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June 23, 2026

Via Email and Overnight Delivery

Town of Apple Valley

Attn: David Contreras, Director of Planning

Attn: Richard Hirsch, Contract Planner

Community Development Department

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Apple Valley, CA 92307

Emails: planning@applevalley.org

rhirsch@interwestgrp.com

Re: Comments on Final Initial Study/Mitigated Negative Declaration Green Trucking Solutions Cold Storage Project (SCH No. 2023080221; SPR 2022-002; CUP 2023-005)

Dear Mr. Contreras, Mr. Hirsch:

On behalf of Californians Allied for a Responsible Economy ("CARE CA"), we submit these comments on the Final Initial Study / Mitigated Negative Declaration ("Final MND") prepared by the Town of Apple Valley ("Town") for the Green Trucking Solutions ("GTS") Cold Storage Project (SPR 2022-002, CUP 2023-005, SCH No. 2023080221) ("Project")¹, proposed by Green Trucking Solutions, LLC ("Applicant"). The Project proposes construction of a 354,260-square-foot cold storage warehouse building, including two 2-story office areas, an electrical and fire pump building, and 371 parking spaces for automobiles and trucks to be located on an 18.78-acre site on the northwest corner of Navajo Road and Lafayette Street, in Apple Valley California.² Project construction is expected to last approximately 16 months.³

¹ Town of Apple Valley, Final Initial Study/Mitigated Negative Declaration, GTS Cold Storage Project ("FMND" or "Responses to Comments") (May, 2026), available at: <https://applevalley.org/wp-content/uploads/2026/02/green-trucking-solutions-cold-storage-center-site-plan-review-2022-002-final-initial-study-and-mitigated-negative-declaration.pdf>; Town of Apple Valley, Recirculated Subsequent Initial Study/Mitigated Negative Declaration, GTS Cold Storage Project ("RMND") (January 6, 2026), available at: <https://ceqanet.lci.ca.gov/2023080221/2/Attachment/hiCzLD>.

² RMND, p. 8.

³ *Id.* at 36.

CARE CA submitted comments on the original MND in 2023, and on the Recirculated Initial Study / Mitigated Negative Declaration (“RMND”) in March 2026, both times asking the Town to prepare an environmental impact report (“EIR”) to comply with the California Environmental Quality Act (“CEQA”).⁴ In May 2026, the Town instead released the Final MND, which includes responses to comments (“Responses”) submitted by CARE CA, its experts, and other members of the public. CARE CA’s review of the Final MND confirms that the Town still has not complied with CEQA or applicable land use laws.

The comments of CARE CA and other members of the public identified major errors and omissions in the Town’s analysis of the Project’s environmental and public health impacts. The majority of these errors have not been corrected. CARE CA’s experts presented the Town with substantial evidence supporting a fair argument that the Project’s operation will result in significant, unmitigated air quality, greenhouse gases (“GHG”), public health, transportation, and land use impacts. Under CEQA’s fair argument standard, the Town was required to prepare an EIR where, as here, substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment.⁵ The Town failed to prepare an EIR. The Town also continues to rely on a hidden health risk analysis which it promised to provide for public review, but continues to withhold despite multiple requests. CEQA prohibits such reliance on hidden studies to support the lead agency’s analysis.⁶

On June 3, 2026, the Town issued a Notice of Pending Land Use Decision. The Notice states that, following the 20-day notice period, the Planning Director will approve, deny, request modifications to the Project or refer the Project to the Town Planning Commission for further consideration.⁷ As discussed herein, the Town lacks substantial evidence to support the findings required to approve the Project, and has not complied with CEQA. The Town may not approve the Project

⁴ Pub. Resources Code (hereinafter “PRC”) §§ 21000 et seq.; 14 Cal. Code Regs (hereinafter “CCR” or “CEQA Guidelines”) §§ 15000 et seq.

⁵ *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928.

⁶ *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3rd 818, 831 (“Whatever is required to be considered in an EIR must be in that formal report; what any official might have known from other writings or oral presentations cannot supply what is lacking in the report.”); *Cal. Clean Energy Comty. v. City of Woodland* (2014) 225 Cal. App. 4th 173, 194 (CEQA does not allow delegation of responsibility to assess environmental impacts to another party subject to approval of staff without the underlying information).

⁷ Town of Apple Valley, Notice of Pending Land Use Decision, Director Decision - Site Plan Review (SPR) 2022-002, Green Trucking Solutions Cold Storage Project (June 3, 2026), <https://applevalley.org/wp-content/uploads/2026/06/green-trucking-solutions-cold-storage-project-site-plan-review-2022-002-notice-of-pending-land-use-decision.pdf>.

June 23, 2026

Page 3

until the Town prepares an EIR that accurately discloses and mitigates the Project's significant environmental and public health impacts.

Additionally, the Project's proposed entitlements include a Conditional Use Permit, which requires Planning Commission approval, rather than Director approval.

CARE CA respectfully requests that the Planning Director remand the Project to Staff to prepare an EIR and refer the Project to the Planning Commission for a public hearing once environmental review is complete.

CARE CA reviewed the Responses with the assistance of environmental health, air quality, and GHG expert Dr. James Clark, Ph.D., and transportation expert Norman Marshall of Smart Mobility. Comments of Dr. Clark are attached to this letter as Exhibit A.⁸ Mr. Marshall's comments are included as Exhibit B.⁹ CARE CA reserves the right to provide supplemental comments at any and all later proceedings related to this Project.¹⁰

I. SUMMARY OF COMMENTS

CEQA requires the lead agency to prepare an EIR "whenever substantial evidence supports a fair argument that a proposed project may have a significant effect on the environment."¹¹ CARE CA's experts provided substantial evidence supporting a fair argument that the Project results in significant, unmitigated air quality, public health, hazards, GHG emissions, transportation, and land use impacts which required the Town to prepare an EIR for the Project pursuant to CEQA.¹² Rather than comply with CEQA and prepare an EIR, the Town released the Final MND, which contains Staff's responses to public comments. The Responses lack supporting evidence, disagree with CARE CA's experts, deny obvious informational defects, and still fail to mitigate significant impacts. The

⁸ **Exhibit A:** Dr. James Clark, Rebuttal to the Town of Apple Valley's Responses to Comments on the Final Initial Study/Mitigated Negative Declaration (FIS/MND) for the GTS Cold Storage Project (SPR2022-002) (June 3, 2026) ("Clark Comments").

⁹ **Exhibit B:** Norman Marshall, GTS Cold Storage Project (June 11, 2026) ("Marshall Comments").

¹⁰ Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

¹¹ *Laurel Heights Improvement Assn. v. Regents of University of California*, 6 Cal.4th at 1123; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928.

¹² PRC §§ 21000 et seq.; 14 CCR §§ 15000 et seq. *Laurel Heights Improvement Assn. v. Regents of University of California*, 6 Cal.4th at 1123.

Responses do not resolve the issues raised by CARE CA and its experts. This is precisely the situation in which CEQA requires an EIR to be prepared.

First, there is substantial evidence supporting a fair argument that the Project will result in significant air quality, GHG, and health risk impacts from trucking. The Final MND's reliance on a 40-mile truck trip remains unsupported because the most common sources of warehoused goods in the region, including major freight transfer points, food producing areas, food-processing facilities, and population centers, range from 90-500 miles from the Project site, with distances of 115 miles (ports) and 150 miles (agricultural centers) being likely high-volume trip distances, according to Mr. Marshall.¹³ Mr. Marshall's comments demonstrate that the Town's assumption of a 40-mile truck trip average in this location is unsupported by any evidence in the record.

When accounting for reasonably foreseeable truck trip distances, incorporating port-bound traffic, Dr. Clark estimated that the Project's air pollutant emissions would nearly triple for daily diesel particulate matter and oxides of nitrogen emissions compared to the RMND's estimates. The Project's air quality, GHG, health risk, and transportation impacts were substantially underestimated in the RMND, and the Responses to nothing to correct these errors.

Second, Dr. Clark's comments on the RMND provided substantial evidence supporting a fair argument that the Project's health risk from exposure to construction and operational air emissions is significant and unmitigated. Dr. Clark performed an independent health risk analysis, using the same emission inputs used in the RMND, and calculated a lifetime cancer risk of approximately 116 in one million at the nearest sensitive receptor. This is more than eleven times the MDAQMD significance threshold of 10 in one million, resulting in significant impact which the mitigation measures in the RMND do not adequately mitigate.

In response, the Final MND states that the Town performed its own health risk analysis which reached a different conclusion than Dr. Clark. However, the Final MND does not include the health risk analysis or the supporting data that the Town purportedly prepared to reach this conclusion. The Responses state: "The Town will supplement the RMND with an attachment documenting the screening HRA calculations, including emission rates, screening dispersion factors, exposure assumptions (including age sensitivity factors and fraction of time at home values), and the resulting ground-level concentrations and cancer risk values."¹⁴ But this data has not been provided for public review, as required by law. CARE CA

¹³ Marshall Comments, p. 4.

¹⁴ FMND, p. 324.

submitted separate record requests seeking access to the Town's health risk analysis and supporting data. The Town failed to provide access to any of these documents in response to CARE CA's requests. The Final MND therefore relies on a hidden study that has not been provided to the public to support the Final MND's conclusion that the Project would not result in significant, unmitigated public health and air quality impacts. The Final MND's conclusions remain unsupported by evidence in the record, as required by CEQA.

Third, the Final MND still fails to adequately mitigate public health impacts from potential Valley Fever exposure during Project construction. The Responses recognize that instances of Valley Fever have increased in recent years, from 1.18 per 100,000 in 2016 to 10.5 per 100,000 as of May 2025.¹⁵ But, as Dr. Clark's comments demonstrate, the Final MND fails to incorporate all feasible mitigation to reduce impacts from Valley Fever to nearby sensitive receptors, leaving this significant impact inadequately mitigated.

Fourth, the RMND failed to analyze the reasonably foreseeable battery energy storage ("BESS") and backup generator systems which will be necessary for Project operation, and the Responses fail to correct this omission. The Project is required to have a photovoltaic ("PV") system pursuant to the Energy Code Section 701.3.1.¹⁶ "All buildings that are required by Section 701.3.1 to have a PV system shall also have a BESS."¹⁷ The Project is required by state law to include a BESS, but the Final MND fails to analyze the Project's BESS. Dr. Clark's comments demonstrated that generators will be necessary during PSPS events to prevent spoilage of millions of dollars of temperature sensitive inventory. Therefore, generators are a reasonably foreseeable Project component which must be analyzed in accordance with CEQA. Dr. Clark's comments demonstrated that these BESS and generators would result in significant air pollutant emissions, GHG emissions, and public health impacts which neither the RMND nor the Final MND disclose or mitigate.

