

**Findings of Fact and Statement of Overriding Considerations
for:**

Lake Creek Logistics Center

State Clearinghouse No. 2024020235

Lead Agency

Town of Apple Valley, Planning Department
14955 Dale Evans Parkway
Apple Valley, CA 92307

CEQA Consultant

T&B Planning, Inc.
3200 El Camino Real, Suite 100
Irvine, CA 92602

Lead Agency Discretionary Permits

Specific Plan Amendment 2023-01
Site Plan Review 2022-003
Tentative Parcel Map No. 20659
Development Agreement

August 2026

Table of Contents

Section	Page
1.0 Introduction and Purpose	4
1.1 Findings Required Under CEQA	4
1.2 Project Summary	5
1.3 Environmental Review and Public Participation	8
2.0 Environmental Impacts and Findings.....	11
3.0 Environmental Impacts not Requiring Mitigation	12
3.1 Aesthetics	12
3.2 Agriculture and Forestry Resources.....	15
3.3 Air Quality	17
3.4 Biological Resources.....	24
3.5 Cultural Resources	26
3.6 Energy	28
3.7 Geology and Soils	35
3.8 Greenhouse Gas Emissions.....	40
3.9 Hazards and Hazardous Materials.....	43
3.10 Hydrology and Water Quality.....	49
3.11 Land Use and Planning	55
3.12 Mineral Resources	58
3.13 Noise	59
3.14 Population and Housing.....	65
3.15 Public Services.....	67
3.16 Recreation	71
3.17 Transportation	72
3.18 Tribal Cultural Resources	76
3.19 Utilities and Service Systems.....	77
3.20 Wildfire	83
4.0 Environmental Impacts Mitigated to a Level of Less-than-Significant	85
4.4 Biological Resources.....	85
4.5 Cultural Resources	93

4.6	Geology and Soils	97
4.7	Tribal Cultural Resources	100
5.0	Environmental Impacts That Remain Significant and Unavoidable After Mitigation.....	103
5.1	Air Quality	103
5.2	Noise	113
5.3	Transportation	116
6.0	Other CEQA Considerations	121
6.1	Significant Irreversible Environmental Changes	121
6.2	Growth-Inducing Impacts	122
7.0	Alternatives	126
8.0	General CEQA Findings	132
9.0	Statement of Overriding Considerations	134
10.0	Additional Facts on Record.....	141
10.1	Custodian of Record	141

1.0 INTRODUCTION AND PURPOSE

The 226.75-acre Project site, as described under Section 1.2.1 below, is in the Town of Apple Valley, San Bernardino County, California. The Town of Apple Valley (the “Town”) in approving the Lake Creek Logistics Center Project (the “Project”) makes the Findings described below. The Findings are based upon the entire record before the Town, as described in Section 1.3, below, including but not limited to the Environmental Impact Report (“EIR”) prepared for the Project with the Town acting as lead agency under the California Environmental Quality Act (“CEQA”).

Hereafter, the Notice of Preparation (“NOP”), Notice of Availability (“NOA”), Draft EIR (“Draft EIR”), Technical Studies, and Final EIR (“Final EIR”) (containing responses to public comments on the Draft EIR and textual revisions to the Draft EIR), will be referred to collectively herein as the “EIR” unless otherwise specified.

1.1 FINDINGS REQUIRED UNDER CEQA

Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The statute also provides that the procedures required by CEQA are “intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Finally, Section 21002 indicates that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate described in Public Resources Code Section 21002 is implemented, in part, through the requirement that for projects with one or more significant environmental effects, agencies must adopt written findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. The second finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency. The third finding is that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR (CEQA Guidelines Section 15091(a)). Public Resources Code Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” As stated in CEQA Guidelines Section 15093(a), “[i]f the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”

1.2 PROJECT SUMMARY

1.2.1 SITE LOCATION

The approximately 226.75-acre site is located in the Town of Apple Valley which is within the Victor Valley Area of San Bernardino County, California. The Town of Apple Valley is situated northeast of the City of Hesperia, east of the City of Victorville, and west and south of unincorporated San Bernardino County. The Project site is located approximately 4.6 miles east of Interstate 15 (I-15) and approximately 4.2 miles north of State Route 18 (SR-18).

At the local scale, the Project site is located immediately north of Corwin Road, west of Central Road, south of Gustine Street, and east of the Apple Valley Airport. The Project site is comprised of five parcels that total approximately 226.75 gross acres in size (Assessor's Parcel Number [APN]: 0463-373-01, -03, -04, -05, -06).

Under existing conditions, the Project site is vacant and undeveloped. The overall site slopes downward toward the southwest at a gradient of about two percent. The site topography is slightly rolling, with several northeast to southwest trending drainage courses.

1.2.2 PROJECT OVERVIEW

The Project proposes the construction and operation of three industrial buildings totaling approximately 3.48 million square feet (sf). Due to the speculative nature of the Project and to account for potential future tenant needs, cold storage has been assumed to account for 10 percent of the Project's overall building footprint. The primary components of the Project are described below.

- Parcels 0463-373-04 and -06 (approximately 76.60 gross acres) would be merged to form Parcel 1, measuring 76.36 net acres. Building 1 encompasses approximately 1,238,320 sf, including 20,000 sf of office space for a floor area ratio (FAR) of 0.37. Building 1 would provide 446 truck trailer parking spaces and a total of 1,052 automobile parking spaces, including 20 spaces that would be compliant with Americans with Disabilities Act (ADA) standards, 4 ADA Van (12' wide) parking spaces, 1 electronic vehicle charging station (EVCS) ADA Van, 2 EVCS ADA Standard, 2 EVCS ADA Ambulatory, 48 Electric Vehicle (EV) Standard, and 158 EV-Capable parking spaces.
- Parcels 0463-373-03 and -05 (approximately 80.08 gross acres) would be merged to form Parcel 2, measuring 80.08 net acres. Building 2 consists of approximately 1,238,320 sf, including 20,000 sf of office space for a FAR of 0.36. Building 2 would provide 543 truck trailer parking spaces and a total of 1,170 automobile parking spaces, including 18 ADA standard parking spaces, 4 ADA Van (12' wide) parking spaces, 1 EVCS ADA Van, 2 EVCS ADA Standard, 2 EVCS ADA Ambulatory, 54 EV Standard, and 176 EV-Capable parking spaces

- Building 3 consists of approximately 1,004,096 sf, including 20,000 sf of office space for an FAR of 0.34. Building 3 would provide 572 truck trailer parking spaces and a total of 699 automobile parking spaces, including 17 ADA standard parking spaces, 4 ADA Van (12' wide) parking spaces, 1 EVCS ADA Van, 1 EVCS ADA Standard, 1 EVCS ADA Ambulatory, 32 EV Standard, and 105 EV-Capable parking spaces.

1.2.3 PROJECT OBJECTIVES

The underlying purpose and goal of the Lake Creek Logistics Center is to develop modern industrial uses in the Town of Apple Valley in close proximity to the State highway system in order to increase employment opportunities and improve the Town's economic competitiveness. The Project would achieve its underlying purpose and goal through the following objectives.

- A. To efficiently develop a vacant and underutilized property with industrial uses to help meet the regional demands for goods movement facilities.
- B. To expand economic development, facilitate job creation, and increase the tax base for the Town of Apple Valley by establishing new industrial development adjacent to established and planned industrial areas.
- C. To attract new businesses to the Town of Apple Valley and thereby provide a more equal jobs-housing balance in the Inland Empire area that will reduce the need for members of the local workforce to commute outside the area for employment.
- D. To make efficient use of a property in the Town of Apple Valley by maximizing its buildout potential for employment-generating uses.
- E. To develop Class A speculative industrial buildings in the Town of Apple Valley that are designed to meet contemporary industry standards, can accommodate a wide variety of users, and are economically competitive with similar industrial buildings in the local area and region.
- F. To develop industrial buildings in close proximity to the I-15 and SR-18 freeways that can be used as part of the southern California goods movement network.

1.2.4 TOWN OF APPLE VALLEY ACTIONS COVERED BY THE EIR

The following discretionary and administrative actions are required of the Town, as Lead Agency, to implement the Project. The EIR prepared for the Project covers all discretionary and administrative approvals which may be needed to construct or implement the Project, whether or not they are explicitly listed. They include:

- Specific Plan Amendment (SPA) 2023-001
- Site Plan Review 2022-003
- Tentative Parcel Map (TPM) No. 20659

- Development Agreement

1.2.5 APPROVALS FROM OTHER AGENCIES

The California Public Resource Code (Section 21104) requires that all EIRs be reviewed by responsible and trustee agencies (see also CEQA Guidelines Section 15082 and Section 15086(a)). As defined by CEQA Guidelines Section 15381, “the term ‘Responsible Agency’ includes all public agencies other than the Lead Agency which have discretionary approval power over the project.” A “Trustee Agency” is defined in CEQA Guidelines Section 15386 as “a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California.”

The anticipated agencies expected to use the EIR are described below. However, the EIR can be used by any Responsible or Trustee Agency, whether identified in the EIR or not, as part of their decision-making processes in relation to the Project.

Public Agency	Approvals and Decisions
Proposed Project – Town of Apple Valley Discretionary Approvals	
Town of Apple Valley Planning Commission	• Provide recommendation to the Town Council regarding whether to certify the Project’s EIR. • Provide recommendations to the Town Council whether to approve SPA 2023-001, Site Plan Review 2022-003, TPM No. 20659.
Town of Apple Valley Town Council	• Certify the EIR along with appropriate CEQA Findings of Fact. • Approve SPA 2023-001, Site Plan Review 2022-003, TPM No. 20659.
Subsequent Town of Apple Valley Ministerial Approvals	
Town of Apple Valley Departments and Divisions	• Approve precise site plan(s) and landscaping/irrigation plan(s), as may be appropriate. • Issue Grading Permits. • Issue Building Permits. • Approve Road Improvement Plans. • Issue Encroachment Permits. • Approve Stormwater Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP). • Approve sewer infrastructure improvements and connections
Other Agencies – Subsequent Approvals and Permits	
Federal Aviation Administration	• Issue an encroachment permit for the proposed sewer alignment and NEPA compliance.
San Bernardino County Department of Airports	• Issue utility easement for the proposed sewer alignment.
Lahontan Regional Water Quality Control Board (RWQCB)	• Issue a Construction Activity General Construction Permit. • Assure compliance with National Pollutant Discharge Elimination System (NPDES) Permit.

Public Agency	Approvals and Decisions
	Issue a Water Quality Certification pursuant to Section 401 of the federal Clean Water Act (CWA).
California Department of Fish and Wildlife (CDFW)	Issue a Section 1602 Streambed Alteration Agreement pursuant to the California Fish and Wildlife Code.
San Bernardino County Flood Control District (SBCFCD)	Approve the Project's proposed drainage improvements.
Town of Apple Valley Fire Protection District	Approve fire hydrant locations and fire protection features for the proposed building.
Mojave Desert Air Quality Management District (Mojave Desert AQMD)	Issue construction-related permits.
Liberty Utilities	Approve proposed water infrastructure improvements and connections.
Southern California Edison (SCE)	Approvals required for the installation of new SCE facilities/connections to service the Project.

1.3 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The Town conducted an extensive environmental review of the Project to ensure that the Town's decision makers and the public are fully informed about the potential significant environmental effects of the Project; to identify ways that environmental damage can be avoided or significantly reduced; and to prevent significant, avoidable damage to the environment by requiring changes in the Project using mitigation measures which have been found to be feasible.

To do this, the Town, acting as Lead Agency under CEQA, undertook the following:

- Circulated a Notice of Preparation (NOP) to the California Office of Land Use and Climate Innovation (the "State Clearinghouse"), Responsible Agencies, Trustee Agencies, and other interested parties on February 7, 2024, for a 30-day review period between February 9, 2024 and March 11, 2024;
- The NOP was posted on the Town's website and Town of Apple Valley Planning Department on February 7, 2024;
- The NOP was posted at the San Bernardino County Clerk's office on February 7, 2024;
- Held a publicly noticed EIR Scoping Meeting via virtual meeting participation on Microsoft Zooms which was open to public attendance on February 26, 2024, to solicit comments from the public on the environmental issue areas that should be analyzed in the EIR;
- Sent a Notice of Availability (NOA) and Notice of Completion (NOC) and electronic copies of the Draft EIR to the California Office of Land Use and Climate Innovation, State Clearinghouse, on October 30, 2025;
- Mailed via certified mail a copy of the NOA to all Responsible Agencies, Trustee Agencies, and other interested parties and organizations to inform recipients that the Draft EIR was

available for a 45-day review period beginning on October 31, 2025, and ending on December 15, 2025;

- The NOA was posted on the Town's website and at the San Bernardino County Clerk's office on October 30, 2025;
- The Draft EIR was posted on the Town's website during the public review period for the Draft EIR;
- Prepared responses to comments on the Draft EIR received during the 45-day comment period on the Draft EIR, which have been included in the Final EIR;
- Provided the Final EIR, including individual responses to agencies that commented on the Draft EIR at least 10 days prior to certifying the EIR; and
- A Planning Commission hearing is anticipated to occur on a specific date in the future. Planning Commission hearings occur every 1st and 3rd Wednesday of each month at 6 p.m.
- A Town Council Meeting is anticipated to occur on a specific date in the future. Town Council meetings occur every 2nd and 4th Tuesday of each month at 6:30 p.m.

The Record of Proceedings for the Project consists of those items listed in CEQA Section 21167.6(e), along with other items contained within the Town's files that are relevant to the consideration of the Project. The Record of Proceedings for the Town's decision on the Project consists of the following documents, at a minimum and without limitation, which are herein incorporated by reference and made part of the record supporting these Findings:

- The NOP, NOA, and all other public notices issued by the Town in conjunction with the Project;
- The Draft EIR for the Project and all technical appendices and documents cited, relied upon or incorporated by reference;
- All written comments submitted by agencies, organizations, or members of the public during the public review comment period on the Draft EIR and the Town's responses to those comments;
- The Draft EIR for the Project and all technical appendices and documents cited, relied upon or incorporated by reference;
- The Mitigation Monitoring and Reporting Program for the Project;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the Town or consultants to the Town with respect to the Town's

compliance with the requirements of CEQA and with respect to the Town's action on the Project;

- All documents submitted to the Town by public agencies, organizations or members of the public in connection with the Draft EIR;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the Town in connection with the Project;
- Any documentary or other evidence submitted to the Town at such information sessions, public meetings, and public hearings;
- All findings and resolutions adopted by the Town regarding the Project, all documents, cited or referred to therein and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge to the Town, including, but not limited to federal, State, and local laws and regulations;
- Any documents expressly cited in these Findings, in addition to those cited above; and any other materials required for the record of proceedings by CEQA Section 21167.6(e).

All the documents identified above and all the documents which constitute the Record of Proceedings for the Town's actions related to the Project pursuant to Public Resources Code Section 21167.6(e) are located at the Town of Apple Valley, Planning Department, 14955 Dale Evans Parkway, Apple Valley, CA 92307. Questions should be directed to David Contreras, Planning Director.

2.0 ENVIRONMENTAL IMPACTS AND FINDINGS

The EIR was prepared by T&B Planning, Inc., a professional consulting firm. The professional qualifications and reputation of the EIR Consultant, the supervision and direction of the EIR Consultant by Town staff and its peer review consultants, the thorough and independent peer review of the EIR, including comments and responses by Town staff and its consultants, and the review and careful consideration of the EIR by the Town, including comments and responses; all demonstrate that the EIR is the product of and reflects the independent judgment and analysis of the Town as the Lead Agency.

Based on the NOP, *Technical Appendix A* to the Draft EIR, and the responses to the NOP, the EIR analyzed fifteen (15) potential areas where significant environmental impacts could result from implementation of the Project. These environmental topics were analyzed in the EIR and include Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Public Services, Transportation, Tribal Cultural Resources, and Utilities and Service Systems.

Having received, reviewed, and considered the information in the Final EIR, as well as any and all other information in the record, the Town hereby makes findings pursuant to and in accordance with CEQA Sections 21081, 21081.5, and 21081.6.

3.0 ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

The Town hereby finds that the following potential environmental impacts associated with the implementation of the Project are less-than-significant and therefore do not require the imposition of mitigation measures.

3.1 AESTHETICS

Project impacts for Aesthetics do not result in significant impacts, and related findings are discussed below.

3.1.1 THRESHOLD A

Impact Statement: The Project would not have a substantial adverse effect on a scenic vista.

☐ Findings

Potential impacts of the Project related to Threshold a are discussed in Section 4.1.5 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ Substantial Evidence

Scenic vistas are generally described in two ways: (1) panoramic views (visual access to a large geographic area, for which the field of view can be wide and extend into the distance); and (2) focal views (visual access to a particular object, scene, or feature of interest). Development projects have the potential to impact scenic vistas in two ways: 1) physically alter a designated scenic resource (e.g., disturb or develop upon a ridgeline, hillside, peak or shoreline) and 2) block or substantially obscure the public views of a scenic vista (e.g., designated scenic views from public roads, trails, parks, landmarks, etc.). (Draft EIR, p. 4.1-10)

The Apple Valley General Plan identifies the Mojave River, surrounding knolls, hillsides, mountains, and the natural desert environment as local scenic resources. As shown in General Plan Exhibit III-3, the Project site is not located within an area identified for scenic preservation. There are no scenic vistas within the Project site. The Project would not otherwise adversely affect a designated scenic vista because the existing scenic resources are over 2 miles away from the Project site and the surrounding knolls, hillsides, mountains, and the natural desert environment would remain visible from public right-of-way. Accordingly, the potential for development of the Project site to result in a substantial adverse effect on a scenic vista is considered less than significant. (Draft EIR, p. 4.1-10)

3.1.2 THRESHOLD B

Impact Statement: The Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in Section 4.1.5 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts with respect to Threshold b; therefore, no mitigation is required.

☐ **Substantial Evidence**

There are no officially designated State scenic highways near the Project site. The nearest officially designated State scenic highway is SR-2 located approximately 32 miles southwest of the Project site. The nearest eligible scenic highway is SR-247 located approximately 12 miles east of the Project site. Due to distance and intervening terrain, the Project would not affect these highways. Therefore, no impacts associated with scenic resources within a state scenic highway would occur. (Draft EIR, p. 4.1-10)

3.1.3 THRESHOLD C

Impact Statement: The Project would not, in a non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings. The Project would not, in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.

☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in Section 4.1.5 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold c; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project site is located in an area that meets the U.S. Census Bureau's definition of an "urbanized area" and is planned for urban uses by the Town General Plan; therefore, the following discussion analyzes the Project's potential to conflict with applicable zoning and other regulations governing scenic quality. (Draft EIR, p. 4.1-11)

Construction

During construction, the Project would result in a temporary change to the visual character of the Project site from a predominantly undeveloped site to an active construction site with construction equipment, staging areas, construction machinery, and temporary fencing. Following the completion of the construction activities, all construction equipment would be removed from the Project site. The Town's Municipal Code Chapter 8.20 – Construction Site Maintenance and Trash Containment establishes minimum standards for construction site maintenance including the collection, storage containment and removal of construction site trash, rubbish or debris. The temporary presence of construction equipment within a property under construction is common and Project construction activities would be required to comply with Chapter 8.20 which would routinely keep the Project site clean of any trash, rubbish, or debris. Project-related changes to local visual character and quality

during Project construction would be less than significant due to construction site maintenance in accordance with the Town's Municipal Code Chapter 8.20 and removal of construction equipment after completion. Therefore, Project construction activities would not conflict with applicable zoning and other regulations governing scenic quality. (Draft EIR, p. 4.1-11)

Operation

Project-applicable goals and policies and a discussion of the Project's potential to conflict with applicable General Plan policies with the purpose of avoiding or mitigating an environmental effect related to aesthetics are shown on Draft EIR Table 4.1-1, *General Plan Aesthetics Consistency Analysis* and also discussed in Draft EIR Section 4.10, *Land Use and Planning*, Table 4.10-1, *General Plan Consistency Analysis*, of the Draft EIR. As shown, the Project would not conflict with General Plan policies governing scenic quality. The Project's design, including the site layout, architecture, and landscaping is discussed and illustrated in detail in Draft EIR Section 3.0, *Project Description*. The Project would be required to comply with the Town's Municipal Code Title 9 – Development Code which includes design standards related to building size, height, floor area ratio, and setbacks, as well as landscaping, signage, and other visual considerations. These design standards help adjacent land uses to be visually consistent with one another and their surroundings and reduces the potential for conflicting visual elements. (Draft EIR, p. 4.1-11)

Draft EIR Table 4.1-2, *Zoning Development Standards Consistency Analysis*, discusses the Project's consistency with the development standards provided within the North Apple Valley Industrial Specific Plan (NAVISP). As demonstrated, the Project would not conflict with applicable zoning or other regulations governing scenic quality. Compliance with the Town's General Plan, Development Code, and NAVISP would preclude significant impacts in this regard. Therefore, impacts are less than significant. (Draft EIR, p. 4.1-13)

3.1.4 THRESHOLD D

Impact Statement: The Project would not create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area.

☐ **Findings**

Potential impacts of the Project related to Threshold d are discussed in Section 4.1.5 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold d; therefore, no mitigation is required.

☐ **Substantial Evidence**

Implementation of the Project would introduce new sources of lighting on buildings and along streets, parking areas, and pedestrian walkways. The Project would be required to comply with Title 9, Development Code, of the Town's Municipal Code, and Chapter III of the NAVISP, which contain general performance standards related to light and glare. (Draft EIR, p. 4.1-14)

Nighttime concrete pouring activities could occur as a part of Project building construction activities. Nighttime lighting would be focused directly on work activity areas as required by the Town's Municipal Code Chapter 9.74.090 – Lighting which requires lighting to be used only for the functional requirements of safety, security, and identification. Unnecessary lighting is prohibited in the interest of energy efficiency and preservation of the night sky views. (Draft EIR, p. 4.1-14)

Additionally, because the Project site is located within Airport Overlay Districts, the Project would comply with the lighting standards within the Airport Overlay District as required by the Town's Municipal Code Chapter 9.65 – Airport Overlay Districts which requires all exterior lighting to have sharp cut-off reflectors in which virtually no light leaves the fixture above an angle of about seventy (70) degrees, as measured from straight down. (Draft EIR, p. 4.1-14)

Conformance with existing regulations would minimize the potential for substantial adverse light and glare impacts. Additionally, the Project includes various architectural elements that are intended to effectively avoid monotony and repetition in building elevations and further minimize glare. Based on the preceding, the potential for the Project to create a new source of substantial light or glare is considered less than significant. (Draft EIR, p. 4.1-14)

3.2 AGRICULTURE AND FORESTRY RESOURCES

Project impacts for Agriculture and Forestry Resources do not result in significant impacts. Findings are discussed below.

3.2.1 THRESHOLD A

Impact Statement: The Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use.

☐ Findings

Potential impacts of the Project related to Threshold a are discussed in detail in Section 5.4.1 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ Substantial Evidence

According to the California Department of Conservation (DOC) Farmland Mapping & Monitoring Program, the Project site is designated as grazing land. The Project site is not located within lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. No impact would occur. (Draft EIR, p. 5-7)

3.2.2 THRESHOLD B

Impact Statement: The Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in Section 5.4.1 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project site is currently zoned as Specific Plan and within the NAVISP, the site is designated as both Specific Plan Industrial (I-SP) and General Commercial (C-G). The Project's implementation will not result in a loss of land zoned for agriculture. There are no farming activities occurring at the site. The Project site is not located within any agricultural preserves, nor is the Project site subject to any Williamson Act Contracts. As a result, the Project will not result in conflict with existing agricultural zoning or Williamson Act contracts. No impacts would occur. (Draft EIR, p. 5-7)

3.2.3 THRESHOLD C

Impact Statement: The Project would not 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)).

☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in Section 5.4.1 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold c; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project site does not contain forest land. Within the NAVISP, the site is designated as both Specific Plan Industrial (I-SP) and General Commercial (C-G). The Project site is not zoned for timberland production. Accordingly, no impact would occur. (Draft EIR, p. 5-7)

3.2.4 THRESHOLD D

Impact Statement: The Project would not result in the loss of forest land or conversion of forest land to non-forest use.

☐ **Findings**

Potential impacts of the Project related to Threshold d are discussed in Section 5.4.1 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold d; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project site and surrounding areas do not consist of forest land. Therefore, the Project would not result in the loss of forest land or result in the conversion of forest land to non-forest use. Accordingly, no impact would occur. (Draft EIR, p. 5-8)

3.2.5 THRESHOLD E

Impact Statement: The Project would not 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.

☐ **Findings**

Potential impacts of the Project related to Threshold e are discussed in detail in Section 5.4.1 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold e; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project site is not located within lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. There are no farming activities occurring on the Project site. As such, the Project would not result in changes in the environment which, due to their location and nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use. Accordingly, no impact would occur. (Draft EIR, p. 5-8)

3.3 AIR QUALITY

Project impacts for threshold b (construction emissions), c and d do not result in significant impacts. Findings are discussed below.

3.3.1 THRESHOLD B

Impact Statement: Project construction activities would not 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.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 4.2.5 of the Draft EIR. Project construction-source air pollutant emissions would not result in exceedances of MDAQMD thresholds. Therefore, Project construction-source emissions would be considered less than significant.

☐ **Substantial Evidence**

Construction Emissions Impact Analysis

Construction activities associated with the Project would result in emissions of Volatile Organic Compounds (VOCs), Nitrogen Oxides (NO_x), Sulfur Oxides (SO_x), Carbon Monoxide (CO), Particulate Matter less than 10 microns (PM₁₀), and Particulate Matter less than 2.5 microns (PM_{2.5}). Construction-related emissions are expected from the following construction activities: Site Preparation; Grading; Building Construction; Paving; Architectural Coating; and Construction Workers Commuting. Please refer to Draft EIR Table 3-1, *Estimated Construction Schedule*, for the assumed phasing of construction activities. Section 4.2.3, *Methodology*, of the Draft EIR, details the sources and assumptions utilized in developing the Project-related construction emissions presented in Draft EIR Table 4.2-5, *Project Construction Emissions Summary* of the Draft EIR. Emissions resulting from the Project construction would not exceed criteria pollutant thresholds established by the MDAQMD. As such, emissions generated during Project construction would be less than significant. (Draft EIR, pp. 4.2-22 through 4.2-23)

3.3.2 THRESHOLD C

Impact Statement: The Project would not expose sensitive receptors to substantial pollutant concentrations during construction.

☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in detail in Section 4.2.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold c during construction; therefore, no mitigation is required.

☐ **Substantial Evidence**

During both construction and operation, the Project has the potential to expose nearby sensitive receptors to substantial pollutant concentrations. The following provides an analysis of the Project's potential to result in or contribute to carbon monoxide (CO) "hot spots," and an analysis of the Project's potential to result in cancer risks and non-cancer health hazards. (Draft EIR, p. 4.2-25)

CO Hot Spot Impact Analysis

A CO hotspot is defined as a localized concentration of CO exceeding the State one-hour standard of 20 ppm or the eight-hour standard of 9 ppm. At the time the most recent CEQA Air Quality Handbook (1993) was published by South Coast Air Quality Management District (SCAQMD), the air basin was designated as non-attainment, requiring projects to perform hotspot analyses to ensure they did not worsen the existing conditions. Over the last two decades, background CO concentrations have been significantly reduced due to regulatory controls on tailpipe emissions, which have culminated in the air basin achieving attainment status for CO. (Draft EIR, p. 4.2-25)

The 2003 Air Quality Management Plan's (AQMP) findings underscore that CO hotspots are highly unlikely due to the reduced background concentrations and the effectiveness of California's air quality management strategies. The substantial reduction in CO levels from the vehicle fleet and the state's attainment status for CO further diminish the need for detailed microscale hotspot analyses, reinforcing that existing monitoring and regulatory frameworks adequately address potential air quality concerns. (Draft EIR, p. 4.2-25)

In 2003, the SCAQMD as part of its AQMP development process, prepared modeling to determine the potential for CO Hotspots at the four busiest intersections in the air basin. As summarized in the 2003 AQMP, even at one of the busiest intersections at that time, only 0.7 ppm of CO is attributable to vehicular traffic and the remaining 7.7 ppm were due to ambient background conditions. The 2003 AQMP's findings underscore that CO hotspots are highly unlikely due to the reduced background concentrations and the effectiveness of California's air quality management strategies. The substantial reduction in CO levels from the vehicle fleet and the State's attainment status for CO further diminish the need for detailed microscale hotspot analyses, reinforcing that existing monitoring and regulatory frameworks adequately address potential air quality concerns. (Draft EIR, p. 4.2-25)

Toxic Air Contaminants Impact Analysis

A Project-specific Health Risk Assessment (HRA) was prepared for the Project based on Mojave Desert Air Quality Management District (MDAQMD) guidelines to produce conservative estimates of risk posed by exposure to DPM. The Project's HRA is included as Technical Appendix B2 to this EIR. Refer to Section 2 of the Project's HRA for a discussion of the recommended methodology, emissions estimation, exposure quantification, carcinogenic chemical risk, and non-carcinogenic exposure used as inputs to the analysis. Provided below is a summary of the results of the HRA for the Maximally Exposed Individual Receptor (MEIR), Maximally Exposed Individual Worker (MEIW), and Maximally Exposed Individual School Child (MEISC) during both construction and long-term operation. (Draft EIR, p. 4.2-25)

Construction Impacts

The land use with the greatest potential exposure to Project construction diesel particulate matter (DPM) source emissions is Location R3 which is located approximately 492 feet east of the Project site at an existing residence located at 17805 Central Road. Because there are no private outdoor living areas (backyards) facing the Project site, R3 is placed at the building façade. The construction HRA components are based on an assumed mix of construction equipment and hauling activity. Construction-related DPM emissions are expected to occur primarily as a function of heavy-duty construction equipment that would be operating on-site. At the maximally exposed individual receptor (MEIR), the maximum incremental cancer risk attributable to Project construction DPM source emissions is estimated at 2.24 in one million, which is less than the MDAQMD significance threshold of 10 in one million. At this same location, non-cancer risks were estimated to be <0.01, which would not exceed the applicable threshold of 1.0. As such, the Project will not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction activity. Location R3 is the nearest receptor and would experience the highest concentrations of DPM during Project construction due to its proximity to the Project site as well as meteorological conditions (wind speed

and direction) in the Project vicinity. As such, all other receptors during construction activity would experience less risk than what is identified for this location. Accordingly, impacts would be less than significant. (Draft EIR, p. 4.2-26)

Operational Impacts

Residential Exposure Scenario

The residential land use with the greatest potential exposure to Project Toxic Air Contaminant (TAC) emissions is Location R2 which is located approximately 504 feet east of the Project site at an existing residence located at 22425 Gustine Street. Because there are no private outdoor living areas facing the Project site, R2 is placed at the building façade. At the MEIR, the maximum incremental cancer risk attributable to Project TAC emissions is estimated at 1.75 in one million, which is less than the MDAQMD's significance threshold of 10 in one million. At this same location, non-cancer risks were estimated to be <0.01 , which would not exceed the applicable significance threshold of 1.0. Although Location R2 is not the nearest receptor, it would experience the highest concentrations of DPM during Project operation due to meteorological conditions (wind speed and direction) in the Project vicinity. As such, all other receptors would experience less risk than what is identified for this location. As such, the Project would not cause a significant human health or cancer risk to nearby residences, and impacts would be less than significant. (Draft EIR, p. 4.2-26)

Worker Exposure Scenario

The worker receptor land use with the greatest potential exposure to Project TAC emissions is Location R6, which represents the potential worker receptor approximately 7,009 feet northwest of the Project site. At the maximally exposed individual worker (MEIW), the maximum incremental cancer risk impact is 0.06 in one million which is less than the MDAQMD's threshold of 10 in one million. Maximum non-cancer risks at this same location were estimated to be <0.01 , which would not exceed the applicable significance threshold of 1.0. Because all other modeled worker receptors would experience lower concentrations of DPM due to meteorological conditions (wind speed and direction) in the Project vicinity, all other worker receptors in the vicinity of the Project would be exposed to less emissions and therefore less risk than the MEIW identified herein. As such, the Project will not cause a significant human health or cancer risk to adjacent workers. As such, the Project would not cause a significant human health or cancer risk to nearby workers, and impacts would be less than significant. (Draft EIR, pp. 4.2-26 through 4.2-27)

School Child Exposure Scenario

Proximity to sources of toxics is critical to determining the impact. In traffic-related studies, the additional non-cancer health risk attributable to proximity was seen within 1,000 feet and was strongest within 300 feet. California freeway studies show about a 70-percent drop-off in particulate pollution levels at 500 feet. Based on California Air Resources Board (CARB) and SCAQMD emissions and modeling analyses, an 80-percent drop-off in pollutant concentrations is expected at approximately 1,000 feet from a distribution center. The 1,000-foot evaluation distance is supported by research-based findings concerning TAC emission dispersion rates from roadways and large sources showing that emissions diminish substantially between 500 and 1,000 feet from emission sources. (Draft EIR, p. 4.2-27)

A one-quarter mile radius, or 1,320 feet, is commonly utilized for identifying sensitive receptors, such as schools, that may be impacted by a proposed project. This radius is more robust and therefore provides a more health protective scenario for evaluation than the 1,000-foot impact radius identified above. (Draft EIR, p. 4.2-27)

There are no schools within one-quarter mile of the Project site. The nearest school is Sycamore Rocks Elementary School, which is located approximately 8,700 feet southeast of the Project site. Because there is no reasonable potential that TAC emissions would cause significant health impacts at distances of more than one-quarter mile from the air pollution source, there would be no impact that would occur to any schools in the vicinity of the Project. (Draft EIR, p. 4.2-27)

Construction and Operational Impacts – Toxic Air Contaminants

The land use with the greatest potential exposure to Project construction and operational TAC emissions is Location R2 which is located approximately 504 feet east of the Project site at an existing residence located at 22425 Gustine Street. Because there are no private outdoor living areas facing the Project site, R2 is placed at the building façade. At the MEIR, the maximum incremental cancer risk attributable to Project construction and operational TAC emissions is estimated at 3.82 in one million, which is less than the threshold of 10 in one million. At this same location, non-cancer risks were estimated to be <0.01, which would not exceed the applicable threshold of 1.0. As such, the Project will not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction and operational activity. All other receptors during construction and operational activity would experience less risk than what is identified for this location. Therefore, Project impacts due to TACs would be less than significant. (Draft EIR, p. 4.2-27)

Valley Fever

Coccidioidomycosis, more commonly known as “valley fever,” is an infection caused by inhalation of the spores of the *Coccidioides immitis* fungus, which grows in the soils of the southwestern United States. The fungus is very prevalent in the soils of California’s San Joaquin Valley, particularly in Kern County. The ecologic factors that appear to be most conducive to survival and replication of the spores are high summer temperatures, mild winters, sparse rainfall, and alkaline, sandy soils. (Draft EIR, p. 4.2-28)

San Bernardino County is not considered a highly endemic county (i.e., highly endemic meaning more than 20 cases annually of valley fever per 100,000 people) based on the incidence rates reported through 2023. The latest report from the California Department of Public Health indicates that San Bernardino County had 128 cases in 2023, or 5.8 cases per 100,000 people. (Draft EIR, p. 4.2-28)

Construction of the proposed Project has the potential to generate substantial amounts of fugitive dust that may suspend coccidioides spores and expose sensitive receptors. The Town is located in an area with low Valley Fever activity; however, there is still a potential for exposure. The Project would be required to comply with all applicable MDAQMD Rules and Regulations, including Rule 403 (Fugitive Dust). Implementation of Rule 403 would reduce fugitive dust minimizing exposure of coccidioides

spores to workers and receptors. Therefore, impacts related to Valley Fever from the proposed Project would be less than significant. (Draft EIR, p. 4.2-28)

3.3.3 THRESHOLD D

Impact Statement: The Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

❑ Findings

Potential impacts of the Project related to Threshold d are discussed in detail in Section 4.2.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold d; therefore, no mitigation is required.

❑ Substantial Evidence

Land uses generally associated with odor complaints include agricultural uses (livestock and farming), wastewater treatment plants, food processing plants, chemical plants, composting operations, refineries, landfills, dairies, and fiberglass molding facilities. The Project does not propose or require land uses that would use substantive sources of objectionable odors. (Draft EIR, p. 4.2-28)

Potential temporary and intermittent construction-related odor sources associated with the Project may result from construction equipment exhaust and application of asphalt and architectural coatings during construction activities. Temporary and intermittent construction-source emissions are controlled through existing requirements and industry Best Management Practices (BMPs) addressing proper storage of and application construction materials. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and are thus considered less than significant. (Draft EIR, p. 4.2-28)

Over the life of the Project, odors may result from storage of municipal solid waste pending its transport to area landfills. Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the Town of Apple Valley's solid waste regulations. (Draft EIR, p. 4.2-28)

The Project would also be required to comply with MDAQMD Rule 402. Rule 402 provides that “[a] person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.” (Draft EIR, pp. 4.2-28 through 4.2-29)

Based on the preceding analysis, the potential for the Project to create objectionable odors affecting a substantial number of people would be less than significant. (Draft EIR, p. 4.2-29)

3.3.4 CUMULATIVE IMPACTS

Impact Statement: The Project would not result in a cumulatively considerable impact related to air quality.

☐ Finding

Potential cumulative impacts of the Project related to air quality are discussed in detail in Section 4.2.9 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant cumulative impacts related to air quality; therefore, no mitigation is required.

