938,445 total square feet. The proposed project’s 404,057 square feet represents 1.09% of the General Plan buildout for this land use designation, which is significant to be attributed to a single project. As discussed above, the MND has not demonstrated that the proposed project is within the General Plan buildout scenario, including all cumulative development constructed since approval of the General Plan, approved projects not yet constructed, and “projects in the pipeline.” Other recent industrial projects such as Project Jupiter Distribution Warehouse (1,360,875 square feet of industrial/warehouse space), GTS Cold Storage (385,004 square feet of industrial/warehouse space), The Development at Dale Evans and Lafayette (1,207,544 square feet of industrial/warehouse space<sup>44</sup>), Apple Valley (2,520,000 square feet of industrial/warehouse space<sup>45</sup>), 1M Warehouse (1,080,125 square feet of industrial/warehouse space<sup>46</sup>), Cordova Complex and Quarry at Pawnee (3,022,294 square feet of industrial/warehouse space<sup>47</sup>), and SPR 2023-006 Cordova Business Center (504,508 square feet of industrial/warehouse space<sup>48</sup>) cumulatively with the proposed project generate 10,484,407 square feet of industrial/warehouse space, which is 28.4% of the General Plan buildout capacity accounted for by only a few recent industrial projects. An EIR must be prepared to include this analysis in order to provide an adequate and accurate environmental analysis.*

**Response #19**

Comment noted. Please refer to responses 10, 11, and 13.

**Comment #20 3.21 Mandatory Findings of Significance (Continued)**

*Further, employment generation has not been adequately analyzed as other recent projects such as Apple Valley 143 (2,520,000 square feet of industrial/warehouse space; 2,108 employees<sup>49</sup>), Apple Valley Commercial Project (49,995 square feet commercial space; 75 employees<sup>50</sup>), The Development at Dale Evans and Lafayette (1,207,544 square feet of industrial/warehouse space; 1,172 employees<sup>51</sup>), 1M Warehouse (1,080,125 square feet of industrial/warehouse space; 904 employees<sup>52</sup>), Cordova Complex and Quarry at Pawnee (3,022,294 square feet of industrial/warehouse space; 2,529 employees<sup>53</sup>), Cordova Business Center Cordova Business Center (494,000 square feet of industrial/warehouse space; 200 employees<sup>54</sup>) and Inland Empire North Logistics Center (2,604,446 square feet of industrial/warehouse space; 2,179 employees<sup>55</sup>) combined with the proposed project will cumulatively generate 9,505 employees, which is 101.1% of Apple Valley’s employment growth forecast over 31 years accounted for by only eight recent industrial projects. These totals increase exponentially when commercial and other industrial development activity is added to the brief list of recent activity above. An EIR must be prepared to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since 2016 (SCAG), General Plan adoption, NAVISP adoption, and projects “in the pipeline” to determine if the proposed project will exceed the employment/population growth forecasts by SCAG and/or the Town’s General Plan.*

**Response #20**

Comment noted. Please refer to responses 10, 11, and 13.

**Comment #21 Conclusion**

For the foregoing reasons, GSEJA believes the MND is flawed and an EIR must be prepared for the proposed project and circulated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

**Response #21**

The Lead Agency does not concur with the commenter’s contention that the ISMND is inadequate and thus warrants the preparation of an EIR. The Lead Agency will also continue to keep the public and interested parties informed as to the status of the project’s ongoing review.

**2.2 COMMENTS & RESPONSES – LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD**

**Comment #1**

*Lahontan Regional Water Quality Control Board (Water Board) staff received the Draft Initial Study and Mitigated Negative Declaration (IS/MND) for the above-referenced Project (Project) on February 19, 2025. The IS/MND was prepared by Blodgett Baylosis Environmental Planning and submitted in compliance with provisions of the California Environmental Quality Act (CEQA). Water Board staff, acting as a responsible agency, is providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations (CCR), title 14, section 15096. We thank the Town of Apple Valley for*

*providing Water Board staff the opportunity to review and comment on the IS/MND. Based on our review, we recommend the following: (1) mitigation as a result of changes to runoff to prevent flooding or erosion downstream; (2) incorporating Low Impact Development (LID) measures; (3) construction and post-construction Best Management Practices (BMP); (4) identify and list the beneficial uses of all water resources within the Project area; (5) hazardous material storage location; and (6) additional clarification on the Contech CDS System clarifiers CDS202-5 stormwater treatment. Our comments are outlined below.*

**Response #1**

The comment is noted for the record. The response is required.