Fourth, the RMND failed to analyze significant transportation impacts associated with inbound Port truck trips and significantly underestimates the truck trips distance associated with Project operation. The Town's failure to accurately estimate Project truck trip lengths resulted in the RMND significantly underestimating the Project's generated vehicle miles travelled ("VMT"). Using accurate inputs, Mr. Marshall calculated that Project VMT impacts are nearly three

¹⁵ Responses to Comments, p. 103.

¹⁶ Cal. Energy Code § 701.3.1.

¹⁷ Cal. Energy Code § 701.3.2.

times the Town's threshold. The Project's significant VMT impacts must be analyzed in an EIR in accordance with CEQA.

Fifth, the Project requires approval of Conditional Use Permit CUP 2023-005 by the Planning Commission. Conditional Use Permits must be reviewed by the Planning Commission concurrently with environmental review and all necessary permits for Project approval in a noticed public hearing. The Planning Director's approval of Site Plan Review SPR 2022-002 without concurrent review of the Project's Conditional Use Permit CUP 2023-005 would violate the Municipal Code.

For all these reasons, the Final MND is wholly inadequate under CEQA. The Town must remand the Project to Staff to prepare a legally adequate EIR, and require the Planning Commission to hold a public hearing when the Project is ultimately considered for approval.

II. THE TOWN HAS NOT COMPLIED WITH CEQA

A. The Town is Withholding RMND Reference Documents, in Violation of CEQA and the Public Records Act

The Final MND bases its conclusion regarding the Project's health risk from exposure to air emissions on a Health Risk Assessment ("HRA"), which has not been provided to the public and which the Town confirmed via email is in the CEQA consultant's possession. The Final MND promised that "[i]f those calculations demonstrate that any threshold may be approached, a refined HRA will be prepared."¹⁸ The Town has not produced the HRA or its underlying calculations to confirm or deny whether the Town's assessment of the need for further health risk analysis is based on substantial evidence. The Final MND therefore currently relies on a hidden study that has not been provided to the public to support the Final MND's conclusion that the Project would not result in significant, unmitigated public health and air quality impacts.

CARE CA previously submitted requests for access to RMND reference documents as well as Public Records Act ("CPRA") requests, followed by email correspondence with Town staff specifically requesting access to the health risk analysis referenced in the RMND and Final MND. The Town is in violation of CEQA and the CPRA for failing to provide access to this study.

CEQA requires that "all documents referenced" – and the CEQA Guidelines require that "all documents incorporated by reference" – in a mitigated negative

¹⁸ Final MND, p. 325.

declaration shall be “readily accessible to the public during the lead agency’s normal working hours” during the entire public comment period.¹⁹ Further, a CEQA document may not rely on hidden studies or documents that are not provided to the public.²⁰ The Town is in violation of these requirements because the Town has failed to provide Residents with access to all RMND reference documents despite timely requests for access made in February 2026,²¹ March 2026^{22,23}, and subsequent June 2026 requests.²⁴

On February 4, 2026, CARE CA submitted a request for immediate access to all documents referenced or relied upon in the RMND²⁵, as well as a request for immediate access to all public records related to the Project.²⁶ The first request was made pursuant to the Public Resources Code § 21092(b)(1), which requires that all documents *referenced* in an environmental review document be made available to the public for the entirety of the public review period. The second request was made pursuant to Government Code § 7922.525, which requires public records to be “open to inspection at all times during the office hours of the state or local agency” and provides that “every person has a right to inspect any public record.”²⁷

On March 24, 2026, CARE CA submitted a request for request a copy of any and all records related to the Project.²⁸ This request included, but was not limited to, any and all file materials, correspondence, resolutions, memos, notes, analysis, email messages, files, maps, charts and any other documents related to the

¹⁹ Pub. Resources Code § 21092(b)(1); 14 C.C.R. § 15072(g)(4); see *Ultramar v. South Coast Air Quality Man. Dist.* (1993) 17 Cal.App.4th 689, 699.

²⁰ *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3rd 818, 831 (“Whatever is required to be considered in an EIR must be in that formal report; what any official might have known from other writings or oral presentations cannot supply what is lacking in the report.”).

²¹ **Exhibit C** – Letter from ABJC to Town of Apple Valley Re: Request for Immediate Access to Documents Referenced in the Recirculated Subsequent Initial Study/Mitigated Negative Declaration - Green Trucking Solutions Cold Storage Project (SCH No. 2023080221; Site Plan Review No. SPR2022-002) (Feb. 4, 2026):

²² **Exhibit D** – Letter from ABJC to Town of Apple Valley Re: Request for Immediate Access to Public Records – Green Trucking Solutions Cold Storage Project (SCH No. 2023080221; Site Plan Review No. SPR2022-002) (Feb. 4, 2026).

²³ **Exhibit E** – Letter from ABJC to Town of Apple Valley Re: Public Records Act Request – Green Trucking Solutions Cold Storage Project (SCH No. 2023080221; Site Plan Review No. SPR2022-002) (March 24, 2026).

²⁴ **Exhibit F** – ABJC emails with Town regarding HRA calculations (June 2026).

²⁵ Exhibit C.

²⁶ Exhibit D.

²⁷ Government Code § 7922.525.

²⁸ Exhibit E.

Project.²⁹ This request also included, but was not limited to, all comments received on the Recirculated Subsequent Initial Study/Mitigated Negative Declaration.³⁰

On May 28, 2026, the Town released the Final MND, which states:

[T]o provide additional transparency, the Town will supplement the RMND with an attachment documenting the screening HRA calculations, including emission rates, screening dispersion factors, and resulting ground-level concentrations.³¹

This documentation was not attached to the Final MND.

On June 12, 2026, CARE CA submitted a request via email to the Town again requesting a copy of the “attachment documenting the screening HRA calculations, including emission rates, screening dispersion factors, exposure assumptions (including age sensitivity factors and fraction of time at home values), and the resulting ground-level concentrations and cancer risk values” referenced in the Final MND.³²

The Town replied to CARE CA’s request for the HRA calculations on June 15, 2026. Consulting Planner for the Town stated by email that the HRA was with the environmental consultant’s team: “I am contacting the applicant team regarding your request and we will send the requested items once they are available.”³³ On June 16, 2026, CARE CA requested clarification regarding whether the Town could “please advise when the document we’ve requested will be provided.”³⁴ On June 16, 2026, Town staff stated that “The applicant team is currently working on it. I do not have a date for you”³⁵ indicating that the HRA may not have even been prepared yet.

To date, the Town has not released the HRA or supporting calculations for public review. The Final MND therefore relies on evidence that is not available for public review, in violation of CEQA.

²⁹ Exhibit E.

³⁰ Exhibit E.

³¹ Final MND, p. 11.

³² Exhibit F, p. 3.

³³ Exhibit F, p. 2.

³⁴ Exhibit F, p. 1.

³⁵ *Id.*

i. CEQA Requires Disclosure of the HRA

The Town is in ongoing violation of CEQA's requirement to provide access to documents referenced and relied upon in the Final MND. CEQA requires that "all documents referenced" – and the CEQA Guidelines require that "all documents incorporated by reference" – in a mitigated negative declaration shall be "readily accessible to the public during the lead agency's normal working hours" during the entire public comment period.³⁶ CEQA further requires the environmental document to reflect the independent judgment of the lead agency, and prohibits delegation of responsibility to assess environmental impacts to another party subject to approval of staff without the underlying information.³⁷

The Town's assertion that it cannot provide access to the HRA or supporting calculations because they are in the possession of the CEQA consultant is contrary to law. Under CEQA, "an agency has constructive possession of records if it has the right to control the records, either directly or through another person," which includes records held by the lead agency's environmental consultant that are referenced in the environmental review document.³⁸ Records under the direct or constructive possession of the lead agency are part of the CEQA administrative record.³⁹ The California Supreme Court in *City of San Jose v. Superior Court* similarly held that "records related to public business are subject to disclosure if they are in an agency's actual or constructive possession."⁴⁰

CEQA also prohibits the lead agency from relying on hidden studies to support its significance conclusions. A CEQA document may not rely on hidden studies or documents that are not provided to the public.⁴¹ Here, the Final MND relies on the HRA calculations to support the Town's air quality and health risk analysis, and to support the Final MND's conclusions that air quality, hazards and public health impacts would be less than significant. The Director and the Planning Commission cannot make a decision on the Project absent a complete picture of the Project's health risk impacts.

³⁶ Pub. Resources Code § 21092(b)(1); 14 C.C.R. § 15072(g)(4); see *Ultramar v. South Coast Air Quality Man. Dist.* (1993) 17 Cal.App.4th 689, 699.

³⁷ Cal. Clean Energy Comty., 225 Cal. App. 4th at 194.

³⁸ *Consolidated Irrigation District v. Superior Court* (2012), 205 Cal.App.4th 697, 710, as modified on denial of reh'g (May 23, 2012).

³⁹ *Id.*; Pub. Resources Code § 21092(b)(1).

⁴⁰ *City of San Jose v. Superior Court* (2017) 2 Cal. 5th 608, 622-623.

⁴¹ *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3rd 818, 831 ("Whatever is required to be considered in an EIR must be in that formal report; what any official might have known from other writings or oral presentations cannot supply what is lacking in the report.").

The Town's failure to disclose its HRA and supporting calculations renders the Final MND's analysis and impact conclusions unsupported by substantial evidence. The Town must correct these violations by immediately providing public access to the HRA calculations, including emission rates, screening dispersion factors, exposure assumptions (including age sensitivity factors and fraction of time at home values), and the resulting ground-level concentrations and cancer risk values, and preparing, in order to demonstrate that results are below all applicable MDAQMD thresholds.

ii. The Public Records Act Requires Disclosure of the HRA and Supporting Data

The Town is in violation of CPRA disclosure requirements, and has not provided any legal basis to exempt the Town from disclosure of the HRA or supporting data. Under the CPRA, upon request, any public agency must make publicly available for inspection and copying any record that it prepared, owns, uses, or retains that is not subject to the CPRA's statutory exemptions to disclosure.⁴²

Before withholding any record responsive to a valid request under the CPRA, the agency must "demonstrat[e] that the record in question is exempt under express provisions ... or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record."⁴³ The Town has not presented any evidence that the HRA and supporting calculations are exempt from disclosure, nor could it, because they form the basis of the Town's health risk analysis in the Final MND and the Town promised the public that the HRA would be disclosed with the Final MND, which it was not.