☐ Substantial Evidence

The MDAQMD relies on the SCAQMD guidance for determining cumulative impacts. The SCAQMD has recognized that there is typically insufficient information to quantitatively evaluate the cumulative contributions of multiple projects because each project applicant has no control over nearby projects. (Draft EIR, p. 4.2-37)

The SCAQMD published a report on how to address cumulative impacts from air pollution: White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution. In this report the SCAQMD clearly states (Page D-3): (Draft EIR, p. 4.2-37)

“...the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is $HI > 1.0$ while the cumulative (facility-wide) is $HI > 3.0$. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts.

Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant.” (Draft EIR, p. 4.2-37)

Consistent with the above SCAQMD guidance, individual projects that do not generate operational or construction emissions that exceed the MDAQMD’s recommended daily thresholds for project-specific impacts would also not cause a cumulatively considerable increase in emissions for those pollutants for which the Basin is in nonattainment, and, therefore, would not be considered to have a significant, adverse air quality impact. Conversely, individual project-related construction and

operational emissions that exceed MDAQMD thresholds for project-specific impacts would be considered cumulatively considerable. (Draft EIR, p. 4.2-37)

Construction Impacts

The Project-specific evaluation of emissions presented in the preceding analysis demonstrates that Project construction-source air pollutant emissions would not result in exceedances of MDAQMD thresholds. Therefore, Project construction-source emissions would be considered less than significant on a Project-specific and cumulative basis. (Draft EIR, p. 4.2-37)

Health Risk Impacts

The Project-specific evaluation of health risk impacts presented in the preceding analysis demonstrates that Project emissions would not cause or contribute to a CO “Hot Spot.” Additionally, the maximum incremental non-cancer and cancer risks attributable to Project construction and operational DPM source emissions would be less than applicable thresholds. Therefore, Project health risk impacts would be considered less than significant on a Project-specific and cumulative basis. (Draft EIR, p. 4.2-38)

3.4 BIOLOGICAL RESOURCES

Project impacts for Biological Resources Thresholds b and f do not result in significant impacts. Findings are discussed below.

3.4.1 THRESHOLD B

Impact Statement: The Project would not 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 (CDFW) or U.S. Fish and Wildlife Service (USFWS).

Findings

Potential impacts of the Project related to Threshold b are discussed in Section 4.3.5 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold b; therefore, no mitigation is required.

Substantial Evidence

Two vegetation communities and land cover types were observed within the study area: approximately 449.06 acres of Creosote Bush Scrub and approximately 137.85 acres of Developed/Disturbed lands. Additionally, there is no physical evidence of a relatively permanent surface water connection from the Project site to a Traditional Navigable Water [TNW]), to any Relatively Permanent Waters (RPW), or to the Mojave River. The Project site is isolated from any TNW and RPW. Due to the nature of ephemeral flows in the area and the arid environment, flows from the Project site lack a continuous or relatively permanent surface water connection to the Mojave River. The signatures detected within the Project site are ephemeral features that drain into intermittent channels or alluvial fans, where water

quickly disperses, infiltrates or evaporates before making their way to any noteworthy watercourse. The Project would not 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. No impacts would occur. (Draft EIR, p. 4.3-13)

3.4.2 THRESHOLD F

Impact Statement: The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

☐ **Findings**

Potential impacts of the Project related to Threshold f are discussed in detail in Section 4.3.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold f; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project site is not located within any adopted Habitat Conservation, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. (Draft EIR, pp. 4.3-14 and 4.3-15)

3.4.3 CUMULATIVE IMPACTS

Impact Statement: The temporary direct and/or indirect impacts of the Project would not result in significant cumulative impacts related to biological resources.

☐ **Findings**

Potential cumulative impacts of the Project related to biological resources are discussed in detail in Section 4.3.9 of the Draft EIR. The Town finds that development of the proposed Project would not result in significant cumulative impacts related to biological resources; therefore, no mitigation is required.

☐ **Substantial Evidence**

This cumulative impact analysis considers development of the proposed Project in conjunction with other development projects and planned development in the vicinity of the Project site as well as full General Plan buildout in the Town of Apple Valley and surrounding areas. (Draft EIR, p. 4.3-18)

Mitigation incorporated above reduces potential impacts to biological resources to levels that would be less than significant. Mitigation of Project-specific biological resources impacts would also reduce

the Project's potential incremental contributions to cumulative biological resources impacts within the region. (Draft EIR, p. 4.3-18)

To the extent that each development proposal within the cumulative impact area(s) provides appropriate mitigation, cumulative impacts to biological resources are reduced below significance thresholds. Pursuant to the provisions of CEQA, each development project within the cumulative impact area that requires discretionary action by a public agency will be assessed for its potential impacts on biological resources. (Draft EIR, p. 4.3-18)

Appropriate biological resources mitigation would also be required of other projects within the cumulative impact area. There are no known or probable related projects that would interact with the less than significant effects of the Project and thereby result in cumulatively significant impacts. (Draft EIR, p. 4.3-18)

Based on the preceding, the Project's potential contribution to cumulative impacts in regard to biological resources is not considerable, and the cumulative effects of the Project are determined to be less than significant. (Draft EIR, p. 4.3-19)

3.5 CULTURAL RESOURCES

Project impacts for Cultural Resources Threshold c does not result in significant impacts and related findings are discussed below.

3.5.1 THRESHOLD C

Impact Statement: The Project would not have the potential to disturb human remains, including those interred outside of formal cemeteries.

☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in detail in Section 4.4.6 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold c; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project site does not contain a cemetery and no known cemeteries are located within the immediate site vicinity. Field surveys conducted on the Project site did not identify the presence of any human remains and no human remains are known to exist beneath the surface of the Project site. Nevertheless, the remote potential exists that human remains may be unearthed during grading and excavation activities associated with Project construction. (Draft EIR, p. 4.4-15)

If human remains are unearthed during Project construction, the construction contractor would be required by law to comply with California Health and Safety Code Section 7050.5 "Disturbance of Human Remains." According to Section 7050.5(b) and (c), if human remains are discovered, the

County Coroner must be contacted 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, the Coroner is required to contact the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, whenever the NAHC receives notification of a discovery of Native American human remains from a county coroner, the NAHC is required to immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or their authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. According to Public Resources Code Section 5097.94(k), the NAHC is authorized to mediate disputes arising between landowners and known descendants relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials. With mandatory compliance to California Health and Safety Code Section 7050.5 and Public Resources Code § 5097.98, any potential impacts to human remains, including human remains of Native American ancestry, that may result from development of the Project would be less than significant. (Draft EIR, pp. 4.4-15 through 4.4-16)

3.5.2 CUMULATIVE IMPACTS

Impact Statement: The Project would not result in a cumulatively considerable impact related to cultural resources for Thresholds a through c.

☐ Findings

Potential cumulative impacts of the Project related to cultural resources are discussed in detail in Section 4.4.9 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant cumulative impacts related to cultural resources; therefore, no mitigation is required.

☐ Substantial Evidence

The cumulative impact area for prehistoric, historic, and archaeological resources generally includes the Town and surrounding areas. Impacts to any cultural resources within this area would be site-specific. In the event that potentially significant cultural resources are encountered at any development sites within the cumulative impact area, specific mitigation measures would be applied before construction activities could proceed. Potential impacts to cultural resources are determined to be less than significant with mitigation. In this regard, mitigation proposed for the Project is typical of, and consistent with, mitigation required for construction within urban and suburban areas within the Town and surrounding region. There are no known or probable related projects that would interact with the effects of the Project and thereby result in cumulatively significant impacts. Related projects in the cumulative impact area would be required to minimize cultural resources impacts consistent with State and local policies and regulations, thereby minimizing cumulative impacts. Mitigation would be implemented, if applicable. Based on the preceding, cultural resources impacts of the Project are not

cumulatively considerable and the Project's cumulative cultural resources impacts would be less than significant. (Draft EIR, p. 4.4-18)

3.6 ENERGY

Project impacts for Energy Thresholds a and b do not result in significant impacts. Findings are discussed below.

3.6.1 THRESHOLD A

Impact Statement: The Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.

☐ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.5.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ **Substantial Evidence**

Energy Use During Project Construction

Overview of Construction-Related Energy Consumption

Project Construction Power Cost

The total Project construction power cost is the summation of the products of the area in square feet by the construction duration and the typical power cost. As discussed in Draft EIR subsection 3.4.1, construction is expected to commence in March 2025 and would last through December 2029. The 2024 National Construction Estimator identifies a typical power cost per 1,000 square feet. of construction per month of \$2.66, which was used to calculate the Project's total construction power cost. As shown in Draft EIR Table 4.5-2, the total power cost of the on-site electricity usage during the construction of the Project is estimated to be approximately \$527,749.19. (Draft EIR, p. 4.5-13)

Construction Electricity Usage

The total Project construction electricity usage is the summation of the products of the power cost (shown in Draft EIR Table 4.5-2) by the utility provider cost per kilowatt hour (kWh) of electricity. The SCE's general service rate schedule was used to determine the Project's electrical usage. As of October 1, 2024, SCE's general service rate is \$0.16 per kilowatt hours (kWh) of electricity for industrial services. As shown in Draft EIR Table 4.5-3, the total electricity usage from on-site Project construction related activities is estimated to be approximately 3,298,432 kWh. (Draft EIR, p. 4.5-14)

Project Construction Equipment Fuel Consumption

Project construction activity timeline estimates, construction equipment schedules, equipment power ratings, load factors, and associated fuel consumption estimates are presented in Draft EIR Table 4.5-4. The aggregate fuel consumption rate for all equipment is estimated at 18.5 horsepower hour per

gallon (hp-hr-gal.), obtained from CARB 2018 Emissions Factors Tables and cited fuel consumption rate factors presented in Table D-24 of the Moyer guidelines. For the purposes of this analysis, the calculations are based on all construction equipment being diesel-powered which is consistent with industry standards. Diesel fuel would be supplied by existing commercial fuel providers serving the Project area and region. (Draft EIR, p. 4.5-14)

Project construction activities would consume an estimated 348,941 gallons of diesel fuel. Project construction would represent a “single-event” diesel fuel demand and would not require on-going or permanent commitment of diesel fuel resources for this purpose. (Draft EIR, p. 4.5-15)

With respect to estimated vehicle miles traveled (VMT) for the Project, the construction worker trips would generate an estimated 32,997,340 VMT during the 57 months of construction. VMT is calculated by multiplying the number of construction days by the estimated number of worker trips per day and the trip length. Worker trip assumptions are based on CalEEMod methodology, which assumes 50% of all worker trips are from light-duty-auto vehicles (LDA), 25% are from light-duty-trucks (LDT1), and 25% are from light-duty-trucks (LDT2). Data regarding Project related construction worker trips were based on CalEEMod defaults utilized within the Project’s Air Quality Impact Analysis (*Technical Appendix B1* of the Draft EIR). The estimated fuel consumption by construction worker trips during construction of the Project is presented in Draft EIR Table 4.5-5. (Draft EIR, p. 4.5-15)

It is estimated that 1,112,545 gallons of fuel would be consumed related to construction worker trips during full construction of the Project. It should be noted that construction worker trips would represent a “single-event” gasoline fuel demand and would not require on-going or permanent commitment of fuel resources for this purpose. (Draft EIR, p. 4.5-17)

Construction vendor trips (vehicles that deliver materials to the site during construction) would generate an estimated 5,500,656 VMT along area roadways for the Project over the duration of construction activities. VMT from vendor trips is calculated by multiplying the number of construction days by the estimated number of vendor trips per day and the trip length. It is assumed that 50% of all vendor trips are from medium-heavy duty trucks (MHDT), 50% are from heavy-heavy duty trucks (HHDT), and 100% of all hauling trips are from HHDTs. These assumptions are consistent with the CalEEMod defaults used in the Project’s Air Quality Impact Analysis (*Technical Appendix B1* of the Draft EIR). Vehicle fuel efficiencies for MHDTs and HHDTs were estimated using information generated within Emissions FACtor model (EMFAC) 2021. The estimated fuel consumption by construction vendor trips during construction of the Project is presented in Draft EIR Table 4.5-6. (Draft EIR, p. 4.5-17)

It is estimated that 755,309 gallons of fuel will be consumed related to construction vendor trips during full construction of the Project. It should be noted that Project construction vendor trips would represent a “single-event” diesel fuel demand and would not require on-going or permanent commitment of diesel fuel resources for this purpose. (Draft EIR, p. 4.5-18)

Construction Energy Efficiency/Conservation Measures

Starting in 2014, CARB adopted the nation's first regulation aimed at cleaning up off-road construction equipment such as bulldozers, graders, and backhoes. These requirements ensure fleets gradually turnover the oldest and dirtiest equipment to newer, cleaner models and prevent fleets from adding older, dirtier equipment. As such, the equipment used for Project construction would conform to CARB regulations and California emissions standards. There are no unusual Project characteristics or construction processes that would require the use of equipment that would be more energy intensive than is used for comparable activities; or equipment that would not conform to current emissions standards (and related fuel efficiencies). Equipment employed during construction of the Project would therefore not result in inefficient wasteful, or unnecessary consumption of fuel. (Draft EIR, pp. 4.5-18 through 4.5-19)

Construction contractors would be required to comply with applicable CARB regulation regarding retrofitting, repowering, or replacement of diesel off-road construction equipment. Additionally, CARB has adopted the Airborne Toxic Control Measure to limit heavy-duty diesel motor vehicle idling in order to reduce public exposure to diesel particulate matter and other Toxic Air Contaminants. Compliance with anti-idling and emissions regulations would result in a more efficient use of construction-related energy and the minimization or elimination of wasteful or unnecessary consumption of energy. Idling restrictions and the use of newer engines and equipment would result in less fuel combustion and energy consumption. (Draft EIR, p. 4.5-19)

Additional construction-source energy efficiencies would occur due to required California regulations and best available control measures (BACM). For example, California Code of Regulations (CCR) Title 13, Motor Vehicles, section 2449(d)(3) Idling, limits idling times of construction vehicles to no more than five minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. In this manner, construction equipment operators are required to be informed that engines are to be turned off at or prior to five minutes of idling. Enforcement of idling limitations is realized through periodic site inspections conducted by Town building officials, and/or in response to citizen complaints. (Draft EIR, p. 4.5-19)

A full analysis related to the energy needed to form construction materials is not included in this analysis due to a lack of detailed Project-specific information on construction materials. At this time, an analysis of the energy needed to create Project-related construction materials would be extremely speculative and thus has not been prepared. In general, the construction processes promote conservation and efficient use of energy by reducing raw materials demands, with related reduction in energy demands associated with raw materials extraction, transportation, processing, and refinement. Use of materials in bulk reduces energy demands associated with preparation and transport of construction materials as well as the transport and disposal of construction waste and solid waste in general, with corollary reduced demands on area landfill capacities and energy consumed by waste transport and landfill operations. (Draft EIR, p. 4.5-19)

Energy Use during Project Operation

Energy consumption in support of or related to Project operations would include transportation energy demands (energy consumed by passenger car and truck vehicles accessing the Project site) and facilities energy demands (energy consumed by building operations and site maintenance activities). (Draft EIR, p. 4.5-19)

Transportation Energy Demands

Energy that would be consumed by Project-generated traffic is a function of total VMT and estimated vehicle fuel economies of vehicles accessing the Project site. The VMT per vehicle class can be determined by applying the vehicle fleet mix percentage for each vehicle type to the total VMT, as identified in the CalEEMod outputs. Fuel consumption associated with the Project is estimated by dividing the total VMT for each vehicle type by the corresponding average vehicle fuel economy for that vehicle class. As with worker and vendors trips, operational vehicle fuel efficiencies were estimated using information generated within EMFAC2021. (Draft EIR, pp. 4.5-19 through 4.5-20)

In order to account for the possibility of refrigerated uses (cold storage), it is assumed that all 10% of trucks accessing this land use (i.e., all truck trips associated with the cold storage uses) are presumed to also have transport refrigeration units (TRUs). Therefore, for modeling purposes 132 trucks are assumed to be trucks with TRUs. TRUs are also accounted for during on-site and off-site travel. (Draft EIR, p. 4.5-20)

The Project would result in 42,785,395 annual VMT and an estimated annual fuel consumption of 2,836,022 gallons of fuel. (Draft EIR, p. 4.5-20)

TRU Energy Demands

Energy would be consumed by truck and trailer mounted TRUs that visit the Project site. For modeling purposes, it was estimated that 264 two-way truck trips (132 trucks) have the potential to include TRUs. TRU fuel consumption was estimated using information generated from EMFAC2017 for the San Bernardino (MD) sub-area. Total fuel consumption associated with TRUs is calculated by multiplying the number of trucks/trailers by the operational days, and then by the average daily operating hours. The result is the multiplied by the fuel usage rate, which is derived by dividing the annual fuel consumption (gallons per year) by the total annual hours of operation, as reported in the EMFAC Off-Road Emissions Inventory. It is estimated that the Project will result in an estimated annual fuel consumption of 122,206 gallons due to the use of TRUs. (Draft EIR, p. 4.5-20)

Stationary Source Energy Demands

The aggregate fuel consumption rate for all equipment is estimated at 18.5 hp-hr-gal., obtained from CARB 2018 Emissions Factors Tables and cited fuel consumption rate factors presented in Table D-24 of the Moyer guidelines. For the purposes of this analysis, the calculations are based on three 300 hp diesel-fueled emergency fire pumps. Diesel fuel would be supplied by existing industrial fuel providers serving the Town and region. Total fuel consumption from the fire pumps is calculated by first determining the fuel consumption rate (gallons per hour) based on the horsepower, engine

efficiency, and fuel energy content, adjusted by the load factor. This rate is then multiplied by the total number of hours the pump is expected to operate, resulting in the total fuel consumption. Project stationary sources would consume an estimated 1,695 gallons of diesel fuel per year. (Draft EIR, p. 4.5-20)

On-Site Cargo Handling Equipment Fuel Demands

It is common for industrial buildings to require the operation of exterior cargo handling equipment in the building's truck court areas. For this Project, on-site modeled operational equipment includes up to 13 compressed natural gas-powered cargo handling equipment operating 4 hours a day for 365 days of the year. Project operational activity estimates and associated fuel consumption estimates are based on the annual EMFAC2021 offroad emissions for the 2029 operational year and were used to derive the total annual fuel consumption associated with on-site equipment. Fuel consumption for cargo handling equipment is calculated by multiplying the equipment quantity of the duration of use and average daily operating hours, then applying a fuel usage rate derived from the EMFAC data, which is calculated by dividing the annual fuel consumption by the total annual activity hours. Project on-site equipment would consume an estimated 60,344 gallons of equipment fuel. (Draft EIR, pp. 4.5-20 through 4.5-21)

Facility Energy Demands

Project operational activities would result in the consumption of electricity. The analysis herein assumes compliance with the 2022 Title 24 and CALGreen standards. Based on information provided by the Project Applicant, the site is not expected to utilize natural gas for the building envelope. The Project's energy demand estimates were calculated using CalEEMod; Annual electricity usage of the Project is summarized in Draft EIR Table 4.5-7, *Project Annual Energy Demand Summary*. (Draft EIR, p. 4.5-21)

It is noted that Mitigation Measures MM 4.2-1 through MM 4.2-22, presented within Section 4.2, *Air Quality*, would also further reduce the Project's energy demands. For example, mitigation measures require the installation of energy and water efficient interior fixtures and irrigation techniques. Additionally, all indoor and outdoor equipment would be electric-powered. Further, the Project would be required to provide enough solar power generate sufficient power to meet at least 10% of the Project's total operational base energy requirements. Draft EIR Table 4.5-3 presents the energy demands of the Project with the implementation of these measures. (Draft EIR, p. 4.5-21; Final EIR, p. 3-3)

Operational Energy Efficiency/Conservation Measures

Energy efficiency/energy conservation attributes of the Project would be complemented by increasingly stringent state and federal regulatory actions addressing vehicle fuel economies and vehicle emissions standards; and enhanced building/utilities energy efficiencies mandated under California building codes (e.g., Title 24, California Green Building Standards Code). Project annual fuel consumption estimates represent likely potential maximums that would occur for the Project. Under subsequent future conditions, average fuel economies of vehicles accessing the Project site can be expected to improve as older, less fuel-efficient vehicles are removed from circulation, and in

response to fuel economy and emissions standards imposed on newer vehicles entering the circulation system. Enhanced fuel economies realized pursuant to federal and State regulatory actions, and related transition of vehicles to alternative energy sources (e.g., electricity, natural gas, biofuels, hydrogen cells) would likely decrease future gasoline fuel demands per VMT. (Draft EIR, p. 4.5-22)

Conclusion

Due to the temporary nature of construction and the financial incentives for developers and contractors to use energy-consuming resources in an efficient manner, the construction phase of the Project would not result in wasteful, inefficient, and unnecessary consumption of energy. (Draft EIR, p. 4.5-22)

The Project would be designed and constructed in accordance with the Town's latest adopted energy efficiency standards, which are based on the California Title 24 energy efficiency standards. Title 24 standards, widely regarded as the most advanced energy efficiency standards, would help reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings and promote energy conservation. The Project site is surrounded by existing transportation facilities and infrastructure which would provide future visitors and employees associated with the Project access to a mix of land uses near the Project, thus further reducing fuel consumption demand. Additionally, the Project would also provide electronic vehicle (EV) parking and associated infrastructure that would further promote fuel-efficient vehicles. (Draft EIR, p. 4.5-22)

No aspects of the Project's construction process or operations are considered unusual or energy intensive. Project construction and operational energy consumption would not be atypical for the type of land use proposed. Additionally, the Project would be subject to applicable regulations acting to reduce potential impacts in this regard. As such, the Project would not result in the inefficient, wasteful, or unnecessary consumption of energy; impacts would be less than significant. (Draft EIR, p. 4.5-23)

3.6.2 THRESHOLD B

Impact Statement: The Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency and impacts would be less than significant.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 4.5.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ **Substantial Evidence**

Construction

The Project would result in energy consumption through the combustion of fossil fuels in construction vehicles, worker commute vehicles, construction equipment, and the use of electricity for temporary buildings, lighting, and other sources. California Code of Regulations Title 13, Sections 2449 and 2485, limit idling from both on-road and off-road diesel-powered equipment and are enforced by the

CARB. The Project would comply with these regulations. There are no policies at the local level applicable to energy conservation specific to the construction phase. Thus, the construction phase of the Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use or increasing the use of renewable energy. Therefore, impacts related construction-related energy efficiency and renewable energy would be less than significant. (Draft EIR, p. 4.5-23)

Operation

California's Renewable Portfolio Standard (RPS) establishes a goal of renewable energy for local providers to be 44 percent by 2040. Similarly, the State is promoting renewable energy targets to meet the 2022 Scoping Plan greenhouse gas emissions reductions. The Project would be designed and constructed in accordance with the Town's latest adopted energy efficiency standards, which are based on the California Title 24 energy efficiency standards. Title 24 standards include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. Title 24 standards, widely regarded as the most advanced energy efficiency standards, would help reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings and promote energy conservation. (Draft EIR, p. 4.5-23)

Compliance with the aforementioned mandatory measures would ensure that the Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use or increasing the use of renewable energy. Therefore, operational energy efficiency and renewable energy standards consistency impacts would be less than significant. (Draft EIR, p. 4.5-23)

3.6.3 CUMULATIVE IMPACTS

Impact Statement: The Project would not result in a cumulatively considerable impact related to energy.

☐ Findings

Potential cumulative impacts of the Project related to energy are discussed in detail in Section 4.5.8 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant cumulative impacts related to energy; therefore, no mitigation is required.

☐ Substantial Evidence

The geographic scope of cumulative energy impacts is generally limited to the energy provider service area(s). The preceding analysis substantiates that the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. These plans and policies address development-level and cumulative impacts to energy resources. Project consistency with State and local plans for renewable energy and energy efficiency demonstrates that the Project cumulative energy impacts would not be cumulatively considerable and the Project cumulative energy impacts would be less than significant. (Draft EIR, p. 4.5-24)

There are no known or related projects that would interact with less than significant effects of the Project and thereby result in cumulatively significant impacts. As with the Project, other developments within the energy provider service areas would be required to demonstrate compliance with State and local plans for renewable energy and energy efficiency. (Draft EIR, p. 4.5-24)

Based on the preceding, energy impacts of the Project are not cumulatively considerable, and the Project cumulative energy impacts would be less than significant. (Draft EIR, p. 4.5-24)

3.7 GEOLOGY AND SOILS

Project impacts for Geology and Soils Thresholds a through e do not result in significant impacts. Findings are discussed below.

3.7.1 THRESHOLD A

Impact Statement: The Project has the potential to directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, and/or death involving:

- i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other.
- ii. substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42).
- iii. Strong seismic ground shaking.
- iv. Seismic-related ground failure, including liquefaction.
- v. Landslides.

☐ Findings

Potential impacts of the Project related to Threshold a are discussed in detail in Sections 4.6.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ Substantial Evidence

Rupture of a Known Earthquake Fault

There are no active faults known within the Project site. The Project site is outside any Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). The site-specific Geotechnical Investigation (Draft EIR *Technical Appendix F1*) determined that the risk of surface fault rupture is considered low. The Project does not propose actions or facilities that would otherwise exacerbate known or probable adverse earthquake fault conditions. Based on the preceding, there is no potential for the Project to directly or indirectly cause potential substantial adverse effect due to rupture of a known earthquake fault, and no impact would occur. (Draft EIR, p. 4.6-8)

Strong Seismic Ground Shaking

The Project site is in a region known to be seismically active, and strong seismic ground-shaking could be anticipated during an earthquake event of sufficient magnitude. The California Building Code (CBC) requires construction methods that minimize the effects of earthquakes on structures. As part of the Town's standard review and approval of development projects, a geotechnical study is required to be reviewed and approved by the Town Engineer and comply with the recommendations of the approved geotechnical report and applicable CBC provisions. Pursuant to Town Municipal Code Section 8.12.010, recommendations in the geotechnical report and the engineering geology report shall be incorporated into the grading plans. The Project-specific Geotechnical Investigation (Draft EIR *Technical Appendix FI*) includes seismic design parameters and provides design/construction recommendations for geotechnical design, grading, construction, foundations, floor slabs, exterior flatwork, retaining walls, and pavement. Compliance with these requirements reduces potential seismic ground-shaking impacts to levels that are less than significant. (Draft EIR, pp. 4.6-8 through 4.6-9)

Seismic-Related Ground Failure, Including Liquefaction

Liquefaction and seismically-induced settlement or ground failure are generally associated with strong seismic shaking in areas where ground water tables are at relatively shallow depths (within 50 feet of the ground surface) and/or when the area is underlain by loose, cohesionless deposits. During a strong ground shaking event, saturated, cohesionless soils may acquire a degree of mobility to the extent that the overlying ground surface distorts. In extreme cases, saturated soils become suspended in groundwater and become fluid-like. (Draft EIR, p. 4.6-9)

The Geotechnical Investigation (Draft EIR *Technical Appendix FI*) determined that the site is not located within an area considered to be susceptible to liquefaction. Additionally, groundwater was not encountered within the upper 40 feet of the site. As such, the possibility of liquefaction at the site is considered low. The potential for the Project to result in exposure of people or structures to potentially substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction is considered less than significant. (Draft EIR, p. 4.6-9)

Landslides

Slope failures in the form of landslides are common during strong seismic shaking in areas of steep hills. The Project site and surrounding area are generally flat with no significant slopes. The Project site is not located within a landslide zone. Accordingly, no impact related to landslide hazards would occur. (Draft EIR, p. 4.6-9)

3.7.2 THRESHOLD B

Impact Statement: The Project would not result in substantial soil erosion or loss of topsoil.

❑ **Findings**

Potential impacts of the Project related to Threshold b are discussed in Section 4.6.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project site is vacant and undeveloped. Ground-disturbing activities associated with Project construction may result in removal of topsoil or soil erosion, which would temporarily expose underlying soils resulting in potential erosion. The potential for Project construction activities involving soil disturbance, such as excavation and grading to result in increased erosion and sediment transport by storm water to surface waters would be minimized because the Project would be required to comply with a Construction General Permit, which is issued by the State Water Resources Control Board (SWRCB) (SWRCB Order No. 2009-0009-DWQ) and contains water quality standards and stormwater discharge requirements applying to construction projects of one acre or more. The General Construction Permit was issued pursuant to the National Pollutant Discharge Elimination System (NPDES) regulations for implementing part of the federal Clean Water Act. (Draft EIR, p 4.6-9)

The General Construction Permit requires preparation of a Stormwater Pollution Prevention Plan (SWPPP) that identifies the sources of pollution that may affect the quality of stormwater discharges and describes and ensures the implementation of best management practices (BMPs) to reduce the pollutants, including silt and soil, in construction stormwater discharges. The Project site would be required to comply with the NPDES permit by preparing and implementing a SWPPP specifying BMPs for minimizing pollution of stormwater with soil and sediment during Project construction. Additionally, the Project would be required to implement erosion and dust control measures pursuant Mojave Desert Air Quality Management District Rule 403 to minimize water- and windborne erosion. Adherence to the BMPs in the SWPPP and Mojave Desert Air Quality Management District Rule 403 would reduce, prevent, or minimize soil erosion from Project-related grading and construction activities. Potential erosion impacts incurred during construction activities would be less than significant with mandated compliance with a Town-approved Storm Water Pollution Prevention Plan (SWPPP), as well as compliance with MDAQMD Rules that prohibit grading activities and site disturbance during high wind events. At Project completion, potential soil erosion impacts would not occur, as pavement, roads, buildings, and landscaping would cover previously exposed soils. (Draft EIR, pp. 4.6-9 through 4.6-10)

3.7.3 THRESHOLD C

Impact Statement: The Project would not have the potential to 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-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in detail in Section 4.6.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold c; therefore, no mitigation is required.

☐ **Substantial Evidence**

As discussed under Threshold a, no impact related to landslide hazards would occur. The Geotechnical Investigation (Draft EIR *Technical Appendix F1*) determined that the potential for geologic hazards such as seismically induced settlement, lateral spreading, subsidence, liquefaction is considered low. However, soils within depths of 5 to 6± feet below ground surface possess significant collapse potential. As a result, the Geotechnical Investigation provided remedial grading recommendations. Existing soils within the proposed building areas should be over-excavated to a depth of 5 feet below existing grades and to a depth of 5 feet below proposed pad grades. The proposed foundation influence zones should be over-excavated to a depth of at least 3 feet below proposed foundation bearing grade and extend to a sufficient depth to remove any artificial fill soils (Draft EIR *Technical Appendix F1*). As part of the Town's standard review and approval of development projects, the Project is required to comply with the recommendations of the approved geotechnical report and applicable CBC provisions. To ensure compliance, pursuant to Town Municipal Code Section 8.12.010, recommendations in the geotechnical report and the engineering geology report shall be incorporated into the grading plans. The Project-specific Geotechnical Investigation (Draft EIR *Technical Appendix F1*) includes site preparation/remedial grading recommendations to ensure that the development is not located on unstable soil. Compliance with State and Town requirements ensures that the Project would not be located on a geologic unit or soil that is unstable, or that would become unstable. As a result, the Project is considered less than significant. (Draft EIR, p. 4.6-10)

3.7.4 THRESHOLD D

Impact Statement: The Project would not have the potential to be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) and would not create substantial direct or indirect risks to life or property.

☐ **Findings**

Potential impacts of the Project related to Threshold d are discussed in detail in Section 4.6.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold d; therefore, no mitigation is required.

☐ **Substantial Evidence**

Development on expansive soils may adversely affect concrete slabs-on-grade, building foundations, and roadway subgrades. In the event of a severe earthquake in the vicinity, structural foundations and floors may be damaged if constructed in, or over, expansive or unstable soils. The Geotechnical Investigation (Draft EIR *Technical Appendix F1*) classified the on-site soils as very low to non-expansive and determined that further design recommendations were not warranted. As such, Project

impacts related to expansive soils are considered less than significant. (Draft EIR, pp. 4.6-10 through 4.6-11)

3.7.5 THRESHOLD E

Impact Statement: The Project would not 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.

☐ **Findings**

Potential impacts of the Project related to Threshold e are discussed in Section 4.6.5 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold e; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project would be served by municipal sewer services. No septic tanks or other alternative wastewater disposal systems are proposed by the Project. On this basis, there is considered to be no potential for the Project to affect or be affected by soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems, and no impact would occur. (Draft EIR, p. 4.6-11)

3.7.6 CUMULATIVE IMPACTS

Impact Statement: The Project would not result in a cumulatively considerable impact related to geology and soils.

☐ **Findings**

Potential cumulative geology and soils impacts of the Project related to risk of loss due to earthquakes, substantial loss of topsoil, unstable soil, expansive soil or septic tanks are discussed in detail in Section 4.6.9 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant cumulative impacts related to these topics; therefore, no mitigation is required.

☐ **Substantial Evidence**

As discussed in the preceding analysis, compliance with existing Town/CBC regulations and the recommendations of the Geotechnical Investigation would ensure Project-related geology and soils impacts would be less than significant. The effects of geology and soils are primarily restricted to the areas proposed for development and would not contribute to cumulative impacts associated with other existing, planned, or proposed development. For example, development of the Project would not have the potential to alter geologic events or soil features/characteristics at an offsite property. (Draft EIR, p. 4.6-13)

As with the Project, other development projects would be required to conduct site-specific geotechnical investigations to identify onsite characteristics and provide recommendations regarding engineering, design, and construction. Compliance of individual projects with the recommendations of the applicable geotechnical investigation, and adherence to Town/CBC regulations would prevent hazards associated with geologic issues. Therefore, the Project would not result in a cumulatively considerable contribution to a significant cumulative impact related to geology and soils. (Draft EIR, p. 4.6-13)

With respect to erosion, other development in the vicinity would be required to comply with the same regulatory requirements as the Project to preclude substantial adverse erosion impacts. Because the Project and other cumulative projects would be subject to similar mandatory regulatory requirements to control erosion during construction and long-term operation, the Project would not result in a cumulatively considerable contribution related to erosion. (Draft EIR, p. 4.6-13)

Excavation of the Project site has the potential to yield significant paleontological resources. This cumulative impact analysis considers development of the Project in conjunction with other development projects and planned development in the vicinity of the Project site that have a potential for uncovering paleontological resources. Generally, impacts relating to paleontological resources are site-specific and addressed on a site-by-site basis. Therefore, while there is a potential for an impact on a specific site, the impact would not ordinarily extend beyond the site or immediately surrounding area. Additionally, implementation of Mitigation Measures MM 4.6-1 and MM 4.6-2 would ensure the proper identification and subsequent treatment of any paleontological resources that may be encountered during ground-disturbing activities, ensuring Project-specific paleontological impacts are reduced to less than significant. There could be circumstances in which a paleontological resource extends over more than one property, however, there are no adjacent related projects that could potentially result in effects to unknown paleontological resources that may lie in the subsurface of the project site; therefore, there would be no cumulative impacts would occur. (Draft EIR, p. 4.6-14)

3.8 GREENHOUSE GAS EMISSIONS

Project impacts for Threshold a and b do not result in significant impacts and related findings are discussed below.