**Comment #2**

*All groundwater and surface waters are considered waters of the State. All waters of the State are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the United States. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the United States. The Water Quality Control Plan for the Lahontan Region (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at [http://www.waterboards.ca.gov/lahontan/water\\_issues/programs/basin\\_plan/references](http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references).*

**Response #2**

The comment is noted for the record. The response is required.

**Comment #3**

*Our general comments and recommendations on the Project and environmental review, as they pertain to water quality and hydrology, are outlined below. The Project proposed grading and diversion of stormwater flows, yet the analysis concludes that these changes will have less-than-significant impacts. It would be beneficial to include additional discussion of how changes in site run off characteristics will be mitigated to prevent localized flooding or erosion impacts downstream.*

**Response #3**

As indicated in the ISMND (Section 3.10A), the proposed project will be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of storm water. This NPDES permit ensures that Best Management Practices (BMPs) such as vegetated swales, buffers, and/or infiltration areas are incorporated into new development projects to maintain water quality. The project site is located within the jurisdiction of the Lahontan Regional Water Quality Control Board (RWQCB), which is part of the Upper Mojave Hydrologic Area. The Lahontan RWQCB designates beneficial uses for waters in the Mojave Watershed, which are identified in the Water Quality Control Plan for the Lahontan Region (Basin Plan). Coverage under an NPDES permit includes the submittal of a Notice of Intent (NOI)

application to the SWRCB, the receipt of a Waste Discharge Identification Number, and the preparation of a Storm Water Pollution Prevention Plan (SWPPP) for construction discharges. To protect water quality over the short term (i.e., during construction), the project-specific SWPPP will describe the construction contractor's activities to comply with the requirements in the NPDES permit. The SWPPP is intended to facilitate a process whereby the operator evaluates potential pollutant sources at the site and implements BMPs designed to prevent or control the discharge of pollutants in storm water runoff.

The project Applicant will be required to adhere to Chapter 10.30.210 - Erosion and Sediment Control, of the municipal code regulates erosion and sediment control. In addition, stormwater discharges from construction activities that disturb one or more acres, or smaller sites disturbing less than one acre that are part of a common plan of development or sale, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater permitting program. *As a result, the impacts would be less than significant.*

#### **Comment #4**

*Although no direct groundwater extraction is proposed, the project's impervious surfaces may reduce groundwater recharge. Additionally, the impervious surfaces have the potential to modify natural drainage systems. Consideration should be given to incorporating LID measures beyond the proposed retention basins. Design alternatives that are compatible with LID should be considered. LID components include maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge; managing runoff as close to the source as possible; and maintaining vegetated areas for storm water management and onsite infiltration. We recommend natural drainage channels and flow paths be maintained through the Project site to avoid no net loss of function and value of waters of the state as a result of Project implementation.*

#### **Response #4**

As indicated in the ISMND (Section 3.10A), groundwater was not encountered within any of exploratory borings as advanced to a maximum depth of approximately 30 feet below the existing ground surface. In order to estimate the approximate depth to groundwater in the site area, a search was conducted for local groundwater (well) level measurements within the State of California Department of Water Resources online database (CDWR, 2023). The closest well found is State Well Number 06No3W15Q001S, located approximately 1.2 (0.75 miles) east of the site. In this well, groundwater records were available from 1933 to 2015. The depth of water in this well fluctuated from approximately 76 feet in 2015 to approximately 114 feet in 1933. Maximum depths during site development are expected to occur during construction of the subterranean infiltration chamber system, but which would not extend below existing site grades to depths that would reach the water table or impair or alter the direction or rate of flow of groundwater or introduce TDS, nitrates, or other contaminants into the groundwater table. Additionally, the proposed project would connect to Apple Valley's municipal sewer system. No septic systems are proposed, and no groundwater extraction would occur as part of the proposed project's implementation.

