"EXHIBIT B"

RESPONSE TO COMMENTS

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

JUNE 10, 2025

APPL 004

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 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, 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

2. COMMENTS & RESPONSE TO COMMENTS

2.1 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 corresponds 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 proposes 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 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.

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 side. 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 CO2E/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 CO2E per year. The operational emission is 3,156 metric tons MTCO2E per year for a combined total of 3,178.5 MTCO2E per year, which is well below the threshold of 10,000 MTCO2E 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 facilites 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 care8. 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 ot 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. 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 – Industria*l 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 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. 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 space20), GTS Cold Storage (385,004 square feet of industrial/warehouse space21), The Development at Dale Evans and Lafayette (1,207,544 square feet of industrial/warehouse space22), Apple Valley (2,520,000 square feet of industrial/warehouse space), 1M Warehouse (1,080,125 square feet of industrial/warehouse space24), Cordova Complex and Quarry at Pawnee (3,022,294 square feet of industrial/warehouse space25), and SPR 2023-006 Cordova Business

Center (504,508 square feet of industrial/warehouse space26) 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 employees29), 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 employees31), 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 date 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

TheAppendix G of the MND (November 2023 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 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 prepares sent the revised site plan to the traffic engineer (David Evans and Associates, Inc. [DEA]) that prepared the original traffic report. An updated memorandum dated January 2024 was prepared by the traffic engineer to reflect a building with a total floor area of 410,241 square feet, which provides a more conservative analysis since the project is only 404,057 square feet. (See Attachment A of the Responses to Comments/Final IS/MND.) The traffic engineer concluded the following with respect to the revised site plan with the larger floor area:

- 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.

An addendum to the January 2024 memorandum was prepared, dated May 16, 2025, that evaluates the incremental change in trip generation and in VMT to determine if the change in floor area would change

the outcome of the analysis. (See Attachment A of the Responses to Comments/Final IS/MND.) 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. After distributing the incremental decrease in PCE traffic to the study intersections, the very small decrease in traffic volume (in PCEs) dissipates to zero at Johnson Road and Dale Evans Parkway. The remaining study intersections do not experience any change in PCEs. The reduction in PCE's is inconsequential at the Johnson Road and Dale Evans Parkway intersection that, with the implementation of mitigation measures, operates at LOS B in both peak hours. A copy of the memorandum cited above is included as an attachment (Attachment A) 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 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. 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 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 Johnon 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 coverage36, 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 Warehouse37 (29% building coverage of the site), the Development at Dale Evans and Lafayette38 (35% building coverage of the site), GTS Cold Storage39 (49.9% building coverage of the site), 1M Warehouse (36.9% building coverage of the site), and Cordova Complex and Quarry at Pawnee Warehouses40 (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 EIR41 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 space44), Apple Valley (2,520,000 square feet of industrial/warehouse space45), 1M Warehouse (1,080,125 square feet of industrial/warehouse space46), Cordova Complex and Quarry at Pawnee (3,022,294 square feet of industrial/warehouse space47), and SPR 2023-006 Cordova Business Center (504,508 square feet of industrial/warehouse space48) 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 employees49), Apple Valley Commercial Project (49,995 square feet commercial space; 75 employees50), The Development at Dale Evans and Lafayette (1,207,544 square feet of industrial/warehouse space; 1,172 employees51), 1M Warehouse (1,080,125 square feet of industrial/warehouse space; 904 employees52), Cordova Complex and Quarry at Pawnee (3,022,294 square feet of industrial/warehouse space; 2,529 employees53), Cordova Business Center Cordova Business Center (494,000 square feet of industrial/warehouse space; 200 employees54) and Inland Empire North Logistics Center (2,604,446 square feet of industrial/warehouse space; 2,179 employees55) 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 contin8ie 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.

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 forstorm 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 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. 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 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.

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 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 #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, orindividual 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) or Christina Guerra, Senior Engineering Geologist, at (760) 241-7333, (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.

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.

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. 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 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 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.

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. After distributing the incremental decrease in PCE traffic to the study intersections, the very small decrease in traffic volume (in PCEs) dissipates to zero at Johnson Road and Dale Evans Parkway. The remaining study intersections do not experience any change in PCEs. The reduction in PCE's is inconsequential at the Johnson Road and Dale Evans Parkway intersection that, with the implementation of mitigation measures, operates at LOS B in both peak hours. Table 9 should be updated to reflect the table below.

Table 9: Estimated Trip Generation of Proposed Johnson Road Industrial - Apple Valley

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
Warehouse Average of Trip Generation Rates from Five ITE Warehouse Land Use Categories	404.057	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						
		954	75	22	97	27	70	97
	Mode Share	Project Trip Generation by Vehicle Type						
Passenger Cars (Percent of Total)	74.21%	708	55	17	72	20	52	72
2-Axle Trucks (Percent of Total)	4.55%	43	3	1	4	1	3	4
3-Axle Trucks (Percent of Total)	4.18%	40	3	1	4	1	3	4
4-Axle Trucks (Percent of Total)	17.04%	162	13	4	17	5	12	17
	PCE Factor	Project Trip Generation in Passenger Car Equivalents (PCE)						
Passenger Cars	1	708	55	17	72	20	52	72
2-Axle Trucks	1.5	65	5	2	7	2	5	7
3-Axle Trucks (Percent of Total)	2	80	6	2	8	2	6	8
4-Axle Trucks (Percent of Total)	3	487	38	11	50	14	36	50
Total Passenger Car Equivalents (PCE)		**1,340**	**105**	**31**	**136**	**38**	**98**	**136**
Trip Generation (410,241 SF Site Plan)		**968**	**76**	**23**	**98**	**28**	**71**	**98**
Difference in Trip Generation		**-15**	**-1**	**0**	**-1**	**0**	**-1**	**-1**
Percent Difference in Trip Generation		**-2%**	**-2%**	**-2%**	**-2%**	**-2%**	**-2%**	**-2%**

Table 9 Continued

Passenger Car Equivalents (410,241 SF Site Plan)		**1,360**	**107**	**32**	**138**	**39**	**100**	**138**
Difference in PCE's		**-21**	**-2**	**0**	**-2**	**-1**	**-2**	**-3**
Percent Difference in PCE's		**-2%**	**-2%**	**0%**	**-2%**	**-2%**	**-2%**	**-2%**

Notes:
KSF = Thousands of Square Feet.
1. 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.
2. Source of trip generation rates: Institute of Transportation Engineers (ITE) Trip Generation (11th Edition). Average rates for ITE's five types of warehouses in land use categories 150, 154,155, 156, 157 excluding High-Cube Fulfillment Center Warehouse - Sort Facility.
3. Source of passenger car / truck mode share (percentage of total): Fontana Truck Trip Generation Study for Heavy Warehouse Uses (August 2003). Passenger Car Equivalents (PCE) factors: Industry standard values utilized in neighboring jurisdictions.

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

This information has been incorporated into the traffic study by reference.