3.8.1 THRESHOLD A

Impact Statement: The Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

□ Findings

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.7.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

❑ **Substantial Evidence**

Construction

For construction phase Project emissions, greenhouse gases (GHGs) are quantified and amortized over the life of the Project. MDAQMD follows the SCAQMD recommendation in calculating the total GHG emissions for construction activities, by dividing it by a 30-year Project life then adding that number to the annual operational phase GHG emissions. As such, construction emissions were amortized over a 30-year period and added to the annual operational phase GHG emissions. The amortized construction emissions are presented in Table 4.7-3, *Amortized Annual Construction Emissions*, of the Draft EIR. (Draft EIR, p. 4.7-24)

Operation

Project operations would generate carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and Refrigerant emissions. Primary emissions sources would include: (Draft EIR, p. 4.7-24)

- Mobile Source Emissions
- Area Source Emissions
- Energy Source Emissions
- Water Supply, Treatment, and Distribution
- Solid Waste
- Refrigerants
- Stationary Source Emissions
- TRU Source Emissions
- On-site Cargo Equipment

The estimated Project-related GHG emissions are summarized in Draft EIR Table 4.7-4, *Project GHG Emissions Summary (Without Mitigation)*. Construction and operation of the Project would generate approximately 37,345.63 MTCO₂e/yr. The Project would not exceed the emission threshold of 100,000 Tons CO₂e (90,718.5 MTCO₂e); Impacts would be less than significant. (Draft EIR, p. 4.7-25)

It should be noted that Mitigation Measures MM 4.2-2 through 4.2-4, presented within Draft EIR Section 4.2, *Air Quality*, would also further reduce the Project's GHG emissions. The proposed mitigation measures presented within Draft EIR Section 4.2, *Air Quality*, would reduce GHG emissions by improving energy and water efficiency, electrifying on-site cargo handling equipment, and integrating solar power. Efficient appliances, WaterSense fixtures, and drought-tolerant landscaping lower electricity and water use, and reduce indirect emissions. Replacing diesel-powered equipment with electric alternatives eliminates direct fuel combustion emissions. Installing solar panels offsets a portion of the facility's electricity needs with renewable energy. Together, these measures reduce emissions from building operations, on-site equipment, and energy use. Table 4.7-5 of the Draft EIR presents the GHG emissions of the Project with the implementation of these measures. (Draft EIR, pp. 4.7-25 through 4.7-26)

The implementation of Mitigation Measures MM 4.2-2 through MM 4.2-4 would further reduce the Project's already less than significant GHG emissions to approximately 35,753.76 MTCO₂e/yr, well under the screening threshold of 90,718.5 MTCO₂e/yr. (Draft EIR, p. 4.7-26)

3.8.2 THRESHOLD B

Impact Statement: The Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

☐ Findings

Potential impacts of the Project related to Threshold b are discussed in detail in Section 4.7.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ Substantial Evidence

Pursuant to 15604.4 of the CEQA Guidelines, a lead agency may rely on qualitative analysis or performance-based standards to determine the significance of impacts from GHG emissions. As such, the Project's consistency with the 2022 Scoping Plan, is discussed below. It should be noted that the Project's consistency with the 2022 Scoping Plan also satisfies consistency with AB 32 since the 2022 Scoping Plan is based on the overall targets established by AB 32 and SB 32. Consistency with the 2008 and 2017 Scoping Plan is not necessary, since both of these plans have been superseded by the 2022 Scoping Plan. (Draft EIR, p. 4.7-26)

2022 CARB Scoping Plan Consistency

The Project would not impede the State's progress towards carbon neutrality by 2045 under the 2022 Scoping Plan. The Project would be required to comply with applicable current and future regulatory requirements promulgated through the 2022 Scoping Plan. Some of the current transportation sector policies the Project will comply with (through vehicle manufacturer compliance) include: Advanced Clean Cars II, Advanced Clean Trucks, Advanced Clean Fleets, Zero Emission Forklifts, the Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, In-use Off-Road Diesel-Fueled Fleets Regulation, Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, Amendments to the In-use Off-Road Diesel-Fueled Fleets Regulation, carbon pricing through the Cap-and-Trade Program, and the Low Carbon Fuel Standard. The Project includes a comprehensive set of GHG reduction measures (Mitigation Measures MM 4.2-2 through MM 4.2-22) that are consistent with the regulatory requirements outlined in the 2022 Scoping Plan. Key measures include the use of on-site solar power generation, electrification of all cargo handling equipment, installation of EV infrastructure, enhanced building energy efficiency through Leadership in Energy and Environmental Design (LEED) Silver design and improved insulation, and reduced carbon intensity of construction materials. Additional transportation-related measures such as truck idling restrictions, clean truck requirements, and Transportation Demand Management (TDMs) further align with the 2022 Scoping Plan's goal on reducing emissions. As such,

the Project would be consistent with the 2022 Scoping Plan. (Draft EIR, p. 4.7-27; Final EIR pp. 3-3 through 3-4)

Town of Apple Valley CAP Consistency

The Town of Apple Valley Climate Action Plan (CAP) includes several strategies aimed at helping the Town reduce GHG emissions consistent with State targets. As shown on Draft EIR Table 4.7-6, *Project CAP Consistency Reduction Measures*, the proposed Project would be consistent with the applicable CAP measures with the incorporation of Project design features and mitigation measures. (Draft EIR, p. 4.7-27)

3.8.3 CUMULATIVE IMPACTS

Impact Statement: The Project would not result in a cumulatively considerable impact related to greenhouse gas emissions.

☐ Findings

Potential cumulative impacts of the Project related to greenhouse gas emissions are discussed in detail in Section 4.7.8 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant cumulative impacts related to these topics; therefore, no mitigation is required.

☐ Substantial Evidence

Because no single project is large enough to result in a measurable increase in global concentrations of GHG emissions, climate change impacts of a project are considered on a cumulative basis consistent with the requirements outlined in CEQA Guidelines 15064(h)(3). As discussed, implementation of the Project would comply with the 2022 Scoping Plan and Town's CAP. The Project would not exceed the significant emission threshold of 100,000 Tons CO₂e (90,718.5 MTCO₂e) per year. Therefore, Project-related GHG emissions and their contribution to global climate change would be not cumulatively considerable, and GHG emissions impacts would be less than significant. (Draft EIR, p. 4.7-28)

3.9 HAZARDS AND HAZARDOUS MATERIALS

Project impacts for Hazards and Hazardous Materials Thresholds a through g do not result in significant impacts. Findings are discussed below.

3.9.1 THRESHOLD A AND B

Impact Statement: The Project would not have the potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Impact Statement: The Project would not have the potential to 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.

☐ **Findings**

Potential impacts of the Project related to Threshold a and Threshold b are discussed in detail in Section 4.8.5 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold a and b; therefore, no mitigation is required.

☐ **Substantial Evidence**

On-Site Conditions

Based on a review of regulatory databases and a site reconnaissance, the Project site does not contain any hazards, nor is the Project site affected by any off-site hazards. No unusual or noxious odors, pools of liquid or potentially hazardous substances, hazardous materials storage structures, stained soil, aboveground storage tanks, pits, or ponds were observed. The Phase I ESA did not identify any environmental issues pertaining to past uses of the Project site during the course of the assessment. Therefore, past and existing uses do not represent a significant environmental concern for the Project site. As a result, implementation of the Project would result in less than significant impacts related to on-site conditions. (Draft EIR, p. 4.8-8)

Temporary Construction-Related Activities

During construction activities, the Project will require limited transport of potentially hazardous materials (e.g., paints, solvents, fertilizer, etc.) to and from the Project site. Handling of these materials is extensively regulated at the local, State and federal levels. The Project would be required to comply with all applicable regulations, including but not limited to the federal Hazardous Materials Transportation Act and California Hazardous Waste Control law. It is not anticipated that the development of the Project would result in conditions that are not currently addressed by existing regulations. On this basis, potential impacts due to routine transport, use, or disposal of hazardous materials during construction are considered less than significant. (Draft EIR, p. 4.8-8)

Long-Term Operation

The Project could involve the use, temporary storage and handling of potentially hazardous materials such as pesticides, fertilizers, or paint products that are pre-packaged for distribution and use. This type of storage, transfer, use and disposal of potentially hazardous materials is extensively regulated at the local, State and federal levels. (Draft EIR, p. 4.8-9)

The precise materials that would be located onsite are not known, as the tenants of the Project are not yet defined. In the event that hazardous materials, other than those common materials described above, are associated with future warehouse operations, the business would be required to prepare and submit a Hazards Materials Business Emergency Plan (HMBEP) in order to register the business as a hazardous materials handler. Such businesses are also required to comply with California's Hazardous Materials Release Response Plans and Inventory Law, which require immediate reporting to San Bernardino County Fire Department (SBCFD) and the State Office of Emergency Services regarding any release or threatened release of a hazardous material, regardless of the amount handled by the business. (Draft EIR, p. 4.8-9)

Project operations would be required to comply with all applicable federal, State, and local regulations to ensure the proper transport, use, and disposal of hazardous substances including potential transport of refrigerants. With mandatory regulatory compliance, potential hazardous materials impacts associated with long-term operation of the Project are not expected to pose a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials, nor would the Project increase the potential for accident operations which could result in the release of hazardous materials into the environment. Impacts would be less than significant. (Draft EIR, p. 4.8-9)

3.9.2 THRESHOLD C

Impact Statement: The Project would not have the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in Section 4.8.5 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold c; therefore, no mitigation is required.

☐ **Substantial Evidence**

No existing or proposed schools are located within one-quarter mile of the Project site. The nearest existing school is Sycamore Rocks Elementary School, located approximately 1.70 miles southeast of the Project site. Accordingly, the Project has no potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. As such, no impact would occur. (Draft EIR, p. 4.8-9)

3.9.3 THRESHOLD D

Impact Statement: The Project site is not 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 not have the potential to create a significant hazard to the public or the environment.

☐ **Findings**

Potential impacts of the Project related to Threshold d are discussed in detail in Section 4.8.5 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold d; therefore, no mitigation is required.

☐ **Substantial Evidence**

Government Code Section 65962.5 requires Department of Toxic Substances Control (DTSC), the State Department of Health Services, State Water Resources Control Board, and the State Department of Resources Recycling and Recovery to maintain a list of hazardous materials sites that fall within specific, defined categories. The Project site is not located on any list of hazardous materials sites

complied pursuant to Government Code Section 65962.5. As such, no impact would occur. (Draft EIR, p. 4.8-9)

3.9.4 THRESHOLD E

Impact Statement: The Project site is within two miles of an airport and the Project site is identified as within an airport influence area. The Project would not result in a safety hazard or excessive noise for people residing or working in the project area.

☐ **Findings**

Potential impacts of the Project related to Threshold e are discussed in Section 4.8.5 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold e; therefore, no mitigation is required.

☐ **Substantial Evidence**

Due to its location adjacent to the Apple Valley Airport, the Project is subject to the Airport Land Use Compatibility Plan (ALUCP), which provides specific airport land use guidance and is used to evaluate land use compatibility and development proposals in the vicinity of the Airport. The majority of the Project site is located within Airport Overlay Zone A-2, however, a small portion of the southeasterly corner of the site is located within Airport Overlay Zone A-1. Industrial uses such as the Project are permitted within both Overlay Zones (although no portion of the proposed structures would be located within Overlay Zone A-1). (Draft EIR, p. 4.8-10)

Project plans were submitted to the Federal Aviation Administration (FAA) for airspace review. The FAA conducted an aeronautical study for the Project and concluded that the Project would not be a hazard to air navigation. As such, the FAA issued a Determination of No Hazard for the Project on October 3, 2023. (Draft EIR, p. 4.8-10)

As discussed in Draft EIR Section 4.1, *Aesthetics*, the Project would comply with the lighting standards within the Airport Overlay Districts as required by the Town's Municipal Code Chapter 9.65 – Airport Overlay Districts and consistent with the ALUCP which requires all exterior lighting to have sharp cut-off reflectors in which virtually no light leaves the fixture above an angle of about 70 degrees, as measured straight down. (Draft EIR, p. 4.8-10)

Additionally, as discussed in Draft EIR Section 4.11, *Noise*, the 60 A-weighted decibels (dBA) noise contour boundary for the airport has been identified as occurring within the Airport's property, and noise levels on surrounding lands are not significantly affected. While aircraft overflights may be heard, aircraft noise would not create significant impacts outside the noise contour. (Draft EIR, p. 4.8-10)

Based on the preceding, the potential for the Project to result in a safety hazard or excessive noise for people residing or working in the Project area is considered less than significant. (Draft EIR, p. 4.8-10)

3.9.5 THRESHOLD F

Impact Statement: The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

☐ Findings

Potential impacts of the Project related to Threshold f are discussed in Section 4.8.5 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold f; therefore, no mitigation is required.

☐ Substantial Evidence

The Project would include improvements to adjacent roadways for access onto the Project site. All proposed roadway improvements would be constructed in accordance with the Town's General Plan and Town's development standards. The Town's Local Hazard Mitigation Plan 2017 Update identifies Interstates as major emergency response and evacuation routes. The Project does not propose or require permanent alteration of vehicle circulation routes. Nor does the Project propose or require facilities or operations that would interfere with the identified emergency response or emergency evacuation plan. In accordance with Town policies, coordination with the local fire and police departments during construction would ensure that potential interference with emergency response and evacuation efforts are avoided. Under operational conditions, the Project would maintain adequate emergency access for emergency vehicles on-site. The Project is not anticipated to interfere or impede with an adopted emergency response plan or emergency evacuation route during construction or operations. As such, impacts would be less than significant. (Draft EIR, pp. 4.8-10 through 4.8-11)

3.9.6 THRESHOLD G

Impact Statement: The Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

☐ Findings

Potential impacts of the Project related to Threshold g are discussed in detail in Section 4.8.5 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold g; therefore, no mitigation is required.

☐ Substantial Evidence

According to the California Department of Forestry and Fire Protection, the Project site is located within the limits of the Town of Apple Valley, outside of the State Responsibility Area (SRA). The site is not located within a Very High Fire Hazard Severity Zones (VHFHSZ). (Draft EIR, p. 4.8-11)

Pre-construction coordination with the Fire Protection District and adherence to local fire regulations during construction and operation of the Project would be required. The Town and Fire Protection District would require that fire prevention/fire suppression measures are incorporated in the Project

designs and that water delivery systems serving the Project site provide adequate fire flow. Creation and maintenance of firebreaks and fire-defensible spaces adjacent to buildings and roadways as required by the Town and Fire Protection District would further reduce the potential for exposure to wildland fires and the spread of wildland fires. The Town would also enforce weed abatement measures, minimizing potential fire fuel loads. Based on the preceding, the potential for the Project to result in significant risk of loss, injury or death involving wildland fires is considered less than significant. (Draft EIR, p. 4.8-11)

3.9.7 CUMULATIVE IMPACTS

Impact Statement: The Project would not result in a cumulatively considerable impact related to hazards and hazardous materials.

Findings

Potential cumulative impacts of the Project related to hazards and hazardous materials are discussed in detail in Section 4.8.8 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant cumulative impacts related to hazards and hazardous materials; therefore, no mitigation is required.

Substantial Evidence

The cumulative impact area when considering potential hazards and hazardous materials issues includes the area to be developed within the Project site, as well as off-site locations that might be affected by or contribute to hazards or hazardous conditions resulting from the Project and its operations. The cumulative hazards and hazardous materials impact analysis evaluates the effects of Project construction and operations and reflects long-term buildout conditions within the cumulative impact area. (Draft EIR, p. 4.8-12)

The Project does not propose uses or activities that would require substantial handling or use of hazardous materials, hazardous substances, or hazardous waste that could result in potential adverse effects. To the extent that such materials or substances may be present during Project construction or operations they will be transported, stored, used and disposed of consistent with multiple and broad regulatory requirements. No other hazards, such as aircraft hazards, emergency services issues, or wildfire hazards have been identified. Project impacts related to hazards and hazardous materials would be less than significant. (Draft EIR, p. 4.8-12)

As with the Project, other related projects within the cumulative impact area would be required to comply with hazards/hazardous material regulatory requirements. Mitigation would be incorporated if necessary. There are no known or probable related projects that would interact with the less than significant effects of the Project and thereby result in cumulatively impacts. (Draft EIR, p. 4.8-12)

Based on compliance with established policies and regulations, the Project's potential contribution to hazards/hazardous materials cumulative impacts is not considerable, and the cumulative effects of the Project are less than significant. (Draft EIR, p. 4.8-12)

3.10 HYDROLOGY AND WATER QUALITY

Project impacts for Hydrology and Water Quality Thresholds a through e do not result in significant impacts and related findings are discussed below.

3.10.1 THRESHOLD A

Impact Statement: The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

☐ Findings

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.9.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ Substantial Evidence

Construction-Related Water Quality Impacts

Construction of the Project would be subject to NPDES permit requirements. The Town of Apple Valley is a co-permittee under the San Bernardino County Municipal NPDES Municipal Separate Storm Sewer System (MS4) Phase II Stormwater permit. The NPDES MS4 Permit requires the Town to implement a Construction Site Stormwater Runoff Control Program in accordance with the regional Storm Water Management Program (SWMP) for the Mojave River Watershed. (Draft EIR, p. 4.9-9)

To comply with the regulatory requirements of the SWMP, the Town requires the implementation of an Erosion and Sediment Control Plan (ESCP), which would ensure that appropriate BMPs are implemented to prevent, to the maximum extent practicable, pollutants from leaving the site during all phases of construction. Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydroseeding. (Draft EIR, p. 4.9-9)

In addition to an ESCP, implementation of a required WQMP in accordance with the Mojave River Watershed Technical Guidance Document for Water Quality Management Plans, would ensure that stormwater treatment and conveyance would be sufficient prior to Project build-out. Submittal, review, and approval of both the WQMP and ESCP by the Town are required prior to the issuance of grading permits for Project development. The Project's Preliminary WQMP is presented as *Technical Appendix I2* to the Draft EIR. (Draft EIR, p. 4.9-9)

Mandatory compliance with the SWMP, ESCP, and WQMP would ensure that implementation of the Project would not result in a violation of any water quality standards or waste discharge requirements during construction activities. Therefore, short-term water quality impacts associated with temporary construction activities would be less than significant. (Draft EIR, p. 4.9-9)

Post-Development Water Quality Impacts

The NPDES MS4 Phase II Stormwater Permit requires the Town to implement a Post-Construction Storm Water Management Program in accordance with the regional SWMP. This Program sets limits of pollutants being discharged into waterways and requires all new development to incorporate structural and non-structural BMPs to improve water quality. To meet the requirements of the SWMP, the Town requires the incorporation of low impact development (LID) features into new development and redevelopment projects, as specified in the Mojave River Watershed Technical Guidance Document for Water Quality Management Plans. In accordance with the NPDES permit, the Town is responsible for monitoring WQMPs, which address stormwater pollution from new private development. Site-specific WQMPs for individual projects must incorporate the SWRCB required minimum Runoff Capture BMPs. In addition, the WQMP specifies the minimum required LID features, as well as the BMPs that must be used for a designated project. (Draft EIR, p. 4.9-9)

The Project Applicant would be required to implement the WQMP to demonstrate compliance with the Town's NPDES municipal stormwater permit, and to minimize the release of potential waterborne pollutants, including pollutants of concern for downstream receiving waters. As identified within the Project-specific WQMP, the proposed Project has been designed to include onsite structural-source control BMPs, as well as operational-source controls. The Project's drainage system has been designed to capture and convey offsite flows that run onto the Project site, as well as runoff generated onsite. In summary, drainage from all three buildings would be collected in catch basins located throughout the site. Each building will have multiple storm drain systems (Lines A-H, Line J, and Line P, discussed subsequently) which will discharge to one of four proposed detention basins. From the detention basins, flows will discharge by gravity via separate storm drain system to an onsite channel where it will eventually spillover to the westerly adjacent earthen channel. (Draft EIR, p. 4.9-10)

In addition to the WQMP, the NPDES program also requires certain land uses, including those proposed by the Project, to prepare an SWPPP for operational activities. Because the Project's future building occupants and their operations are not currently known, details of the SWPPP (including specific BMPs) cannot be determined at this time. Regardless, the Project SWPPP would ensure that operation of the Project would not violate any water quality standards or waste discharge requirements. Based on the preceding discussion, operational water quality impacts would be less than significant. (Draft EIR, p. 4.9-10)

3.10.2 THRESHOLD B

Impact Statement: The Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project would impede sustainable groundwater management of the basin.

Findings

Potential impacts of the Project related to Threshold b are discussed in detail in Section 4.9.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ **Substantial Evidence**

Direct additions or withdrawals of groundwater are not proposed by the Project. Further, construction proposed by the Project will not involve substructures or other intrusions at depths that would significantly impair or alter the direction or rate of flow of groundwater. (Draft EIR, p. 4.9-10)

Water is provided to the Project area by Liberty Utilities, which relies solely on groundwater obtained from 20 active wells in the Mojave Basin Area. Liberty Utilities only pumps the amount of water necessary to serve the demand. According to the Project's Water Supply Assessment (WSA), the projected operational water demand for the Project is 44 AF. According to the Liberty Utilities Urban Water Management Plan and the 2021-2022 Watermaster Report and WSA, Liberty Utilities can meet its water demands (including the Project) during normal years, single dry years, and a five consecutive year drought period over the next 20 years. (Draft EIR, p. 4.9-10)

Groundwater which may be consumed by the Project, and the service area as a whole, would be recharged pursuant to Liberty Utilities' policies and programs. The Project site is not a designated groundwater recharge area. The Project does not propose or require facilities or operations that would otherwise adversely affect designated recharge areas. Based on the preceding, the potential for the Project to substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin is considered less than significant. (Draft EIR, p. 4.9-10)

3.10.3 THRESHOLD C

Impact Statement: The Project would not 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.

☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in detail in Section 4.9.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold c; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project incorporates necessary drainage and stormwater management systems, and would comply with stormwater system design, construction, and operational requirements mandated under the Town Municipal Code, and with regulations established by other agencies, including the Lahontan RWQCB and California Department of Water Resources. (Draft EIR, p. 4.9-11)

The Project would implement a storm drain system that will collect and detain stormwater runoff. The Projects detention basins have been designed to mitigate the impacts of additional runoff that would be generated by the Project. Final design, configuration, and locations of proposed drainage system improvements will be reviewed and approved by the Town prior to, or concurrent with, application for grading permits. A complete description of the proposed drainage system for the site is presented in Draft EIR Section 3.0, *Project Description*, (Section 3.3.1, H. *Stormwater Drainage Infrastructure Improvements*). (Draft EIR, p. 4.9-11)

Construction

During site preparation activities, any existing groundcover would be removed from the site, exposing the Project area to increased wind and water erosion potentials. Further, construction site runoff may carry increased loads of sediment, heavy metals and petroleum hydrocarbons (from machinery) which could degrade water quality. In accordance with NPDES requirements, the Project Applicant would be required to prepare and implement an ESCP to alleviate potential erosion, sedimentation and stormwater discharge contamination impacts of the Project. (Draft EIR, p. 4.9-11)

The Project Applicant would also be responsible for compliance with the General Construction Permit by filing a Notice of Intent to Commence Construction Activities. Under the General Construction Permit, discharge of materials other than stormwater is prohibited. The General Construction Permit stipulates further that the Applicant shall prepare, retain at the construction site, and implement a SWPPP which identifies the sources of sediments and other pollutants that affect the quality of stormwater discharge, and implement practices to reduce sediment and other pollutants to stormwater discharge. SWPPP requirements include identification of construction and post-construction BMPs that would act to reduce sediments and other pollutants. (Draft EIR, p. 4.9-11)

Implementation of the Project SWPPP and compliance with applicable NPDES and Lahontan RWQCB requirements would ensure that potential construction-source water quality impacts of the Project are reduced to levels that would be less than significant. (Draft EIR, p. 4.9-11)

Operation

Runoff from the developed site would be collected via four proposed onsite detention basins. From the detention basins, the flows will discharge by gravity to an onsite channel where it will eventually spillover to an existing adjacent earthen channel to the west. (Draft EIR, p. 4.9-12)

Under existing conditions, peak flows for the Project site are 284.9 cubic feet per second (cfs). Post development, on-site flows without detention would be 482.6 cfs. With the four detention basins, peak flows for the site would be 123.3 cfs, which is less than existing conditions. Therefore, the Project would not result in flooding on- or offsite or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems. (Draft EIR, p. 4.9-12)

Over the life of the Project, contaminants such as oil, fuel and grease that are spilled or left behind by vehicular traffic, collect and concentrate on paved surfaces. During storm events, these contaminants

are washed into the storm drain system and may potentially degrade receiving water quality. Stormwater runoff from paved surfaces within the developed Project area could carry a variety of urban wastes, including greases and oils and small amounts of metals which are common by-products of vehicular travel. In addition, storm runoff will likely contain residual amounts of fertilizers and plant additives washed off from landscaped areas. (Draft EIR, p. 4.9-12)

Recognizing the potential hazards of such urban runoff, the U.S. Environmental Protection Agency (EPA) has issued regulations which require municipalities to participate in the NPDES program. Project compliance with applicable NPDES requirements and performance standards would be achieved through implementation of the Project-specific WQMP. To ensure adequate and appropriate treatment of stormwater discharges, the Project stormwater management concept and associated WQMP would implement water quality BMPs that would treat stormwaters onsite prior to release to the regional stormwater system or infiltration to groundwater. (Draft EIR, p. 4.9-12)

In combination, implementation of the Project SWPPP, on-site stormwater management system and associated WQMP, and compliance with NPDES Permit requirements, act to protect local and regional water quality by preventing or minimizing potential stormwater pollutant discharges to the watershed. On this basis, Project impacts in this regard would be less than significant. (Draft EIR, p. 4.9-12)

3.10.4 THRESHOLD D

Impact Statement: The Project would not result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to inundation.

☐ Findings

Potential impacts of the Project related to Threshold d are discussed in Section 4.9.5 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold d; therefore, no mitigation is required.

☐ Substantial Evidence

The Project site is not located within an identified flood hazard, tsunami, or seiche zone. The site is located approximately 80 miles inland; as such, tsunamis are not a concern at the site. The nearest large body of surface water (Spring Valley Lake) is approximately seven miles southwest of the Project site. At this distance, seiches are not a concern. As shown on Exhibit III-12 of the General Plan, the site is not located within an identified 100- or 500-year flood zone. The site is located within Zone D, “areas with possible but undetermined flood hazards.” As illustrated in General Plan Exhibit III-13, the Project site is not located in or near any identified dam inundation area. As such, the potential for the Project to risk release of pollutants due to Project inundation is considered less than significant. (Draft EIR, p. 4.9-12)

3.10.5 THRESHOLD E

Impact Statement: The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

☐ Findings

Potential impacts of the Project related to Threshold e are discussed in detail in Section 4.9.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold e; therefore, no mitigation is required.

☐ Substantial Evidence

The Project site is located within the Mojave River Basin; Project-related construction and operational activities would be required to comply with the Mojave Integrated Regional Water Management Plan. Consistent with MS4 Permit requirements, the Applicant would be required to develop and implement a construction SWPPP acting to reduce and control potential erosion, siltation, and discharge of pollutants during Project construction. Project operations would comply with the Project's mandated Town-approved WQMP to minimize storm water pollutants of concern and document implementation of required BMPs. (Draft EIR, p. 4.9-13)

Implementation of the SWPPP and WQMP would ensure the Project would not conflict with a water quality control plan or sustainable groundwater management plan. Impacts in this regard would be less than significant. (Draft EIR, p. 4.9-13)

3.10.6 CUMULATIVE IMPACTS

Impact Statement: The Project would not result in cumulatively considerable impacts related to hydrology and water quality.

☐ Findings

Potential cumulative impacts of the Project related to hydrology and water quality are discussed in detail in Section 4.9.8 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant cumulative impacts related to hydrology and water quality; therefore, no mitigation is required.

☐ Substantial Evidence

The cumulative impact area for hydrology/water quality impact considerations is generally defined as the area encompassed by the jurisdictional Regional Water Quality Control Board (RWQCB). (Draft EIR, p. 4.9-14)

Development of the Project site would incrementally increase impervious surfaces within the cumulative impact area, with related potential increases in the rate and quantity of local stormwater discharges. As presented within the preceding discussions, no significant impacts have been identified.

In this regard, the Project would implement stormwater management components, and structural and non-structural BMPs, which collectively act to ensure that post-development stormwater discharge rates are adequately conveyed within available system capacities. (Draft EIR, p. 4.9-14)

The Project drainage concept would implement drainage systems and detention areas to accept developed stormwater discharges. The Project drainage and stormwater management systems would be required to comply with all stormwater system design, construction, and operational requirements mandated under the Town Municipal Code. The Project drainage and stormwater management systems would also be required to comply with regulations established by other jurisdictional agencies including Lahontan RWQCB, San Bernardino County, and California Department of Water Resources. Additionally, consistent with established building code regulations, approved site-specific drainage studies reflecting precise pad locations, proposed drainage structures, detention facilities, etc., would be required prior to the issuance of building permits within the Project site. (Draft EIR, p. 4.9-14)

Stormwater management systems implemented by the Project, mandated compliance with Town, Lahontan RWQCB, County, and State stormwater management requirements and policies, collectively ensure that adequate stormwater conveyance and treatment facilities would be provided to support development and operations of the Project. (Draft EIR, p. 4.9-14)

Based on the preceding, contribution to cumulative hydrology/water quality impacts is not considerable, and the cumulative effects of the Project are determined to be less than significant. (Draft EIR, p. 4.9-14)

3.11 LAND USE AND PLANNING

Project impacts for Land Use and Planning Thresholds a and b do not result in significant impacts. Findings are discussed below.

3.11.1 THRESHOLD A

Impact Statement: The Project would not physically divide an established community.

☐ Findings

Potential impacts of the Project related to Threshold a are discussed in Section 4.10.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ Substantial Evidence

Under existing conditions, the Project site is vacant and undeveloped. Surrounding properties to the north, west and south are also located within the NAVISP and zoned Airport Industrial (I-A) and Industrial – Specific Plan (I-SP). The properties to the east are within San Bernardino County, and zoned Apple Valley/Rural Living. Surrounding uses include undeveloped land to the north, undeveloped land and single-family residences to the east, undeveloped land and an Apple Valley

Airport runway to the south, and the Apple Valley Airport to the west. No housing exists within the Project site. No residents would be displaced by the Project, nor would the physical arrangement of any neighboring residential communities be modified or divided by the Project. Therefore, implementation of the Project would not physically divide an established community and there would be no impact. (Draft EIR, p. 4.10-9)

3.11.2 THRESHOLD B

Impact Statement: The Project would not 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.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in Section 4.10.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project's consistency with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect is discussed below. This section includes an analysis of consistency with Southern California Association of Governments' (SCAG's) Connect SoCal, the Town of Apple Valley General Plan, the NAVISP, the Town Development Code, and the Apple Valley Comprehensive Airport Land Use Compatibility Plan. (Draft EIR, p. 4.10-9)

Connect SoCal

SCAG's Connect SoCal goals are meant to provide guidance for municipalities throughout the SCAG jurisdictional area within the context of regional goals and policies. On April 4, 2024, SCAG's Regional Council adopted the 2024-2050 Connect SoCal. Draft EIR Table 4.10-1 provides an analysis of Project consistency with applicable policies with the 2024-2050 Connect SoCal. As shown, the Project would not conflict with any applicable 2024-2050 Connect SoCal policies. Project consistency with Connect SoCal illustrates consistency with goals set forth for the Project region. (Draft EIR, pp. 4.10-9 through 4.10-10)

Town of Apple Valley General Plan

Draft EIR Table 4.10-2, *General Plan Consistency Analysis*, provides an analysis of the Project's consistency with all applicable General Plan goals and policies that were adopted for the purpose of avoiding or mitigating an environmental effect. As shown, the Project would not conflict with any applicable General Plan goals or policies. Accordingly, the Project would have a less than significant impact. (Draft EIR, p. 4.10-11)

North Apple Valley Industrial Specific Plan

The NAVISP was prepared to establish long-term development goals, standards and guidelines for 6,220-acres including and surrounding Apple Valley Airport. A majority of Project site lands are designated as (I-SP) Specific Plan Industrial, while the southeasterly portion of the site is designated (C-G) General Commercial. (Draft EIR, p. 4.10-18)

To accommodate the Project's anticipated future use mix, the Specific Plan would be amended to redesignate the 35 acres located in the southeastern part of the Project site (APN 0463-373-06) from C-G to I-SP. Please refer to Figure 3-12, presented within Draft EIR Section 3.0, *Project Description*. (Draft EIR, p. 4.10-18)

The Project would be implemented consistent with all development standards required by the I-SP land use designation, as presented in Draft EIR Table 4.1-1, *Zoning Development Standards Consistency Analysis*. All Project plans would be reviewed by Town staff to ensure consistency with all applicable development standards and regulations, precluding significant conflicts with the NAVISP. (Draft EIR, p. 4.10-18)

Town of Apple Valley Development Code

Development Code Chapter 9.65, Airport Overlay Districts, sets forth goals and regulations aimed at protecting public health and safety, and encouraging compatible development in areas surrounding the Airport. Table 4.10-3 of the Draft EIR presents an analysis of the Project's consistency with the criteria set forth in Chapter 9.65.010. As presented, the Project would not conflict with the Development Code. (Draft EIR, p. 4.10-18)

Apple Valley Comprehensive Airport Land Use Compatibility Plan

The Town of Apple Valley Comprehensive Airport Land Use Compatibility Plan provides guidelines to reduce potential land use conflicts in areas surrounding the Airport, and protect public health, safety, and welfare by minimizing aircraft-related hazards. A small portion of the southeast corner of the Project site lies within the Overlay District A-1. This portion of the Project site would only contain parking areas; No buildings would be located within Overlay District A-1. None of the guidelines for Overlay District A-1 would pertain to parking areas. The entire building area of the site is located within Overlay District A-2. As such, Draft EIR Table 4.10-4 provides an analysis of the Project's consistency with applicable guidelines of the A-2 District. As shown, the Project would not conflict with any applicable guidelines. (Draft EIR, p. 4.10-20)

3.11.3 CUMULATIVE IMPACTS

Impact Statement: The Project would not result in cumulatively considerable impacts related to land use and planning.

☐ **Findings**

Potential cumulative impacts of the Project related to land use and planning are discussed in detail in Section 4.10.8 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant cumulative impacts related to land use and planning; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project would not conflict with applicable General Plan Goals and Policies adopted for the purpose of avoiding or mitigating an environmental effect. The Town comprehensively updates and amends General Plan and Zoning documents to reflect cumulative land use changes within the impact area. Regional agencies employ development-specific information and General Plan/Zoning information provided by the Town in developing regional plans and growth projections. In combination, these actions ensure that potential cumulative effects of evolving land use plans are appropriately addressed at local and regional levels. (Draft EIR, p. 4.10-21)

Based on the preceding discussions, the Project's contributions to potential cumulative land use and planning impacts are not considerable, and the cumulative effects of the Project would be less than significant. There are no known or probable related projects that would interact with the less than significant effects of the Project and thereby result in cumulatively significant impacts. Other development projects within the cumulative impact area would also be required to comply with requirements of necessary land use and planning discretionary actions and permits, acting to preclude or minimize potential land use and planning impacts. (Draft EIR, p. 4.10-21)

3.12 MINERAL RESOURCES

Project impacts for Mineral Resources Thresholds a and b do not result in significant impacts and findings are discussed below.

3.12.1 THRESHOLD A

Impact Statement: The Project would not 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.

☐ **Findings**

Potential impacts of the Project related to Threshold a are discussed in Section 5.4.2 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project does not conflict with California Legislature's 1975 Surface Mining and Reclamation Act (SMARA), which provides guidelines of the classification and designation of mineral lands. According to the Town's General Plan, the Project site is not within an area that has been identified to contain

mineral resources. The California Department of Conservation does not show oil, gas, or geothermal fields underlying the Project site; and no oil or gas wells are recorded on or near the site in the Division of Oil, Gas, and Geothermal Resources (DOGGR) Well Finder. No mines, wells, or other resource extraction activity occurs, or is known to have ever occurred, on the Project site. Accordingly, no impacts would occur. (Draft EIR, p. 5-8)

3.12.2 THRESHOLD B

Impact Statement: The Project would not 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.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in Section 5.4.2 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ **Substantial Evidence**

As discussed above, no known valuable mineral resources exist on or near the Project site, and no mineral resource extraction activities occur on the site. Thus, the proposed Project would not result in the loss of availability of locally important mineral resources. Accordingly, no impacts would occur. (Draft EIR, p. 5-8)

3.13 NOISE

Project impacts for CEQA Noise Thresholds a (construction and on-site operational noise), b and c do not result in significant impacts and findings are discussed below.

3.13.1 THRESHOLD A

Impact Statement: The Project would not generate substantial temporary or permanent increase in ambient noise levels for construction and on-site operational noise 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.

☐ **Findings**

Potential impacts of the Project related to Threshold a (construction and on-site operational noise) are discussed in detail in Section 4.11.6 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold a (construction and on-site operational noise); therefore, no mitigation is required.