Dr. Clark's independent health risk analysis calculated that the Project results in significant unmitigated health risk impacts, and a cancer risk which exceeds MDAQMD significance thresholds. **Dr. Clark calculated a lifetime cancer risk of approximately 116 in one million at the nearest sensitive receptor to the Project site.⁴⁴ This cancer risk is more than eleven times the MDAQMD significance threshold of 10 in one million.⁴⁵** The Project results in a significant cancer and health risk which the RMND failed to analyze or mitigate. As substantial evidence demonstrates that health risk impacts are

⁴² Gov. Code, § 6253.

⁴³ Gov. Code, § 6255.

⁴⁴ Clark Comments, p. 6.

⁴⁵ Clark Comments, p. 6.

significant, the Town must circulate a legally compliant EIR which analyzes and mitigates the Project's significant health risk and cancer impacts.

III. SUBSTANTIAL EVIDENCE SUPPORTS A FAIR ARGUMENT THAT THE PROJECT WILL HAVE SIGNIFICANT, UNMITIGATED AIR QUALITY IMPACTS

Substantial evidence in CARE CA's comments and those of its expert consultant supports a fair argument that the Project would result in significant, unmitigated air quality impacts requiring preparation of an EIR. Under the fair argument standard, if there is *any* substantial evidence the project *may* have a significant impact – and regardless of the existence of other substantial evidence to the contrary – an MND is improper and an EIR *must* be prepared.⁴⁶

A. The Final MND Fails to Address the Project's Significant Operational Air Impacts

The RMND relied on an unsupported 40-mile truck trip assumption for analyzing air quality, health risk, GHG, and transportation impacts. But, as both Mr. Marshall and Dr. Clark commented, reasonably foreseeable warehouse truck trips are likely to involve trips to and from the ports, including the Ports of Long Beach and Port of Los Angeles, each approximately 115 miles from the Project site. These experts concluded that RMND's reliance on the 40-mile average trip length significantly underestimated actual trips to and from the Project site, resulting in underestimated air quality and transportation impacts. According to Dr. Clark, replacing the 40-mile assumption with the well-supported average of port-linked facilities, approximately 80 to 115 miles, would double or nearly triple modeled daily diesel particulate matter ("DPM") and oxides of nitrogen ("NOx") emissions compared to the RMND's estimates.⁴⁷ CARE CA's experts concluded that truck trips to and from the ports would result in a significant impact under CEQA which the RMND failed to analyze.

Rather than updating its truck trip analysis based on CARE CA's comments, the Responses double down on the RMND's original conclusion that "The weighted average of all truck trips — including local, regional, and port-bound trips — is reflected in the 40-mile assumption."⁴⁸ This conclusion is not supported by substantial evidence in the record, and was rebutted by substantial evidence from Dr. Clark and Mr. Marshall which demonstrated that the Ports of Long Beach and

⁴⁶ *Upland Community First v. City of Upland* (2024) 105 Cal.App.5th 1, 15.

⁴⁷ Clark Comments, p. 4.

⁴⁸ Responses to Comments, p. 9.

Los Angeles are reasonably foreseeable refrigerated truck trip origins for the Project. This disagreement requires preparation of an EIR under the fair argument standards.

The Town's assertion that "[a] weighted average of 40 miles is reasonable and conservative"⁴⁹ is unsupported. This conclusion does not comport with the NCST study cited by Dr. Clark which found that 56% of Southern California Association of Government ("SCAG") region facilities receive goods from the Ports. The Responses do not rebut the NCST that 56% of SCAG region facilities receive goods from the Ports, and 44% do not.⁵⁰ The Responses state that "approximately 50% deliver to Southern California warehouses, retail stores, or manufacturing plants, many of which are located much closer than the ports."⁵¹ The Responses do not document that the distances of these assumed local trips would average out to 40 miles when combined with other warehouse trip origin and destination trips. Moreover, the locations of these local delivery sites would have to be extremely close to the Project site to support reliance on a 40-mile average given the substantially longer distances of the non-local trips to ports and other warehouse suppliers.⁵² Therefore the 40-mile average is not supported by substantial evidence.

Mr. Marshall's comments provide substantial evidence that "there are few significant freight origins and destinations (freight transfer points, food-processing facilities, and/or population centers) within 40 miles of the proposed warehouse."⁵³ Furthermore, Mr. Marshall's comments provide that "A longer average truck trip length should be developed based on likely origins and destinations."⁵⁴ Mr. Marshall states that the truck trip average "should include the ports (approximately 115 miles distant), Central Valley agricultural areas (150-500 miles distant), major population centers (e.g. Los Angeles 90 miles distant), and Class 1 railyards (closest ones 30-60 miles distant)."⁵⁵

According to Mr. Marshall, in order to justify a 40-mile average truck trip distance, it must be demonstrated that the excess mileage from longer trips will be offset by shorter trips.⁵⁶ For example, a single 150-mile truck trip from the Bakersfield area would need to be offset by three implausibly short 3-mile truck

⁴⁹ Responses to Comments, p. 105.

⁵⁰ Responses to Comments, p. 105.

⁵¹ Responses to Comments, p. 105.

⁵² Marshall Comments, p. 4.

⁵³ Marshall Comments, p. 2.

⁵⁴ Marshall Comments, p. 4.

⁵⁵ Marshall Comments, p. 4.

⁵⁶ Marshall Comments, p. 4.

trips to justify a 40-mile average truck trip.⁵⁷ Regional maps also confirm that there are no grocery stores within three miles of the Project site.⁵⁸ The Final MND lacks supporting evidence for its trip assumptions.

Mr. Marshall's comments provide substantial evidence that **“[a] 40-mile average truck trip distance appears to be impossible for this project in this location,** and certainly should not be asserted without a plausible explanation.”⁵⁹ As the Final MND fails to include a plausible explanation accounting for the 40-mile average, the Project's analysis of truck trips is unsupported by substantial evidence. This renders the RMND's entire air quality, health risk, GHG, and transportation analysis unsupported by substantial evidence.

Comments from the South Coast Air Quality Management District (“SCAQMD”) on this precise issue for other regional warehouse projects demonstrates that the Project's distance to the Ports should be accounted for in analyzing air quality impacts. The following three case studies from other warehouse projects in the same region demonstrate that SCAQMD recommends reliance on an average distance to the Port, or 70 miles average, where it is reasonably foreseeable that Projects' trips will be Port-bound.

In a similar project, the Hemlock Warehouse Development Project, SCAQMD recommended that, given's 70-mile distance to the Ports of Los Angeles and Long Beach, the Draft EIR risked “underestimating truck emissions due to the shorter distance...analyzed in the Draft SEIR.”⁶⁰ SCAQMD recommended that the Lead Agency revise the truck emissions analysis using the more conservative trip length between 40 to 70 miles, of which 40 miles could be used for local and 70 miles for Port trips.⁶¹

In the Rider and Patterson Business Center Project, SCAQMD also commented that the DEIR's reliance on a 40-mile truck trip was unsupported.⁶² The Proposed Project site, however, is located approximately 70 miles from the

⁵⁷ Marshall Comments, p. 4.

⁵⁸ Google Maps, 2026.

⁵⁹ Marshall Comments, p. 4.

⁶⁰ South Coast Air Quality Management District, Draft Subsequent Environmental Impact Report for the Hemlock Warehouse Development Project (Proposed Project) (SCH No.: 2009091089) (Nov. 22, 2023), <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2023/november-2023/SBC231011-05.pdf>.

⁶¹ *Id.*

⁶² Letter from SCAQMD to Riverside County Planning Department, Draft Environmental Impact Report (EIR) for the Rider and Patterson Business Center Project (Feb. 9, 2024), <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2024/february/RVC240104-02.pdf>.

Ports of Long Beach and Los Angeles, such that the air quality analysis underestimated emissions from trucks traveling from the Ports to the Proposed Project site. For this reason, Staff recommended the Lead Agency apply more conservative trip lengths such as 40 miles for local trips and 70 miles for Port-related trips.

Finally, SCAQMD commented in the First Industrial Logistics at Harley Knox and Indian Project, that the DEIR underestimated emissions due to a reliance on a 40-mile truck trip distance.⁶³ The DEIR's air quality impact analysis was based on the assumption that the average truck trip length is 40 miles.⁶⁴ However, the project site is located 75 to 80 miles away from the Ports of Long Beach and Los Angeles which means that the air quality analysis underestimated the emissions from trucks traveling from the Ports to the project site.⁶⁵ For this reason, SCAQMD recommended that the City revise the calculations in the Final EIR by taking a project-specific approach to the vehicle trip length and trip rates by applying more conservative trip lengths such as designating 40 miles for local trips and 80 miles for Port-related trips.⁶⁶ "Tailoring these parameters and assumptions to be based on project-specific data will ensure a more accurate assessment of emissions, accounting for the unique circumstances and logistical realities of the Proposed Project."⁶⁷

Based on the above, the Final MND's conclusion that "[t]he weighted average of all truck trips – including local, regional, and port-bound trips – is reflected in the 40-mile assumption" is not supported by substantial evidence.⁶⁸ Furthermore, Dr. Clark's comments provide additional substantial evidence that refrigerated warehouse generate higher frequency, higher turnover freight activity and result in "port-supplied, temperature sensitive commodity flows rather than slow-turnover local distribution."⁶⁹ Dr. Clark cites to numerous studies which demonstrate that this Project is likely to receive "imported, port-origin commodities rather than purely "local" agricultural or grocery sources."⁷⁰ For example, imported frozen and

⁶³ Letter from South Coast Air quality Management District to City of Perris, Draft Environmental Impact Report (DEIR) for the First Industrial Logistics at Harley Knox and Indian (Proposed Project) (SCH No: 2025051368) (Jan. 23, 2026), <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2026/january-2026/rvc251211-04-deir-first-industrial-logistics-at-harley-knox-and-indian-project.pdf>.

⁶⁴ *Id.* at 2.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.* at 3.

⁶⁸ Responses to Comments, p. 9.

⁶⁹ Clark Comments, p. 6.