#### **Comment #5**

*The ISAMND indicates the NPDES permitting requirements and BMPs; however, it does not clearly outline site-specific BMPs beyond general references to stormwater treatment (e.g. Contech CDS System clarifiers, vegetated swales, and buffers). It would be beneficial to include a more detailed description of how stormwater will be managed during both construction and post-construction. The IS/MND should*

*identify post-construction storm water management as a significant Project component, and a variety of BMPs.*

**Response #5**

As indicated in the ISMND (Section 3.10Ci), The proposed project will be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of storm water. This NPDES permit ensures that Best Management Practices (BMPs) such as vegetated swales, buffers, and/or infiltration areas are incorporated into new development projects to maintain water quality. The project site is located within the jurisdiction of the Lahontan Regional Water Quality Control Board (RWQCB), which is part of the Upper Mojave Hydrologic Area. The Lahontan RWQCB designates beneficial uses for waters in the Mojave Watershed, which are identified in the Water Quality Control Plan for the Lahontan Region (Basin Plan). Coverage under an NPDES permit includes the submittal of a Notice of Intent (NOI) application to the SWRCB, the receipt of a Waste Discharge Identification Number, and the preparation of a Storm Water Pollution Prevention Plan (SWPPP) for construction discharges. The project Applicant will be required to adhere to Chapter 10.30.210 - Erosion and Sediment Control, of the municipal code regulates erosion and sediment control. In addition, stormwater discharges from construction activities that disturb one or more acres, or smaller sites disturbing less than one acre that are part of a common plan of development or sale, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater permitting program. Due to project requiring to follow the NPDES, the project would not result in a substantial erosion or siltation on or off-site.

**Comment #6**

*The Project is located within the Upper Mojave Hydrologic Unit (Hydrologic Unit No. 628.020) and overlies the Upper Mojave River Valley groundwater basin (Basin No. 6-42). The beneficial uses of these waters are listed either by watershed (for surface waters) and by groundwater basin (for groundwater) in Chapter 2 of the Basin Plan. The proposed Project should identify and list the beneficial uses of all water resources within the Project area. Chapter 2 of the Basin Plan. The proposed Project should identify and list the beneficial uses of all water resources within the Project area.*

**Response #6**

The project's construction and operation will be restricted to the designated project site and the project will not increase the amount of any stream or river that would lead to on- or off-site siltation or erosion. The hydrological study prepared for the project determined that the Watershed would produce 1,681 cubic feet per second (cfs) with an associated volume of 433 acre-feet of storm water. In order to protect off-site flows from on-site contaminated flows, two Contech CDS System clarifiers CDS2020-5 will be installed to treat on-site flows prior to exiting the site into the off-site drainage conveyance channels. The CDS System separates and traps trash, debris, sediment, and hydrocarbons from storm water runoff.

**Comment #7**

*Equipment staging areas and hazardous materials (i.e. oils and fuels) should be sited in upland areas outside surface waters and adjacent flood plain areas. These locations should also be included on Project maps or site plans, which are needed to evaluate the Project impacts.*

**Response #7**

As indicated in the ISMND (Section 3.10Ciii), the pavement at the northern side of the building will be depressed 4-feet below the building to provide docking space for semi-trucks. A portion of this area will be used as retention for the excess stormwater that is generated by the development of the site. The eastern, western, and southern sides of the building will be at grade to channelize storm flows around the building along with the street sections. Off-site grading is proposed on the east side of Navajo Road to direct the storm flows south to a culvert crossing and local road tilt section that will convey the off-site flows to the north side of Johnson Road where these flows will be conveyed west and released into the historic natural drainage conveyance west of the project site. Tributary flows along the northern property line will be collected in a channel system between the truck parking and the northern property line.