❑ Substantial Evidence

Construction Noise

Each stage of construction has a specific equipment mix, depending on the work to be completed during that stage. As a result of the equipment mix, each stage has its own noise characteristics; some stages have higher continuous noise levels than others, and some have higher impact noise levels than others. Project construction activities are expected to occur in the following stages: site preparation, grading, building construction, paving, and architectural coating. (Draft EIR, p. 4.11-14)

The construction noise analysis relies on reference construction equipment noise levels from the Federal Highway Administration (FHWA) published the Roadway Construction Noise Model (RCNM), which includes a national database of construction equipment reference noise emission levels. Using the reference construction equipment noise levels and the CadnaA noise prediction model, calculations of the Project construction noise level impacts at the nearest sensitive receiver locations were completed. To assess the worst-case construction noise levels, the Project construction noise analysis relies on the highest noise level impacts when the equipment with the highest reference noise level is operating at the closest point from the edge of primary construction activity (Project site boundary) to each receiver location. Consistent with FTA guidance for general construction noise assessment, Draft EIR Table 4.11-5, *Construction Equipment Noise Level Summary*, presents the combined noise level for all equipment, assuming they operate at the same time. As shown, construction noise levels at the receiver locations would not exceed the daytime 75 dBA equivalent level (L_{eq}) significance threshold during Project construction activities. (Draft EIR, pp. 4.11-14 through 4.11-15)

In addition to the daytime activities discussed above, nighttime concrete pouring activities will occur as a part of Project building construction activities. Nighttime concrete pouring activities are often used to support reduced concrete mixer truck transit times and lower air temperatures than during the daytime hours and are generally limited to the actual building pad area. Since the nighttime concrete pours take place outside the hours permitted by Section 9.73.060 of the Town of Apple Valley Municipal Code, the Project Applicant will be required to obtain authorization for nighttime work from the Town of Apple Valley. (Draft EIR, p. 4.11-15)

Concrete pour noise sources may include concrete mixer truck movements and pouring activities, concrete paving equipment, rear mounted concrete mixer truck backup alarms, engine idling, air brakes, generators, and workers communicating/whistling. Noise levels that can be expected during the nighttime concrete pour activities are shown in Table 4.11-6, *Nighttime Concrete Pour Noise Level Summary* of the Draft EIR. As shown, nighttime concrete pour activities will not exceed the 60 dBA L_{eq} nighttime residential noise level threshold at any of the nearest noise sensitive receiver locations. (Draft EIR, pp. 4.11-15 through 4.11-16)

In addition to the on-site construction activities, the Project would require grading, trenching, and paving for off-site improvements associated with roadway construction and utility installation. All off-site improvements are described in detail in the Draft EIR Section 3.0, *Project Description*, and

illustrated in Draft EIR Figure 3-9, *Offsite Utility Improvements*. It is expected that the off-site construction activities would not take place at any one location for the entire duration of construction due to the nature of the linear construction activity. Construction noise from this off-site work would, therefore, be relatively short-term and the noise levels would be reduced as construction work moves linearly along the selected alignment and farther from sensitive uses. Off-site roadway and utility improvement construction activities would not result in significant noise impacts. (Draft EIR, p. 4.11-16)

Based on the preceding discussions, construction-source noise would not result in a substantial temporary increase in ambient noise levels in the vicinity of the Project in excess of established standards. As such, construction noise impacts would be less than significant. (Draft EIR, p. 4.11-16)

Operational Noise

To present the potential worst-case noise conditions, this noise analysis assumed the Project would be operational 24 hours per day, seven days per week. Consistent with similar warehouse and industrial uses, the Project business operations would primarily be conducted within the enclosed buildings, except for traffic movement, parking, as well as loading and unloading of trucks at designated loading bays. (Draft EIR, p. 4.11-16)

Operational source noise levels were calculated using reference noise levels to represent the proposed Project operations, including cold storage loading dock activity, tractor trailer storage activity, rooftop air conditioning units, parking lot vehicle movements, trash enclosure activity, and truck movements. Operational noise levels that can be expected from the Project are shown in Final EIR Table 4.11-7, *Daytime Project Operational Noise Levels*, and Table 4.11-8, *Nighttime Project Operational Noise Levels*. (Draft EIR, p. 4.11-16; Final EIR, p. 3-7)

As shown, the daytime hourly noise levels at the off-site receiver locations are expected to range from 42.3 to 47.7 dBA L_{eq} . The nighttime hourly noise levels at the existing off-site receiver locations are expected to range from 42.2 to 47.6 dBA L_{eq} . (Draft EIR, p. 4.11-16; Final EIR, p. 3-7)

To demonstrate compliance with local noise regulations, Final EIR Table 4.11-9, *Operational Noise Level Compliance*, evaluates the Project-only operational noise levels against Town of Apple Valley exterior noise level thresholds at nearby noise-sensitive receiver locations. As shown, Project operational noise would not exceed Town of Apple Valley exterior noise level standards at nearby noise-sensitive receiver locations. (Draft EIR, pp. 4.11-17 through 4.11-18; Final EIR, p. 3-8)

To describe the Project operational noise level increases, the Project operational noise levels are combined with the existing ambient noise levels measurements for the nearby receiver locations that may be potentially impacted by Project operational noise sources. Final EIR Table 4.11-10, *Daytime Operational Noise Level Increases*, and Table 4.11-11, *Nighttime Operational Noise Level Increases*, present the operational noise level increases that can be expected at the nearest receiver locations. (Draft EIR, p. 4.11-18; Final EIR, p. 3-8)

As shown, the Project will generate a daytime operational noise level increase ranging from 0.3 to 0.5 dBA L_{eq} and a nighttime operational noise level increase ranging from 0.2 to 3.7 dBA L_{eq} at the nearest receiver locations. As such, Project-related operational noise level increases will not exceed the Town's operational noise level increase significance criteria. Operational impacts would be less than significant. (Draft EIR, p. 4.11-18; Final EIR, p. 3-8)

3.13.2 THRESHOLD B

Impact Statement: The Project would not generate excessive groundborne vibration or groundborne noise levels.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 4.11.6 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ **Substantial Evidence**

Construction Analysis

Draft EIR Table 4.11-15, *Project Construction Vibration Levels*, presents the expected Project-related vibration levels at the nearby receiver locations. At distances ranging from 492 to 1,456 feet from Project construction activities, construction vibration velocity levels are estimated to range from 0.000 to 0.002 in/sec Peak Particle Velocity (PPV). Based on maximum acceptable continuous vibration threshold of 0.04 (in/sec), the typical Project construction vibration levels will fall below the vibration thresholds at all the sensitive receiver locations. Moreover, the vibration levels reported at the sensitive receiver locations are unlikely to be sustained during the entire construction period but will occur rather only during the times that heavy construction equipment is operating adjacent to the Project site perimeter. Therefore, the Project-related vibration impacts are considered less than significant during typical construction activities at the Project site. (Draft EIR, pp. 4.11-21 through 4.11-22)

Operational Analysis

Under long-term conditions, the operational activities of the Project would not include or require equipment, facilities, or activities that would result in perceptible ground-borne vibration. Trucks would travel to and from the Project site on surrounding roadways; however, vibration and groundborne noise levels for heavy trucks operating at the posted speed limits on smooth, paved surfaces, as is expected on the Project site and surrounding roadways is rarely perceptible. Accordingly, Project operation would not generate excessive groundborne vibration or groundborne noise levels and impacts would be less than significant. (Draft EIR, p. 4.11-22)

3.13.3 THRESHOLD C

Impact Statement: The Project would not expose people residing or working in the Project area to excessive noise levels due to airport noise.

☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in Section 4.11.6 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold c; therefore, no mitigation is required.

☐ **Substantial Evidence**

The airport nearest the Project site is the Apple Valley Airport which is located westerly adjacent to the site. In accordance with the Town of Apple Valley General Plan, the County of San Bernardino County has plans to expand the Apple Valley Airport into a hub to better serve industrial and commercial development in and adjacent to the North Apple Valley Industrial Specific Plan area in which the airport is located. Airport upgrades would consist of 18 new hangars at the Airport and improvements to the terminal and taxiways to accommodate larger corporate aircraft. As shown on Exhibit III-I-3, of the Town's General Plan, future noise contour boundaries are contained within the boundaries of the airport. The 60 dBA noise contour boundary for the airport would occur within the Apple Valley Airport property, and noise levels on surrounding lands are not significantly affected. (Draft EIR, pp. 4.11-22 through 4.11-23)

Federal and state regulations set 65 dB Community Noise Equivalent Level (CNEL) as the normally acceptable limit for aircraft noise. The aircraft noise contours provided in the Comprehensive Land Use Plan (CLUP) were adopted in 1989. The CLUP notes that there are no incompatible land uses within the 65 CNEL contour for the "future year 2010", and that neither the 60 CNEL or 65 CNEL contours are projected to extend past the future Airport property line. Furthermore, at the time the CLUP was adopted, the total operations for future year 2010 were 151,000 and include Runway 8-26 (the noise contour for 1989 does not include Runway 8-26) and the most recent Federal Aviation Administration (FAA) terminal area forecast for Apple Valley Airport (APV) notes 37,500 total operations for 2023 through 2050. (Draft EIR, p. 4.11-23)

The CLUP notes that factories, warehouses, storage yards and open farmland are relatively insensitive to noise. As stated, Project site is outside any noise contours. No aircraft noise impacts are anticipated for the proposed Project land uses. As such, the Project site would not be exposed to excessive noise levels from airport operations, and impacts are considered less than significant. (Draft EIR, p. 4.11-23)

3.13.4 CUMULATIVE IMPACTS

Impact Statement: The Project would not result in cumulatively considerable impacts related to noise (construction-related or on-site operational noise).

☐ **Findings**

Potential cumulative noise impacts of the Project related to construction and on-site operation are discussed in detail in Section 4.11.10 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant cumulative impacts related to noise; therefore, no mitigation is required.

❑ **Substantial Evidence**

Construction Noise

As discussed in the preceding analysis, Project construction-source noise would not exceed applicable thresholds and would not substantially contribute to ambient noise conditions or to other related noise sources. There are no known or probable related projects that would interact with the less than significant effects of the Project and thereby result in cumulatively significant impacts. Related projects in the cumulative impact area would be required to minimize construction noise consistent with Town policies and regulations, thereby minimizing cumulative impacts. Based on the preceding, the potential for Project construction-source noise to result in or cause cumulatively significant impacts is considered less than significant. (Draft EIR, p. 4.11-25)

Operational Noise

Project operational noise would not exceed applicable thresholds. Noise levels resulting from Project operations would not substantially contribute to ambient noise conditions or to other related noise sources. There are no known or probable related projects that would interact with the less than significant effects of the Project and thereby result in cumulatively significant impacts. Related projects in the cumulative impact area would be required to minimize operational noise consistent with Town policies and regulations, thereby minimizing cumulative impacts. Based on the preceding, the potential for Project operational noise to result in or cause cumulatively significant impacts is considered less than significant. (Draft EIR, p. 4.11-25)

Groundborne Vibration and Noise

During construction, the Project's peak vibration impacts would occur during the grading phase when large pieces of equipment, like bulldozers, are operating on-site. Vibration effects diminish rapidly from the source; therefore, the only reasonable sources of cumulative vibration in the vicinity of the Project site could occur on properties abutting these sites. As mentioned above, there are no known active or pending construction projects abutting the Project site that would overlap with the Project's proposed construction schedule. Accordingly, there is no potential for the Project to contribute to the exposure of persons to substantial temporary groundborne vibration or noise. (Draft EIR, p. 4.11-26)

Under long-term conditions, the Project would not include or require equipment or activities that would result in perceptible groundborne vibration beyond the Project site. Trucks would travel to and from the site along local roadways; however, vibration levels for heavy trucks operating at the posted speed limits on paved surfaces are not perceptible beyond the roadway. The Project would not cumulatively contribute to the exposure of persons to excessive groundborne vibration or noise levels during long-term operation. (Draft EIR, p. 4.11-26)

Airport Noise

There are no conditions associated with implementation of the Project that would contribute airport noise or exposure of additional people to unacceptable levels of airport noise. Accordingly, there is no

potential for cumulative development to expose persons residing or working in the Project area to excessive airport-related noise levels. (Draft EIR, p. 4.11-26)

3.14 POPULATION AND HOUSING

Project impacts for Populations and Housing Thresholds a and b do not result in significant impacts and findings are discussed below.

3.14.1 THRESHOLD A

Impact Statement: The Project would not 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).

Findings

Potential impacts of the Project related to Threshold a are discussed in Section 5.4.3 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold a; therefore, no mitigation is required.

Substantial Evidence

No residential uses are located on the Project site, nor are any proposed as part of the Project. Jobs created by the Project are typical of the region and are expected to be filled by existing local residents. Project employees would purchase goods and services in the region, but any secondary increase in employment associated with meeting these goods and services needs is expected to be marginal and accommodated by existing providers. The Project would create short-term jobs during the construction phase which would be filled by workers who, for the most part, would already reside in the local area. A small portion of workers may be employed from outside the local area but construction would not induce substantial unplanned population growth in the area as the construction phase would be temporary and would not require permanent relocation. Therefore, construction of the Project would not generate a substantial temporary or permanent increase in population within the Project area. (Draft EIR, p. 5-9)

Based on Table II-B of Southern California Association of Governments (SCAG's) Employment Density Report with an employment rate of 1,195 sf per employee for warehouse uses in San Bernardino County, the Project would generate up to approximately 2,913 employees during operation. According to SCAG's Connect SoCal, the Town's employment opportunities are estimated to grow by 9,400 in 2050. As such, the Project-related increase of approximately 2,913 employees are within the estimated employment growth projections. (Draft EIR, p. 5-9)

Table 5-2, *Town of Apple Valley Population, Households, and Employment Projections*, of the Draft EIR, shows the existing, 2035 and 2025 population, employment, and housing projections. (Draft EIR, p. 5-9)

SCAG's Connect SoCal contains newer projections than the Town's General Plan. As shown, SCAG's population forecasts are lower than was anticipated by the Town's General Plan and employment has outpaced projections under both the Town's General Plan and SCAG projections. However, both sources project that the Town will be housing-rich in 2035 and 2050, at 0.61 and 0.78, respectively. Additionally, according to the Town's 2022-2029 Housing Element, 16.6 percent of the Town's population works within the Town of Apple Valley and the remaining 83 percent work elsewhere, which suggests a jobs-housing imbalance within the Town limits. As of June 2025, the most current data available, the Town had a labor force of 29,300, employment of 27,200 with an unemployment population of 2,100, a 7.1% rate. (Draft EIR, pp. 5-9 and 5-10)

The jobs-housing ratio is a general measure of the number of jobs as compared to housing in a defined geographic area, without regard to economic constraints or individual preferences. The jobs-housing ratio as well as the type of jobs versus the price of housing, has implications for mobility, air quality, and the distribution of tax revenues. A project's effect on the jobs-housing ratio is one indicator of how it will affect growth and quality of life in the project area. SCAG applies the jobs-housing ratio at the regional and subregional levels in order to analyze the fit between jobs, housing, and infrastructure. Generally, a ratio of less than 1 to 1 indicates a housing-rich area, and a ratio of one or more than 1 to 1 indicates a jobs-rich area. (Draft EIR, p. 5-10)

As shown in Table 5-2, although the Town is slightly jobs-rich under existing conditions (1.07), the Town's General Plan and SCAG project that the Town will be housing-rich in 2035 and 2050, respectively. The Town forecasts the employment housing ratio to be 0.61 by 2035 while SCAG forecasts the employment housing ratio to be 0.78 by 2050, which is closer to the recommended range for the jobs-housing ratio of 1.0. The jobs generated by the Project would be consistent with this trend and would assist in providing a more balanced jobs-housing ratio. (Draft EIR, p. 5-10)

The Project-related increase of up to approximately 2,913 employees would bring new employment which would contribute to a more balanced jobs-housing ratio for the Town of Apple Valley at Project buildout. With a more balanced jobs-housing ratio, the unemployment rate, and the fact that the majority of residents work outside of Town limits indicates that the Project's temporary and permanent employment requirements will be met by the Town's existing labor force without people needing to relocate into the Project region. Therefore, the Project would not induce substantial unplanned population growth in the Project area, either directly or indirectly, and would not exceed regional or local growth projections. Therefore, impacts would be less than significant. (Draft EIR, p. 5-10)

3.14.2 THRESHOLD B

Impact Statement: The Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in Section 5.4.3 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ **Substantial Evidence**

The property has remained undeveloped since at least 1952 and no residential uses are located on the Project site, nor are any proposed as part of the Project. Construction of the Project would not displace any existing housing or residents, nor require the construction of replacement housing elsewhere. No impact would occur. (Draft EIR, p. 5-10)

3.15 PUBLIC SERVICES

Project impacts for Public Services Threshold a does not result in significant impacts and findings are discussed below.

3.15.1 THRESHOLD A

Impact Statement: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the 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.

☐ **Findings**

Potential impacts of the Project related to Threshold a are discussed in Section 4.12.4 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project proposes the construction and operation of three industrial buildings totaling approximately 3.48 million square feet. The Project does not include the construction of a new fire station, police station, school, public park, or recreation and other public facilities. (Draft EIR, p. 4.12-6)

Project impacts would arise from the construction and operation of industrial uses at the Project site. The Project does not propose the construction of new homes or dwelling units that would directly introduce new residents to the area. Based on the estimated employment rates specified in Table II-B of the Employment Density Study Summary Report prepared by SCAG, warehouse uses within San Bernardino County generate approximately one employee per 1,195 sf of building space. As such, the Project may generate approximately 2,913 employees ($3,480,646 \text{ sf} \div 1,195 \text{ sf/employee} = 2,912.67$

employees). The Project's employment generation would not induce substantial residential population growth in the area because it is anticipated in the employment growth projections of the Town and would result in industrial-oriented jobs, which are anticipated to attract employees from the Town and surrounding area (see Section 5.4.3, *Population and Housing*, of the Draft EIR). The Project would supply employment opportunities to people already residing in the area. (Draft EIR, p. 4.12-6)

Fire Protection Services

Construction of the Project would result in an increase in demand for fire protection services due to the increase of employees onsite. However, this increase would be temporary, short-term, and would cease upon completion of the construction activities. Therefore, impacts related to fire protection services during construction would be less than significant. (Draft EIR, p. 4.12-6)

During operation, the Project is expected to create the typical range of fire and emergency service calls and would increase call volumes due to the anticipated employee generation, which impacts response times for emergency and non-emergency services. As per Policy 1.H of the Police and Fire Protection Element of the Town's General Plan, the Apple Valley Fire Protection District (AVFPD) maintains a response goal of 6-minutes or less. Within the Town's corporate limits, the average response time is 6 minutes and 25 seconds. The AVFPD's desired ratio for full-time fire personnel to population is approximately 1:1,500. The Town currently has full-time fire personnel ratio of 1:1,405 based on 54 fire personnel and the existing Town population of 75,867. Project development would occur in an area of the Town already served by AVFPD. A need for new or expanded public services, such as fire protection facilities, is typically associated with a population increase. The Project does not propose the construction of new homes or dwelling units that would directly introduce new residents to the area, and as concluded in Draft EIR Section 5.4.3, *Population and Housing*, the Project would not directly or indirectly induce unplanned population growth in the Town. The Project's permanent employment requirements could likely be met by the Town's existing labor force without people needing to relocate into the Project region as the Town is within a housing-rich area. The AVFPD's ratio for full-time personnel to population would not decrease as the Project would not result in an increase in population growth. Therefore, the Project would not result in an expansion of AVFPD's service area as the service ratio would be maintained. In the event of an emergency within the Project site that requires more resources than the primary fire station (Station 332 located approximately 4.8 miles southwest of the site) that serve the area could provide, AVFPD would direct resources to the site from other AVFPD stations (Station 331 located approximately 4.88 miles south of the site) nearby. Additionally, AVFPD maintains a mutual aid agreement with Victorville, San Bernardino County Fire Department, and the Bureau of Land Management. This agreement allows fire departments in the region to actively support one another regardless of geographic or jurisdictional boundaries. (Draft EIR, pp. 4.12-6 through 4.12-7)

The Project does not propose or require construction or modification of fire protection facilities. The Project site is not designated or proposed as the location for new or modified fire protection facilities. Incremental fire protection service demands generated by the Project are offset through the payment of Development Impact Fees. A portion of the Town's Development Impact Fees are allocated for fire protection services. The Project Applicant would pay incumbent Town Development Impact Fees at

issuance of building permit(s). Furthermore, the Project is required to comply with Town and AVFPD fire prevention and suppression requirements, including building/site design requirements, fire flow adequacy, and provisions for emergency access, thereby reducing potential increased demands for fire protection services. (Draft EIR, p. 4.12-7)

Based on the preceding, the potential for the Project to result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities is considered less than significant. (Draft EIR, p. 4.12-7)

Police Protection Services

Buildout of the Project would increase demands for police protection services in the Project area. During the construction and operation of the Project, the need for police services is expected to grow due to the increase in employment and associated potential for additional crime and accidents. Crime and safety issues during Project construction may include theft of building materials and construction equipment, malicious mischief, graffiti, and vandalism. After construction, the Project is anticipated to generate a typical range of police service calls as similar developments, such as vehicle burglaries, disturbances, and driving under the influence. (Draft EIR, p. 4.12-7)

A need for new or expanded public services, such as police facilities, is typically associated with a population increase. The proposed Project does not include the construction of new homes. While the proposed Project would lead to increased employment on site, the proposed Project would not induce substantial population growth as concluded in Draft EIR Section 5.4.3, *Population and Housing*. Police units are continuously mobile, and service calls are responded to by the nearest available mobile unit. The Apple Valley Police Department (AVPD) prefers a ratio of one police officer per 1,500 population. The average response time for highest priority emergency calls is five minutes. The AVPD currently has a ratio of 1:1,488 based on 51 police officers and the existing Town population of 75,867. The increase in potential services needed would not require the construction of a new police station or improvements to the existing station that serves the Project site. As concluded in Draft EIR Section 5.4.3, *Population and Housing*, no increases in population would result from the implementation of the Project; thus the Town's service ratio one police officer per every 1,500 residents would be maintained. (Draft EIR, p. 4.12-8)

Moreover, the Project does not propose or require construction or modification of police protection facilities. The Project site is not designated or proposed as the location for new or modified police protection facilities. Incremental police protection service demands generated by the Project are offset through the payment of Development Impact Fees. A portion of the Town's Development Impact Fees are allocated for police protection services. The Project Applicant would pay incumbent Town Development Impact Fees at issuance of building permit(s). (Draft EIR, p. 4.12-8)

Additionally, the Project site plan concept and proposed building designs would be reviewed by the Apple Valley Police Department to ensure incorporation of appropriate safety and security elements. Such design features would include secure building designs, defensible spaces, and area and facility

security lighting. These design features would act to reduce Project demands for police protection services. (Draft EIR, p. 4.12-8)

Based on the preceding, the potential for the Project to result in substantial adverse physical impacts associated with the provision of the new or physically altered police protection facilities is considered less than significant. (Draft EIR, p. 4.12-8)

School Services

The Project does not propose residential uses that would result in populations of resident school-aged children requiring public education. As discussed in Draft EIR Section 5.4.3, *Population and Housing*, the Project may generate approximately 2,913 employees which would likely be met by the Town and Project region's existing labor force without employees (or their children) needing to relocate into the Project region. The Project site is located within a housing-rich area and would contribute to a more balanced jobs-housing ratio at Project buildout. The Project would not stimulate population growth or a population concentration above what is assumed in the NAVISP and the Town's General Plan. Therefore, the Project would not directly cause or contribute to a need to construct new or physically altered public school facilities. (Draft EIR, p. 4.12-8)

The Project does not propose or require construction or modification of school facilities. The Project site is not designated or proposed as the location for new or modified school facilities. Project incremental impacts to school services would be offset through payment of school impact fees. The Project Applicant would pay incumbent school impact fees at issuance of building permit(s). Payment of school impact fees would reduce the Project's potential impacts to school services to levels that would be less than significant. (Draft EIR, p. 4.12-9)

Parks

As discussed in Draft EIR Section 5.4.3, *Population and Housing*, the Project does not propose residential uses and would not directly or indirectly induce unplanned population growth in the Town. Thus, the Project would not increase demands for parks or park services. The potential for the Project to result in substantial adverse physical impacts associated with the provision of the new or physically altered parks facilities is less than significant. (Draft EIR, p. 4.12-9)

Other Public Facilities

Given the industrial nature of the Project and the lack of population growth that would result from the Project, the Project would not increase the use of libraries and other public facilities. Based on the preceding, the potential for the Project to result in substantial adverse physical impacts associated with the provision of the new or physically altered other public facilities is considered less than significant. (Draft EIR, p. 4.12-9)

3.16 RECREATION

Project impacts for Recreation Thresholds a and b do not result in significant impacts and findings are discussed below.

3.16.1 THRESHOLD A

Impact Statement: The Project would not 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.

☐ **Findings**

Potential impacts of the Project related to Threshold a are discussed in Section 5.4.4 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project does not propose residential uses that would increase the use of existing parks and/or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. As discussed above, the Project would develop the Project site in accordance with the underlying General Plan land use designation. Thus, the Project's employment generation due to Project construction and operation is already accounted for in the Town's General Plan. Incremental public service demands generated by the Project are offset through the payment of Town Development Impact Fees. A portion of the Town's Development Impact Fees are allocated for the maintenance of recreational facilities. The Project Applicant would pay incumbent fees at issuance of building permit(s). No impact would occur. (Draft EIR, p. 5-11)

3.16.2 THRESHOLD B

Impact Statement: The Project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in Section 5.4.4 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project does not propose any recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment. In addition, no offsite parks or recreational improvements are proposed or required as part of the Project. No impact would occur. (Draft EIR, p. 5-11)

3.17 TRANSPORTATION

Project impacts for CEQA Transportation Thresholds a, c, and d do not result in significant impacts and findings are discussed below.

3.17.1 THRESHOLD A

Impact Statement: The Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

☐ Findings

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.13.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ Substantial Evidence

Circulation system and mobility plans and policies applicable to the Project include SCAG's Connect SoCal, San Bernardino County Congestion Management Plan, the NAVISP, and the Town of Apple Valley General Plan Circulation Element. An analysis of the Project's potential to conflict with these plans is presented below. (Draft EIR, p. 4.13-5)

SCAG 2024-2050 RTP/SCS

SCAG's Connect SoCal seeks to improve mobility, promote sustainability, facilitate economic development, and preserve the quality of life for the residents in the region. Draft EIR Table 4.10-1, *SCAG Policy Consistency Analysis*, in Section 4.10, *Land Use and Planning*, addresses the Project's consistency with SCAG's Connect SoCal. As shown, the Project would not conflict with any applicable 2024-2050 Connect SoCal policies such as Policy 03 and Policy 05 under the Mobility Element. The Project would contribute to a safe, multimodal network and would include roadway improvements to accommodate site access and maintain acceptable peak hour operations. Project consistency with Connect SoCal illustrates consistency with goals set forth for the Project region. As demonstrated, implementation of the Project would not conflict with the goals and policies of SCAG's regional planning program. (Draft EIR, pp. 4.13-5 through 4.13-6)

San Bernardino County Congestion Management Plan

The intent of the San Bernardino County Congestion Management Plan (CMP) is to provide the analytical basis for transportation decisions. The Project would be consistent with the applicable goals and elements of the San Bernardino County CMP shown in Draft EIR Section 4.13.2. The Project would not impede the ability to maintain or enhance the performance of the multimodal transportation system. The Project would include roadway improvements to serve internal circulation needs and minimize impacts to travel delay. None of the proposed roadway improvements would interfere with the existing or potential future improvements to the County's multimodal transportation system. The Project would participate in the Town's Development Impact Fee program, which is coordinated with

regional planning efforts in Victor Valley to meet regional transportation needs and to provide for adequate funding of mitigation for impacts of new development, consistent with the CMP. The CMP System LOS Element and Performance Measures Element also contain Level of Service (LOS) standards for CMP designated highways and roadways. However, there are no designated CMP roadways in the Project study area; therefore, the Project would have no impact on these roadways. Accordingly, the Project would not conflict with the San Bernardino County CMP. (Draft EIR, p. 4.13-6)

North Apple Valley Industrial Specific Plan

The NAVISP was prepared to establish long-term development goals, standards and guidelines for 6,220-acres including and surrounding Apple Valley Airport. A majority of Project site lands are designated as (I-SP) Specific Plan Industrial, while the southeasterly portion of the site is designated (C-G) General Commercial. (Draft EIR, p. 4.13-6)

To accommodate the Project's anticipated future use mix, the Specific Plan would be amended to redesignate the 35 acres located in the southeastern part of the Project site (APN 0463-373-06) from C-G to I-SP. Please refer to Figure 3-12, presented within Draft EIR Section 3.0, *Project Description*. (Draft EIR, p. 4.13-6)

The Project would be implemented consistent with all development standards required by the I-SP land use designation, as presented in Draft EIR Table 4.1-1, *Zoning Development Standards Consistency Analysis*. All Project plans would be reviewed by Town staff to ensure consistency with all applicable development standards and regulations, precluding significant conflicts with the NAVISP. Accordingly, the Project would not conflict with the NAVISP. (Draft EIR, p. 4.13-6)

Town of Apple Valley General Plan Circulation Element

Draft EIR Table 4.13-1, *General Plan Circulation Consistency Analysis*, presents a discussion of the Project's consistency with the goals, policies and programs of the Town's General Plan Circulation Element. (Draft EIR, p. 4.13-6)

As demonstrated, the Project would not conflict with any program, plan, ordinance or policy addressing the circulation system. Impacts in this regard would be less than significant. (Draft EIR, p. 4.13-8)

3.17.2 THRESHOLD C

Impact Statement: The Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Findings

Potential impacts of the Project related to Threshold c are discussed in detail in Section 4.13.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold c; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project is generally consistent with Town's vision for the area, as evidenced by the site's existing land use designation. The types of traffic generated during operation of the Project (i.e., passenger cars and trucks) would be compatible with the type of traffic observed along adjacent roadways under existing conditions. (Draft EIR, p. 4.13-10)

Efficient and safe access within, and access to, the Project is provided by the site plan design concept, site access improvements, and site adjacent roadway improvements included as components of the Project. The Project would construct six driveways on Gustine Street, one driveway on Central Road, and six driveways on Corwin Road to accommodate safe and efficient site access as well as allow for full truck turning movements. Additionally, the Project would construct Gustine Street, Central Road, and Corwin Road along the Project' frontages at their ultimate half section width in accordance with the Town's standards. On-site traffic signing and striping would be implemented in conjunction with detailed construction plans for the Project site. Sight distance at each Project access point would be reviewed to ensure conformance with Town sight distance standards at the time of preparation of final grading, landscape, and street improvement plans. (Draft EIR, p. 4.13-10)

Trucks accessing the Project site would be required to travel along Town-designated truck routes. Mandatory use of truck routes would minimize potential conflicts between truck traffic and other motorized and non-motorized transportation modes. (Draft EIR, p. 4.13-10)

The potential for the Project to substantially increase hazards due to a geometric design feature or incompatible uses is considered less than significant. (Draft EIR, p. 4.13-10)

3.17.3 THRESHOLD D

Impact Statement: The Project would not result in inadequate emergency access.

☐ **Findings**

Potential impacts of the Project related to Threshold d are discussed in Section 4.13.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold d; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project does not propose elements or aspects that would obstruct or restrict emergency access to or through the area. Additionally, representatives of the Apple Valley Fire Protection District (AVFPD) and San Bernardino County Sheriff's Department (SBCSD) would review the Project's plans to ensure that emergency access is provided consistent with AVFPD and SBCSD requirements. (Draft EIR, p. 4.13-11)

Construction

All Project construction materials and equipment would be stored/staged on the Project site and would not interfere with emergency vehicles traveling adjacent to the site. Any Project construction activities that would occur within the public right-of-way and require a partial or full closure of a sidewalk or vehicle travel lane would require a traffic control plan that complies with the California Manual on Uniform Traffic Control Devices and that must be approved by Town to ensure that emergency response is not adversely affected. (Draft EIR, p. 4.13-11)

Operation

The types of traffic generated during operation of the Project (i.e., passenger cars and trucks) would be compatible with the type of traffic observed along surrounding roadways under existing conditions and would not interfere with the circulation of emergency vehicles along public streets adjacent to the Project site. As discussed above, Project plans would be reviewed and approved by AVFPD and SBCSD to ensure that adequate emergency access is provided throughout the site. (Draft EIR, p. 4.13-11)

Based on the preceding, the potential for the Project to result in inadequate emergency access is considered less than significant. (Draft EIR, p. 4.13-11)

3.17.4 CUMULATIVE IMPACTS

Impact Statement: The Project would not result in a cumulatively considerable impact related to transportation (conflict with a program, plan, ordinance or policy addressing the circulation system; increase hazards; or inadequate emergency access).

☐ **Findings**

Potential cumulative transportation impacts of the Project related to conflicts with a program, plan, ordinance or policy addressing the circulation system; increase in hazards; and inadequate emergency access are discussed in detail in Section 4.13.9 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant cumulative impacts related to these topics; therefore, no mitigation is required.

☐ **Substantial Evidence**

This cumulative impact analysis considers development of the proposed Project in conjunction with other development projects and planned development. The analysis under Threshold a indicates that the Project would not conflict with relevant SCAG's Connect SoCal, the San Bernardino County CMP, the NAVISP, and the Town's General Plan policies addressing the circulation system. Further, the Project does not include any features that would preclude the Town from completing and complying with these guiding documents and policy objectives. Other development projects would be expected to comply with all applicable relevant programs, plans, and policies. Therefore, no cumulative impact would occur. (Draft EIR, p. 4.13-13)

As discussed under Threshold c, based on the review of the Project site driveways and proposed roadway improvements, no safety concerns relating to geometric design of the Project site access points would occur. Furthermore, the Project is compatible with the uses in the immediately surrounding area. Therefore, impacts are not considered to be cumulatively-considerable and no significant cumulative impact would occur. (Draft EIR, p. 4.13-13)

As discussed under Threshold d, the Project would not result in inadequate emergency access. Therefore, the Project would not cumulatively contribute to inadequate emergency access, and no cumulative impact would occur. (Draft EIR, p. 4.13-13)

3.18 TRIBAL CULTURAL RESOURCES

Project impacts for Tribal Cultural Resources Cumulative Impacts do not result in significant impacts and findings are discussed below.

3.18.1 CUMULATIVE IMPACT

Impact Statement: The Project does not have the potential to result in cumulative impacts to tribal cultural resources.

Finding

Potential cumulative impacts of the Project related to tribal cultural resources are discussed in detail in Section 4.14.9 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant cumulative impacts related to tribal cultural resources; therefore, no mitigation is required.

Substantial Evidence

The cumulative impact area for tribal cultural resources generally includes the Town and surrounding areas. Impacts to tribal cultural resources within this area would be site-specific. In the event that potentially significant tribal cultural resources are encountered at any development sites within the cumulative impact area, specific mitigation measures would be applied before construction activities could proceed. The Lead Agency has initiated tribal cultural consultation processes pursuant to AB 52/SB 18. The mitigation presented above establishes monitoring protocols, and provisions for avoidance, protection, or curation of tribal cultural resources that may be identified through the AB 52/SB 18 consultation process. These mitigation measures reduce the Project's potential impacts to tribal cultural resources to less than significant. (Draft EIR, p. 4.14-11)

There are no known or probable related projects that would interact with the Project and thereby result in cumulatively significant impacts. Additionally, related projects in the cumulative impact area would be required to minimize tribal cultural resources impacts consistent with State, local, and potentially affected Tribe policies and regulations, thereby minimizing cumulative impacts. Based on the preceding, tribal cultural resources impacts of the Project are not cumulatively considerable and the

Project cumulative tribal cultural resources impacts would be less than significant. (Draft EIR, p. 4.14-11)

3.19 UTILITIES AND SERVICE SYSTEMS

Project impacts for Utilities and Service Systems Thresholds a through e do not result in significant impacts and findings are discussed below.

3.19.1 THRESHOLD A

Impact Statement: The Project would not 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.

☐ **Findings**

Potential impacts of the Project related to Threshold a are discussed in Section 4.15.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ **Substantial Evidence**

Water Facilities

As shown in Figure 3-9, presented within Draft EIR Section 3.0, water lines to serve the Project would be constructed from the site north to an existing line located at Central Road/Lafayette Street. Construction of all water lines would occur within the Project site, or within dedicated public easements/right-of-way. All Project water system improvements would be designed and constructed consistent with Town/provider requirements. The extension and construction of water lines necessary to serve the proposed land uses is considered part of the Project; the disturbance footprint, construction techniques, and associated impacts have been accounted for within this EIR. As Section 4.0 of the EIR demonstrates, construction impacts of the Project, including the water lines necessary to serve the Project, would be less than significant, or less than significant as mitigated. Additionally, the Project would pay applicable development impact fees, water connection fees, and service fees, which act to fund water improvement plans, operations, and maintenance generally. The potential for the Project to require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects, is considered less than significant. (Draft EIR, p. 4.15-10)

Wastewater Facilities

Sewer infrastructure is not currently located immediately adjacent to the site. As such, the Project would install an approximately one-mile-long sewer line within the Corwin Road right-of-way westerly to an existing sewer main located at the intersection of Corwin and Ramona Roads. The alignment would require the sewer line to be installed under the Apple Valley Airport runway. The

sewer line would be installed using trenchless construction techniques (jack and bore) so that the runway is not affected. A 10' wide sewer easement, extending westerly from the terminus of Corwin Road, would be dedicated to the Town. Please refer also to Figure 3-9, presented within Draft EIR Section 3.0. (Draft EIR, p. 4.15-11)

The San Bernardino County Department of Airports has reviewed the Project sewer plan and provided a letter of support. All Project sewer system improvements would be designed and constructed consistent with Town requirements. The extension and construction of sewer lines necessary to serve the proposed land uses is considered part of the Project; the disturbance footprint, construction techniques, and associated impacts have been accounted for within this EIR. (Draft EIR, p. 4.15-11)

As Section 4.0 of the Draft EIR demonstrates, the construction impacts of the Project, including the sewer lines necessary to serve the Project, would be less than significant, or less than significant as mitigated. Additionally, the Project would pay applicable development impact fees, sewer connection fees, and service fees, which act to fund water improvement plans, operations, and maintenance generally. The potential for the Project to require or result in the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects, is considered less than significant. (Draft EIR, p. 4.15-11)

Stormwater Drainage Facilities

Runoff from the developed site would be collected via four proposed onsite detention basins. From the detention basins, the flows will discharge to an onsite channel where it will eventually spillover to an existing adjacent earthen channel to the west. The detention basins have been sized to reduce runoff when compared to existing conditions. (Draft EIR, p. 4.15-11)

All Project stormwater drainage facilities would be constructed within the Project site. The construction of stormwater drainage facilities necessary to serve the proposed land uses is considered part of the Project; the disturbance footprint, construction techniques, and associated impacts have been accounted for within this EIR. As Section 4.0 of the EIR demonstrates, the construction impacts of the Project, including the storm water drainage facilities necessary to serve the Project, would be less than significant, or less than significant as mitigated. The potential for the Project to require or result in the relocation or construction of new stormwater drainage facilities, the construction or relocation of which could cause significant environmental effects is considered less than significant. (Draft EIR, p. 4.15-11)

Electricity and Telecommunications

As shown in Figure 3-9, presented in Draft EIR Section 3.0, the Project would connect to utility lines currently located in the Project vicinity. Dry utilities internal to the site would be installed underground in accordance with applicable purveyor standards and specifications, and to the satisfaction of the Town Engineer. The locations and configurations of utilities connections, transformers, switches, pull boxes, and manholes would be determined in conjunction with final Project designs and engineering. Again, it is noted that no natural gas would be utilized on the Project site. (Draft EIR, p. 4.15-12)

The extension and construction of dry utilities necessary to serve the site is considered part of the Project; the disturbance footprint, construction techniques, and associated impacts have been accounted for within this EIR. As Section 4.0 of the Draft EIR demonstrates, the construction impacts of the Project, including the dry utilities necessary to serve the Project, would be less than significant, or less than significant as mitigated. The potential for the Project to require or result in the relocation or construction of new electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects is considered less than significant. (Draft EIR, p. 4.15-12)

Environmental Impacts from Utility and Infrastructure Systems

Water infrastructure, sewer lines, storm drain infrastructure, and dry utilities would be installed in compliance with the requirements of the respective utility providers, and consistent with final plans approved by the utility providers. The installation of the proposed infrastructure improvements would result in physical environmental impacts; however, these impacts have been included in the analyses of construction-related effects presented throughout this EIR, (e.g., air quality impacts, impacts to biological and cultural resources, water quality impacts, and noise and vibration impacts, etc.). Any applicable Project-specific mitigation measures for construction identified for each topical issue would address potential significant impacts associated with construction and installation of utilities. Therefore, through consistent implementation of a variety of measures related to construction impacts, no additional impacts related to construction and operation of utility systems would occur. Impacts would be less than significant. (Draft EIR, p. 4.15-12)

3.19.2 THRESHOLD B

Impact Statement: The Project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

☐ Findings

Potential impacts of the Project related to Threshold b are discussed in Section 4.15.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ Substantial Evidence

Liberty Utilities would provide water service to the site. Liberty Utilities does not use surface water or purchase imported water to meet its water demands but instead relies solely on groundwater obtained from 20 active wells in the Mojave Basin Area. Liberty only pumps the amount of water necessary to serve the demand. (Draft EIR, p. 4.15-12)

According to the Project's WSA, the projected water demand for the Project was estimated using the water demand from three different commercial warehouse businesses within the Liberty Utilities service area and applying the average of the demands to the Project footprint. The water usage estimates account for both operational and irrigation water demand and assumes that the Project would

utilize low water use plantings and efficient drip irrigation. The Project's WSA concluded that the projected water demand in 2025 would be 419 acre-foot (AF) (includes construction), and 44 AF (operations only) for every year after that. Based on review of the Liberty Utilities Urban Water Management Plan and the 2021-2022 Watermaster Report, the WSA concluded that Liberty Utilities can meet its water demands (including the Project) during normal years, single dry years, and a five consecutive year drought period over the next 20 years. Therefore, water supply impacts would be less than significant. (Draft EIR, pp. 4.15-12 through 4.15-13)

3.19.3 THRESHOLD C

Impact Statement: The Project would 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.

☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in Section 4.15.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold c; therefore, no mitigation is required.

☐ **Substantial Evidence**

Upon build-out of the Project, the Project's wastewater would be conveyed to the Regional Wastewater Reclamation Facility operated by Victor Valley Wastewater Reclamation Authority (VWWRA). VWWRA has a treatment capacity of 18.0 mgd, and currently treats an average flow of 10.7 mgd, or approximately 60% of its total capacity. According to the Town's Sewer System Master Plan Update, using the Town's wastewater generation rate criterion of 1,500 gpd per acre (URS, 2013), the Project would generate approximately 0.34 mgd of wastewater. Projected wastewater from the Project would represent approximately 4.7% of the daily remaining capacity of the treatment facility. Given the remaining capacity, the VWWRA Regional Wastewater Treatment Plant (RWWTP) would be able to adequately accommodate the Project's contribution of wastewater. (Draft EIR, p. 4.15-13)

The Project would pay applicable sewer connection fees and service fees, which act to fund wastewater treatment/reclamation improvement plans, operations, and maintenance generally. The Town, in consultation with VWWRA, would determine when and in what manner area-serving facilities would be constructed and/or upgraded to meet increasing demands of areawide development. (Draft EIR, p. 4.15-13)

Based on the preceding, the potential for the Project to result in capacity impacts to the wastewater treatment provider which serves the site is less than significant. (Draft EIR, p. 4.15-13)

3.19.4 THRESHOLD D

Impact Statement: The Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

☐ Findings

Potential impacts of the Project related to Threshold d are discussed in Section 4.15.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold d; therefore, no mitigation is required.

☐ Substantial Evidence

Solid waste from the Town is transported to the Victorville Landfill, which is currently operated by the County of San Bernardino. As of 2020, Victorville Landfill has a permitted disposal capacity of 3,000 tons per day with a remaining capacity of 79,400,000 cubic yards. (Draft EIR, p. 4.15-13)

Construction and operation of the Project would be required to comply with State and local solid waste reduction, diversion, and recycling policies and regulations. The Project proposes conventional industrial uses and would not generate volumes or types of waste not already considered and addressed under existing policies, regulations, and infrastructure systems. (Draft EIR, pp. 4.15-13 through 4.15-14)

Based on the anticipated building square footage of 3,480,736 million square feet and the US EPA's construction waste generation factor of 4.34 pounds per sf for non-residential uses, approximately 15,106,394.24 pounds or 7,553.20 tons would be generated during the building construction phase. Additional waste would be expected from infrastructure installation and other Project-related construction activities. (Draft EIR, p. 4.15-14)

During Project operation, based on CalRecycle's estimated waste generation rate of 1.42 pounds per 100 sf per day for manufacturing/warehousing uses, the Project would generate approximately 49,426.45 pounds of solid waste per day (24.7 tons per day). The Project's estimated solid waste generation represents less than 0.8% of the Victorville landfill's capacity and would not contribute significantly to the daily throughput. Accordingly, the potential for the Project to generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure is considered less than significant. (Draft EIR, p. 4.15-14)

3.19.5 THRESHOLD E

Impact Statement: The Project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste.

☐ **Findings**

Potential impacts of the Project related to Threshold e are discussed in detail in Section 4.15.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Threshold e; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Town has implemented programs to ensure compliance with Statewide solid waste source reduction and recycling strategies and targets. The Project would be required to comply with applicable Town and State waste diversion and recycling mandates. Moreover, the Project would implement conventional industrial uses and would not establish uses or activities that would conflict with or obstruct local, State and federal solid waste management regulations. All solid waste generated by the Project would be collected and disposed of as part of the Town's municipal waste stream. In this latter regard, solid waste management services are provided throughout the Town including collection and transfer of refuse, green waste, and bulky items. Recycling services are also provided. The potential for the Project to conflict with federal, State, and local management and reduction statutes and regulations related to solid waste is therefore considered less than significant. (Draft EIR, p. 4.15-14)

3.19.6 CUMULATIVE IMPACTS

Impact Statement: The Project does not have the potential to result in cumulative impacts to utilities and service systems.

☐ **Finding**

Potential cumulative impacts of the Project related to utilities and service systems are discussed in detail in Section 4.15.8 of the Draft EIR. The Town finds that the development of the proposed Project would not result in significant cumulative impacts related to utilities and service systems; therefore, no mitigation is required.

☐ **Substantial Evidence**

The cumulative impact area when considering potential cumulative utilities and service systems impacts comprises affected purveyor service areas including service sources/supplies, and service conveyance/distribution/treatment facilities. (Draft EIR, p. 4.15-15)

The Project would implement all necessary infrastructure improvements. Utilities and service systems distribution and conveyance lines implemented by the Project would be constructed, operated, and maintained pursuant to purveyor requirements and consistent with applicable infrastructure master plans. Infrastructure improvements would be located within existing improved streets or otherwise disturbed properties, thereby limiting or avoiding potential environmental impacts. (Draft EIR, p. 4.15-15)

This EIR evaluates likely maximum impacts associated with all Project actions and operations, including but not limited to construction and operation of utilities and service systems distribution and

conveyance lines. Construction and operation of the Project utilities and service systems distribution and conveyance lines would not result in conditions or environmental impacts not already considered and addressed elsewhere in this EIR. (Draft EIR, p. 4.15-15)

Other related projects within the cumulative impact area would be required to minimize utilities and services impacts consistent with Town, State, and service purveyor requirements, thereby minimizing potential cumulative utilities and services impacts. There are no known or probable related projects that would interact with the less than significant effects of the Project and thereby result in cumulatively significant impacts. On this basis, Project contributions to cumulative impacts regarding utilities and service systems would not be considerable, and the cumulative effects of the Project would be less than significant. (Draft EIR, pp. 4.15-15 through 4.15-16)

3.20 WILDFIRE

Project impacts for Wildfire Thresholds a through d do not result in significant impacts and findings are discussed below.

3.20.1 THRESHOLDS A THROUGH D

Impact Statement: The Project would not substantially impair an adopted emergency response plan or emergency evacuation plan; the Project would not, due to slope, prevailing winds, and other factors, exacerbate wildlife risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; the Project would not 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; and the Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes.

☐ Findings

Potential impacts of the Project related to Thresholds a through d are discussed in Section 5.4.5 of the Draft EIR. The Town finds that the development of the proposed Project will not result in significant impacts related to Thresholds a through d; therefore, no mitigation is required.

☐ Substantial Evidence

According to the California Department of Forestry and Fire Protection (CalFire), the Project site is located within the limits of the Town of Apple Valley outside of the State Responsibility Area (SRA) and is not located within a Very High Fire Hazard Severity Zone. The Project site is located within a Local Responsibility Area (LRA) and is designated as a Moderate Fire Hazard Severity Zone. (Draft EIR, p. 5-12)

Incremental fire protection service demands generated by the Project are offset through the payment of Development Impact Fees. A portion of the Town's Development Impact Fees are allocated for fire

protection services. The Project Applicant would pay incumbent Town Development Impact Fees at issuance of building permit(s). (Draft EIR, p. 5-12)

To the satisfaction of the Apple Valley Fire Protection District, the Project would comply with Town and Fire District fire prevention and suppression requirements, including building/site design requirements, fire flow adequacy, and provisions for emergency access, thereby reducing potential wildfire impacts. The Project would also be required to comply with State and local regulations pertaining to emergency access. The proposed Project would provide on-site and off-site water, sewer, electricity, and gas infrastructure improvements which would be constructed in compliance with regulatory requirements and would not exacerbate fire risk. (Draft EIR, p. 5-12)

In addition, the Project site is generally flat and lacks factors that are typically associated with the uncontrolled spread of wildfire. The Project would not 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. Therefore, no impact would occur. (Draft EIR, p. 5-12)

4.0 ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

4.4 BIOLOGICAL RESOURCES

4.4.1 THRESHOLD A

Impact Statement: The Project could potentially 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 (CDFW) or U.S. Fish and Wildlife Service (USFWS).

☐ Findings

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.3.5 of the Draft EIR. The Project has the potential to result in impacts to the Burrowing Owl and Mohave Ground Squirrel, if the Project site were to become occupied prior to the commencement of construction activities. Project impacts in this regard represent potentially significant impacts.

Implementation of Mitigation Measures MM 4.3-1 and MM 4.3-2 would ensure that appropriate pre-construction surveys for the Burrowing Owl and Desert Tortoise are conducted prior to ground-disturbing activities and/or vegetation removal. The Project site does not provide the physical or biological features necessary for long-term owl occupancy. Accordingly, implementation of a standard pre-construction clearance survey is more than adequate to avoid take, as the risk of impacting an occupied or breeding burrow is negligible. The mitigation measures would ensure that any direct destruction of burrows would be avoided and Mitigation Measure MM 4.3-3 would ensure identification of the Burrowing Owl and Desert Tortoise species, legal protections, avoidance measures, and procedures in the event of an encounter. Implementation of the required mitigation would reduce Project impacts to species identified as a candidate, sensitive, or special status species to less than significant levels. Mitigation Measures MM 4.3-4 and MM 4.3-5 would ensure that the limits of disturbance are clearly marked and that construction activities do not attract predators and nuisance species. Mitigation Measure MM 4.3-9 has been added to the Project to ensure less than significant impacts to Western Joshua Trees. The Town has determined that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR.

☐ Substantial Evidence

Special-Status Plants

No special-status or federal or State-listed plant species were observed within the study area during the field surveys. The study area does not include any USFWS-designated critical habitats for plants. Refer to the Biological Resources Assessment (Draft EIR *Appendix C*) for a complete list of plant species observed within the study area and the focused native plant survey. The Project would not result in any significant impacts to any special-status plant species. (Draft EIR, p. 4.3-11)

Special-Status Animals

No federally-listed wildlife species were observed within the study area during the 2022, 2023 or 2024 field surveys. The study area does not include any USFWS-designated critical habitat for wildlife. (Draft EIR, p. 4.3-11)

Burrowing Owl

One Burrowing Owl was observed within the Project site and a burrow with evidence of owl activity was observed within the study area (but outside of the Project site limits). The single owl was not consistently observed. Additionally, the owl was not part of a breeding pair, but it did sporadically occupy a burrow throughout the survey period. Two burrows (one within the Project site and one outside of the Project site limits within the study area) contained owl sign such as pellets, excrement and feathers. Furthermore, numerous (albeit low quality) potential burrows (two within the Project site and four outside of the Project site limits within the study area), and burrow complexes were also detected. The vast majority of the burrows observed lacked evidence of owl sign (i.e., tracks, molted feathers, cast pellets, prey remains, eggshell fragments, owl white wash, and nest burrow decoration materials). The lack of Burrowing Owl observations within the study area is likely a result of the depauperate landscape, anthropogenic disturbance regime (adjacent active airfield, paved road, etc.) and the presence of owl predators (e.g., Red-Tailed Hawk, Cooper's hawk, Turkey vulture, Common raven, American crow, Coyote, Mojave rattlesnake, and Gopher snake. (Draft EIR, p. 4.3-11)

Across 15 focused surveys from March 2023 through December 2024, only 2 of the 7 potential burrows detected showed any indication of Burrowing Owl use. Burrow 1, located on-site (teal colored burrow within Figure 3 of the Owl Report), was associated with a single unpaired owl observed briefly on March 18–19, 2023, but the bird never established residence, paired, or bred, and was not detected again in any subsequent surveys. Burrow 2, located off-site (teal colored burrow within Figure 3 of the Owl Report), exhibited early-season sign (pellets and whitewash) but never yielded a visual detection of an owl. (Draft EIR, p. 4.3-11)

The remaining five burrows across the 256-acre Project Site showed no sign of owl interest. This equates to a burrow density of only 0.027 burrows per acre, far below what is expected for viable nesting territories. By comparison, high-quality Burrowing Owl habitats typically support much higher burrow densities. Intact grasslands with active ground squirrel colonies often have several burrows per acre, and studies have documented densities exceeding 5 burrows/acre in occupied owl habitats (e.g. in parts of California) and even up to ~63 burrows/acre in extreme cases. Against these benchmarks, the Project's rate of <0.1 burrow per acre is extremely low, highlighting the suboptimal nature of the habitat for sustaining any resident owl population. Combined with the depauperate prey base, lack of perennial water to sustain invertebrate prey populations for owls, and the abundance of predators (e.g., Red-tailed Hawk, Raven, Coyote, Gopher snake), the habitat is marginal at best. (Draft EIR, pp. 4.3-11 through 4.3-12)

No breeding or paired burrowing owls were detected and habitat for the owls is marginal; however, it is possible for Burrowing Owls to occupy the site prior to grading; therefore, impacts are determined to be potentially significant. (Draft EIR, p. 4.3-12)

Desert Tortoise

The Desert Tortoise was not detected during the survey and assessment efforts in 2022, 2023, or 2024. Anthropogenic interference has significantly diminished the habitat quality of the study area, making it unfavorable for tortoise habitation. Regardless, as a conservative measure, the Biological Resources Assessment recommended a pre-construction survey to ensure the continued absence of the Tortoise. The Project has the potential to impact lands that could be utilized by the Desert Tortoise as habitat. This would be a potentially significant impact. (Draft EIR, p. 4.3-12)

Mohave Ground Squirrel

The Mohave Ground Squirrel (MGS) is not expected to be present within the Project site, as the site lacks the essential habitat attributes needed to support the species. The current vegetation composition, lack of a viable water source, and absence of functional wildlife corridors between the Project site and the closest core population, render the site unsuitable for the habitation of MGS. Project implementation would neither harm individual MGS nor pose a threat to their local or regional populations. No impact would occur. (Draft EIR, p. 4.3-12)

Crotch's Bumblebee

Additionally, the Project site and study area lack the essential habitat elements required for the survival and reproduction of the Crotch's Bumblebee. The determination was based on the following: lack of suitable foraging habitat; disturbed and degraded habitat; fragmented and limited native vegetation; and proximity to higher-quality habitat. Given these conditions, the lack of diverse and durable native nectar species, combined with the Project site's isolation from more suitable habitats, the Project site is inadequate for supporting the Crotch's Bumblebee and the Project would not pose a threat to the population. No impact would occur. (Draft EIR, p. 4.3-12)

Mitigation Measure MM 4.3-1 through MM 4.3-5 and MM 4.3-9 (provided below) have been incorporated into the Project.

MM 4.3-1 Take avoidance surveys for Burrowing Owl in compliance with CDFW's Staff Report on Burrowing Owl Mitigation, dated March 7, 2012 (or most recent version), shall be conducted prior to initial ground-disturbing activities (including vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging, grading, etc.) to safeguard that no owls have colonized the Project site. A qualified biologist shall conduct the initial take avoidance survey within thirty (30) to fourteen (14) days prior to ground Project disturbing activities and again within twenty-four (24) hours.

If Burrowing Owls occupy the Project site prior to the initiation of ground-disturbing activities, the Project Applicant shall immediately inform CDFW in conjunction with the Town of Apple Valley to determine if "take" could occur and coordinate with

CDFW to determine minimization and avoidance measures or to obtain an incidental take permit. It is the Project proponent's responsibility to fully avoid impacts to burrowing owl absent an incidental take permit.

If time lapses between ground-disturbing activities occur and the Project site is left undisturbed for more than 30 days, a take avoidance pre-construction survey shall be conducted between thirty (30) days and no less than fourteen (14) days and again within 24 hours prior to resuming ground-disturbing activities to safeguard that Burrowing Owl does not occupy the Project site since it was last disturbed. If Burrowing Owls are found, the same coordination with CDFW in conjunction with the Town of Apple Valley described above shall be required.

- MM 4.3-2 A 30-day pre-construction clearance survey shall be conducted by a qualified Biologist in accordance with USFWS's clearance survey protocol, dated May 2019, for the Desert Tortoise prior to initial ground-disturbing activities (including vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging, grading, etc.). The survey shall utilize perpendicular survey routes and ensure 100% visual coverage for desert tortoise and their sign (e.g., scat, tracks, burrows).

If Desert Tortoises have colonized the Project site prior to the initiation of ground-disturbing activities, the Project shall immediately inform CDFW and USFWS in conjunction with the Town of Apple Valley to determine if "take" could occur and coordinate with CDFW and USFWS to determine minimization and avoidance measures or obtain an incidental take permit. It is the Project proponent's responsibility to fully avoid impacts to desert tortoise absent an incidental take permit.

If time lapses between ground-disturbing activities and the Project site is left undisturbed for more than 30 days, a pre-action clearance survey no more than 48 hours prior to the reinitiation of ground disturbing activities shall again be conducted immediately prior to surface disturbance to safeguard that Desert Tortoise have not colonized the Project site since it was last disturbed. If tortoises are found, the same coordination described above would be necessary.

- MM 4.3-3 Prior to construction activities, a qualified Biologist shall develop and implement a worker awareness program to increase the on-site worker's recognition of and commitment to Burrowing Owl and Desert Tortoise protection. The program shall include identification of the species, legal protections, avoidance measures, and procedures in the event of an encounter.

- MM 4.3-4 In order to ensure that construction activities are limited to the Project site boundaries, prior to the issuance of grading permits, a note shall be placed on the grading plan verified by the Town Engineer, which requires delineation of the limits of disturbance.

Limits of grading and construction activities shall be clearly delineated with temporary construction staking, flagging, or similar materials.

- MM 4.3-5 Prior to the issuance of grading permits, a note shall be placed on the grading plan verified by the Town Engineer that the limits of disturbance are clear of debris. To avoid attracting predators and nuisance species, the Project site shall be clear of debris, where possible. All food-related trash items shall be enclosed in sealed containers and regularly removed from the site.
- MM 4.3-9 Prior to the initiation of ground disturbing Project activities, a visual survey shall be conducted by a qualified biologist to determine presence of western Joshua tree (*Yucca brevifolia*). The biologist shall submit a report to the Town of Apple Valley to document the presence of western Joshua tree onsite. If the Project may result in take of western Joshua tree (i.e., removal, trimming, relocation, severing of roots), the Project proponent shall obtain an incidental take permit (ITP) through compliance with the Western Joshua Tree Conservation Act (Fish & G. Code, § 1927 et seq.) or through the California Endangered Species Act (Fish & G. Code, §§ 2080 & 2085). The Project Applicant or successor in interest will adhere to measures and conditions set forth within the ITP.

Implementation of Mitigation Measures MM 4.3-1 and MM 4.3-2 would ensure that appropriate pre-construction surveys for the Burrowing Owl and Desert Tortoise are conducted prior to ground-disturbing activities and/or vegetation removal. As discussed above, the Project site does not provide the physical or biological features necessary for long-term owl occupancy. Accordingly, implementation of a standard pre-construction clearance survey is more than adequate to avoid take, as the risk of impacting an occupied or breeding burrow is negligible. The mitigation measures would ensure that any direct destruction of burrows would be avoided and Mitigation Measure MM 4.3-3 would ensure identification of the Burrowing Owl and Desert Tortoise species, legal protections, avoidance measures, and procedures in the event of an encounter. Implementation of the required mitigation would reduce Project impacts to species identified as a candidate, sensitive, or special status species to less than significant levels. Mitigation Measures MM 4.3-4 and MM 4.3-5 would ensure that the limits of disturbance are clearly marked and that construction activities do not attract predators and nuisance species. Mitigation Measure MM 4.3-9 has been added to the Project to ensure less than significant impacts to Western Joshua Trees. (Draft EIR, pp. 4.3-17 through 4.3-18; Final EIR, pp. 3-5 through 3-6)

4.4.2 THRESHOLD C

Impact Statement: The Project could potentially 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.

☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in Section 4.3.5 of the Draft EIR. The Project site does not contain federally-protected wetlands. There are 1.9 acres of Waters of the State (WOTS) within the Project site that are subject to regulation under Section 1600 (et seq.) of the California Fish and Game Code and Section 13260 of the California Water Code (CWC). As such, impacts would be potentially significant.

Implementation of Mitigation Measure MM 4.3-6 would ensure that impacts to WOTS are appropriately mitigated through purchase of wetland establishment and or rehabilitation credits from the Mohave River Watershed Mitigation Bank and that pertinent discretionary permits/authorizations are obtained prior to undertaking ground-disturbing activities within or immediately adjacent to WOTS. Implementation of the required mitigation would reduce the Project's potential impacts to the WOTS to less than significant levels. The Town has determined that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

☐ **Substantial Evidence**

The results of the biological surveys indicate that there are 1.9 acres of WOTS within the Project site that are subject to regulation under Section 1600 (et seq.) of the California Fish and Game Code and Section 13260 of the CWC. The delineation did not identify any Waters of the United States (WOTUS) within the Project site. There are no signatures within the Project site that possess a relatively permanent - or continuous and uninterrupted, surface water connection to any (a)(1) through (a)(5) Waters, as described in Title 33 CFR Part 328(a). (Draft EIR, p. 4.3-13)

There is no physical evidence of a relatively permanent surface water connection from the Project site to a TNW, to any RPW or to the Mojave River. The Project site is isolated from any TNW and RPW. Due to the nature of ephemeral flows in the area and the arid environment, flows from the Project site lack a continuous or relatively permanent surface water connection to the Mojave River. The signatures detected within the Project site are ephemeral features that drain into intermittent channels or alluvial fans, where water quickly disperses, infiltrates or evaporates before making their way to any noteworthy watercourse. (Draft EIR, p. 4.3-13)

As illustrated in Figure 3 of the Delineation of Waters of the State (provided in the Project's Biological Resources Assessment, Draft EIR *Appendix C*), there are 1.9 acres of WOTS within the Project site that are subject to regulation under Section 1600 (et seq.) of the California Fish and Game Code and Section 13260 of the CWC. As such, impacts would be potentially significant. (Draft EIR, p. 4.3-13)

Mitigation Measure MM 4.3-6 (provided below) has been incorporated into the Project.

MM 4.3-6 Prior to issuance of grading permits or other permits authorizing ground disturbance (e.g., vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging), the Project Applicant shall provide evidence to the Town of Apple

Valley that impacts to 1.9 acres of non-riparian ephemeral streambeds that are subject to regulation under California Fish and Game Code Section 1600 and California Water Code Section 13260 have been mitigated through purchase of wetland establishment and or rehabilitation credits from the Mohave River Watershed Mitigation Bank at a minimum 2:1 ratio. In addition, and also prior to issuance of grading permits, the Project Applicant shall provide the Town with a copy of the Project's Section 401 Water Quality Certification from the Regional Board, Waste Discharge Order from the Regional Board, and Fish and Game Code Section 1602 Lake and Streambed Alteration Agreement from CDFW, as applicable.

Implementation of Mitigation Measure MM 4.3-6 would ensure that impacts to WOTS are appropriately mitigated through purchase of wetland establishment and or rehabilitation credits from the Mohave River Watershed Mitigation Bank and that pertinent discretionary permits/authorizations are obtained prior to undertaking ground-disturbing activities within or immediately adjacent to WOTS. Implementation of the required mitigation would reduce the Project's potential impacts to the WOTS to less than significant levels. (Draft EIR, p. 4.3-18)

4.4.3 THRESHOLD D

Impact Statement: The Project could potentially 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.

Findings

Potential impacts of the Project related to Threshold d are discussed in detail in Section 4.3.5 of the Draft EIR. The Project has the potential to impact nesting migratory birds protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, should habitat removal occur during the nesting season and should nesting birds be present. This is evaluated as a potentially significant impact.

Implementation of Mitigation Measure MM 4.3-7 would ensure that appropriate pre-construction surveys are conducted during the bird nesting season and further would ensure that any active nests are avoided and protected by an appropriate buffer area. Implementation of the required mitigation would reduce the Project's potential impacts to nesting birds to less than significant levels. The Town has determined that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

Substantial Evidence

The study area and all adjacent properties are designated for urban uses. No migratory wildlife corridors have been identified within the study area. Nor does the Project propose facilities or activities that would substantively and adversely affect any off-site designated wildlife habitat linkage or movement corridor. (Draft EIR, p. 4.3-14)

No nesting birds were observed within the study area. However, raptors and other nesting birds have the potential to occur within the Project site. Thus, the Project has the potential to impact active bird nests if vegetation is removed during the nesting season. Raptors, migratory birds, and other avian species are protected by the federal MBTA. Impacts to nesting birds is a potentially significant impact of the Project. (Draft EIR, p. 4.3-14)

Mitigation Measure MM 4.3-7 (provided below) has been incorporated into the Project.

MM 4.3-7 In order to comply with Section 10 of the Migratory Bird Treaty Act and relevant sections of the California Fish and Game Code, any necessary vegetation clearing shall take place outside of the typical avian nesting season for protected species (February 1 through September 15).

If work needs to take place during the nesting season for protected avian species, a pre-activity clearance survey for nesting birds shall be completed by a qualified biologist no less than fourteen (14) days prior to the onset of ground disturbance. An activity exclusion buffer zone around occupied nests shall be maintained during physical ground disturbing undertakings. Once nesting has ended, the buffer may be removed.

Implementation of Mitigation Measure MM 4.3-7 would ensure that appropriate pre-construction surveys are conducted during the bird nesting season and further would ensure that any active nests are avoided and protected by an appropriate buffer area. Implementation of the required mitigation would reduce the Project's potential impacts to nesting birds to less than significant levels. (Draft EIR, p. 4.3-18)

4.4.4 THRESHOLD E

Impact Statement: The Project could potentially conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Findings

Potential impacts of the Project related to Threshold e are discussed in detail in Section 4.3.5 of the Draft EIR. The Project site contains native desert plants that are protected by local ordinance. As such, a native plant removal permit must be obtained from the Town prior to the removal of protected plants.

Implementation of Mitigation Measure MM 4.3-8 would ensure that the appropriate native plant removal permit is obtained from the Town prior to the removal of any protected plants. With the implementation of this mitigation measure, the Project's potential to conflict with any local policies or ordinances protecting biological resources would be less than significant. The Town has determined that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

☐ **Substantial Evidence**

Several species of native plants were identified onsite during the Native Plant Inspection (provided in the Project's Biological Resources Assessment, Draft EIR *Appendix C*), including Branched Pencil Cholla, Golden Cholla, and Mojave Yucca. The location of these species is illustrated in Figure 5 of the Native Plant Inspection. (Draft EIR, p. 4.3-14)

These species are subject to Municipal Code Chapter 9.76, Plant Protection and Management Policy, the County of San Bernardino's Desert Native Plant Protection, and the State Desert Native Plants Act (i.e., Food and Agricultural Code 80001 et seq.). In accordance with the Town's Municipal Code Chapter 9.76 (Plant Protection and Management Policy), a native plant removal permit must be obtained from the Town prior to the removal of protected plants. The Project would require the removal of the native plants that were identified onsite. As such, impacts are considered potentially significant. (Draft EIR, p. 4.3-14)

Mitigation Measure MM 4.3-8 (provided below) has been incorporated into the Project.

MM 4.3-8 Prior to the issuance of grading permits, the Property Owner/Developer shall obtain a native plant removal permit from the Town of Apple Valley for removal of any native desert plant that is protected by the Town of Apple Valley Plant Protection and Management Policy (Chapter 9.76), the County of San Bernardino's Desert Native Plant Protection, and the State Desert Native Plants Act (i.e., Food and Agricultural Code 80001 et seq.).

Implementation of Mitigation Measure MM 4.3-8 would ensure that the appropriate native plant removal permit is obtained from the Town prior to the removal of any protected plants. With the implementation of this mitigation measure, the Project's potential to conflict with any local policies or ordinances protecting biological resources would be less than significant. (Draft EIR, p. 4.3-18)

4.5 CULTURAL RESOURCES

4.5.1 THRESHOLDS A AND B

Impact Statement: The Project could have the potential to cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5.

Impact Statement: The Project could have the potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

☐ **Findings**

Potential impacts of the Project related to Threshold a and b are discussed in detail in Section 4.4.6 of the Draft EIR. No known historical or archaeological resources, as defined by CEQA Guidelines Section 15064.5, are present on the Project site. However, there is a remote potential for the Project

site to contain unidentified surface or subsurface archaeological resources. Therefore, Project impacts to previously-undiscovered resources that may occur onsite would be significant prior to mitigation.

Implementation of Mitigation Measures MM 4.4-1 through MM 4.4-4 would ensure that any cultural resources identified on-site during ground disturbing activities are appropriately treated as directed by a qualified archaeologist. Implementation of the required mitigation would reduce the Project's potential impacts to subsurface cultural resources to below a level of significance. The Town has determined that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

❑ **Substantial Evidence**

The field surveys conducted as part of the Cultural Resources Assessment identified nine historic-period refuse and one prehistoric artifact. These items are described in Draft EIR Table 4.4-1, *On-Site Cultural Resources*. All resources listed were determined to be within a secondary context within an active alluvial and aeolian environment, meaning that natural weather patterns (i.e. rain and wind) have moved the resources to their current placements over time. (Draft EIR, p. 4.4-13)

The following provides a description and significance evaluation of the 10 documented resources: (Draft EIR, p. 4.4-13)

- 23-PC-01357-ISO-430: Although ground stone artifacts are broadly associated with Native American use of the Sidewinder Valley area during the prehistoric period, the isolate does not have a clear association or connection with significant events, nor does it contain any attributes that convey specific association with an important person of national, statewide, or local significance. Consequently, the resource does not meet the criteria for inclusion in the California Register of Historic Resources (CRHR) under Criteria 1 or 2. The isolate also does not embody the distinctive characteristics of a type, period, or method of construction, nor does it represent the work of a master or possess artistic value; therefore, the resource does not hold significance under Criterion 3. Because the isolate is a single hammerstone observed on the surface within an active alluvial and aeolian environment with no associated cultural soils, there is a low probability for subsurface deposits. As a result, the isolate is unlikely to fulfill the data requirements to address research questions or to provide any other information valuable to our understanding of the past. The data potential of the isolate appears to have been exhausted by recording; therefore, the isolate also appears not eligible for listing in the CRHR under Criterion 4. In summary, Isolate 23-PC-01357-ISO-430 is not eligible for listing in the CRHR under any criteria. (Draft EIR, pp. 4.4-13 through 4.4-14)
- 23-PC-01357-001: Although historic period domestic refuse is broadly associated with the historic-era occupation of the Sidewinder Valley area, the refuse was observed within a secondary context and is, thus, contextually considered displaced litter. Such unassociated cultural resources retain little more than generalized temporal information and do not offer chronological data, information on types of activities, or social or economic background of

the historical occupants at the location of the site. Site 23-PC-01357-001 does not have a clear association with significant events, nor does it contain any attributes that convey specific association with an important person of national, statewide, or local significance. As such, the resource is not eligible for listing in the CRHR under Criteria 1 or 2. The site also does not embody the distinctive characteristics of a type, period, or method of construction, nor does it represent the work of a master, or possess artistic value; therefore, the resources are not eligible for listing in the CRHR under Criterion 3. Furthermore, due to the secondary nature of the resource, the site is unlikely to fulfill the data requirements to address research questions or to provide any other information valuable to our understanding of the past. The potential of the site has been exhausted by recording; therefore, the site also appears not eligible for listing in the CRHR under Criterion 4. In summary, Site 23-PC-01357-001 is not eligible for listing in the CRHR under any criteria. (Draft EIR, p. 4.4-14)

- 23-PC-01357-002/003, 23-PC-01357-005, 23-PC-01357-006, 23-PC-01357-007/008, 23-PC-01357-009, 23-PC-01357-010, 23-PC-01357-011 & 23-PC-01357-012: Although historic period domestic refuse is broadly associated with the historic-period occupation of the Sidewinder Valley area, the refuses were observed within a secondary context and are thus considered secondary litter. Such unassociated cultural resources retain little more than generalized temporal information and do not offer chronological data, information on types of activities, or social or economic background of the historical occupants at the location of the sites. These sites thus do not have a clear association with significant events, nor do they contain any attributes that convey specific association with an important person of national, statewide, or local significance. As such, the resources are not eligible for listing in the CRHR under Criteria 1 or 2. The sites also do not embody the distinctive characteristics of a type, period, or method of construction, nor do they represent the work of a master, or possess artistic value; therefore, the resources are not eligible for listing in the CRHR under Criterion 3. Furthermore, due to their secondary nature, these sites are unlikely to fulfill the data requirements to address research questions or to provide any other information valuable to our understanding of the past. The potential of the sites have been exhausted by recording; therefore, these sites also appear not eligible for listing in the CRHR under Criterion 4. In summary, Sites 23-PC-01357-002/003, 23-PC-01357-005, 23-PC-01357-006, 23-PC-01357-007/008, 23-PC-01357-009, 23-PC-01357-010, 23-PC-01357-011, and 23-PC-01357-012 are not eligible for listing in the CRHR under any criteria. (Draft EIR, pp. 4.4-14 through 4.4-15)

As discussed above, none of the resources identified within the Project site are eligible for inclusion in the CRHR. Based on the low occurrence of prehistoric archaeological remains documented in the vicinity, the level of existing disturbance of the Project site, and the results of the field survey, the Project area has a low sensitivity for encountering intact buried prehistoric archaeological resources. Regardless, if previously undiscovered cultural materials were encountered during Project-related ground-disturbing activities, impacts would be potentially significant. (Draft EIR, p. 4.4-15)

Mitigation Measure MM 4.4-1 through MM 4.4-4 (provided below) have been incorporated into the Project.

MM 4.4-1 Prior to the issuance of a grading permit, the Project Applicant shall retain a Registered Professional Archaeologist, meeting Secretary of Interior standards, (“Project Archaeologist”) subject to the approval of the Town to be on-call during all mass grading and trenching activities. The Project Archaeologist’s responsibilities include, but are not limited to, performing the tasks that require the need for a qualified archaeologist pursuant to Mitigation Measures MM 4.4-1 through MM 4.4-3 below.

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 the Project Archaeologist shall be contacted to assess the find. Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Additionally, any culturally-affiliated tribes shall be contacted as detailed within Mitigation Measure MM 4.14-1, regarding any pre-contact finds and be provided information after the Project Archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

MM 4.4-2 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, that includes performance standards identified in Mitigation Measure MM 4.4-3. The drafts of which shall be provided to any consulting tribes for review and comment, as detailed within Mitigation Measure MM 4.14-1. The Monitoring and Treatment Plan shall be subject to final approval by the Town of Apple Valley Planning Department. The Project Archaeologist shall monitor the remainder of the Project and implement the Plan accordingly.