⁷⁰ Clark Comments, p. 6.

chilled seafood requires cold chain handling from the point of port entry through inland cold storage and ultimately to retail and foodservice distribution, according to Dr. Clark.⁷¹ Dr. Clark's comments provide substantial evidence demonstrating that "San Bernardino County accounts for nearly a third of regional freight network mileage [which] is a reasonably foreseeable node in this port-to-inland cold chain, not merely a terminus for locally grown produce or grocery chain redistribution."⁷² Based on this, heavy duty truck trips from the Ports of Los Angeles and Long Beach are reasonably foreseeable trip origins for trucks bound for the Project site.

Further, Dr. Clark comments that, even without port origins, "California's major fresh produce growing regions — the Central Valley, Salinas Valley, and Imperial Valley — are themselves located well beyond a 40-mile radius of the Apple Valley site, and distribution to and from those growing regions would also generate refrigerated truck trip lengths inconsistent with the Town's assumed average."⁷³ Dr. Clark writes that "[t]he Town has not provided substantial evidence, such as an origin-destination survey of comparable cold storage tenants in the High Desert subregion, to support its qualitative assertion that the trip-length mix favors local and regional movements over port-linked or extended agricultural-region movements."⁷⁴

Therefore, the Final MND's analysis with respect to truck trips remains unsupported by substantial evidence. The air quality analysis should be based on the reasonably foreseeable trips to the Ports, accounting for the approximately 115-mile trip from the Ports, averaged with the delivery lengths of the actual Project.

As detailed herein and in Dr. Clark's expert consultant report, replacing the 40-mile assumption with the evidentiary supported average of port-linked facilities, approximately 80 to 115 miles, would double or nearly triple modeled daily DPM and NOx emissions compared to the RMND's estimates.⁷⁵ Truck trips from the Port result in a significant impact under CEQA which the RMND failed to analyze or mitigate. This analysis must be incorporated into an EIR circulated for public review and scrutiny.

⁷¹ Clark Comments, p. 6.

⁷² Clark Comments, p. 7.

⁷³ Clark Comments, p. 7.

⁷⁴ Clark Comments, p. 8.

⁷⁵ Clark Comments, p. 4.

B. Substantial Evidence Supports a Fair Argument that the Project Results in Significant, Unmitigated Health Risk Impacts

The Responses fail to resolve the RMND's failure to adequately analyze the Project's significant health risk impacts from exposure to construction and operational air emissions. The Responses promised that "The Town will supplement the RMND with an attachment documenting the screening HRA calculations, including emission rates, screening dispersion factors, exposure assumptions (including age sensitivity factors and fraction of time at home values), and the resulting ground-level concentrations and cancer risk values."⁷⁶ The Responses assert that "[t]his will confirm the methodology is consistent with OEHHA guidance and demonstrate that results are below all applicable MDAQMD thresholds."⁷⁷ But, the Town has not provided the HRA or its attachments for public review to determine whether the RMND relied on health risk modeling which complies with OEHHA guidance and demonstrates that the Project's health risk are less than MDAQMD thresholds. This violates CEQA.

The Final MND bases its conclusion regarding the Project's health risk from exposure to air emissions on this nonexistent HRA. The Final MND also promises that "[i]f those calculations demonstrate that any threshold may be approached, a refined HRA will be prepared."⁷⁸ The Town has not produced the assessment or its underlying calculations to confirm or deny whether the Town's assessment of the need for further health risk analysis is based on substantial evidence. The Final MND therefore currently relies on a hidden study that has not been provided to the public to support the Final MND's conclusion that the Project would not result in significant, unmitigated public health and air quality impacts.

Absent this evidence, the Town's conclusions regarding the Project's health risk impacts are unsupported. Dr. Clark's comments demonstrate that the Final MND contains no documented application of any of these models, no model output, no meteorological data inputs, and no receptor grid. The Responses state that "screening dispersion factors" derived from OEHHA guidance were applied, but this documentation was not included in the circulated RMND, and the public and decision-makers were therefore unable to evaluate the methodology.⁷⁹

In fact, Dr. Clark's independent HRA calculated that the Project results in significant unmitigated health risk impacts, and a cancer risk which exceeds

⁷⁶ FMND, p. 324.

⁷⁷ Responses to Comments, p. 11, 106, 323,

⁷⁸ Final MND, p. 325.

⁷⁹ Responses to Comments, p. 11; Clark Comments, p. 7.

MDAQMD significance thresholds. Dr. Clark calculated a lifetime cancer risk of approximately 116 in one million at the nearest sensitive receptor to the Project site.⁸⁰ This cancer risk is more than eleven times the MDAQMD significance threshold of 10 in one million.⁸¹ The Project therefore results in a significant cancer and health risk which the RMND failed to analyze or mitigate.

The Responses do not dispute Dr. Clark's substantive findings, but rather attributes the difference in health risk calculation to methodological choices.⁸² But, Dr. Clark's methodological modeling choices are supported by substantial evidence, whereas the Town's are not.

The Responses state that "Dr. Clark's analysis models the entire project site as a single area source emitting continuously over 30 years, which substantially overpredicts actual exposure."⁸³ But, OEHHA explicitly instructs that a conservative screening approach should treat the site as a single area source to identify whether refined modeling is warranted.⁸⁴ Dr. Clark's approach is therefore supported by substantial evidence. Rather, it is the Town that failed to produce any health risk modeling, and therefore lacks any evidence to support the Final MND's conclusions. The Town must remand the Project to Staff and provide the public with the HRA calculations for public review and scrutiny.

C. Substantial Evidence Supports a Fair Argument that the Project Results in Significant, Unmitigated Impacts from Battery Storage

The Responses states that a BESS is not a reasonably foreseeable Project component because the 2022 California Energy Code does not require battery storage for nonresidential PV systems and the Project does not propose a BESS.⁸⁵ But pursuant to Section 701.3.2 of the Energy Code, "All buildings that are required by Section 701.3.1 to have a PV system shall also have a BESS."⁸⁶ As the Project is required to have a PV system pursuant to the Energy Code Section 701.3.1, **the Project is required to include a BESS.**

⁸⁰ Clark Comments, p. 6.

⁸¹ *Id.*

⁸² *Id.* at 9.

⁸³ Responses to Comments, p. 11.

⁸⁴ Office of Environmental Health Hazard Assessment (OEHHA). (2015). *Air Toxics Hot Spots Program Risk Assessment Guidelines: Technical Support for Exposure Assessment, Part IV*. California EPA, Sacramento. Sections 4.2–4.9, 4.34–4.38.

⁸⁵ Responses to Comments, p. 99.

⁸⁶ Cal. Energy Code Section 701.3.1 ["All newly constructed building types specified in Table 701.3-A... [including warehouse] where at least 80 percent of the floor area of the building serves one or more of these building types shall have a newly installed photovoltaic (PV) system."]

Even absent the Energy Code requirement, Dr. Clark demonstrates that BESS will be required by the Project to “bridge periods of low solar production” and to ensure maintenance of “continuous cold storage logistics.”⁸⁷ Further, Dr. Clark cites to the California Energy Commission (“CEC”) projections as substantial evidence that cold storage facilities like this Project require “BESS integration to maintain required temperature chains, avoid product loss during PSPS events, and comply with California's evolving Time-of-Use electricity pricing structures.”⁸⁸ BESS is therefore a reasonably foreseeable component of the Project, which must be analyzed.

Dr. Clark’s comments provide substantial evidence supporting a fair argument that the Project’s BESS would result in significant environmental impacts which “must be quantified and assessed against health significance thresholds.”⁸⁹ Further, Dr. Clark’s comments reiterate that the Final MND fails to analyze the potentially significant impacts from BESS fires, toxic gas release, and thermal runaway events.⁹⁰

The Responses state that the Town was not required to include battery storage in the RMND or analyze the risks of battery storage. But, as BESS are a reasonably foreseeable Project component to support Project operation, the air quality, public health and safety impacts of reasonably foreseeable BESS components must be analyzed in an EIR circulated for public review and scrutiny, in accordance with CEQA.

D. Substantial Evidence Supports a Fair Argument that the Project Results in Significant, Unmitigated Impacts from the Generators

The Responses state that the Project does not propose backup generators for warehouse refrigeration operations and that the only diesel standby equipment is the 324-hp fire pump included in the CalEEMod analysis.⁹¹ This response fails to address the reasonably foreseeable operational requirements of the Project. The Responses states that “Any future generator installation by a tenant would require MDAQMD permitting and CARB ATCM compliance.”⁹² If the Responses contemplate “future generator installation by a tenant,” such generators and their resultant environmental impacts must be analyzed in an EIR. CEQA requires that

⁸⁷ Clark Comments, p. 12.

⁸⁸ *Id.*

⁸⁹ Clark Comments, p. 12.

⁹⁰ Clark Comments, p. 13.

⁹¹ Responses to Comments, p. 98.

⁹² Responses to Comments, p. 107.

a “Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect changes in the environment which may be caused by the project.”⁹³

The Responses further state that “[t]he Project’s refrigeration system is powered by grid electricity supplemented by an on-site photovoltaic system.”⁹⁴ But, Dr. Clark’s comments demonstrate that grid electricity and the on-site photovoltaic system will not be sufficient in the event of a Public Safety Power Shutoff (“PSPS”) event. Dr. Clark’s comments demonstrate that generators will be necessary during PSPS events to prevent spoilage of millions of dollars of temperature sensitive inventory.⁹⁵ Therefore, generators are a reasonably foreseeable Project component which must be analyzed in accordance with CEQA.

Dr. Clark’s comments demonstrate that the generators will result in significant air quality, health risk, and GHG impacts which must be analyzed in an EIR. Dr. Clark’s comments state that “a backup generator adequate to serve the Project’s refrigeration load would produce meaningful quantities of DPM at the Project site - quantities that must be quantified and assessed against health significance thresholds.”⁹⁶ This analysis must be incorporated into an EIR circulated for public review and scrutiny.

E. Substantial Evidence Supports a Fair Argument that the Project Results in Significant, Unmitigated Impacts from Valley Fever

The Responses recognize that instances of Valley Fever have increased in recent years, from 1.18 per 100,000 in 2016 to 10.5 per 100,000 as of May 2025.⁹⁷ But, as Dr. Clark’s comments demonstrate, the Final MND still fails to incorporate all feasible mitigation to reduce impacts from Valley Fever to nearby sensitive receptors. The Final MND does not consider all feasible alternatives and mitigation measures, such as requiring the Applicant to offer to provide MERV-16 filtration to reduce Valley Fever impacts on the Victor Valley Community College Public Safety Training Facility.⁹⁸

Dr. Clark’s comments demonstrate that, absent this measure, Valley Fever impacts are likely to remain significant to offsite receptors.⁹⁹ The Responses

⁹³ 14 CCR § 15064 (d).