**Comment #8**

*Two Contech CDS System clarifiers CDS202-5 are proposed to be installed at the site to treat on-site flows prior to exiting the site into the off-site drainage conveyance channels. It states that the CDS system separates and traps trash, debris, sediment, and hydrocarbons from storm water runoff. It is unclear if the CDS system will address finer pollutants such as nutrients or metals.*

**Response #8**

As indicated in the ISMND (Section 3.10Ciii), two Contech CDS System clarifiers CDS202-5 will be installed to treat on-site flows prior to exiting the site into the off-site drainage conveyance channels. The CDS System separates and traps trash, debris, sediment, and hydrocarbons from storm water runoff.

**Comment #9**

*A number of activities associated with the proposed Project may have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board. The required permits may include the following.*

- 1. Land disturbance of more than 1 acre and construction may require a CWA, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2022-0057-DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.*
- 2. Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill waste discharge requirements for impacts to non-federal waters, both issued by the Lahontan Water Board.*
- 3. Construction of retention basins may require a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2022-0057-DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.*

*We request that the draft IS/MND recognize the potential permits that may be required for the Project, as outlined above, and identify the specific activities that may trigger these permitting actions in the appropriate sections of the environmental document. Information regarding these permits, including application forms, can be downloaded from our website at <http://www.waterboards.ca.gov/lahontan/>. Early consultation with Water Board staff regarding potential permitting is recommended. Thank you for the opportunity to comment on the draft EIR. If you have any questions regarding this letter, please contact me at (760) 243-2355, ([tiara.crucius@waterboards.ca.gov](mailto:tiara.crucius@waterboards.ca.gov)) or Christina Guerra, Senior Engineering Geologist, at (760) 241-7333, ([christina.guerra@waterboards.ca.gov](mailto:christina.guerra@waterboards.ca.gov)). Please send all future correspondence regarding this Project to the Water Board's email address at [Lahontan@waterboards.ca.gov](mailto:Lahontan@waterboards.ca.gov).*

### **Response #9**

The comment is noted for the record. The proposed project would be required to be in compliance with Chapter 10.30.210 of the Town of Apple Valley Municipal Code. In addition, the project's operation will not interfere with any groundwater management or recharge plan because there are no active groundwater management recharge activities on-site or in the vicinity. To ensure the project would not substantially degrade surface or groundwater quality, inhibit groundwater recharge potential, or substantially deplete groundwater supplies, and the project would not conflict with any applicable water quality control plan or sustainable groundwater management plan, the proposed project will be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of storm water. This NPDES permit ensures that Best Management Practices (BMPs) such as vegetated swales, buffers, and/or infiltration areas are incorporated into new development projects to maintain water quality.

## **6.3. REVISIONS TO THE ISMND**

This section outlines those changes that will be made to the ISMND by reference in response to the comments that were received. None of the changes would result in any new environmental impacts not already identified in the ISMND. In addition, the revisions would not require any new or modified mitigation. The proposed revisions and the corresponding comments are noted below:

### **Revision in Response to Comment #3**

The ISMND indicated that the “net land area total net land area of the site is 871,200 square feet which is approximately 18.71 acres.” The comment is correct in that the figure of 871,200 square feet refers to gross area. The net land area of 18.71-acres is correctly identified throughout the ISMND.

### **Revision in Response to Comment #8**

The proposed project adheres to the Town's development standards related to setbacks and building height. The Applicant is requesting a variance for parking and lot coverage. The lot coverage variance would permit the project with a current lot coverage of 50.6% to exceed the City's lot coverage standards of 45%. The parking variance would permit the project to deviate from the City's parking standards to permit 222 parking spaces instead of the 438 parking spaces required under City Code. The project would provide a total of 455 spaces when including the truck parking spaces. This information has been incorporated into the ISMND by reference.

**Revision in Response to Comment #14**

The project's floor area was revised upwards by the project's design team. The proposed building analyzed in the MND is 24,400 square feet smaller than the design evaluated in the traffic study. The traffic report analyzed a building with a floor area of 379,657 square feet. The building was subsequently redesigned so that it would have a total floor area of 404,057 square feet. This represents a difference of 24,400 square feet. This information has been incorporated into the ISMND by reference.

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