MM 4.4-3 In the event that buried archaeological resources/Tribal Cultural Resources are uncovered during the course of ground disturbing activity associated with the Project, all work must be halted in the vicinity of the discovery and the Project Archaeologist shall visit the site of discovery and assess the significance and origin of the archaeological resource in coordination with consulting tribes. The following procedures will be carried out for treatment and disposition of the discoveries:

- 1) **Temporary Curation and Storage:** During the course of construction, all discovered resources shall be temporarily curated in a secure location onsite or at the offices of the project archaeologist. The removal of any artifacts from the Project site will need to be thoroughly inventoried with tribal monitor oversight of the process; and

- 2) **Treatment and Final Disposition:** The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the Town of Apple Valley Planning Department with evidence of same:

a) Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place they were found with no development affecting the integrity of the resources. This will require revisions to the grading plan, denoting the location and avoidance of the resource.

b) Accommodate the process for onsite reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed; location information regarding the reburial location shall be included into the final report. Copies of the report shall be provided to the Town for their records, any consulting tribes, and the South Central Coastal Information Center.

c) Curation. A curation agreement with an appropriate qualified repository within San Bernardino County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Bernardino County, to be accompanied by payment of the fees necessary for permanent curation.

MM 4.4-4 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 San Bernardino County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the Project.

Implementation of the preceding mitigation would ensure that any cultural resources identified on-site during ground disturbing activities are appropriately treated as directed by a qualified archaeologist. Implementation of the required mitigation would reduce the Project's potential impacts to subsurface cultural resources to below a level of significance. (Draft EIR, p. 4.4-18)

4.6 GEOLOGY AND SOILS

4.6.1 THRESHOLD F

Impact Statement: The Project could have the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

❑ **Findings**

Potential impacts of the Project related to Threshold f are discussed in detail in Section 4.5.6 of the Draft EIR. The old alluvial deposits (Qoa) underlying the Project site have a high potential for paleontological resources. As such, Project-related ground disturbance has the potential to affect paleontological resources; this is a potentially significant impact.

Mitigation Measures MM 4.6-1 and MM 4.6-2 would ensure the identification and subsequent treatment of any significant paleontological resources that may be encountered during ground-disturbing activities associated with implementation of the Project. With implementation of the required mitigation, the Project's potential impacts to paleontological resources would be reduced to less than significant. The Town has determined that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

❑ **Substantial Evidence**

The Project site is entirely underlain by old alluvial deposits (Qoa) deposited approximately 129,000 to 11,700 years ago during the late Pleistocene. Elsewhere in San Bernardino County, Pleistocene deposits have produced remains of a diverse terrestrial fauna and have a high potential for paleontological resources. As such, Project-related ground disturbance has the potential to affect paleontological resources; this is a potentially significant impact. (Draft EIR, p. 4.6-11)

Mitigation Measures MM 4.6-1 through MM 4.6-2 (below) have been incorporated into the Project.

MM 4.6-1 Prior to the start of the proposed Project activities, all field personnel shall receive a worker's environmental awareness training on paleontological resources. The training shall provide a description of the laws and ordinances protecting fossil resources, the types of fossil resources that may be encountered in the Project area, the role of the paleontological monitor, an outline of steps to follow if a fossil discovery is made, and the contact information for the Project paleontologist. The training shall be developed by the Project paleontologist.

MM 4.6-2 Prior to the commencement of any ground-disturbing activities, the Project Applicant shall retain both a qualified paleontologist and paleontological monitor to prepare and implement a Paleontological Resource Impact Mitigation Project (PRIMP), which describes monitoring and fossil collection procedures. If a paleontological resource is discovered, the paleontologist or paleontological monitor shall have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project paleontologist shall complete the following:

- 1) **Salvage of Fossils.** If fossils are discovered, all work in the immediate vicinity shall be halted to allow the paleontological monitor and project paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the Project paleontologist (or paleontological monitor) shall recover them following standard field procedures for collecting paleontological resources as outlined in the paleontological mitigation plan for the Project. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils, such as complete skeletons or large mammal fossils, require more extensive excavation and longer salvage periods. In the case of discovery of larger fossils, the paleontologist or paleontological monitor shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossils can be removed in a safe and timely manner.
- 2) **Fossil Preparation and Curation.** The paleontological mitigation plan for the project shall identify the museum that has agreed to accept fossils that may be discovered during Project-related excavations. Upon completion of fieldwork, all significant fossils collected shall be prepared in a properly equipped laboratory to a point ready for curation. Preparation may include the removal of excess matrix from fossil materials and stabilizing or repairing specimens. During preparation and inventory, the fossils specimens shall be identified to the lowest taxonomic level practical prior to curation at an accredited museum. The fossil specimens must be delivered to the accredited museum or repository no later than 30 days after all laboratory work is completed. The cost of curation shall be assessed by the repository and will be the responsibility of the Project Applicant.
- 3) **Final Paleontological Mitigation Report.** Upon completion of ground-disturbing activity, and curation of fossils if necessary, the Project paleontologist shall prepare a final paleontological mitigation report outlining the results of the mitigation and monitoring program. The report shall include a discussion of the location, duration, and methods of monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils and where fossils were curated.

Mitigation Measures MM 4.6-1 and MM 4.6-2 would ensure the identification and subsequent treatment of any significant paleontological resources that may be encountered during ground-disturbing activities associated with implementation of the Project. With implementation of the required mitigation, the Project's potential impacts to paleontological resources would be reduced to less than significant. (Draft EIR, p. 4.6-13)

4.7 TRIBAL CULTURAL RESOURCES

4.7.1 THRESHOLD A

Impact Statement: The Project could have the potential to cause a substantial adverse change in the significance of a tribal cultural resource.

☐ Findings

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.14.5 of the Draft EIR. The Project may impact previously undiscovered tribal resources.

Mitigation Measure MM 4.14-1 addresses the requests of the responding tribes, and would ensure that any tribal cultural resources identified on-site during ground disturbing activities are appropriately treated as directed by a qualified archaeologist and consulting tribes. Implementation of the required mitigation would reduce the Project's potential impacts to subsurface cultural resources to below a level of significance. The Town has determined that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

☐ Substantial Evidence

As discussed in Draft EIR Section 4.4, *Cultural Resources*, a records search at the South Central Coastal Information System indicated that no cultural resources have previously been recorded within the Project site boundaries. Additionally, results of the Native American Heritage Commission's (NAHC) Sacred Lands Files results were negative for the presence of Native American sacred sites or locations of ceremonial importance within the vicinity of the Project site. The field survey conducted as part of the Cultural Resources Survey did not identify any tribal resources within the Project site. (Draft EIR, p. 4.14-9)

Assembly Bill 52 (AB 52), which became effective on July 1, 2015, requires lead agencies to provide notice to Native American tribes that are traditionally and culturally affiliated with the geographic area of a Project. (Draft EIR, p. 4.14-9)

Senate Bill 18 (SB 18) requires local (city and county) governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places ("cultural places") through local land use planning. The consultation and notice requirements apply to adoption and amendment of both general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code 65450 et seq.). (Draft EIR, p. 4.14-9)

On February 1, 2024, outreach letters were sent to 19 individuals representing 8 local Native American tribal groups, including: (Draft EIR, p. 4.14-9)

- Chemehuevi Indian Tribe
- Kern Valley Indian Community

- Morongo Band of Mission Indians
- Quechan Tribe of the Fort Yuma Reservation
- San Fernando Band of Mission Indians
- San Manuel Band of Mission Indians
- Serrano Nation of Mission Indians
- Twenty-Nine Palms Band of Mission Indians (Draft EIR, pp. 4.14-9 through 4.14-10)

The outreach letters provided formal notification of the Project, elicited information on Native American cultural resources that may be in the vicinity of the Project site, and offered formal consultation pursuant to AB 52/SB18. (Draft EIR, p. 4.14-10)

Outreach responses received by the Town are summarized below. (Draft EIR, p. 4.14-10)

- Agua Caliente Band of Cahuilla Indians (email dated 2/21/24) stated that the Project site is not located within their traditional use area and deferred to other tribes in the area.
- Yuhaaviatam of San Manuel Nation (YSMN) (email dated 2/23/24) stated that although the Project site is located within the Serrano ancestral territory, the Tribe does not have any concerns with the Project's implementation. However, the YSMN requested to be contacted in the event that previously undiscovered resources are unearthed during Project development, and a Cultural Resources Monitoring and Treatment Plan be created in cooperation with the Tribe.
- Morongo Band of Mission Indians (letter dated 2/26/24) stated that the Project site is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the Morongo Band of Mission Indians. As such, the tribe requested that formal government-to-government consultation be initiated, and listed Project-related maps and documents to be provided for their review. The Tribe also requested tribal participation during all ground disturbing activities.
- Twenty-Nine Palms Band of Mission Indians provided two response letters. In the first letter (dated 2/26/24), the Tribe stated that they are not aware of any resources within the Project area but requested any cultural resource reports be provided for their review. The second letter (dated 4/17/24) stated that the Project site is outside of the known Chemehuevi traditional use area and suggested contacting other tribes who have cultural affiliation with the Project area.
- Kern Valley Indian Community (email dated 3/18/24) expressed concerns regarding the potential for ground disturbing activities to impact resources sacred to the Tribe. As such the Tribe recommended that an affiliated Native American monitor be included during Project-related ground disturbing activities. (Draft EIR, p. 4.14-10)

At the conclusion of tribal consultation, based on the responses received from area tribes as summarized above, it was determined that Project implementation could potentially impact tribal cultural resources. This is a potentially significant impact. (Draft EIR, p. 4.14-10)

Mitigation Measure MM 4.14-1 (provided below) has been incorporated into the Project.

MM 4.14-1 Any culturally-affiliated Tribes (including the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN), the Morongo Band of Mission Indians, the Kern Valley Indian Community, and/or Twenty-Nine Palms Band of Mission Indians, as determined by the NAHC) shall be contacted, as detailed in Mitigation Measure MM 4.4-1, 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 the Tribe(s), and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents the Tribe(s) for the remainder of the Project, should the Tribe(s) elect to place a monitor on-site.

Mitigation Measure MM 4.14-1 addresses the requests of the responding tribes, and would ensure that any tribal cultural resources identified on-site during ground disturbing activities are appropriately treated as directed by a qualified archaeologist and consulting tribes. Implementation of the required mitigation would reduce the Project's potential impacts to subsurface cultural resources to below a level of significance. (Draft EIR, p. 4.14-11; Final EIR, pp. 3-9 through 3-10)

5.0 ENVIRONMENTAL IMPACTS THAT REMAIN SIGNIFICANT AND UNAVOIDABLE AFTER MITIGATION

The Town finds the Project would result in significant and unavoidable impacts in the following impact categories after implementation of all feasible mitigation measures: Air Quality, Noise, and Transportation. In accordance with CEQA Guidelines Section 15092(b)(2), the Town cannot approve the Project unless it first finds (1) under Public Resources Code Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social technological, or other considerations, including provisions of employment opportunities to highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR; and (2) under CEQA Guidelines Section 15092(b), that the remaining significant effects are acceptable under CEQA Guidelines Section 15093 because the economic, legal, social, technological or other benefits of the proposed Project outweigh its unavoidable adverse environmental effects. Therefore, a statement of overriding considerations has been prepared (see Section 9.0, herein).

5.1 AIR QUALITY

5.1.1 THRESHOLD A

Impact Statement: The Project would conflict with or obstruct implementation of the applicable air quality plan.

☐ Findings

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.2.5 of the Draft EIR. The Project proposes land uses that are consistent with development anticipated under the site's existing General Plan designation and would therefore conform to local land use plans. However, the Project would exceed the applicable regional thresholds during operation for emissions of VOCs, NO_x, CO, and PM₁₀. The Project is therefore considered to be inconsistent with the AQMP. This is a potentially significant impact.

The Project is consistent with the existing General Plan land use designations of the site. However, as shown in Draft EIR Table 4.2-7, mitigated Project operational-source emissions would still exceed the applicable regional thresholds during operation for emissions of VOCs, NO_x, and PM₁₀. As such, the Project is considered to be inconsistent with the AQMP and impacts would be significant and unavoidable. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described below, the Town has determined that specific economic, legal, social, technological, or other considerations make infeasible alternatives and mitigation measures identified in the EIR.

☐ Substantial Evidence

The Federal Particulate Matter Attainment Plan and Ozone Attainment Plan for the Mojave Desert set forth a comprehensive set of programs that will lead the MDAB into compliance with federal and State air quality standards. The control measures and related emission reduction estimates within the Federal Particulate Matter Attainment Plan and Ozone Attainment Plan are based upon emissions projections

for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments. Accordingly, conformance with these attainment plans for development projects is determined by demonstrating compliance the indicators discussed below (Draft EIR, p. 4.2-21)

Consistency Criterion No. 1

Local Land Use Plan and/or Population Projections

The growth forecasts used in the MDAQMD's Federal Particulate Matter Attainment Plan and Ozone Attainment Plan to calculate future regional emissions levels are based on land use planning data provided by lead agencies via their general plan documentation. Development projects that increase the intensity of use on a specific property beyond the respective general plan's vision may result in increased stationary area source emissions and/or vehicle source emissions when compared to the Plan assumptions. The existing General Plan designation of the site is "Specific Plan." The Project is consistent with the existing General Plan designation; No General Plan land use amendments are necessary to accommodate the Project. (Draft EIR, pp. 4.2-21 through 4.2-22)

Consistency Criterion No. 2

All MDAQMD Rules and Regulations

The Project would be required to comply with all applicable MDAQMD Rules and Regulations, including, but not limited to, Rules 401 (Visible Emissions), 402 (Nuisance), and 403 (Fugitive Dust Control). As stated above, the Project also would be required to comply with MDAQMD Rule 1113 (Architectural Coatings). Because the Project would not conflict with any MDAQMD rules or regulations, the Project would be meet consistency criterion No. 2. (Draft EIR, p. 4.2-22)

Consistency Criterion No. 3

Demonstrating That the Project Will Not Increase the Frequency or Severity of a Violation in the Federal or State Ambient Air Quality Standards

As discussed in detail under the analysis of Threshold b, below, Project construction-source emissions for VOCs, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} would not exceed applicable MDAQMD significance thresholds. Operational-source emissions for SO_x and PM_{2.5} would not exceed significance thresholds but would exceed applicable MDAQMD regional thresholds for emissions of VOCs, NO_x, CO and PM₁₀. This exceedance indicates that the Project could contribute to elevated pollutant levels in the region, potentially worsening the existing air quality conditions. Consequently, the Project may increase the frequency or severity of violations of federal and State ambient air quality standards. (Draft EIR, p. 4.2-22)

Conclusion

The Project is consistent with the site's existing General Plan designation; No General Plan land use amendments are necessary to accommodate the Project. As such, the Project is considered consistent with the MDAQMD's growth forecasts used to prepare their Federal Particulate Matter Attainment Plan and Ozone Attainment Plan. However, the Project would exceed the applicable regional

thresholds during operation for emissions of VOCs, NO_x, CO and PM₁₀. The Project is therefore considered to be inconsistent with the AQMP. Impacts would be potentially significant (Draft EIR, p. 4.2-22)

Mitigation Measures MM 4.2-5 through MM 4.2-22 would reduce operational emissions; however, the reductions associated with these measures are not easily quantified. Therefore, as a conservative measure, emission credits or reductions from the implementation of these measures have not been taken. Accordingly, Table 4.2-7 of the Draft EIR reflects only reductions realized with the implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4. (Draft EIR, p. 4.2-35; Final EIR, pp. 3-3 to 3-5)

As shown in Draft EIR Table 4.2-7, mitigated Project operational-source emissions would still exceed the applicable regional thresholds during operation for emissions of VOCs, NO_x, and PM₁₀. As such, the Project is considered to be inconsistent with the AQMP. (Draft EIR, p. 4.2-36)

5.1.2 THRESHOLD B

Impact Statement: The 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.

Findings

Potential impacts of the Project related to Threshold b are discussed in detail in Section 4.2.5 of the Draft EIR. Project operational-source air pollutant emissions would result in exceedances of MDAQMD thresholds for emissions of VOCs, NO_x, CO, and PM₁₀. This is a potentially significant impact.

Mitigation Measures MM 4.2-2 through MM 4.2-22 are designed to reduce Project operational-source VOC, NO_x, and PM₁₀ emissions. However, as shown in Draft EIR Table 4.2-7, mitigated Project operational-source emissions would still be considered significant and unavoidable. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described below, the Town has determined that specific economic, legal, social, technological, or other considerations make infeasible alternatives and mitigation measures identified in the EIR.

Substantial Evidence

Operational Emissions Impact Analysis

Operational activities associated with the proposed Project will result in emissions of VOCs, NO_x, SO_x, CO, PM₁₀, and PM_{2.5}. Operational emissions would be expected from mobile source emissions, area source emissions, energy source emissions, stationary source emissions, on-site cargo handling equipment emissions, and TRU emissions. Draft EIR Section 4.2.3, *Methodology*, details the sources and assumptions utilized in developing the Project-related operational emissions summarized in Draft EIR Table 4.2-6, *Project Operation Emissions Summary (Without Mitigation)*. As shown, the Project's

daily regional emissions from on-going operations would exceed the MDAQMD significance thresholds for emissions of VOCs, NO_x, CO, and PM₁₀. This is a potentially significant impact. (Draft EIR, p. 4.2-23)

Summary

Consistent with SCAQMD guidance, individual projects that do not generate operational or construction emissions that exceed the MDAQMD's recommended daily thresholds for project-specific impacts would also not cause a cumulatively considerable increase in emissions for those pollutants for which the Basin is in nonattainment, and, therefore, would not be considered to have a significant, adverse air quality impact. Conversely, individual project-related construction and operational emissions that exceed MDAQMD thresholds for project-specific impacts would be considered cumulatively considerable. (Draft EIR, p. 4.2-24)

As shown in Draft EIR Table 4.2-5, Project construction would not result in an increase of any criteria pollutant for which the region is non-attainment under MDAQMD standards. As shown in Draft EIR Table 4.2-6, Project operations would exceed the MDAQMD significance thresholds for emissions of VOCs, NO_x, CO, and PM₁₀. Since the region is non-attainment for PM₁₀ emissions, Project operations would result in a significant impact on a Project-specific and cumulative basis. (Draft EIR, pp. 4.2-24 through 4.2-25)

Mitigation Measures MM 4.2-1 through MM 4.2-22 (below) have been incorporated into the Project.

- MM 4.2-1 **Construction Equipment Idling Restrictions.** The idling of heavy construction equipment for more than 5 minutes shall be prohibited. Signage shall be posted throughout the construction site informing construction personnel of the idling time limit. Idling time limits shall be noted in construction specifications. Subject to all other idling restrictions, heavy construction equipment shall not be left in the "on position" for more than 8 hours per day.
- MM 4.2-2 The Project Applicant or successor in interest shall implement the following measures:
- The Project's landscape plan shall incorporate drought-tolerant plants and use water-efficient irrigation techniques.
 - All appliance fixtures shall be Energy Star-rated.
 - All fixtures installed in restrooms and employee break areas shall be U.S. Environmental Protection Agency (U.S. EPA) WaterSense certified or equivalent.
- MM 4.2-3 Prior to the certificate of occupancy for each building, all on-site indoor and outdoor cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, and other on-site equipment) shall be required to be powered by electricity.

MM 4.2-4 **Solar Power¹.** Prior to the issuance of building permits, the roofs of the warehouse buildings shall be designed to provide the structural capacity to accommodate roof-top solar panels.

Prior to the issuance of certificate of occupancy for each building, the Project Applicant or successor in interest shall install rooftop solar panels that generate sufficient power to meet at least 10 percent (%) of the Project's total operational base energy requirements from within the Project's building envelope. The Town of Apple Valley shall verify the size and scope of the solar energy system based upon the analysis of the projected power requirements and generating capacity as well as the available solar panel installation space. In the event sufficient space is not available on the Project site to accommodate the needed number of solar panels to produce the operation's base power use, the Project Applicant or successor in interest shall demonstrate how all available space has been maximized (e.g., roof) for solar energy system use. Areas that provide for truck movement may be excluded from these calculations unless otherwise deemed acceptable by the supplied reports and applicable building standards. The operation of the system shall commence only when it has received permission to operate from the applicable utility. The solar energy system owner shall be responsible for maintaining the system at not less than 80% of the rated power for 20 years. At the end of the 20-year period, the owners, operators, or tenants shall install a new photovoltaic system meeting the capacity and operational requirements of this measure, or continue to maintain the existing system, for the life of the Project. As the Project's demand for solar power increases, additional solar panels may be added to the Project.

MM 4.2-5 **Sustainable Design/LEED Measures.** The Project shall be designed so that it is able to achieve LEED certification at the time of building permit application. Documentation shall be provided to the Town of Apple Valley demonstrating that the Project meets this requirement prior to the issuance of building permits.

MM 4.2-6 **Sustainable Concrete Building Materials.** The Project shall be designed with sustainable materials that will reduce 35% of the overall carbon footprint compared to other traditionally designed concrete tilt warehouses. The following measures shall be implemented:

- The Project shall reduce overall concrete in the tilt walls by 30% by providing 4-inch foam insulation in the middle of the concrete panel (also known as composite panels). The foam insulation will result in an R value of R-19, while

¹ The proposed mitigation measure exceeds the requirements of Title 24 by establishing a performance-based goal for on-site renewable energy production. While Title 24 mandates a minimum size for solar based on a building's conditioned floor area or available roof space, it does not ensure that a specific portion of the building's energy is offset. Mitigation Measure MM 4.2-4 mandates that rooftop solar panels must produce at least 10% of the Project's total electricity consumption. This approach ensures a more substantial and quantifiable reduction in electricity use, surpassing standards set by Title 24.

traditional concrete tilt walls have no R value, thereby reducing overall energy consumption and increasing occupant comfort.

- The roof shall have a 10% reduction in steel because of the lighter concrete tilt walls due to the foam insulation.
- The Project specifications shall require the use of sustainable concrete to reduce the Project's overall carbon footprint by 35%.

- MM 4.2-7 **Electrical Infrastructure for Electric Equipment and Vehicles.** The Project shall be designed to include electrical infrastructure to accommodate the required number of electric vehicle (EV) charging stations, the anticipated number charging stations for electric cargo handling equipment, and the potential installation of additional automobile and truck EV charging stations per Title 24, Part 11: California Green Building Standards Code (CALGreen). Electrical conduit shall be installed within reasonable locations (e.g., parking areas, at or near dock doors) at the time of building construction to satisfy this requirement. The Project's electrical rooms shall be of sufficient size to accommodate the upsizing of electrical equipment to accommodate potential future electrical loads.
- MM 4.2-8 **EV Charging Stations.** Prior to issuance of a Certificate of Occupancy, Level 2 (or faster) EV charging stations shall be installed on-site for employees for the percentage of employee parking spaces commensurate with CALGreen requirements in effect at the time of building permit issuance plus additional charging stations equal to 5% of the total employee parking spaces in the building permit, whichever is greater.
- MM 4.2-9 **Sustainable Energy, Waste, and Water Design Measures.** The Project Applicant or successor in interest shall implement the following measures:
- Structures shall be equipped with outdoor electric outlets in the front and rear of the structures to facilitate use of electrical lawn and garden equipment.
 - Storage areas shall be provided for recyclables and green waste, as well as food waste storage if a pick-up service is available.
 - The roof shall provide R-19 insulation to decrease overall energy consumption and increase occupant comfort.
 - A timer system for lighting to ensure that lights shall be switched off during times of non-operation shall be installed on the Project site.
- MM 4.2-10 **Design of Ingress/Egress Points.** Entry gates into the loading dock/truck court areas shall be sufficiently positioned to ensure that all truck and other vehicles are contained on site and inside the property line. Queuing, or circling of vehicles, on public streets immediately pre- or post-entry to the Project shall be strictly prohibited unless queuing occurs in a deceleration lane or right turn lane exclusively serving the Project site.
- MM 4.2-11 **Measures to Reduce the Urban Heat Island Effect.** The following measures shall be implemented to reduce the urban heat island effect:

- The Project's roof structures shall be designed to include "cool roof" materials with a minimum aged reflectance and thermal emittance values that are equal to or greater than those specified in the current edition of CALGreen, Table A5.106.11.2.3 for Tier 1 standards.
- Sufficient shade trees shall be provided throughout the Project site so that at least 30% of the automobile parking areas will be shaded within 15 years after Project construction is complete (excluding the truck courts where trees cannot be planted due to interference with truck maneuvering).

MM 4.2-12 **Truck Requirements and Restrictions.** The following measure shall be implemented during all ongoing business operations and shall be included as part of contractual lease agreement language to ensure that tenants and operators of the Project are informed of the following operational responsibility:

- Only haul trucks meeting California Air Resources Board (CARB) model year 2010 (or newer) engine emission standards shall be used for the on-road transport of materials to and from the Project site. In addition, tenants shall be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program, and the Statewide Truck and Bus Regulation. The building manager or their designee shall be responsible for enforcing these requirements.

MM 4.2-13 **Idling Time Restriction.** The following measure shall be implemented during all ongoing business operations and shall be included as part of contractual lease agreement language to ensure that tenants and operators of the Project are informed of the following operational responsibility:

- Upon commencement of operations, the tenant/operator of the Project shall be required to restrict truck idling on site to a maximum of 3 minutes, subject to exceptions defined by the CARB's commercial vehicle idling requirements. The building manager or their designee shall be responsible for enforcing this requirement.

MM 4.2-14 **Anti-Idling Implementation Measures.** The following measures shall be implemented to reduce air pollutant emissions from idling:

- Signage. Legible, durable, weather-proof signs shall be placed at truck access gates, loading docks, and truck parking areas that identify the Project's three-minute idling restriction. At a minimum, each sign shall include: (1) instructions for truck drivers to shut off engines when not in use; (2) instructions for drivers of diesel trucks to restrict idling to no more than 3 minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; (3) telephone numbers of the building

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

- **Efficient Load Management.** The facility operator(s) shall be required to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
- **Anti-Idling Training.** Tenants and operators on the Project site shall ensure that site enforcement staff in charge of keeping the daily log and monitoring for excess idling will be trained/certified in diesel health effects and technologies, for example, by requiring attendance at CARB-approved courses (such as the free, one-day Course #512).

MM 4.2-15 **Truck Routing Plan.** The Project Applicant or successor in interest shall establish and submit for approval to the Town of Apple Valley a Truck Routing Plan that provides for routes between the Project site and the State Highway System. The Truck Routing Plan shall include measures, such as signage, pavement markings, and enforcement, for preventing truck queuing, circling, stopping, and parking on public streets. The Truck Routing Plan shall make every effort to avoid passing sensitive receptors, to the greatest extent possible, unless otherwise superseded by an applicable truck routing ordinance adopted by the Town of Apple Valley. The tenant/operator of the Project shall be responsible for enforcement of the Truck Routing Plan. A revised plan shall be submitted to the Town of Apple Valley prior to a business license being issued by the Town of Apple Valley for any new tenant/operator of the Project site. The revised plan shall expand upon the original Truck Routing Plan and describe the operational characteristics of the use of the tenant/operator, including, but not limited to, hours of operations, types of items to be stored within the building, and whether any modifications to the Project's designated truck routes are necessary. The Town of Apple Valley shall have discretion to determine if changes to the Truck Routing Plan are necessary including any additional measures to alleviate truck routing and parking issues that may arise during the life of the Project. Signs and drive aisle pavement markings shall clearly identify the on-site circulation pattern to minimize unnecessary on-site vehicular travel.

MM 4.2-16 Prior to the issuance of the certificate of occupancy for each tenant, the Project operator or tenant shall: 1) prepare and submit a Transportation Demand Management (TDM) Program to the Town Engineer for review, detailing strategies for reducing the use of single occupant vehicles by employees; and 2) provide written documentation to the satisfaction of the Town that the TDM Program requirement is incorporated into any lease agreement for the project site to ensure enforceability. The TDM Program shall include all feasible transportation measures recommended by California Air Pollution Control Officers Association (CAPCOA) and analyzed in the VMT report (see Draft EIR *Technical Appendix KI*) as calculated pursuant to the "CAPCOA Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities,

and Advancing Health and Equity” or other substantial evidence. Transportation measures to be considered in the TDM Program may include, but are not limited to:

- **T-11 Provide Employer-Sponsored Vanpool.** Employer-sponsored vanpool service to provide groups of 5 to 15 people with a cost-effective and convenient rideshare option for commuting and reduce overall commute VMT.
- **T-7 Commute Trip Reduction (CTR) Marketing,** to educate employees about their travel choices to the employment location beyond driving such as carpooling, taking transit, walking, and biking, thereby reducing VMT, including:
 - Onsite or online commuter information services.
 - Employee transportation coordinators.
 - Onsite or online transit pass sales.
 - Guaranteed ride home service.
- **T-8 Ridesharing Program.**
 - Designating a certain percentage of desirable parking spaces for ridesharing vehicles.
 - Designating adequate passenger loading and unloading and waiting areas for ridesharing vehicles.
 - Providing an app or website for coordinating rides.
- **T-10 End-of-Trip Bicycle Facilities.** The Project shall install and maintain end-of-trip facilities for employee use. End-of-trip facilities may include bike parking, bike lockers, showers, and personal lockers.

MM 4.2-17 **Yard Sweeping to Reduce Fugitive Dust.** The following measure shall be implemented during all ongoing business operations and shall be included as part of contractual lease agreement language to ensure that tenants and operators of the Project are informed of the following operational responsibility:

- Yard and parking area sweeping shall be periodically conducted to minimize dust generation from the Project site. The building manager or their designee shall be responsible for enforcing this requirement.

MM 4.2-18 **Provision of Information Regarding Programs to Reduce Emissions from Trucks.** Prior to tenant occupancy, the Project Applicant or successor in interest shall provide documentation to the Town of Apple Valley demonstrating that occupants/tenants of the Project site have been provided informational documentation regarding:

- Funding opportunities that provide incentives for using cleaner than-required engines and equipment, such as the Carl Moyer Program and Voucher Incentive Program. The U.S. EPA SmartWay Program, which assists freight

shippers, carriers, logistics companies, and other stakeholder partner with the U.S. EPA to measure, benchmark, and improve logistics operations and reduce air pollutant emissions from transport of cargo.

- MM 4.2-19 **Fire Pump Requirements.** All diesel-fueled fire pump shall meet U.S. EPA-certified Tier 4 Final emissions standards, at a minimum.
- MM 4.2-20 The Project Applicant/Developer/Owner shall require tenants to use zero-emission light- and medium-duty trucks as part of business operations, if such trucks are commercially available, as reasonably determined by the Lead Agency.
- MM 4.2-21 Prior to the start of construction activities, the Project Applicant, or its designee, shall ensure that all 50-horsepower or greater diesel-powered equipment is powered with California Air Resources Board (CARB)-certified Tier 4 Final engines.
- MM 4.2-22 Tenant lease agreements for cold storage uses within the Project shall include contractual language requiring all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with transport refrigeration units (TRUs) or auxiliary power units or requiring that all TRUs entering the Project site be plug-in capable.

Mitigation Measures MM 4.2-5 through MM 4.2-22 would reduce operational emissions; however, the reductions associated with these measures are not easily quantified. Therefore, emission credits or reductions from the implementation of these measures have not been taken. Accordingly, Draft EIR Table 4.2-7 reflects only reductions realized with the implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4. (Draft EIR, p. 4.2-35; Final EIR, pp. 3-3 to 3-5)

Mitigation Measures MM 4.2-2 through MM 4.2-22, above, are designed to reduce Project operational-source VOCs, NO_x, and PM₁₀ emissions. However, mitigated Project operational-source emissions would still be considered significant and unavoidable. (Draft EIR, p. 4.2-36; Final EIR, pp. 3-3 to 3-5)

5.1.3 CUMULATIVE IMPACTS

Impact Statement: The Project would result in a cumulatively considerable impact related to operation-source air pollutant emissions.

☐ **Findings**

Potential cumulative impacts of the Project related to operation-source air pollutant emissions are discussed in detail in Section 4.2.9 of the Draft EIR. Project operational-source emissions would be considered significant and unavoidable on a Project-specific and cumulative basis. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described below, the Town has determined that specific economic, legal, social, technological, or other considerations make infeasible alternatives and mitigation measures identified in the EIR.

☐ **Substantial Evidence**

The Project-specific evaluation of emissions presented in the preceding analysis demonstrates that Project operational-source air pollutant emissions would result in exceedances of MDAQMD thresholds for emissions of VOCs, NO_x, and PM₁₀. Therefore, Project operational-source emissions would be considered significant and unavoidable on a Project-specific and cumulative basis. (Draft EIR, p. 4.2-37 through 4.2-38)

Mitigation Measures MM 4.2-2 through MM 4.2-22, above, are designed to reduce Project operational-source VOCs, NO_x, and PM₁₀ emissions. However, mitigated Project operational-source emissions would still be considered significant and unavoidable. (Draft EIR, p. 4.2-36; Final EIR, pp. 3-3 to 3-5)

5.2 NOISE

5.2.1 THRESHOLD A

Impact Statement: The Project would generate a substantial temporary or permanent increase in ambient noise levels related to off-site traffic noise, in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

☐ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.11.6 of the Draft EIR. Project off-site traffic noise level increases would result in potentially significant impacts to existing noise-sensitive uses. Both rubberized asphalt and off-site noise barriers were considered as potential noise mitigation measures to reduce the potentially significant off-site traffic noise level increases, but neither mitigation measure would feasibly nor tangibly reduce the off-site traffic noise levels. Therefore, the Project-related off-site traffic noise level increases along certain roadway segments in the study area are considered a significant and unavoidable impact. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described below, the Town has determined that specific economic, legal, social, technological, or other considerations make infeasible alternatives and mitigation measures identified in the EIR.

☐ **Substantial Evidence**

Off-site traffic noise impacts were evaluated based on noise level increases resulting from the Project. Under CEQA, consideration must be given to the magnitude of the increase, the existing ambient noise levels, and the location of noise-sensitive receivers to determine if a noise increase represents a significant adverse environmental impact. To assess the off-site transportation CNEL noise level impacts associated with development of the Project, noise contours were developed based on the Traffic Impact Analysis (Technical Appendix K2 of the Draft EIR). Noise contours were used to assess the Project's incremental 24-hour dBA CNEL traffic-related noise impacts at receiving land uses adjacent to roadways conveying Project traffic. The noise contours represent the distance to noise levels of a constant value and are measured from the center of the roadway for the 70, 65, and 60 dBA CNEL noise levels. The noise contours do not consider the effect of any existing noise barriers or topography that may attenuate ambient noise levels. In addition, because the noise contours reflect

modeling of vehicular noise on area roadways, they appropriately do not reflect noise contributions from the surrounding stationary noise sources within the Project study area. (Draft EIR, p. 4.11-19)

Tables 7-1 through 7-4 of the Noise Impact Analysis (*Technical Appendix J* of the Draft EIR) present a summary of the noise contours under existing and opening year conditions, with and without the Project. Draft EIR Table 4.11-12, *Existing Plus Project*, and Table 4.11-13, *Opening Year (2029) Traffic Noise Level Increases*, provide the increases that can be expected along area roadways due to Project-generated traffic under existing and opening year conditions. (Draft EIR, p. 4.11-19)

As shown, eight of the study area roadway segments are shown to experience potentially significant off-site traffic noise level increases due to the Project's off-site traffic noise under both the existing and opening year conditions. This is a potentially significant noise impact. (Draft EIR, p. 4.11-21)

Final EIR Table 4.11-14, *Horizon Year (2050) With Project Traffic Noise Increase*, shows Horizon Year (2050) Project traffic noise levels. As shown, the Horizon Year without Project exterior noise levels is expected to range from 65.6 to 73.5 dBA CNEL. The Horizon Year with Project conditions will range from 65.7 to 77.2 dBA CNEL. Horizon Year Project off-site traffic noise level impacts will range from 0.1 to 7.0 dBA CNEL. Eight of the study area roadway segments are shown to experience potentially significant off-site traffic noise level increases under horizon year conditions. Project-related off-site traffic noise level increases along these same roadway segments were identified as an individual and cumulatively significant and unavoidable impact within the Draft EIR (under Existing and Opening Year conditions). (Final EIR, p. 3-9)

Both rubberized asphalt and off-site noise barriers were considered as potential noise mitigation measures to reduce the potentially significant off-site traffic noise level increases, as discussed below. However, neither form of mitigation would eliminate the off-site traffic noise level increases at the adjacent land uses to the impacted roadway segments. Therefore, the Project-related off-site traffic noise level increases at adjacent noise-sensitive land are considered a significant and unavoidable impact. (Draft EIR, p. 4.11-23)

Rubberized Asphalt

Caltrans research has shown that rubberized asphalt can provide noise attenuation of approximately 4 dBA for automobile traffic noise levels. Changing the pavement type of a roadway has been shown to reduce the amount of tire/pavement noise produced at the source under both near-term and long-term conditions. Traffic noise is generated primarily by the interaction of the tires and pavement, the engine, and exhaust systems. For automobile noise, as much as 75 to 90-percent of traffic noise is generated by the interaction of the tires and pavement, especially when traveling at higher and constant speeds. According to research conducted by Caltrans and the Canadian Ministry of Transportation and Highways a 4 dBA reduction in tire/pavement noise is attainable using rubberized asphalt under typical operating conditions. (Draft EIR, p. 4.11-24)

The effectiveness of reducing traffic noise levels is higher on roadways with low percentages of heavy trucks, since the heavy truck engine and exhaust noise is not affected by rubberized alternative

pavement due to the truck engine and exhaust stack height above the pavement itself. Per Caltrans guidance, a truck stack height is modeled using a height of 11.5 feet above the road. With the primary off-site traffic noise source consisting of heavy trucks with a stack height of 11.5 feet off the ground, the tire/pavement noise reduction benefits associated rubberized asphalt will be primarily limited to automobiles. (Draft EIR, p. 4.11-24)

As such, while the off-site Project-related traffic noise level increases would theoretically be reduced with the 4 dBA reduction provided by rubberized asphalt, the reduction would not provide reliable benefits for the noise levels generated by heavy truck traffic. While rubberized asphalt will provide some noise reduction, this is only effective for tire-on-pavement noise at higher speeds and would not reduce truck-related off-site traffic noise levels associated with truck engine and exhaust stacks to less than significant levels. Since the use of rubberized asphalt would not lower the off-site traffic noise levels below a level of significance, rubberized asphalt is not proposed as mitigation for the Project and the off-site Project-related traffic noise level increases at adjacent land uses would remain significant. (Draft EIR, p. 4.11-24)

Off-Site Noise Barriers

Since the noise-sensitive receiving land uses are located adjacent to the impacted roadway segments in the Project study area, off-site noise barriers were considered in this analysis as a potential traffic noise mitigation measure to reduce the impacts. Off-site noise barriers are estimated to provide a readily perceptible 5 dBA reduction which, according to the FHWA, is simple to attain when blocking the line-of-sight from the noise source to the receiver. For design purposes, the noise barrier should intercept the line of sight from the exhaust stack of a truck to the receptor, and an 11.5-foot-high truck stack height is assumed to represent the truck engine and exhaust noise source. Therefore, any exterior noise barriers at receiving noise sensitive land uses experiencing Project-related traffic noise level increases would need to be high enough and long enough to block the line-of-sight from the noise source (at 11.5 feet high per Caltrans) to the receiver (at 5 feet high per FHWA guidance) in order to provide a 5 dBA reduction per FHWA guidance. (Draft EIR, p. 4.11-24)

In addition, according to FHWA guidance, outdoor living areas are generally limited to outdoor living areas of frequent human use (e.g., backyards of single-family homes). Therefore, front and side yards of residential homes adjacent to off-site roadway segments do not represent noise sensitive areas of frequent human use that require exterior noise mitigation. Exterior noise mitigation in the form of noise barriers is not anticipated to provide the FHWA attainable reduction of 5 dBA required to reduce the off-site traffic noise level increases and would also require potential openings for driveway access to individual residential lots fronting the road. As such, off-site noise barriers would not be feasible and would not lower the off-site traffic noise levels below a level of significance, and therefore, noise barriers are not proposed as mitigation for the Project. (Draft EIR, p. 4.11-25)

Both rubberized asphalt and off-site noise barriers were considered as potential noise mitigation measures to reduce the potentially significant off-site traffic noise level increases, but neither mitigation measure would feasibly nor tangibly reduce the off-site traffic noise levels. Therefore, the

Project-related off-site traffic noise level increases along certain roadway segments in the study area are considered a significant and unavoidable impact. (Draft EIR, p. 4.11-25)

5.2.2 CUMULATIVE IMPACTS (OFF-SITE TRAFFIC NOISE)

Impact Statement: The Project would result in a cumulatively considerable impact related to Project-generated off-site traffic noise.