⁹⁴ Responses to Comments, p. 98.

⁹⁵ Clark Comments, p. 14.

⁹⁶ *Id.*

⁹⁷ Responses to Comments, p. 103.

⁹⁸ Clark Comments, p. 14.

⁹⁹ *Id.*

reassert that “requiring comprehensive dust control and worker protection measures during construction, including equipment cleaning, phased grading, enhanced watering, HEPA-filtered closed-cab equipment, worker training, and Valley Fever informational handouts” would substantially reduce Valley Fever exposure.¹⁰⁰ But, Dr. Clark’s comments explain that these measures are inadequate to reduce significant Valley Fever infections to **offsite** receptors, including individuals at the Victor Valley Community College Public Safety Training Facility located only 200 feet from the Project site.¹⁰¹

Further, Dr. Clark’s comments detail that “Upwind/downwind particulate monitoring at the project boundary, while a useful improvement, does not reduce exposure in real time [because] by the time monitoring detects elevated levels and triggers a halt to grading, occupants at the College will already have been exposed.”¹⁰² Absent incorporating a measure to require the Applicant to offer to provide MERV-16 filtration to Victor Valley Community College Public Safety Training Facility, Valley Fever impacts from Project construction remain significant and unmitigated.¹⁰³ The Town must circulate an EIR which adequately analyzes and mitigates the Project’s significant air quality and public health impacts from Valley Fever before the Project can lawfully proceed. If the Town believes proposing installation of MERV filtration at adjacent sites is infeasible, then the Town must identify alternative feasible mitigation to reduce the health effects of Valley Fever exposure on offsite receptors.

IV. SUBSTANTIAL EVIDENCE SUPPORTS A FAIR ARGUMENT THAT THE PROJECT WILL HAVE SIGNIFICANT UNMITIGATED TRANSPORTATION IMPACTS

The Responses fail to resolve the issues raised in CARE CA’s comments and those of its expert consultants. The Responses disregard the substantial evidence provided by CARE CA’s experts by continuing to conclude that “[a]s the distance the haul trucks will travel is unknown, it was conservatively assumed the average truck trip length would be 40 miles each way and the delivery trucks would average the CalEEMod default 7.3 miles each way.”¹⁰⁴ Based on reliance on this unsupported average, the RMND underestimated the Project’s Project truck trip lengths and severely underestimated the Project’s significant transportation impacts.

¹⁰⁰ Responses to Comments, p. 103.

¹⁰¹ Clark Comments, p. 14 - 15.

¹⁰² Clark Comments, p. 15.

¹⁰³ Clark Comments, p. 14.

¹⁰⁴ RMND, Appendix A, p. 3.

Substantial evidence in Mr. Marshall's comments demonstrate that the RMND's assumption grossly underestimated reasonably foreseeable Project truck trip lengths.¹⁰⁵ Mr. Marshall's comments explain that "[t]he assumed average truck trip length of 40 miles is too low given that the proposed site's location is distant from important truck origins and destinations, including major freight transfer points, food producing areas, food-processing facilities, and population centers."¹⁰⁶

Mr. Marshall recommends that a longer average truck trip length should be developed based on likely origins and destinations: "These should include the ports (approximately 115 miles distant), Central Valley agricultural areas (150-500 miles distant), major population centers (e.g. Los Angeles 90 miles distant), and Class 1 railyards (closest ones 30-60 miles distant)."¹⁰⁷

Mr. Marshall concludes that "[i]n order to justify a 40-mile average truck trip distance, it must be demonstrated that the excess mileage from longer trips will be offset by shorter trips. For example, **a single 150-mile truck trip from the Bakersfield area would need to be offset by three implausibly short 3-mile truck trips.**"¹⁰⁸ As detailed above, there are no grocery stores or foreseeable destinations within 3 miles of the Project site.¹⁰⁹

Mr. Marshall's comments provide substantial evidence that "**A 40-mile average truck trip distance appears to be impossible for this project in this location,** and certainly should not be asserted without a plausible explanation."¹¹⁰ The Final MND fails to include a plausible explanation to support reliance on a 40-mile average truck trip distance.

Based on the evidence detailed herein and in CARE CA's expert consultant reports, it is reasonably foreseeable that the Project will transport goods to or from the major intermodal facilities in the Southern California region, including the Ports of Los Angeles and Long Beach which are each approximately 115-miles driving distance from the Project site.¹¹¹ The Town's failure to accurately estimate Project truck trip lengths results in a significant underestimation of Project generated vehicle miles travelled ("VMT").

¹⁰⁵ Marshall Comments, pp. 2-4; Clark Comments, pp. 3-4.

¹⁰⁶ Marshall Comments, p. 2.

¹⁰⁷ Marshall Comments, p. 4.

¹⁰⁸ Marshall Comments, p. 4.

¹⁰⁹ Google Maps, 2026.

¹¹⁰ Marshall Comments, p. 4.

¹¹¹ Marshall Comments, p. 2.

The RMND significantly underestimates reasonably foreseeable truck trip lengths and commute trip lengths.¹¹² Mr. Marshall's calculated that VMT impacts from the Project would exceed the Town's threshold by triple.¹¹³ The model analysis in the RMND is unsupported by substantial evidence because the average trip lengths are unrealistically low.¹¹⁴ With longer average truck trip lengths, the Project's VMT impacts would significantly exceed VMT thresholds.¹¹⁵ Mr. Marshall's comments demonstrate that VMT impacts are significant, unmitigated, and require additional mitigation in an EIR.¹¹⁶

In addition to the RMND's inaccurate calculation of VMT, the RMND underestimates truck trip lengths, truck VMT, truck emissions, commute VMT, and commute emissions.¹¹⁷ The RMND severely underestimated the number of trips associated with Project development, which results in the direct underestimation of calculated emissions.¹¹⁸ Emissions from Project operation will therefore be more severe than analyzed in the RMND. Mr. Marshall's comments provide substantial evidence supporting a fair argument that these impacts are significant and require mitigation in an EIR to be circulated for public review and comment, before the Project can lawfully proceed.¹¹⁹

V. AN EIR IS REQUIRED BECAUSE SUBSTANTIAL EVIDENCE SUPPORTS A FAIR ARGUMENT THAT THE PROJECT RESULTS IN SIGNIFICANT, UNMITIGATED GREENHOUSE GAS IMPACTS

Substantial evidence supports a fair argument that the Project will result in significant GHG emissions impacts. The Town must prepare an EIR which incorporates feasible mitigation measures to reduce the Project's GHG emissions impacts.

GHG impacts from Project operation are significant and unmitigated. Dr. Clark's comments on the RMND provided substantial evidence that using the accurate 115-mile daily truck trip average, which accounts for trips to the Port,

¹¹² Marshall Comments, p. 4.

¹¹³ Marshall Comments, p. 4.

¹¹⁴ Marshall Comments, p. 4.

¹¹⁵ Marshall Comments, p. 4.

¹¹⁶ Marshall Comments, p. 4.

¹¹⁷ Marshall Comments, p. 4.

¹¹⁸ Marshall Comments, p. 4.

¹¹⁹ Marshall Comments, p. 4.

would result in triple the air pollutants emissions associated with the Project.¹²⁰ This increase is attributable to accurately modeled emissions of diesel particulate matter, oxides of nitrogen, and GHG from heavy-duty diesel trucks.¹²¹ This significant impact requires additional mitigation in an EIR circulated for public review and scrutiny.

Additional feasible mitigation measures were proposed by CARE CA and other commenters, but were not adopted in the Final MND. CEQA prohibits agencies from approving projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of a project.¹²²

Furthermore, as this Project tiers from the General Plan EIR, the Town must prepare an EIR because new information of substantial importance, which was not known and could not have been known at the time the previous EIR was certified shows that “[m]itigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.”¹²³

Dr. Clark’s comments demonstrate that the Project’s major source of GHG emissions are from heavy duty trucks, but the Final MND’s mitigation measures do not adequately reduce GHG emissions from heavy duty trucks.¹²⁴ Dr. Clark recommends that all the heavy duty trucks utilized by the Project should be zero-emission, not just the 20 assumed in the air quality modeling.¹²⁵ The Responses states that the Town will formalize the 20 zero-emission truck assumption as a condition of approval, or alternatively, will demonstrate that the Project’s emissions remain below all applicable MDAQMD thresholds even without this assumption.¹²⁶ The Responses also conclude that the “Town will consider whether to formalize the zero-emission truck assumption as a condition of approval to further strengthen enforceability.”¹²⁷

The Conditions of Approval should reflect the requirement for 20 zero-emission trucks, and should incorporate additional zero-emission heavy duty trucks

¹²⁰ Clark Comments, p. 4.

¹²¹ Clark Comments, p. 4.

¹²² PRC § 21002.

¹²³ CEQA Guidelines, § 15162, subd. (a)(1)-(3); see also Pub. Resources Code, § 21166.

¹²⁴ Clark Comments, p. 8.

¹²⁵ RMND, Appendix A, Attachment C, p. 62 of 63.

¹²⁶ Responses to Comments, p. 10.

¹²⁷ Responses to Comments, 322.

to adequately reduce GHG impacts. Additionally, the requirement that all TRU trucks be plug-in capable and zero-emission should be included in an EIR's Mitigation Monitoring Reporting Program.

The Responses states that “the Town will require installation of zero-emission truck charging infrastructure proportional to the number of dock doors as a condition of approval.”¹²⁸ But, Dr. Clark's comments demonstrate that this mitigation measure would only be adequate if it incorporates one Level 3 charger per dock door plus additional zero-emission charging infrastructure proportional in number to the actual number of daily truck visits.¹²⁹

Further, Dr. Clark's comments demonstrate that the Final MND does not adequately mitigate the Project's significant GHG impacts because the anti-idling measures are insufficient. The Responses states that “[s]everal of the commenters' proposed measures are already required by state regulation (e.g., CARB's anti-idling regulation limits idling to 5 minutes; the Advanced Clean Fleets regulation requires fleet electrification on a phased schedule).”¹³⁰ But, Dr. Clark's comments provide substantial evidence that compliance with CARB's anti-idling measures would not sufficiently reduce GHG impacts. The anti-idling measures are inadequate without enforcement, monitoring and reporting requirements incorporated in the mitigation measure, according to Dr. Clark.¹³¹ Dr. Clark's comments state that “voluntary compliance with anti-idling rules at warehouses is low in the absence of on-site enforcement mechanisms.”¹³² Dr. Clark cites to a 2017 study which found that voluntary anti-idling programs at logistics facilities achieved only 30–50% compliance in the absence of enforcement, while facilities with active monitoring and sign posting achieved significantly higher compliance rates.¹³³ Based on this, Dr. Clark concludes that the GHG measures proposed in the MND do not adequately mitigate the Project's significant GHG impacts.

The Town should remand the Project to prepare a legally adequate EIR which incorporates feasible mitigation measures to reduce the Project's significant GHG impacts, before the Project can be approved.

¹²⁸ Responses to Comments, p. 326.

¹²⁹ Clark Comments, p. 11.

¹³⁰ Responses to Comments, p. 14.

¹³¹ Clark Comments, p. 11.

¹³² Clark Comments, p. 11.

¹³³ Clark Comments, p. 11.

VI. THE TOWN CANNOT MAKE THE FINDINGS TO APPROVE THE PROJECT'S LAND USE ENTITLEMENTS

Where a local or regional policy of general applicability, such as an ordinance, is adopted in order to avoid or mitigate environmental effects, a conflict with that policy constitutes a significant land use impact and, in itself, indicates a potentially significant impact on the environment.¹³⁴ Any inconsistencies between a proposed project and applicable plans must be discussed in the Project's CEQA document.¹³⁵ A project's inconsistencies with local plans and policies also constitute significant impacts under CEQA.¹³⁶

A. The Director Cannot Approve the Conditional Use Permit

The Project requires approval of Conditional Use Permit CUP 2023-005.¹³⁷ On September 20, 2023, prior to the MND's recirculation, the Town scheduled a Planning Commission hearing to "approve, modify, or deny" the MND, Site Plan Review SPR 2022-002 & Conditional Use Permit CUP 2023-005 required for Project approval.¹³⁸ **Now, the Director proposes to approve the Project without a public hearing and without consideration or approval of Conditional Use Permit CUP 2023-00.**¹³⁹ The Final MND does not mention the Conditional Use Permit CUP 2023-005, or provide any indication that this approval is no longer sought.

The Planning Commission is required to hold a hearing for approval of Conditional Use Permits pursuant to Municipal Code Section 9.16.030 and 9.16.080. The Municipal Code requires that "[t]he Commission shall hold a public hearing on each application of a Use Permit it reviews..."¹⁴⁰ The Planning

¹³⁴ See *Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903.

¹³⁵ CEQA Guidelines § 15125(d); *City of Long Beach v. Los Angeles Unif. School Dist.* (2009) 176 Cal. App. 4th 889, 918; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859, 874 (EIR inadequate when Lead Agency failed to identify relationship of project to relevant local plans).

¹³⁶ *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-4, 32 Cal.Rptr.3d 177; see also, *County of El Dorado v. Dept. of Transp.* (2005) 133 Cal.App.4th 1376.

¹³⁷ RMND, p. 23.

¹³⁸ Town of Apple Valley, Notice of Intent to Adopt a Mitigated Negative Declaration and Notice of Public Hearing, Planning Commission Hearing on September 23, 2023 at 6:00 P.M. (Sept. 8, 2023), <https://applevalley.org/wp-content/uploads/2025/08/NOI-and-Public-Hearing.pdf>.

¹³⁹ Town of Apple Valley, Notice of Pending Land Use Decision, Director Decision - Site Plan Review (SPR) 2022-002, Green Trucking Solutions Cold Storage Project (June 3, 2026), <https://applevalley.org/wp-content/uploads/2026/06/green-trucking-solutions-cold-storage-project-site-plan-review-2022-002-notice-of-pending-land-use-decision.pdf>.

¹⁴⁰ Town of Apple Valley Municipal Code § 9.16.080.

Commission is authorized to approve, approve with conditions, or deny applications for Conditional Use Permits.¹⁴¹ In approving an application for a Conditional Use Permit, the Commission may impose conditions to ensure compliance with the Code.¹⁴² The Commission, not the Director, is the final decisionmaker for Conditional Use Permits.¹⁴³

Further, **the Municipal Code requires concurrent processing of environmental review with all necessary permits for Project approval.**¹⁴⁴ Municipal Code Section 9.12.100 requires that the “[p]rocessing and the environmental review should be done concurrently and the final decision on the project shall be made by the highest level of review authority.” Here, given the Project’s requirement for a Conditional Use Permit, the Project’s entitlements including the RMND, Site Plan Review SPR 2022-002 & Conditional Use Permit CUP 2023-005 require concurrent review by the Planning Commission in a Public Hearing pursuant to Municipal Code Section 9.11.020.¹⁴⁵

The Notice of Pending Land Use Decision states that “[t]he Planning Director will approve, deny, request modifications to the project or refer the project to the Town Planning Commission for further consideration.”¹⁴⁶ **The Planning Director’s approval of the Project without Planning Commission approval of the Conditional Use Permit would violate the Municipal Code and contravene CEQA.**

CEQA requires that environmental review processes run concurrently, not consecutively, with consideration of project approval.¹⁴⁷ Here, the Town’s own Municipal Code requires concurrent review of environmental impacts and permitting required. The Town is therefore required to review the Project’s entitlements including Conditional Use Permit CUP 2023-005 and Site Plan Review SPR 2022-002 concurrently in a Planning Commission hearing before the Project can lawfully proceed.

¹⁴¹ Town of Apple Valley Municipal Code § 9.16.030(A).

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ Town of Apple Valley Municipal Code § 9.12.100.

¹⁴⁵ *Id.*

¹⁴⁶ Town of Apple Valley, Notice of Pending Land Use Decision, Director Decision - Site Plan Review (SPR) 2022-002, Green Trucking Solutions Cold Storage Project (June 3, 2026), <https://applevalley.org/wp-content/uploads/2026/06/green-trucking-solutions-cold-storage-project-site-plan-review-2022-002-notice-of-pending-land-use-decision.pdf>.

¹⁴⁷ 14 CCR § 15004(c).

Moreover, the Town cannot make the necessary findings for a Conditional Use Permit because the Project still results in significant adverse impacts to public health and safety, given the Project's significant air pollution and cancer risk. Pursuant to Municipal Code Section 9.16.090, before approving a Conditional Use Permit, the Commission or Council when appropriate, shall make the following findings:

1. That the proposed location, size, design and operating characteristics of the proposed use is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;
2. That the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, adjacent uses, residents, buildings, structures or natural resources.
3. That there are public facilities, services and utilities available at the appropriate levels or that these will be installed at the appropriate time to serve the project as they are needed.
4. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets and that the traffic improvements and/or mitigation measures are provided in a manner consistent with the Circulation Element of the General Plan;
5. That there will not be significant harmful effects upon environmental quality and natural resources...¹⁴⁸

As detailed herein and in the expert consultant reports attached hereto, the Project results in significant harmful effects upon environmental quality as a result of the Project's significant air quality, health risk, greenhouse gas emissions, and transportation impacts. These impacts must be analyzed in a legally adequate EIR circulated for public review, before the Project can lawfully be approved.

The Project must be remanded to Staff to prepare a legally adequate EIR before the Project is brought to the Planning Commission for review. The Planning Director cannot make a determination on the RMND, Site Plan Review SPR 2022-002, absent concurrent review of Conditional Use Permit CUP 2023-005, in accordance with the Municipal Code.

¹⁴⁸ Town of Apple Valley Municipal Code § 9.16.090(A).

VII. CONCLUSION

As detailed herein and in the expert consultant reports attached hereto, substantial evidence supports a fair argument that the Project's impacts may be significant and unmitigated.

CEQA requires that an EIR be prepared if there is substantial evidence supporting a fair argument that any aspect of a project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial.¹⁴⁹ As discussed in detail above, there is a fair argument based on substantial evidence that the Project would result in significant adverse impacts to air quality, public health, greenhouse gas emissions, land use, and transportation which are not identified or mitigated in the Final MND. The Director cannot approve the Project's Conditional Use Permit absent a noticed Planning Commission hearing.

We urge the Town to fulfill its responsibilities under CEQA by withdrawing the Final MND and preparing an EIR to address the issues raised in this preliminary comment letter. This is the only way the Town and the public can ensure the Project's significant environmental impacts are mitigated to less than significant.

Sincerely,

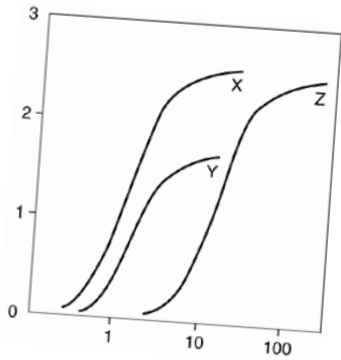


Kelilah D. Federman

Attachments
KDF:acp

¹⁴⁹ CEQA Guidelines § 15063(b)(1).

EXHIBIT A



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June 3, 2026

Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Attn: Ms. Kelilah Federman

Subject: Rebuttal to the Town of Apple Valley's Responses to Comments on the Final Initial Study/Mitigated Negative Declaration (FIS/MND) for the GTS Cold Storage Project (SPR2022-002)

Dear Ms. Federman:

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed materials related to the above referenced project.

Clark's review of the materials in no way constitutes a validation of the conclusions or materials contained within the FIS/MND. If we do not comment on a specific item, this does not constitute acceptance of the item.

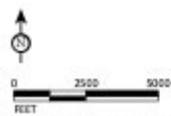
Project Description:

The City of Apple Valley has recirculated the Subsequent Initial Study/Mitigated Negative Declaration for the Green Trucking Solutions Cold Storage Project in Apple Valley, California, assessing its environmental impacts under CEQA. The proponent, Green Trucking Solutions, LLC, is proposing to construct a 354,260-square-foot cold storage warehouse on an 18.78-acre site located at the northwest corner of Navajo Road and Lafayette Street, within the North Apple Valley Industrial Specific Plan area.

The FIS/MND plan includes a smaller footprint for the warehouse (reducing the footprint from 385,004 square feet to 354,260-square-feet. The 30,744 square foot reduction represents an approximate



FIGURE 1



SOURCE: ESRI Streetmap, 2021; Google Earth, 2018.

GTA Cold Storage Project
Regional and Project Location

Figure 1: Project Site Location

8% reduction in the footprint of the Project. The proposed warehouse Project would also include two 2-story office areas, an electrical and fire pump building, and parking spaces for automobiles and

trucks. I previously reviewed the Revised IS/MND and prepared comments on the revisions in March of this year (2026). After reviewing the FIS/MND I still have reservations about the Project that should be addressed in an EIR. The issues raised in my prior comments have not been resolved in the FIS/MND. The FIS/MND remains deficient in its analysis of the Project's significant air quality, GHG, and public health impacts.