☐ **Findings**

Potential cumulative impacts of the Project related to noise impacts (Off-Site Traffic Noise) are discussed in detail in Section 4.11.10 of the Draft EIR. No feasible mitigation exists to reduce this impact; Project-related off-site traffic noise level increases are considered a significant and unavoidable impact. Accordingly, impacts would be cumulatively significant. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described below, the Town has determined that specific economic, legal, social, technological, or other considerations make infeasible alternatives and mitigation measures identified in the EIR.

☐ **Substantial Evidence**

Noise level increases associated with Project-generated off-site traffic would exceed applicable thresholds along certain roadway segments in the study area. No feasible mitigation exists to reduce this impact; Project-related off-site traffic noise level increases are considered a significant and unavoidable impact. Accordingly, impacts would be cumulatively significant. (Draft EIR, p. 4.11-26)

5.3 TRANSPORTATION

5.3.1 THRESHOLD B

Impact Statement: The Project would conflict with CEQA Guidelines Section 15064.3, subdivision (b).

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 4.13.5 of the Draft EIR. Project-generated VMT was found to exceed the Town's VMT per SP impact threshold and would result in a potentially significant VMT impact. The Project's effect on VMT was found to remain unchanged in the With Project scenario as compared to the No Project scenario for both the baseline and cumulative conditions. The Project would result in a potentially significant VMT impact.

Implementation of the preceding mitigation is expected to reduce a portion of the Project's VMT impact as it promotes transit and alternative transportation, use of alternatively fueled vehicles, and practices to reduce vehicle trips. However, even with the inclusion of mitigation, the Project will not be able to mitigate its VMT impact to a level of less than significant and impacts would remain significant and unavoidable. Pursuant to Section 21081(a)(3) of the California Public Resources Code,

as described below, the Town has determined that specific economic, legal, social, technological, or other considerations make infeasible alternatives and mitigation measures identified in the EIR.

❑ Substantial Evidence

VMT Guidelines, as adopted by the Town, state that a project would result in a significant project-generated impact if either of the following conditions are satisfied: (Draft EIR, p. 4.13-8)

1. The baseline project generated VMT per Service Population (SP) exceeds the Town of Apple Valley General Plan Buildout VMT per SP, or
2. The cumulative project generated VMT per SP exceeds the Town of Apple Valley General Plan Buildout VMT per SP. (Draft EIR, p. 4.13-8)

A project's effect on VMT would be considered significant if it results in either of the following conditions to be satisfied: (Draft EIR, p. 4.13-8)

3. The baseline link-level boundary Town-wide VMT per SP increases under the plus project condition compared to the no project condition, or
4. The cumulative link-level boundary Town-wide VMT per SP increases under the plus project condition compared to the no project condition. (Draft EIR, p. 4.13-8)

The San Bernardino Transportation Analysis Model (SBTAM) is a travel forecasting model that represents a sub-area (San Bernardino County) of the SCAG regional traffic model and was designed to provide a greater level of detail and sensitivity in the San Bernardino County area as compared to the regional SCAG model. The Town of Apple Valley's VMT per capita was calculated utilizing the SBTAM's horizon year (2040) traffic model, which is the recommended model for VMT analysis for land use projects within the region as it considers interaction between different land uses based on socioeconomic data, such as population, households, and employment. All Traffic Analysis Zones (TAZs) located within Town of Apple Valley were selected and the Total VMT was calculated from SBTAM. For ease of comparison, the VMT for the Town was then divided by the Town's service population. Resulting in the Town of Apple Valley's General Plan Buildout average of 33.2 VMT per service population, as presented in Draft EIR Table 4.13-2. (Draft EIR, p. 4.13-8)

Consistent with the Town's adopted VMT Guidelines, the Origin/Destination (OD) method has been utilized to estimate project-generated VMT and is presented as total VMT per Service Population (SP). Total VMT provides an estimate of the total vehicle travel (inclusive of both cars and trucks), while VMT per person/employee measures the efficiency of travel. Total VMT per SP is an efficiency metric that represents all VMT generated on a typical weekday per person who lives and/or works in a given area (e.g., Project Boundary or Town of Apple Valley). As the Project proposes only industrial land uses, its SP would be comprised solely of employees. Project impacts were estimated using the following methods: (Draft EIR, p. 4.13-9)

- **Origin/Destination (OD) VMT**
The OD method for calculating VMT sums all weekday VMT generated by trips with at least one trip ending in the study area and tracks those trips to their estimated origins/destinations. Origins are all vehicle trips that start in a specific traffic analysis zone (TAZ) and destinations are all vehicle trips that end in a specific TAZ. (Draft EIR, p. 4.13-9)
- **Boundary VMT Method**
The boundary method is the sum of all weekday VMT on the roadway network within a designated boundary (e.g., Town boundary or other designated geographic area). The boundary method estimates VMT by multiplying vehicle trips on each roadway segment within the boundary by that segment's length. This approach consists of all trips, including those trips that do not begin or end in the designated boundary. (Draft EIR, p. 4.13-9)

The VMT estimates performed for the Project along with a comparison of the Town's impact threshold are presented in Draft EIR Table 4.13-3. As shown, Project-generated VMT was found to exceed the Town's VMT per SP impact threshold. This is considered a potentially significant impact. (Draft EIR, p. 4.13-9)

Draft EIR Table 4.13-4 presents an assessment of the Project's effect on VMT using the boundary method. The Project's effect on VMT is measured by comparing Town-wide VMT per service population without and with the proposed Project for both baseline and cumulative traffic conditions. (Draft EIR, p. 4.13-9)

The Project's effect on VMT was found to remain unchanged in the With Project scenario as compared to the No Project scenario for both the baseline and cumulative conditions. The Project's effect on VMT, using the Boundary VMT method, was found to be less than significant. (Draft EIR, p. 4.13-10)

Mitigation Measure MM 4.13-1 (below) has been incorporated into the Project.

- MM 4.13-1 Prior to the issuance of the certificate of occupancy for each tenant, the Project operator or tenant shall: 1) prepare and submit a Transportation Demand Management (TDM) Program to the Town Engineer for review, detailing strategies for reducing the use of single occupant vehicles by employees; and 2) provide written documentation to the satisfaction of the Town that the TDM Program requirement is incorporated into any lease agreement for the project site to ensure enforceability. The TDM Program shall include all feasible transportation measures recommended by California Air Pollution Control Officers Association (CAPCOA) and analyzed in the VMT report (see Draft EIR *Technical Appendix KI*) as calculated pursuant to the "CAPCOA Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity" or other substantial evidence. Transportation measures to be considered in the TDM Program may include, but are not limited to:

- **T-11 Provide Employer-Sponsored Vanpool.** Employer-sponsored vanpool service to provide groups of 5 to 15 people with a cost-effective and convenient rideshare option for commuting and reduce overall commute VMT.
- **T-7 Commute Trip Reduction (CTR) Marketing,** to educate employees about their travel choices to the employment location beyond driving such as carpooling, taking transit, walking, and biking, thereby reducing VMT, including:
 - Onsite or online commuter information services.
 - Employee transportation coordinators.
 - Onsite or online transit pass sales.
 - Guaranteed ride home service.
- **T-8 Ridesharing Program.**
 - Designating a certain percentage of desirable parking spaces for ridesharing vehicles.
 - Designating adequate passenger loading and unloading and waiting areas for ridesharing vehicles.
 - Providing an app or website for coordinating rides.
- **T-10 End-of-Trip Bicycle Facilities.** The Project shall install and maintain end-of-trip facilities for employee use. End-of-trip facilities may include bike parking, bike lockers, showers, and personal lockers.

Implementation of the preceding mitigation is expected to reduce a portion of the Project's VMT impact as it promotes transit and alternative transportation, use of alternatively fueled vehicles, and practices to reduce vehicle trips. However, even with the inclusion of mitigation, the Project will not be able to mitigate its VMT impact to a level of less than significant and impacts would remain significant and unavoidable. (Draft EIR, p. 4.13-12)

5.3.2 CUMULATIVE IMPACTS (VMT)

Impact Statement: The Project would result in a cumulatively considerable impact related to CEQA Guidelines Section 15064.3, subdivision (b).

Findings

Potential impacts of the Project related to cumulative impacts (VMT) are discussed in detail in Section 4.13.9 of the Draft EIR. Even with the implementation of mitigation, VMT impacts of the Project would be significant and unavoidable at the Project level, and therefore, would also be cumulatively significant and unavoidable. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described below, the Town has determined that specific economic, legal, social, technological, or other considerations make infeasible alternatives and mitigation measures identified in the EIR.

❑ **Substantial Evidence**

The Governor's Office of Land Use and Climate Innovation's Technical Advisory states that "a project that falls below an efficiency-based threshold (e.g., VMT per service population) that is aligned with long-term goals and relevant plans has no cumulative impact distinct from the project impact. Accordingly, a finding of a less than significant project impact would imply a less than significant cumulative impact and vice versa. This is similar to the analysis typically conducted for greenhouse gas emissions, air quality impacts, and impacts that utilize plan compliance as a threshold of significance." As discussed under Threshold b, even with the implementation of mitigation, VMT impacts of the Project would be significant and unavoidable at the Project level, and therefore, would also be cumulatively significant and unavoidable. Related projects in the cumulative impact area would similarly be required to minimize impacts to the extent feasible and demonstrate compliance with Town programs, plans, policies and ordinances addressing the above topics, thereby minimizing potential cumulative impacts. (Draft EIR, p. 4.13-13)

6.0 OTHER CEQA CONSIDERATIONS

6.1 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

The State CEQA Guidelines require EIRs to address any significant irreversible environmental changes that would be involved with the proposed action should it be implemented (CEQA Guidelines § 15126.2[d]). An environmental change would fall into this category if: a) the project would involve a large commitment of non-renewable resources; b) the primary and secondary impacts of the project would generally commit future generations to similar uses; c) the project involves uses in which irreversible damage could result from any potential environment accidents; or d) the proposed consumption of resources is not justified (e.g., the project results in the wasteful use of energy).

Finding

The Project's potential to result in significant irreversible environmental changes are discussed in detail in Section 5.2 of the Draft EIR. The Project would not result in significant irreversible environmental changes, as described below. Construction and long-term operation of the Project would be compatible with the existing and planned land uses that surround the Project site and would not result in significant physical environmental effects to nearby properties. Although the Project would cause unavoidable impacts to the environment associated with air quality, noise, and transportation, the Project's impact related to air quality, noise, and transportation would not result in significant irreversible environmental changes.

Substantial Evidence

Determining whether the Project may result in significant irreversible effects requires a determination of whether key resources would be degraded or destroyed in such a way that there would be little possibility of restoring them. The Project site is currently and has historically been vacant and undeveloped. The Project would permanently alter the site by converting vacant and undeveloped property to urban uses, which would commit future generations to similar uses. This is a significant irreversible environmental change that would occur because of Project implementation. (Draft EIR, p. 5-3)

The Project presents no significant possibility of irreversible environmental damage "from any potential environmental incidents associated with the project." That is, the Project does not propose facilities or uses that would result in potentially significant environmental incidents. Moreover, all feasible mitigation is incorporated in the Project to reduce its potential environmental effects. (Draft EIR, p. 5-3)

Construction and long-term operation of the Project would require the commitment and reduction of nonrenewable and/or slowly renewable resources, including petroleum fuels and natural gas (for vehicle emissions, construction, lighting, heating, and cooling of structures) as well as lumber, sand/gravel, steel, copper, lead, and other metals (for use in building construction, piping, and roadway infrastructure). Other resources that are slow to renew and/or recover from environmental stressors would also be impacted by Project implementation, such as air quality (through the combustion of

fossil fuels and production of greenhouse gases) and water supply (through the increased demands for potable water for drinking, cleaning, landscaping, and general maintenance needs). However, use of nonrenewable resources is not expected to negatively impact the availability of these resources. Additionally, the Project is required by law to comply with the California Green Building Standards Code (CALGreen), which will minimize the Project's demand for energy, including energy produced from non-renewable sources. The Project would not utilize natural gas. Further, as indicated in Section 4.5, Energy, of this EIR, the Project would not result in the inefficient, wasteful, or unnecessary consumption of energy. (Draft EIR, p. 5-3)

An increased commitment of public and utility services (e.g., police, fire, sewer, and water services) would also be required. Due to the proposed size of the development, the Project would result in an irreversible commitment of land, energy resources, and public services. After the 50- to 75-year structural lifespan of the building is reached, it is improbable that the site would revert to its current use due to the large capital investment that will already have been committed. Therefore, the Project would generally commit future generations to similar uses. (Draft EIR, p. 5-3)

6.2 GROWTH-INDUCING IMPACTS

CEQA requires a discussion of the ways in which the Project could be growth-inducing. The State CEQA Guidelines identify a project as growth-inducing if it would foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment (CEQA Guidelines § 15126.2 [e]). New employees from commercial or industrial development and new population from residential development represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area.

□ Finding

The Project's potential to result in growth-inducing impacts is discussed in detail in Section 5.3 of the Draft EIR. For the reasons described in detail below, the Project will not 1) remove obstacles to growth because the Project's proposed utility infrastructure, on- and off-site, are designed to accommodate only the proposed development as opposed to widespread, new development; 2) result in the need to expand one or more public services (see Public Services of the Draft EIR); 3) encourage or facilitate economic effects that could result in other activities that could significantly affect the environment; and 4) involve a precedent setting action that could encourage and facilitate other activities that could significantly affect the environment because there are no proposed changes to the type or location of uses allowed by the General Plan and zoning ordinance. Based on the entire record, the Town finds that the Project would not directly or indirectly induce growth in the surrounding area, which could result in a significant adverse effect to the environment.

□ Substantial Evidence

Would this project remove obstacles to growth (e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the project area or through changes in existing regulations pertaining to land development)?

The Project would require the construction and extension of roadways and utility infrastructure to serve the development. Utilities and service systems distribution and conveyance lines implemented by the Project would be constructed, operated, and maintained pursuant to purveyor requirements and consistent with applicable infrastructure master plans. According to the NAVISP, water infrastructure is planned on Central Road from Corwin Road to Lafayette Street, sewer infrastructure is planned on Corwin Road, and existing sewer infrastructure is located on Ramona Road. The proposed off-site utility improvements are intended to serve the Project and its surroundings and would not be growth-inducing as the infrastructure has been planned for within the NAVISP. The Project would construct Gustine Street, Central Road, and Corwin Road along the Project's frontages at their ultimate half-section width according to the Town of Apple Valley General Plan and consistent with the Town's standards. Additionally, the Project would provide an additional 12 feet of pavement width along Gustine Street and Corwin Road to accommodate one lane on the opposite side of the street. Since all proposed roadways would be constructed on site and for the exclusive purpose of serving the proposed development, the Project would not create major new infrastructure that could result in substantial, unplanned growth. (Draft EIR, p. 5-4; Final EIR, p. 3-10)

Water service to the Project site would be provided by Liberty Utilities. The Project proposes 12-inch DIP connections along Corwin Road and Gustine Street, a 16-inch DIP connection along Central Road north to Lafayette Street, and an 8-inch PRV. Sewer service to the Project site would be provided by the Town of Apple Valley Public Works Wastewater Division. Sewer infrastructure is not currently located immediately adjacent to the site. As such, the Project would install an approximately one-mile-long sewer line within the Corwin Road right-of-way westerly to an existing sewer main located at the intersection of Corwin and Ramona Roads. Since all proposed utility infrastructure would connect to existing infrastructure near the Project site and would be sized to exclusively serve the proposed development, this Project infrastructure would not indirectly induce substantial unplanned population growth. (Draft EIR, p. 5-5)

Would this project result in the need to expand one or more public services to maintain desired levels of service?

As discussed in Draft EIR subsection 4.12.4, *Impact Analysis*, of Section 4.12, *Public Services*, the Project would not necessitate the expansion of existing public service facilities to maintain the desired levels of service. The Project does not propose or require construction or modification of any public facilities. Incremental service demands generated by the Project would be offset through the payment of Development Impact Fees, a portion of which is allocated for the maintenance of public facilities. The potential for the Project to result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities is considered less than significant. If these facilities or associated resources do need to be expanded in the future, funding mechanisms such as the Town Development Impact Fees are in place through existing regulations and standard practices to accommodate such growth. This Project would not, therefore, have significant growth inducing consequences with respect to public services. (Draft EIR, p. 5-5)

Would this project encourage or facilitate economic effects that could result in other activities that could significantly affect the environment?

A project could indirectly induce growth at the local level by increasing the demand for additional goods and services associated with the increase in Project population and thus reducing or removing the barriers to growth. This occurs in suburban or rural areas where population growth results in increased demand for service and commodity markets responding to the new population. This type of growth is, however, a regional phenomenon resulting from the introduction of a major employment center or regionally significant housing project. For example, additional commercial uses may be drawn to the area by the increased number of residents in the area because of a project. (Draft EIR, p. 5-5)

Jobs created by the Project are typical of the region and are expected to be filled by existing local residents. Project employees would purchase goods and services in the region, but any secondary increase in employment associated with meeting these goods and services needs is expected to be marginal and accommodated by existing providers. (Draft EIR, pp. 5-5 through 5-6)

As discussed in Draft EIR Section 5.4.3, *Population and Housing*, the Project would generate up to approximately 2,913 employees. According to SCAG's Connect SoCal, the Town's employment opportunities are estimated to grow by 9,400 in 2050. As such, the Project-related increase of approximately 2,913 employees would be accounted for in the Town's employment growth estimate upon General Plan build-out, including the NAVISP. Thus, the Project's employment generation due to Project construction and operation is already accounted for in the Town's General Plan. (Draft EIR, p. 5-6)

According to the California Department of Finance (DOF) Current Month Unemployment Rate and Labor Force Summary, as of December 2024, the most current data available, the Town had a labor force of 31,100 with an unemployment population of 1,800 (5.8 percent). As such, the Project's temporary and permanent employment requirements could likely be met by the Town's existing labor force without people needed to relocate into the Project region, and the Project would not induce substantial unplanned population growth in the Project area, either directly or indirectly, and would not exceed regional or local growth projections. (Draft EIR, p. 5-6)

In summary, because it is anticipated that most of the Project's future employees would already be living in the Town of Apple Valley or the surrounding areas, the Project's introduction of employment opportunities on the Project site would not induce substantial growth in the area. (Draft EIR, p. 5-6)

Would approval of this project involve some precedent setting action that could encourage and facilitate other activities that could significantly affect the environment?

The entire Project site is located within the NAVISP. Surrounding properties to the north, west and south are also located within the NAVISP and zoned Airport Industrial (I-A) and Industrial – Specific Plan (I-SP). The properties to the east are within San Bernardino County, and zoned Apple

Valley/Rural Living. The Project uses are limited to the Project site's boundaries and does not include any components that would indirectly affect existing or planned uses on neighboring properties. The development of the proposed industrial uses on the Project site would not reasonably or foreseeably cause the redevelopment of other properties or cause development on other properties. (Draft EIR, p. 5-6)

Furthermore, the Project's potential influence on other nearby properties to redevelop at greater intensities and/or different uses than the Town's General Plan and Development Code allow is speculative beyond the rule of reason; however, it should be noted that implementation of the Project would not result in the approval of proposed uses on any other property outside of the Project site. CEQA does not require the analysis of speculative effects (CEQA Guidelines § 15145). All projects proposed within the Town would require evaluation under CEQA based on their own merits, including an analysis of direct and cumulatively considerable effects. (Draft EIR, p. 5-6)

The Project represents growth anticipated by the Town, as evidenced by the site's existing General Plan and zoning designations. Incremental public service demands generated by the Project are offset through the payment of Town Development Impact Fees. A portion of the Town's Development Impact Fees are allocated for the maintenance of public service facilities. The Project Applicant would pay incumbent fees at issuance of building permit(s). Accordingly, the Project would not directly promote growth either at the Project site or at the adjacent and surrounding properties that were not accounted for in the Town's General Plan. Upon the approval of the Project Applicant's requested discretionary applications (Site Plan Review 2022-003, Specific Plan Amendment 2023-001, Tentative Parcel Map No. 20659 and a Development Agreement), the Project would be consistent with the existing General Plan land use designation and Zoning classification for the Project site. (Draft EIR, pp. 5-6 through 5-7)

7.0 ALTERNATIVES

7.4.1 ALTERNATIVES CONSIDERED AND REJECTED

An EIR is required to identify any alternatives that were considered by the Lead Agency but were rejected. Factors described by CEQA Guidelines Section 15126.6 in determining whether to exclude alternatives from detailed consideration in the EIR include: a) failure to meet most of the basic project objectives, b) infeasibility, or c) inability to avoid or substantially lessen one or more significant environmental impacts. The Project's significant impact that cannot be mitigated to less than significant is: air quality, noise, and transportation.

With respect to the feasibility of potential alternatives to the proposed Project, CEQA Guidelines Section 15126.6(f)(1) provides:

“Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries...and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site...”

In determining a range of reasonable alternatives to be evaluated in the EIR, a number of possible alternatives were initially considered and, for a variety of reasons, rejected. Alternatives were rejected because either: 1) they could not accomplish most of the basic objectives of the Project, 2) they would not have avoided or substantially lessened significant adverse environmental impacts, or 3) they were considered infeasible to construct or operate. Alternatives that were considered but rejected are described below.

Alternative Sites

CEQA requires that the discussion of alternatives focus on alternatives to a project or its location that are capable of avoiding or substantially lessening any significant effects of the project. The key question and first step in the analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (CEQA Guidelines Section 15126[5][B][1]). In addition, an alternative site need not be considered when implementation is “remote and speculative,” such as when the alternative site is beyond the control of a project applicant. (Draft EIR, pp. 6-4 through 6-5)

The Project proposes to develop a 226.75-acre site with three industrial warehouse buildings totaling approximately 3.48 million square feet. The Project Applicant has ownership and control over the Project site, and the Project site's location in proximity to I-15 and SR-18 provides direct access to the regional transportation network. (Draft EIR, p. 6-5)

Given the size and type of the proposed development, a similarly sized project and land use elsewhere in the Town of Apple Valley would result in the same or greater project-level and cumulative air quality

and GHG emissions, transportation, and noise impacts. Significant and unavoidable regional air quality emission impacts of the Project relate primarily to mobile emissions during operation and are not site specific; Therefore, relocation of the Project would not substantially reduce these impacts. The Project's location is preferable for industrial development compared to other areas of the Town because of its proximity to the regional transportation network and major infrastructure, reducing VMT. The NAVISP is largely undeveloped with minimal traffic, any development of this size in this area would increase off-site traffic noise on surrounding roadways similar to the Project. Therefore, analysis of an alternative site for the Project is neither meaningful nor necessary because the significant impacts resulting from the Project would not be avoided or substantially lessened by its implementation in an alternate location. (Draft EIR, p. 6-5)

Regarding the feasibility of finding another potential vacant location for the Project, there are no existing, undeveloped sites for sale that are a similar size as the Project site within close proximity to the key freeway infrastructure (i.e. I-15, SR-18) and that could reasonably be controlled by the Project Applicant for the purpose of developing the Project. Furthermore, the Project Applicant does not hold ownership control over any other parcels of land in or near the Project site that could be used as an alternative location for the proposed Project. Therefore, because an alternative location is not available that would avoid or substantially lessen the significant environmental effects of the Project, and because the Project Applicant does not have ownership control over, and cannot reasonably obtain ownership control over, any other parcels of land in the jurisdiction of the Town that could accommodate the Project, an alternative site is not feasible. As a result, this alternative was rejected from further consideration. (Draft EIR, p. 6-5)

The Town therefore rejects the Alternative Sites alternative, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative does not avoid any significant and unavoidable impacts, and (2) the alternative is infeasible given that there are no alternative locations available. Therefore, the Alternative Sites alternative is eliminated from further consideration.

7.4.2 ALTERNATIVES UNDER CONSIDERATION

A. No Project/No Development Alternative

☐ Finding

The No Project/No Development Alternative assumes that no development or improvements would occur on the Project site and the entire 226.75-acre site would remain as is. Under this alternative, no improvements would be made to the Project site and none of the Project's internal parking, utility, and other infrastructure improvements would occur. Additionally, this alternative would eliminate the Project's significant and unavoidable impact related to air quality, noise, and transportation. This alternative would fail to meet all the Project objectives. Thus, the Town rejects the No Project/No Development Alternative, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to meet any of the Project objectives, and (2) the alternative would result in increased impacts relating to hydrology and water quality.

☐ **Substantial Evidence**

The No Project/No Development Alternative assumes that no development or improvements would occur on the Project site and the entire 226.75-acre site would remain as is. This alternative was selected by the Town as required by CEQA Guidelines Section 15126.6(e)(3)(B) to compare the environmental effects of the Project with an alternative that would leave the Project site in its existing condition (as described in Section 2.0 of the Draft EIR). (Draft EIR, p. 6-6)

The No Project/No Development Alternative would result in no physical environmental changes to the Project site. This alternative would eliminate the Project's significant and unavoidable impacts related to air quality, noise and VMT. However, this alternative would not receive the environmental benefits from the implementation of stormwater drainage and water quality filtration features that would be constructed by the Project. The No Project/No Development Alternative would fail to meet all the Project Objectives, as described in Section 6.1.1 of the Draft EIR. (Draft EIR, p. 6-10)

B. No Project/Existing Specific Plan Designation Alternative

☐ **Finding**

The No Project/Existing Specific Plan Designation Alternative would consider the development of the Project site with a use that conforms to the existing land use designations for the Project site, specifically the I-SP zone and C-G zone. Using the maximum building coverage permitted for each zone, this alternative would allow 3,758,356 sf of industrial uses on 191.75 acres and 990,990 sf of commercial uses on 35 acres.

The No Project/Existing Specific Plan Designation Alternative would not avoid or substantially lessen any of the Projects significant impacts. Furthermore, given the increase in building intensity allowed by the site's existing land use designation and associated vehicle trips, this alternative would increase the Projects significant and unavoidable air quality, noise, and transportation (VMT) impacts. The Town rejects the No Project/Existing Specific Plan Designation Alternative, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to avoid or reduce the Project's significant and unavoidable impacts relating to air quality, noise, and transportation (VMT); and (3) the alternative would result in increased impacts relating to air quality, energy, greenhouse gas emissions, noise, public services, and transportation.

☐ **Substantial Evidence**

To accommodate the proposed Project, the NAVISP would be amended to redesignate approximately 35 acres in the southeasterly portion of the Project site (APN 0463-373-06) from C-G to I-SP. The No Project/Existing Specific Plan Designation Alternative would consider the development of the Project site with a use that conforms to the existing land use designations for the Project site, specifically the Specific Plan Industrial (I-SP) zone and General Commercial (C-G) zone. (Draft EIR, p. 6-10)

Using the maximum building coverage permitted for each zone, this alternative would allow 3,758,356 square feet of industrial uses on 191.75 acres and 990,990 sf of commercial uses on 35 acres (see Draft

EIR Table 6-1). As shown, this alternative exceeds that which is proposed by the Project by almost 1.3 million square feet, however a portion of that square footage would be commercial uses. This alternative was selected as required by CEQA Guidelines Section 15126.6(e)(3)(A) to compare the environmental effects of the Project with an alternative that would allow the continuation of uses anticipated by the NAVISP. (Draft EIR, p. 6-10)

The No Project/Existing Specific Plan Designation Alternative would not avoid or substantially lessen any of the Projects significant impacts. Furthermore, given the increase in building intensity allowed by the site's existing land use designation and associated vehicle trips, this alternative would increase the Project's significant and unavoidable air quality, noise, and VMT impacts. The No Project/Existing Specific Plan Designation Alternative would meet the Project Objectives, as described in Draft EIR Section 6.1.1. (Draft EIR, p. 6-14)

C. Reduced Intensity Alternative

☐ Finding

The Reduced Intensity Alternative would consider the development of the Project site with a 15 percent reduction in building square footage, in order to reduce impacts associated with air quality, noise, and transportation. The Reduced Intensity Alternative would result in reduced impacts related to air quality, energy, greenhouse gas emissions, noise, public services, and utilities and service systems due to the reduction in square footage and associated vehicular trips. However, significant and unavoidable impacts related to air quality, noise, and transportation would continue to occur from implementation of this alternative. Impacts related to aesthetics, biological resources, cultural resources, geology and soils, hazardous and hazardous materials, hydrology and water quality, land use and planning, transportation, and tribal cultural resources would be similar to the Project. The Town rejects the Reduced Intensity Alternative, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to meet the Project objectives to the same extent as the proposed Project, and (2) the alternative fails to avoid or reduce the Project's significant and unavoidable impacts relating to air quality, noise, and transportation.

☐ Substantial Evidence

The Reduced Intensity Alternative was selected to reduce impacts associated with air quality, noise, and transportation. The Reduced Intensity Alternative would consider development of the Project site with a 15% reduction in building square footage. Under this alternative, a total of 2,958,000 sf of industrial uses would be constructed. This alternative would generate approximately 2,475 employees using an employment generation rate of 1 employee per 1,195 square feet for warehouse uses, compared to the 2,912 employees that would be generated by the Project. The development impact area would generally remain the same as the Project. Access to the site would be the same with a proportional reduction in the number of parking spaces. (Draft EIR, pp. 6-14 through 6-15)

Under the Reduced Intensity Alternative, impacts related to aesthetics, biological resources, cultural resources, geology and soils, hazardous and hazardous materials, hydrology and water quality, land

use and planning, transportation, and tribal cultural resources would be similar to the Project. (Draft EIR, p. 6-19)

The Reduced Intensity Alternative would result in reduced impacts related to air quality, energy, GHG emissions, noise, public services, and utilities and service systems due to the reduction in square footage and associated vehicular trips. (Draft EIR, p. 6-19)

The significant and unavoidable impacts identified under the Project (air quality, noise, and transportation) would continue to occur under this alternative. (Draft EIR, p. 6-19)

The Reduced Intensity Alternative would meet Project Objectives B, C, F, G, and H, as described in Draft EIR Section 6.1.1. As compared with the Project, this alternative would not meet the following objectives to the same extent, due to the reduced square footage and proportional reduction in employees: (Draft EIR, p. 6-19)

A. To efficiently develop a vacant and underutilized property with industrial uses to help meet the regional demands for goods movement facilities.

D. To make efficient use of a property in the Town of Apple Valley by maximizing its buildout potential for employment-generating uses.

E. To develop Class A speculative industrial buildings in the Town of Apple Valley that are designed to meet contemporary industry standards, can accommodate a wide variety of users, and are economically competitive with similar industrial buildings in the local area and region. (Draft EIR, p. 6-19)

7.4.3 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires the identification of an environmentally superior alternative. Section 15126.6(e)(2) of the CEQA Guidelines states that, if the No Project Alternative is the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives. (Draft EIR, p. 6-19)

The No Project/No Development Alternative has the least impact to the environment because it would not involve any construction activities or industrial operations. There would be no Project or cumulative impacts related to air quality, noise, and transportation. These impacts are considered significant and unavoidable for the Project. While this alternative would avoid the significant effects of the Project, it would not receive the environmental benefits from the implementation of stormwater drainage and water quality filtration features. Additionally, none of the Project Objectives would be met. (Final EIR, pp. 3-10 through 3-11)

The Reduced Intensity Alternative is environmentally superior to the Project. As shown in Draft EIR Table 6-3, *Comparison of Alternatives and Project-related Environmental Impacts*, the Reduced Intensity Alternative would have less impacts under six of the environmental topics. The reduction in

impacts is due to the fact that the use would have reduced building square footage, which would result in a reduction in construction-related impacts, including air quality, GHG emissions, energy, and noise impacts. Operational-related impacts under air quality, GHG emissions, energy, and noise would decrease due to the decrease in total daily vehicle trips. This alternative would not eliminate the Project's significant unavoidable impact related to air quality, noise, and transportation. As shown on Draft EIR Table 6-4, *Alternatives Attainment of Project Objectives*, the Reduced Intensity Alternative would not meet some of the Project objectives to the same extent, due to the reduced square footage and proportional reduction in employees. (Final EIR, p. 3-11)

8.0 GENERAL CEQA FINDINGS

8.4.1 RECIRCULATION NOT REQUIRED

The Town finds that the Draft EIR does not require recirculation under CEQA (CEQA Section 21092.1, CEQA Guidelines Section 15088.5).

- (a) CEQA requires that the lead agency recirculate an EIR when significant new information is added to the EIR after public notice of its availability has previously been given but prior to its certification. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:
 - (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
 - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
 - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or
 - (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.
- (c) If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.
- (d) Recirculation of an EIR requires notice pursuant to Section 15087, and consultation pursuant to Section 15086.
- (e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

The Final EIR documents minor revisions to the Draft EIR, including additional analysis to clarify or amplify the analysis in the Draft EIR. Furthermore, Responses to Comments contained in the Final EIR fully considered and responded to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Draft EIR. Moreover, the Responses to Comments include substantial evidence that none of these comments provided substantial evidence that Project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR. In addition,

CEQA Guidelines Section 15088.5(b) provides that “recirculation is not required where the new information added to the EIR merely clarifies and amplifies or makes insignificant modifications in an adequate EIR.” Recirculation also is not required simply because new information is added to the EIR; rather, new information is oftentimes added given CEQA’s public/agency comment and response process and CEQA’s post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies.

The Town has thoroughly reviewed the public comments received regarding the Project and the Draft EIR to determine whether any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption.

8.4.2 MITIGATION MONITORING AND REPORTING PROGRAM

To the extent that these Findings conclude that the proposed mitigation measures outlined herein are feasible and have not been modified, superseded, or withdrawn, the Town hereby commits to implementing these measures. These Findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the Town approves the proposed Project. The mitigation measures that are referenced herein and adopted concurrently with these Findings will be effectuated through the process of construction and implementation of the proposed Project. In accordance with the Requirements of Public Resources Code § 21081.6, the Town must adopt the Mitigation Monitoring and Reporting Program. The Town reserves the right to make amendments and/or substitutions of mitigation measures if the Town determines that the amended or substituted mitigation measure will mitigate the identified potential environmental impacts to at least the same degree as the original mitigation measure, and where the amendment or substitution would not result in a new significant impact on the environment which cannot be mitigated.