Specific Comments:

My review of the FIS/MND in no way constitutes a validation of the conclusions contained within the FIS/MND or its response to comments. Where I do not address a specific item, this does not constitute acceptance of that item. For each issue addressed below, I identify the Town's factual claims, demonstrate why those claims are not supported by the weight of the available scientific evidence, and cite peer-reviewed literature and regulatory guidance to support our conclusions.

Issue 1A: The Town's Defense of the 40-Mile Truck Trip Length Assumption Remains Scientifically Unsupported

The Town's Response (Master Comment 2; Responses to Comments A-7 and A-16) defends the 40-mile average truck trip length by asserting it is drawn from SCAQMD WAIRE Program guidance and is appropriate for a "weighted average" of trip origins and destinations. This defense is factually insufficient for the following reasons.

First, the Town's claim that the WAIRE 40-mile figure is a validated regional average specific to cold storage warehouses in the High Desert subregion is not supported in the FIS/MND's response. The WAIRE guidance is a simplified compliance mechanism for the SCAQMD's indirect source rule and was not designed to be an empirical representation of actual average trip distances for all warehouse subtypes across all subregions of Southern California. The High Desert (Apple Valley area) is geographically distinct from the South Coast Air Basin communities for which the WAIRE assumption was primarily calibrated.

Second, the Town argues that because 44% of SCAG-region facilities surveyed by the NCST do not receive goods from the ports, a 40-mile average is justified. This reasoning is internally inconsistent. Even granting that 44% of trips are shorter, the majority of gross tonnage and freight volume flowing through Southern California distribution facilities originates at the Ports of Los Angeles and Long Beach. The NCST study the Town cites itself states:

*"56% of the facilities receive goods from the Port of Los Angeles and Long Beach... Los Angeles (31.2%), Riverside (21.2%) and San Bernardino (30.2%) account for the largest share of total miles of primary freight network."*¹

Cold storage warehouses in the SCAG region disproportionately handle temperature-sensitive imported foods, seafood, produce, and pharmaceuticals, the majority of which enter via the Ports. A peer-reviewed study by Giuliano et al.² in *Transportation Research Part A* specifically documented that inland warehouse facilities in San Bernardino County are heavily port-dependent, with truck trip lengths well exceeding 40 miles on average.

Third, the Town argues no tenant has been identified and therefore no project-specific data exist. This reasoning would permit emissions analyses to be permanently disconnected from physical reality. The California Supreme Court has held that agencies must analyze "reasonably foreseeable" impacts even where specific future uses are uncertain. The reasonably foreseeable use of a 354,260-square-foot cold storage facility in the Inland Empire is port-linked freight distribution, and the analysis should reflect that operational context.

Fourth, independent research on Inland Empire warehouse facilities consistently documents average truck trip lengths substantially exceeding 40 miles. Hricko et al.³ in *Environmental Health Perspectives* documented that trucks serving Inland Empire warehouses commonly travel 80–120 miles to the ports. Replacing the 40-mile assumption with the NCST-documented weighted average of port-linked facilities — approximately 80 to 115 miles — would nearly double or triple modeled daily diesel particulate matter (DPM) and oxides of nitrogen (NOx) emissions compared to the RSIS/MND's estimates.

¹ Jaller, M., & Pineda, L. (2017). *Warehousing and Distribution Center Facilities in Southern California: The Use of the Commodity Flow Survey Data to Identify Logistics Sprawl and Freight Generation Patterns*. National Center for Sustainable Transportation (NCST). July 2017. pp. 6–7.

² Giuliano, G., Kang, S., & Yuan, Q. (2010). Freight activity in urban areas: Integrating freight into transport planning. *Transportation Research Part A: Policy and Practice*, 44(8), 506–518. <https://doi.org/10.1016/j.tra.2010.03.010>

³ Hricko, A., Rowland, G., Barlow, S., Hricko, A., & Ramirez, J. (2014). Global trade, local impacts: Lessons from California on health impacts and environmental justice concerns for residents living near freight rail yards. *International Journal of Environmental Research and Public Health*, 11(2), 1914–1941. <https://doi.org/10.3390/ijerph110201914>

In its comments on similar projects, the South Coast Air Quality Management District (SCAQMD) has found that lead agencies underestimated air emissions due to imprecise assumptions for truck trip lengths where it was reasonably foreseeable that the projects would require port-bound trips.

In the First Industrial Logistics at Harley Knox and Indian, SCAQMD commented that the DEIR underestimated emissions due to a reliance on a 40-mile truck trip distance.⁴ The DEIR's air quality impact analysis was based on the assumption that the average truck trip length is 40 miles. However, the project site is located 75 to 80 miles away from the Ports of Long Beach and Los Angeles which means that the air quality analysis underestimated the emissions from trucks traveling from the Ports to the project site. For this reason, SCAQMD recommended that the City revise the calculations in the Final EIR by taking a project-specific approach to the vehicle trip length and trip rates by applying more conservative trip lengths such as designating 40 miles for local trips and 80 miles for Port-related trips. "Tailoring these parameters and assumptions to be based on project-specific data will ensure a more accurate assessment of emissions, accounting for the unique circumstances and logistical realities of the Proposed Project."⁵

In the Rider and Patterson Business Center Project, SCAQMD commented that the DEIR's reliance on a 40-mile truck trip was unsupported.⁶ The Proposed Project site, however, is located approximately 70 miles from the Ports of Long Beach and Los Angeles, such that the air quality analysis underestimated emissions from trucks traveling from the Ports to the Proposed Project site. For this reason, Staff recommended the Lead Agency apply more conservative trip lengths such as 40 miles for local trips and 70 miles for Port-related trips.

Issue 1B: The Town's Claim That Cold Storage Warehouses Are Predominantly Supplied by Local Distribution Centers and Grocery Chains Is Not Supported by the Evidence and Is Contradicted by SCAQMD's Own Trip Generation Data

⁴ Letter from South Coast Air Quality Management District to City of Perris, Draft Environmental Impact Report (DEIR) for the First Industrial Logistics at Harley Knox and Indian (Proposed Project) (SCH No: 2025051368) (Jan. 23, 2026), <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2026/january-2026/rvc251211-04-deir-first-industrial-logistics-at-harley-knox-and-indian-project.pdf>.

⁵ Letter from South Coast Air Quality Management District to City of Perris, Draft Environmental Impact Report (DEIR) for the First Industrial Logistics at Harley Knox and Indian (Proposed Project) (SCH No: 2025051368) (Jan. 23, 2026).

⁶ Letter from SCAQMD to Riverside County Planning Department, Draft Environmental Impact Report (EIR) for the Rider and Patterson Business Center Project (Feb. 9, 2024), <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2024/february/RVC240104-02.pdf>.

In its Response (FMND, p. 9), the Town asserts that “a cold storage warehouse receives and distributes goods from a variety of origins and destinations, including local distribution centers, grocery chains, food processing facilities, and agricultural operations,” and that this mix of trip lengths justifies the 40-mile average. This claim is unsupported by citation to any data specific to cold storage operations and is directly contradicted by the very source documents the Town and Clark rely upon.

First, the Town's own cited authority — the NCST report⁷ — does not analyze cold storage or refrigerated warehousing (NAICS 49312) as a distinct subcategory for the 56%/44% port-origin statistic relied upon by the Town. That statistic was derived from a 2009 SCAG survey of general industrial warehouse space and high-cube distribution facilities, not from a sample of refrigerated or cold storage facilities. The NCST report explicitly distinguishes refrigerated warehousing (NAICS 49312) from general warehousing (NAICS 49311) and notes that “refrigerated facilities are important in cold chains and present additional challenges and operational patterns” due to the need to preserve product integrity from the point of fabrication through the end of the supply chain — patterns that general warehousing data do not capture.

Second, the South Coast Air Quality Management District's own High-Cube Warehouse Truck Trip Study⁸ — the same SCAQMD source the Town cites as the basis for the 40-mile WAIRE assumption — found that warehouses with cold storage generate substantially more truck traffic than non-cold-storage warehouses. SCAQMD's survey of 30 high-cube facilities found an overall vehicle trip rate of 2.49 trips per 1,000 square feet for cold storage facilities, compared to 1.34 trips per 1,000 square feet for non-cold-storage facilities — nearly double the trip-generating intensity. The truck-only trip rate for cold storage facilities was 1.10 trips per 1,000 square feet, compared to 0.40 for non-cold-storage warehouses, a 2.75-fold difference.

If cold storage warehouses were predominantly supplying local grocery chains and short-haul regional distribution, as the Town contends, one would expect their trip-generation intensity to more closely resemble standard local distribution warehouses, not to nearly double it. SCAQMD's data instead show

⁷ Jaller, M., & Pineda, L. (2017). Warehousing and Distribution Center Facilities in Southern California: The Use of the Commodity Flow Survey Data to Identify Logistics Sprawl and Freight Generation Patterns. National Center for Sustainable Transportation, UC Davis, p. 6 (NAICS 49312 cold-chain discussion).

⁸ South Coast Air Quality Management District (SCAQMD), Warehouse Truck Trip Study, Table 4 (Truck Trip Rate at Warehouses with Cold Storage), 2014. Available at: <https://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/finaltrucktripstudymsc072514.pdf>

the opposite pattern: facilities equipped with cold storage generate disproportionately higher freight activity per square foot, which is consistent with these facilities serving as receiving points for higher-frequency, higher-turnover perishable freight — a pattern characteristic of port-supplied, temperature-sensitive commodity flows rather than slow-turnover local distribution.

Third, federal trade and consumption data demonstrate why a substantial share of cold storage throughput in California is reasonably attributable to imported, port-origin commodities rather than purely “local” agricultural or grocery sources. According to NOAA Fisheries' Office of Science and Technology, as reported by the USDA Economic Research Service,⁹ approximately 75 to 90 percent of U.S. seafood consumption is supplied by imported product, the substantial majority of which enters the United States by containerized ocean freight through major West Coast gateways, including the Ports of Los Angeles and Long Beach.

Imported frozen and chilled seafood, by definition, requires cold chain handling from the point of port entry through inland cold storage and ultimately to retail and foodservice distribution. A cold storage facility of the size and location proposed for the Project — 354,260 square feet, located in the Inland Empire freight corridor and within the SCAG region where, per the Town's own cited source, San Bernardino County accounts for nearly a third of regional freight network mileage — is a reasonably foreseeable node in this port-to-inland cold chain, not merely a terminus for locally grown produce or grocery chain redistribution.