8.4.3 CONSIDERATION OF RECORD; INDEPENDENT JUDGMENT

In approving the proposed Project, the Town decision-makers have reviewed and considered the Draft EIR and appendices, the Final EIR and appendices, and all other pertinent evidence in the record of proceedings. The Applicant’s consultants prepared the screen check versions of the Draft EIR, Final EIR and technical studies. All such materials and all other materials related to the EIR were extensively reviewed and, where appropriate, modified by the Planning Department or other Town representatives and/or peer review consultants. As such, the Draft EIR, Final EIR, technical studies, and all other related materials reflect the independent judgment and analysis of the Lead Agency.

9.0 STATEMENT OF OVERRIDING CONSIDERATIONS

Public Resources Code Section 21081(a)(3) and (b), and CEQA Guidelines Section 15093, require the Town, acting as the Lead Agency, to balance the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of the Project against its significant and unavoidable adverse environmental impacts and determine whether those benefits of the Project outweigh its significant and unavoidable impacts. If the Town finds that these benefits of the Project outweigh its significant and unavoidable adverse environmental impacts, the Town may approve the Project.

As set forth in Section 4.0 above, the EIR identified all of the Project's adverse environmental impacts and mitigation measures that would reduce the Project's impacts to less-than-significant level where feasible. As further set forth in Section 5.0, the EIR presents evidence that implementing the Project would cause or contribute to three impacts (air quality, noise, and transportation) that would remain significant and unavoidable even after the imposition of all feasible mitigation measures. Finally, as set forth in Section 7.0, herein, there are no feasible alternatives to the Project that would mitigate or avoid the Project's significant and avoidable air quality, noise, and transportation impacts to less-than-significant level while still attaining most of the Project's basic objectives.

Based on the facts presented throughout this document, the EIR, and all other evidence in the record, the Town makes the following finding:

As the CEQA Lead Agency for the proposed Project, the Town has reviewed the Project description and the alternatives to the Project, as presented in the EIR. The Town finds and determines that:

- (i) All of the significant impacts of the Project, except for air quality, noise, and transportation, will be reduced to less-than significant levels by the mitigation measures described in the Final EIR and approved and adopted by these Findings;
- (ii) The Town's approval of the Project will result in three significant adverse environmental effects (air quality, noise, and transportation) that cannot be avoided even with the incorporation of all feasible mitigation measures into the Project; and
- (iii) All potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the Project have been identified in the Draft EIR, Final EIR and public testimony and there are no other feasible mitigation measures or feasible Project alternatives that would further mitigate or avoid the remaining significant environmental effect. The significant effect related to air quality, noise, and transportation has not been mitigated to a less-than-significant level and is considered significant and unavoidable. Having considered the potential for the Project to cause or contribute to significant and unavoidable adverse impact related to air quality, noise, and transportation, the Town hereby determines that all feasible mitigation measures have been adopted to reduce or avoid the significant and unavoidable impact identified

in the EIR, and that no additional feasible mitigation or alternatives are available to further reduce or avoid significant impacts.

- (iv) Economic, legal, social, technological, and other benefits of the Project outweigh the Project's significant and unavoidable impact and approval of the Project is appropriate.

Despite the significant and unavoidable impact, it is the Town's considered judgment that the benefits offered by the proposed Lake Creek Logistics Center outweigh its adverse effect. Each of the overriding considerations and Project benefits set forth below separately and individually outweighs the unavoidable adverse environmental effect (air quality, noise, and transportation) identified in the EIR, and the Town therefore finds the impact to be acceptable. Substantial evidence in the record demonstrates that approval and implementation of the Project will provide the benefits listed below. Each of the separate benefits listed below provides a separate and independent ground for the Town's decision that the Project's benefits outweigh the significant and unavoidable environmental impact identified in the EIR.

The Project would meet the following objectives:

- A. To efficiently develop a vacant and underutilized property with industrial uses to help meet the regional demands for goods movement facilities near the I-15 and SR-18 freeways and maximize its buildout potential for employment-generating uses.
- B. To expand economic development and increase the tax base for the Town of Apple Valley by establishing new Class A speculative industrial development that are designed to meet contemporary industry standards, can accommodate a wide variety of users, and are economically competitive with similar industrial buildings adjacent to established and planned industrial areas.
- C. To attract new businesses to the Town of Apple Valley and facilitate job creation, thereby providing a more equal jobs-housing balance in the Inland Empire area that will reduce the need for members of the local workforce to commute outside the area for employment.

The Town finds that any one of these Project benefits standing alone would be sufficient to sustain the Statement of Overriding Considerations.

- 1. The Town of Apple Valley finds that all feasible mitigation measures have been imposed to lessen Project impacts to less than significant levels. Furthermore, the Town of Apple Valley finds that alternatives to the Project are infeasible because, while they have similar or fewer environmental impacts, they do not provide the benefits of the Project, or they are otherwise socially or economically infeasible when compared to the Project, as described in the Statement of Facts and Findings.**

With the exception of air quality, noise, and transportation, based on the analysis presented in the EIR, potential Project impacts are adequately reduced to less than significant levels through implementation of the identified Project-level mitigation measures developed for the Project.

As discussed throughout the Draft EIR, there is no feasible mitigation to reduce the significant and unavoidable impacts related to air quality, noise, and transportation to a less than significant level. With the exception of the No Project/No Development Alternative, the Project alternatives would not avoid the significant and unavoidable impacts (refer to the discussion provided in Section 7.0). Elimination of the significant and unavoidable impact would require reducing the number of vehicle trips through a reduction in the size of the Project to a level that would result in a substantial underutilization of the Project site and would not meet the Project objectives. Further, any reduction in development area to reduce development and associated impacts would delay but would not avoid the future development of the Project site.

2. The Lake Creek Logistics Center is consistent with and will contribute to achieving the goals and objectives established by the Town of Apple Valley General Plan and North Apple Valley Industrial Specific Plan. Implementing the Town's General Plan as a policy is a legal and social prerogative of the Town.

The Project site is located within the North Apple Valley Industrial Specific Plan (NAVISP) area. The existing General Plan land use designation and zoning for the Project site is Specific Plan (SP). The Project does not require a General Plan Amendment or Zone Change. Within the NAVISP, most of the site is designated as Specific Plan Industrial (I-SP), with the southeasterly parcel designated as General Commercial (C-G). To accommodate the Project's anticipated uses, the NAVISP designation of the southeasterly parcel is proposed to be changed from C-G General Commercial to I-SP Specific Plan Industrial.

The Specific Plan Industrial designation is intended to support development of a broad range of clean, well planned industrial, quasi-industrial and commercial support uses. Uses may range from manufacturing and warehousing to offices and retail facilities which support the employee population within the Specific Plan Area. The Project involves the development of industrial uses consistent with development anticipated by the Town of Apple Valley General Plan and the North Apple Valley Industrial Specific Plan. Further, implementation of the Project represents a logical expansion of industrial development on the Project site as the primary land uses envisioned in the NAVISP area are industrial and commercial land uses, which will provide the Town with long-term economic growth and vitality, job growth, and revenue. Table 4.10-2, *General Plan Consistency Analysis*, of the Draft EIR, addresses the Project's consistency with the Town's General Plan goals and policies. As identified through this consistency analysis, the Project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

- 3. The Lake Creek Logistics Center will contribute towards implementing employment opportunities in the Town to improve the jobs-housing balance and to reduce unemployment within the Town. Jobs for residents at a variety of income levels will be provided.**

The Project consists of the construction and operation of three industrial buildings totaling approximately 3.48 million square feet. The Draft EIR estimates the Project would generate approximately 2,913 new employment opportunities. Thus, development of the Project would result in the creation of new jobs, which would be an increase over existing conditions where no employment opportunities currently exist. This increase in jobs would be an overall benefit to the local and regional economy, as discussed below.

As discussed in Section 5.4.3, *Population and Housing*, of the Draft EIR, As of June 2025, the most current data available, the Town had a labor force of 29,300, employment of 27,200 with an unemployment population of 2,100, a 7.1% rate. According to the Town's 2022-2029 Housing Element, 16.6 percent of the Town's population works within the Town of Apple Valley and the remaining 83 percent work elsewhere, which suggests a jobs-housing imbalance within the Town limits. Therefore, the provision of additional jobs by maximizing employment in the Project area would support a better jobs-to-housing ratio, thereby reducing the need for long-distance commutes.

New jobs associated with the Project are expected to include manual occupations (e.g., trucking, dock work, and freight handling), and office-based occupations (e.g., logistics, sales, management, and freight forwarding). Both manual and office-based occupations have the potential to pay relatively high wages, thereby contributing to the provision of jobs for a variety of income levels. Additionally, as discussed below, the Project would generate short-term construction-related opportunities.

- 4. Development and construction of the Lake Creek Logistics Center will create both temporary and permanent onsite jobs and will indirectly support local and regional jobs. Additionally, construction spending will create a one-time stimulus to the local and regional economies. Once the Project is completed, the Lake Creek Logistics Center will ultimately spur the creation of both local and regional jobs, and there would be additional output and earnings to the local and regional economies.**

Temporary construction and long-term operational jobs created by the Project would result in increased spending throughout the region, including in the Town of Apple Valley. It is anticipated that annual personal earnings would increase through the generation of new jobs, and these earnings would ripple through the local and regional economy, creating a one-time increase in output and earnings associated with construction jobs and an on-going increase in output and earnings associated with permanent jobs. Employment generation associated with operation of the proposed buildings is discussed under Item 3, above. Refer to Exhibit A, *Fiscal Revenue Analysis*.

5. **The Lake Creek Logistics Center will provide new development that will generate revenue for the Town in the years and decades ahead. Once construction is complete, the facilities will annually generate additional Town revenue. The increased revenue from the development will be driven by sales tax, property tax, property tax in lieu of Motor Vehicle Licensing Fees, business license fees, and other tax, license, permit charges, and fees as documented in the Fiscal Revenue Analysis (Exhibit A).**

The Project would have a positive fiscal impact on the Town of Apple Valley through construction and development of the Project, as well as throughout the life of the Project. The construction and development of the site would produce an economic stimulus as a result of the payment of one-time fees and recurring revenues. A Fiscal Revenue Analysis was prepared for the Project in April 2025 by Development Planning & Financing Group (see Exhibit A). At Project buildout, the Project is expected to generate approximately \$2,350,000 per year in property tax revenue (of which the Town will receive approximately \$221,747 per year), and \$256,586 in Property Taxes In lieu of Motor Vehicle License Fee, and approximately \$101,109 annually in off-site sales tax revenues. This results in an approximate total annual revenue of \$597,442 being generated by the Project for the Town of Apple Valley. Additionally, the Project is estimated to pay one-time Development Impact Fees to the Town in the amount of approximately \$3,817,758.

Labor income during the construction period includes employment compensation and benefits paid to workers. The Project is estimated to generate an average of approximately \$48,721,000 annually in labor income over the Project construction period for a total cumulative labor income of approximately \$146,163,000.

Ongoing annual direct effects represent the anticipated economic effects of the Project once the site is developed and in operation. Ongoing annual direct effects on employment relate to the employees working at the Project site, whereas the indirect and induced jobs created during this phase relate to the other industries that produce goods and services that support the new businesses of the Project and local spending by the new employees and residents of the Project. Overall, the Project is estimated to generate approximately \$208,938,000 annually in labor income.

6. **The Lake Creek Logistics Center will help meet the existing demand for high-quality, large-scale, high cube warehouse/distribution centers within a geographic area that allows for access to a multi-modal transportation system.**

The Project site is located in close proximity to the State highway system such as Interstate 15 (I-15) and State Route 18 (SR-18), and is situated astride the regional transportation network. Due to the Project site's proximity to State highway systems, development of the site with the Project would efficiently facilitate the movement of goods. The Project will help to fulfill southern California's unconstrained demand for warehousing space (i.e., demand without accounting for the amount of suitably zoned land for future development), which is estimated

to be approximately 1.81 billion square feet by the year 2040, as projected by SCAG². In doing so, the Project will further diversify the Town's economy and secure the Town's position in the regional, State, and international marketplace.

7. The Lake Creek Logistics Center will provide infrastructure and circulation improvements required to meet Project and local needs in an efficient and cost-effective manner.

The Project would provide infrastructure needed to serve its proposed use. Water, wastewater, drainage, and dry utility lines that would be installed as part of the Project are described in Section 3.0, *Project Description*, of the Draft EIR.

Additionally, as described in Section 3.0, *Project Description*, the following improvements to adjacent roadways would be completed as part of the Project:

- Construct six driveways (Driveways 1-6) on Gustine Street. All driveways will be stop-controlled and allow for full truck turning movements.
- Construct one driveway (Driveway 7) on Central Road. Driveway 7 will be stop-controlled and allow for full truck turning movements.
- Construct six driveways (Driveways 8-13) on Corwin Road. All driveways will be stop-controlled and allow for full truck turning movements.
- Construct Gustine Street, Central Road, and Corwin Road along the Project's frontages at their ultimate half-section width according to the Town of Apple Valley General Plan and consistent with the Town's standards. Additionally, the Project would provide an additional 12 feet of pavement width along Gustine Street and Corwin Road to accommodate one lane on the opposite side of the street. The Project includes constructing cul-de-sacs at the westerly termini of both Corwin Road and Gustine Street where they terminate at the airport property.

Curb, gutter, and sidewalk improvements would be installed along all Project site street frontages.

In conclusion, the Town finds after consideration of the Final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set out above independently and collectively outweighs the identified significant adverse environmental impact and is an overriding consideration warranting approval of the Project. The Town further finds that each of the individual benefits discussed above outweigh the unavoidable adverse

² SCAG. (April 2018). Southern California Association of Governments Industrial Warehousing Supply. Available at: https://scag.ca.gov/sites/main/files/file-attachments/industrial_warehousing_report_-_revised_2018.pdf?1605989650

environmental effects identified in the EIR and, therefore, finds those impacts to be acceptable. The Town further finds that each of the benefits listed above, standing alone, is sufficient justification for the Town Council to override these unavoidable environmental impacts.

The reasons for approval cited above are not unitary, so that even if a court were to conclude that not every reason is supported by substantial evidence, the Town determines that each remaining reason standing alone would be sufficient to justify approval of the Project. The substantial evidence supporting the various benefits can be found in the Final EIR and the CEQA Findings, above, which are incorporated by reference into the documents found in the administrative record. On the basis of the Findings made in Sections 3.0 through 8.0 included herewith, and the substantial evidence in the whole record of this proceeding, it is specifically found that there are significant benefits of the Project in spite of the unavoidable significant impacts. It is further found that, as part of the process of obtaining Project approval, all significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. Any remaining significant effects on the environment found to be unavoidable are found to be acceptable due to the above-discussed specific overriding economic, technical, legal, social and other considerations.

10.0 ADDITIONAL FACTS ON RECORD

10.1 CUSTODIAN OF RECORD

The documents and materials that constitute the record of proceedings on which these findings have been based are located at the Town of Apple Valley, Planning Department, 14955 Dale Evans Parkway, Apple Valley, CA 92307. The custodian for these records is David Contreras, Planning Director. This information is provided in compliance with Public Resources Code Section 21081.6.

Exhibit A

Fiscal Revenue Analysis



Apple Valley Logistics Center Memorandum

To: Mike Tonkonogy, Lake Creek Industrial
From: Peter Piller, Managing Principal
Jared Rodio, Manager
Date: April 2025
Re: Apple Valley Logistics Center - Fiscal Revenue Analysis

The Apple Valley Logistics Center Project (the “Project”) is proposed for three industrial buildings, with one building comprised of 1,238,320 square feet, a second building comprised of 1,238,320 square feet, and a third building comprised of 1,004,096 square feet for a total building square footage of 3,480,736. At the request of Lake Creek Industrial (“Developer”), DPFG has prepared a Fiscal Revenue Analysis (“FRA”) to estimate the major fiscal revenues that the Project is expected to generate when at full build-out and under stabilized operating conditions for the Town of Apple Valley (“Town”).

Per the Developer, this analysis assumes that the site will be owned by the Developer and leased to third-party operators. For this reason, we have taken a conservative assumption and used the estimated construction costs for the assessed value of the entire site. Based on this assumption, our FRA of the Project estimates that it will generate approximately \$2,350,000 annually in property tax revenue (of which the Town will receive approximately \$221,747 annually), approximately \$256,586 annually in property taxes in-lieu of MVLF, and approximately \$101,109 annually in off-site sales tax revenues. This results in an approximate total annual revenue of \$579,442 being generated by the Project for the Town. The Project is also expected to generate approximately 2,320 full time equivalent jobs which will result in approximately 2,481 seasonal jobs.

In addition to the fiscal revenue analysis, we estimate that the Project will pay one-time Development Impact Fees to the Town in the amount of approximately \$3,817,758.

Although not analyzed in this report, the Project could potentially generate on-site sales tax if used as a fulfillment center. This would result in a significant increase in the revenues from the Project to the Town.

We have also analyzed the Project using IMPLAN. IMPLAN is the most widely employed and accepted regional economic analysis software for predicting economic impacts. The IMPLAN model is used to predict the economic consequences of a development project within a local economy and measures the direct, indirect and induced effects in terms of economic output, employment, and earnings within the local region.

A key concept to understand about the IMPLAN economic impact analysis is that one form of economic activity almost always stimulates other economic activities. The total economic impact of a specific project or event on a study area is the sum of the direct, indirect and induced impacts. The direct economic activity stemming from the Project stimulates subsequent indirect and induced impacts to the local economy. The three components of economic impact are further described below:

1. *Direct Impact*: Represents the initial change in the economy attributable to the development of the Project which occurs directly on the Project site.
2. *Indirect Impact*: Represents the impact on local industries as a result of inter-industry purchases as the economy responds to new demand of the directly affected industries. This impact represents the additional rounds of economic activity that occur as a consequence from the direct impacts, specifically through the production of goods and services required to support businesses directly impacted. For example, as it relates to jobs, if a direct impact of a Project is the creation of construction jobs on-site as a result of building new homes, then an indirect impact would be the creation of jobs in the lumber industry as result of the contractor's purchase of lumber to construct those homes.
3. *Induced Impact*: Represents the impact to the local economy as a result of the increased household spending due to additional labor income generated, specifically through the purchase of goods and/or services required to meet consumer demand generated by the Project's residents and employees.

The specific economic impacts evaluated in this analysis are **employment** and **labor income**.

Employment: Represents the number of jobs produced in the economy.

Labor Income: Represents the total value of all forms of employment income paid throughout the local economy.

These economic impacts are driven by economic activity generated directly at the Project site as well as the related flow of economic activity in the specified region. In this case, the defined geographic region is the County of San Bernardino and the economic activities generating impacts are the construction of the Project, the annual ongoing activities of the new businesses located in the Project, and new local spending by the Project's employees. Accordingly, this analysis evaluates the direct, indirect and induced effects of the Project at two separate times: (i) a one-time evaluation of direct, indirect, and induced effects during the construction of the Project ("**Construction Period Impacts**") and (ii) the ongoing annual direct, indirect, and induced effects at buildout ("**Ongoing Annual Impacts**"). The IMPLAN data set used for this analysis is in 2025 dollars.

The "Construction Period" commences upon initial site development and ends upon completion of all industrial structures. The Construction Period is expected to be approximately 3 years. Direct inputs were comprised of approximately \$235,000,000 which includes the Hard and Soft costs for the development of the Project exclusive of the land price. Construction of the Project will contribute to the creation of new direct, indirect, and induced jobs County-wide. Direct jobs created during the Construction Period consist of the employees constructing the Project, whereas the indirect and induced jobs created during this phase relate to (i) the other industries that need to produce additional goods and services to meet the demand from contractors/businesses directly involved in the construction of the Project and (ii) discretionary spending of the construction employees.

Labor income during the construction period includes employment compensation and benefits paid to workers. The direct effect on labor income during the Construction Period is comprised of labor income paid to construction employees on site. The indirect effect on labor income includes the income of those employees of businesses providing goods and services to the contractors/businesses working directly on the site. The induced effect on labor income is comprised of the income of employees working at businesses

that experience growth from the discretionary spending of the direct and indirect employees. Overall, the Project is estimated to generate an average of approximately \$48,721,000 annually in labor income over the Construction Period for a total cumulative labor income of approximately \$146,163,000.

Ongoing annual direct effects represent the anticipated economic effects of the Project once the site is stabilized. Ongoing annual direct effects on employment relate to the employees working at the Project, whereas the indirect and induced jobs created during this phase relate to the other industries that produce goods and services that support the new businesses of the Project and local spending by the new employees and residents of the Project. The project is anticipated to create approximately 2,320 full-time equivalent employees. Full-time equivalent employees for the Project were based on occupancy and the square feet per employee estimates according to the anticipated tenant type. Because IMPLAN's definition of employment includes "all jobs" (i.e., full-time, part-time, and seasonal), IMPLAN industry sector conversion factor of 1.162 for warehousing and storage in the County of San Bernardino. This resulted in a total direct employee (i.e., total "headcount" jobs) of approximately 2,481 employees.

The direct effect on labor income during the Permanent Ongoing Period includes the labor income paid to on-site employees of the Project. The indirect and induced effects on labor income consist of the income of those employees associated with businesses that service the Project, as well as the income of the new employees generated by the increased demand for goods and services from the Project. Overall, the Project is estimated to generate approximately \$208,938,000 annually in labor income.

Our analysis uses conservative metrics drawn from the County of San Bernardino market conditions and our industry knowledge and experience. It should be noted, however, that market conditions may change between now and when the Project is anticipated to open. Accordingly, as the information, estimates, and assumptions used in the analysis are inherently subject to uncertainty and variation depending on evolving events (e.g., market conditions, government regulations, etc.), the estimates presented herein are subject to change.

Appendix:

Appendix A – Site Plan

Appendix B – Fiscal Revenue Analysis Tables

Appendix C – Development Impact Fees

Appendix D – Fair Share – Traffic Summary of Improvements

Appendix A: Site Plan



Appendix B:

Fiscal Revenue Analysis Tables

Table 1

**Fiscal Revenue and Economic Benefit Analysis Summary
Lake Creek Industrial - Apple Valley**

MAJOR TAX REVENUES			
Recurring Annual Revenues:		2024 - 2025	
Property Taxes	\$	221,747	Table 3
Property Taxes In Lieu of MVLF		256,586	Table 4
Offsite Sales Tax		101,109	Table 5
Total Annual Tax Revenue	\$	579,442	

IMPLAN Results Summary			
Average Annual Construction Period Impacts 3-Year Construction Period (a)		Permanent Annual Ongoing Impact (b)	
Jobs	Labor Income	Jobs	Labor Income
Direct Effect 504	Direct Effect \$ 38,366,000	Direct Effect 2,481	Direct Effect \$ 149,892,000
Indirect Effect 65	Indirect Effect \$ 4,391,000	Indirect Effect 641	Indirect Effect \$ 35,427,000
Induced Effect 116	Induced Effect \$ 5,964,000	Induced Effect 456	Induced Effect \$ 23,619,000
Average Annual Number of Jobs 685	Average Annual Labor Income \$ 48,721,000	Average Annual Number of Jobs 3,578	Average Annual Labor Income \$ 208,938,000
Cumulative Construction Period Impacts 3-Year Construction Period			
		Cumulative Labor Income \$ 146,163,000	

Footnotes:

- (a) See Table 8 for support and detailed description of categories.
(b) See Table 9 for support and detailed description of categories.

Table 2
Land Use and Assessed Value Assumptions
Lake Creek Industrial - Apple Valley

Industrial			
Probable Tenant Type	Bldg. SF / Acre	Total Assessed Value (a)	
Industrial Development	3,480,736	\$	235,000,000
Subtotal Industrial	3,480,736	\$	235,000,000
Total Project Assessed Value		\$	235,000,000

Footnotes:

(a) Industrial estimated value reflects total estimated construction cost of the Project.

Table 3
Share of the Basic Tax Calculation
Lake Creek Industrial - Apple Valley

<u>Agency Code</u>	<u>Agency</u>	<u>21038</u>
AB01 GA01	COUNTY GENERAL - GTL	14.77513900%
AB02 GA01	E.R.A.F. - GTL	22.37305000%
BF04 GA01	FLOOD ZONE 4 - GTL	2.33421700%
BF08 GA01	FLOOD ADM 3-6 - GTL	0.08931800%
BL01 GA01	CO FREE LIBRARY - GTL	1.43076900%
BS01 GA01	SUPT OF SCHL-CO WIDE GTL	0.50698300%
BS01 GA03	SUPT OF SCH-PHY HAND GTL	0.19943700%
BS01 GA02	SUPT OF SCHL-R.O.P. GTL	0.08692100%
BS01 GA05	SUPT OF SCHL-DEV CTR GTL	0.05227500%
BS01 GA04	SUPT OF SCH-MENT RET GTL	0.16013100%
CC03 GA01	APPLE VALLEY TOWN-GTL	9.43602800%
SC66 GA01	VICTOR VLY COMM COLL GTL	6.63951100%
SU06 GA01	APPLE VLY UNIF GTL	31.07315600%
UD44 GA01	CSA 60 - GTL	1.02422700%
WF01 GA01	APPLE VALLEY FIRE - GTL	9.26102500%
WR03 GL01	#MOJAVE DESERT RCD-GTL	0.04517300%
WY20 GI01	##MOJAVE WTR - GTL L&I	0.51264000%
Total		100%

Acreage	225.00
	100%

Total Assessed Value	\$ 235,000,000
Base 1% Ad-Valorem Tax	1.00%
Base Ad-Valorem Revenue	\$ 2,350,000
Town of Apple Valley Allocation	9.44%
Total Town of Apple Valley Property Taxes	\$ 221,747

Footnotes:

Source: Fiscal Year 2024/25 Allocation Percentage Calculation per San Bernardino County Auditor-Controller's Office.

Table 4
Property Taxes In Lieu of MVLF
Lake Creek Industrial - Apple Valley

FY 2024/25 In Lieu MVLF Allocation to Town	\$	9,377,100	(a)
FY 2024/25 Town of Apple Valley Assessed Value		8,588,212,468	(b)
Total Project Assessed Value from Table 2		235,000,000	
AV Growth from Project		2.736%	
Annual Town Property Taxes In Lieu of MVLF	\$	256,586	

Footnotes:

(a) Per Town of Apple Valley Annual Budget for FY 2024-25; General Fund Revenues by Line Item (Page 37).

(b) Per County of San Bernardino Assessor-Recorder-Clerk Office 2024 Assessment Roll.

Table 5
Off-Site Sales Tax Revenue - Commercial
Lake Creek Industrial - Apple Valley

Non-Residential Worker Retail Spending Pattern Analysis	Lunch	Goods and Services	Transportation	Dinner / Drinks	Total
Avg. Weekly Expenditures Before / During / After Work (a)	\$ 16	\$ 160	\$ 38	\$ 13	\$ 227
Avg. Annual Expenditures Before / During / After Work (b)	790	8,007	1,884	653	11,333
Percentage of Purchases Made Closer to Work	100%	50%	50%	50%	
Average Annual Expenditures Closer to Work	\$ 790	\$ 4,003	\$ 942	\$ 327	\$ 6,062
Median Salary for Survey Respondents (c)	87,500	87,500	87,500	87,500	
Median Salary for Town of Apple Valley (d)	62,898	62,898	62,898	62,898	
Adjustments Factor for Difference in Income	72%	72%	72%	72%	
Adjusted Avg. Annual Expenditures per Employee	\$ 568	\$ 2,878	\$ 677	\$ 235	\$ 4,357
Town share of Avg. Annual Expenditures per Employee (1%)	\$ 6	\$ 29	\$ 7	\$ 2	\$ 44
Total number of Employees per Table 7					2,320
Total Town share of Avg, Annual Expenditures per Employee	\$ 101,109				

Footnotes:

(a) Estimate of average national weekly suburban office worker spending per Office-Worker Retail Spending in a Digital Age published by the International Council of Shopping Centers, dated 2012.

(b) Assumes a 50 week work year.

(c) Median salary for respondents per Office-Worker Retail Spending in a Digital Age published by the International Council of Shopping Centers, dated 2012.

(d) Estimate of median salary per U.S. Census Bureau Quick Facts Sheet for Town of Apple Valley, CA.

Table 6
Full Time Equivalent Employment
Lake Creek Industrial - Apple Valley

Business and Warehouse			
Tenant Type	Bldg. SF	Estimated SF per Employee (a)	Estimated Employees
Industrial Development	3,480,736	1,500	2,320
Subtotal Business and Warehouse	3,480,736		2,320
Total Estimated Employees			2,320

Footnotes:

(a) Estimated employees per square foot per the United States Green Building Council default occupancy count and DPFG estimates based on industry knowledge and review of various data sources.

Table 7
Construction Period Impacts
Lake Creek Industrial - Apple Valley

Average Annual Jobs Created During Construction Period (a)

Employment Impact	Jobs	Description
Direct Effect	504	Represents direct onsite construction-related jobs.
Indirect Effect	65	Represents jobs created as a result of new business to business spending in the local economy.
Induced Effect	116	Represents jobs created as a result of spending by new direct and indirect employees in the local economy.
Total	685	

Average Annual Labor Income Generated During Construction Period (a)

Labor Income Impact	Labor Income	Description
Direct Effect	\$ 38,366,000	Represents direct onsite construction labor income.
Indirect Effect	4,391,000	Represents labor income generated as a result of new business to business spending in the local economy.
Induced Effect	5,964,000	Represents labor income generated as a result of spending by new direct and indirect employees in the local economy.
Total	\$ 48,721,000	

Cumulative Labor Income Generated During Construction Period (a)

Labor Income Impact	Labor Income	Description
Direct Effect	\$ 115,097,000	Represents direct onsite construction labor income.
Indirect Effect	13,174,000	Represents labor income generated as a result of new business to business spending in the local economy.
Induced Effect	17,892,000	Represents labor income generated as a result of spending by new direct and indirect employees in the local economy.
Total	\$ 146,163,000	

Footnotes:

(a) Calculated using IMPLAN, a nationally recognized economic modeling system. San Bernardino is the study area. Jobs are reported as all jobs (full-time, part-time, and seasonal).

Table 8
Ongoing Annual Impacts
Lake Creek Industrial - Apple Valley

Total Ongoing Annual Number of Jobs Created (a)

Employment Impact	Total Jobs	Description
Direct Effect (b)	2,481	Represents direct onsite jobs created by the operations of the new facilities.
Indirect Effect	641	Represents jobs created as a result of new business to business spending in the local economy.
Induced Effect	456	Represents jobs created as a result of spending by new direct and indirect employees in the local economy.
Total	3,578	

Total Ongoing Annual Labor Income Generated (a)

Labor Income Impact	Total Labor Income	Description
Direct Effect	\$ 149,892,000	Represents labor income generated by the operations of the new facilities.
Indirect Effect	35,427,000	Represents labor income generated from new business to business spending in the local economy.
Induced Effect	23,619,000	Represents labor income generated by spending of new direct and indirect employees in the local economy.
Total	\$ 208,938,000	

Footnotes:

(a) Calculated using IMPLAN, a nationally recognized economic modeling system. San Bernardino is the study area. Jobs are reported as all jobs (full-time, part-time, and seasonal).

Table 9
Top 10 Industries Affected during Construction Period
Lake Creek Industrial - Apple Valley

Top 10 Industries Affected during Construction Period Annually (a) (b)

Rank	Industry	Jobs
1	51 - Construction of new manufacturing structures	504
2	472 - Employment services	9
3	417 - Truck transportation	7
4	395 - Wholesale - Machinery, equipment, and supplies	5
5	447 - Other real estate	6
6	477 - Landscape and horticultural services	3
7	396 - Wholesale - Other durable goods merchant wholesalers	3
8	453 - Commercial and industrial machinery and equipment rental and leasing	3
9	457 - Architectural, engineering, and related services	3
10	421 - Couriers and messengers	2

Footnotes:

- (a) Calculated using IMPLAN, a nationally recognized economic modeling system. San Bernardino County is the study area. Jobs are reported as all jobs (full-time, part-time, and seasonal).
- (b) Jobs by Top Ten industries affected annually by the new construction and local spending during the construction period of 2 years.

Table 10**Top 10 Industries Affected from Ongoing Annual Operations from Commercial Site
Lake Creek Industrial - Apple Valley****Top 10 Industries Affected during Construction Period Annually (a)**

Rank	Industry	Jobs
1	422 - Warehousing and storage	2,724
2	447 - Other real estate	119
3	472 - Employment services	88
4	421 - Couriers and messengers	27
5	519 - Dry-cleaning and laundry services	16
6	470 - Office administrative services	15
7	476 - Services to buildings	12
8	534 - Other local government enterprises	15
9	475 - Investigation and security services	10
10	477 - Landscape and horticultural services	9

Footnotes:

- (a) Calculated using IMPLAN, a nationally recognized economic modeling system. San Bernardino County is the study area. Jobs are reported as all jobs (full-time, part-time, and seasonal).

Appendix C: Development Impact Fees

Lake Creek Industrial - Apple Valley Logistics Center
Development Impact Fees
April-25

I. Development Impact Fees

		Fee	Unit of Measure	Quantity	Total Fees
<u>Town of Apple Valley</u>					
Law Enforcement Facilities	[a]	\$ 0.001	Per Square Foot	3,480,736	\$ 3,481
Storm Drainage Facilities	[a]	0.114	Per Square Foot	3,480,736	396,804
Sanitary Sewer Facilities	[a]	0.684	Per Square Foot	3,480,736	2,380,823
General Government Facilities	[a]	0.034	Per Square Foot	3,480,736	118,345
General Park Fee/Quimby	[a]	0.006	Per Square Foot	3,480,736	21,581
A.V. Fire Fees	[a]	0.089	Per Square Foot	3,480,736	309,786
Transportation Impact Fees	[a]	0.169	Base & Per Square Foot	3,480,736	586,939
Subtotal Estimated Development Impact Fees: \$					3,817,758

Footnotes:

(a) Fee amounts and units of measure per the Town of Apple Valley Schedule J - Development Impact Fees FY 23-24. Fees escalate yearly by the increase in the Engineering News Record Construction Cost Index, Los Angeles Average.

Appendix D: Fair Share – Traffic Summary of Improvements

**Fair Share - Traffic
Summary of Improvements**

#	Intersection Location	Jurisdiction	Opening Year Cumulative (2029)		Improvements included in Fee Program (1)	Project Responsibility (2)	Fair Share % (3)
			Without Project	With Project			
1	Quarry Rd. & I-15 SB Ramps	County, Caltrans	Add NB right turn lane	Same	No	Fair Share	28.50%
2	Quarry Rd. & Stoddard Wells Rd.	County	Add WB right turn lane	Same	No	Fair Share	20.80%
3	I-15 NB Ramps & Stoddard Wells Rd.	Town of Apple Valley, Caltrans	Install a traffic signal Add 2nd WB through lane Add SB left turn lane Add EB left turn lane Add WB left turn lane	Same Same Same Same Same	No No No No No	Fair Share Fair Share Fair Share Fair Share Fair Share	18.90%
4	Stoddard Wells Rd. & Johnson Rd.	Town of Apple Valley, County	Install a traffic signal Add a NB right turn lane Add WB left turn lane	Same Same Same	No No No	Fair Share Fair Share Fair Share	22.60%
5	I-15 SB Ramps & Dale Evans Pkwy.	County, Caltrans	Install a traffic signal	Same	No	Fair Share	11.60%
7	Dale Evans Pkwy. & Stoddard Wells Rd.	Town of Apple Valley, County	Install a traffic signal	Same	No	Fair Share	11.50%
8	Dale Evans Pkwy. & Quarry Rd.	Town of Apple Valley, County	Install a traffic signal Add NB left turn lane Add SB left turn lane	Same Same Same	No No No	Fair Share Fair Share Fair Share	11.50%
9	Dale Evans Pkwy. & Johnson Rd.	Town of Apple Valley, County	Install a traffic signal Add 2nd NB through lane Add 2nd SB through lane Add 2nd EB through lane Add 2nd WB through lane Add EB left turn lane Add WB left turn lane	Same Same Same Same Same Same Same	No No No No No No No	Fair Share Fair Share Fair Share Fair Share Fair Share Fair Share Fair Share	20.80%
10	Dale Evans Pkwy. (West) & Waalew Rd.	Town of Apple Valley	Install a traffic signal	Same	No	Fair Share	17.80%
11	Dale Evans Pkwy. (East) & Waalew Rd.	Town of Apple Valley	Install a traffic signal	Same	No	Fair Share	15.90%
12	Central Rd. & Johnson Rd.	Town of Apple Valley, County	Install a traffic signal Add NB left turn lane Add SB left turn lane Add EB left turn lane Add WB left turn lane Add 2nd NB left turn lane Add SB right turn lane	Same Same Same Same Same Same Same	No No No No No No No	Fair Share Fair Share Fair Share Fair Share Fair Share Fair Share Fair Share	37.50%
13	Central Rd. & Gustine Rd.	Town of Apple Valley, County	None	Install a traffic signal	No	Construct	-
14	Central Rd. & Waalew Rd.	Town of Apple Valley	Install a traffic signal	Same	No	Fair Share	24.60%

Footnotes:

Per Summary of Improvements per Lake Creek Logistics Center Traffic Analysis by Urban Crossroads dated October 31, 2024.

(1) Improvements included in the Town of Apple Valley DIF program.

(2) Identifies the Project's responsibility to construct an improvement or contribute fair share or fee payment towards the implementation of the improvements shown.

(3) Program improvements constructed may be eligible for fee credit, at discretion of the Town. See Table 6-1 for Fair Share Calculations.