Fourth, the Town's assertion that “food processing facilities” and “agricultural operations” represent a substantial share of the Project's likely trip origins does not, without supporting data specific to this Project's tenant profile and the High Desert subregion, establish that those origins are predominantly short-haul or local. California's major fresh produce growing regions — the Central Valley, Salinas Valley, and Imperial Valley — are themselves located well beyond a 40-mile radius of the Apple Valley site, and distribution to and from those growing regions would also generate trip lengths inconsistent with the Town's assumed average. The Town has not provided substantial evidence, such as an origin-destination survey of comparable cold storage tenants in the High Desert subregion, to

⁹ U.S. Department of Agriculture, Economic Research Service (USDA ERS). Aquaculture (topic page), citing NOAA Fisheries Office of Science and Technology data on U.S. seafood consumption and import share (approximately 75–90% imported). Available at: <https://www.ers.usda.gov/topics/animal-products/aquaculture>

support its qualitative assertion that the trip-length mix favors local and regional movements over port-linked or extended agricultural-region movements.

For these reasons, the Town's response does not constitute substantial evidence rebutting Clark's original comment. The Town has not identified any cold-storage-specific origin-destination data supporting a 40-mile average; it has instead extrapolated from a general warehousing statistic that its own cited source distinguishes from refrigerated warehousing, while SCAQMD's own trip-generation data show that cold storage facilities are measurably more freight-intensive, not less, than the general warehouse population from which the 40-mile figure was derived. A revised analysis using project-specific or cold-storage-specific trip length data, supported by an EIR-level evaluation, is warranted.

Issue 2: The Town's Screening-Level Health Risk Assessment Does Not Constitute a Defensible HRA Under OEHHA Guidance

The Town's Response (Master Comment 4; Response to Comment A-17) asserts that the RIS/MND's screening-level HRA is compliant with OEHHA's 2015 Air Toxics Hot Spots Program Guidance Manual and that "screening dispersion factors" were applied to convert DPM emission rates to ground-level concentrations. This claim is refuted by the actual contents of the RSIS/MND and by OEHHA's own published methodology requirements.

OEHHA's 2015 guidance identifies fourteen required steps for a compliant HRA, including the application of a named air dispersion model such as AERSCREEN, CTSCREEN, or Valley Screening (OEHHA, 2015,¹⁰ pp. 4-34 through 4-38). The RSIS/MND contains no documented application of any of these models, no model output, no meteorological data inputs, and no receptor grid. The Town's response now claims that "screening dispersion factors" derived from OEHHA guidance were applied — but this documentation was not included in the circulated RSIS/MND, and the public and decision-makers were therefore unable to evaluate the methodology. CEQA requires that the supporting analysis be disclosed in the document, not described generically in a response to comments.

Furthermore, the Town's response concedes that my independent AERSCREEN analysis, using the actual RSIS/MND emission inputs, calculated a lifetime cancer risk of approximately 116 in one

¹⁰ Office of Environmental Health Hazard Assessment (OEHHA). (2015). Air Toxics Hot Spots Program Risk Assessment Guidelines: Technical Support for Exposure Assessment, Part IV. California EPA, Sacramento. pp. 4-2 through 4-38.

million at the nearest sensitive receptor — more than eleven times the MDAQMD significance threshold of 10 in one million. The Town attributes this difference to methodological choices rather than addressing the substantive finding. Specifically, the Town argues that I modeled the entire project site as a single area source, which it characterizes as “overpredicting exposure”.

This characterization misunderstands how AERSCREEN area source modeling is applied in OEHHA guidance. OEHHA¹¹ explicitly instructs that a conservative screening approach should treat the site as a single area source to identify whether refined modeling is warranted. If screening results exceed thresholds, OEHHA guidance requires proceeding to refined dispersion modeling (e.g., AERMOD). The RSIS/MND's response attempts to dismiss the screening exceedance as a methodological artifact rather than using it as a signal — as OEHHA intends — that refined modeling is necessary.

The Town also argues that construction emissions need not be assessed because construction is temporary and OEHHA's 30-year residential exposure factors are inappropriate. This argument is contradicted by peer-reviewed literature.^{12,13} Studies of construction-phase DPM emissions near sensitive receptors demonstrate that acute and subchronic exposures during construction can represent a meaningful fraction of cumulative lifetime cancer risk, particularly near schools and colleges where children and young adults are the exposed population.

Issue 3: The Town's Cumulative Air Quality Analysis Fails to Quantify the Additive Burden of Regional Warehouse Development

The Town's Response (Master Comment Response; Response to Comment A-10 and A-18) asserts that the RMND's cumulative air quality analysis is adequate because the Project's individual emissions fall below MDAQMD significance thresholds and because each neighboring project underwent its

¹¹ Office of Environmental Health Hazard Assessment (OEHHA). (2015). *Air Toxics Hot Spots Program Risk Assessment Guidelines: Technical Support for Exposure Assessment, Part IV*. California EPA, Sacramento. Sections 4.2–4.9, 4.34–4.38.

¹² Fruin, S., Urman, R., Berhane, K., McConnell, R., Bernstein, L., Grubstein, A., & Godleski, J. (2014). Modeling and predictors of ultrafine particle concentrations in Southern California schools. *Environmental Science & Technology*, 48(14), 8085–8093. <https://doi.org/10.1021/es5007169>

¹³ Delfino, R. J., Staimer, N., & Vaziri, N. D. (2011). Air pollution and the heart: Focused review. *Current Opinion in Cardiology*, 26(5), 437–444.

own environmental review. This approach is factually inadequate as an assessment of cumulative impacts.

The scientific basis for cumulative impact assessment in air quality requires evaluating the additive effect of multiple emission sources in a defined geographic area on ambient pollutant concentrations and population health outcomes. Simply comparing a single project's emissions to significance thresholds does not address whether the sum of many sub-threshold projects collectively exceeds ambient air quality standards or produces significant public health effects. The Mojave Desert Air Quality Management District's jurisdiction is in severe non-attainment for ozone and moderate non-attainment for PM₁₀ — conditions that reflect the accumulated burden of existing sources.¹⁴

Within 5 kilometers of the Project site, there are 8 existing warehouse facilities totaling over 8 million square feet and 5 additional proposed projects adding more than 8.7 million square feet. The Warehouse CITY database, developed by the Redford Conservancy at Pitzer College and Radical Research LLC, documents that this cluster of warehouses generates approximately 5,000 daily truck trips, producing approximately 8.3 pounds of DPM and 935 pounds of NO_x per day. The 5 pending projects will contribute an additional 6,000 daily truck trips.

The Town's claim that each project's individual threshold compliance constitutes adequate cumulative analysis is inconsistent with peer-reviewed epidemiological literature showing that cumulative exposure to diesel emissions from multiple warehouse and freight sources produces demonstrable adverse health effects on surrounding communities, independent of any single source's significance classification.^{15, 16}

Furthermore, the MDAQMD significance thresholds were designed to assess individual project impacts in the context of regional carrying capacity — they were not designed to replace a project-specific, location-specific cumulative analysis for a cluster of co-located industrial facilities in a non-

¹⁴ Karner, A. A., Eisinger, D. S., & Niemeier, D. A. (2010). Near-roadway air quality: Synthesizing the findings from real-world data. *Environmental Science & Technology*, 44(14), 5334–5344. <https://doi.org/10.1021/es100008x>

¹⁵ Tessum, C. W., Paoletta, D. A., Chambliss, S. E., Apte, J. S., Hill, J. D., & Marshall, J. D. (2021). PM2.5 pollutants disproportionately and systemically affect people of color in the United States. *Science Advances*, 7(18), eabf4491. <https://doi.org/10.1126/sciadv.abf4491>

¹⁶ Houston, D., Wu, J., Ong, P., & Winer, A. (2004). Structural disparities of urban traffic in southern California: Implications for vehicle-related air pollution exposure in minority and high-poverty neighborhoods. *Journal of Urban Affairs*, 26(5), 565–592.

attainment air basin. A quantitative cumulative analysis using receptor-based air dispersion modeling (e.g., a multi-source AERMOD application) is scientifically warranted and technically feasible.

Issue 4: The Town's GHG Mitigation Framework Fails to Address the Dominant Source of Project Emissions

The Town's Response (Master Comment 7; Response to Comment A-19) characterizes the RMND's GHG measures as adequate and dismisses several of my proposed additional mitigation measures as either already required by state regulation or infeasible as project-level conditions. This response merits rebuttal on both factual and scientific grounds.

First, the Town acknowledges — as the CalEEMod analysis demonstrates — that more than 71% of the Project's GHG emissions (approximately 4,190 metric tons of CO₂ equivalent per year out of 5,851 total) arise from mobile sources, specifically heavy-duty diesel trucks. The Project's photovoltaic system, energy efficiency measures, and other building-level features address only the building energy fraction of emissions. The RMND's mitigation framework is therefore structurally misaligned: it places the vast majority of its mitigation effort on a minority of the emission source.¹⁷

Second, the Town's claim that anti-idling requirements are already satisfied by state law (13 CCR § 2485, limiting idling to 5 minutes) does not substitute for an enforceable project-level condition requiring active monitoring and complaint reporting. Research demonstrates that voluntary compliance with anti-idling rules at warehouses is low in the absence of on-site enforcement mechanisms. A 2017 study published in *Transportation Research Part D* found that voluntary anti-idling programs at logistics facilities achieved only 30–50% compliance in the absence of enforcement, while facilities with active monitoring and sign posting achieved significantly higher compliance rates.¹⁸

Third, the Town's dismissal of zero-emission charging infrastructure requirements as going beyond minimum requirements mischaracterizes the issue. The Project's CalEEMod model projects that 153

¹⁷ California Air Resources Board (CARB). (2022). *2022 Scoping Plan for Achieving Carbon Neutrality*. California Air Resources Board, Sacramento. <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan>

¹⁸ Pérez, I., & Amell, A. (2019). Review of anti-idling policies and their effects on fuel consumption, emissions, and engine operation. *Transportation Research Part D: Transport and Environment*, 68, 110–127. <https://doi.org/10.1016/j.trd.2018.12.013>

four-or-more-axle trucks will serve the facility daily. For the Project to meaningfully contribute to the transition to zero-emission freight, charging infrastructure must be proportional to the actual number of daily truck visits, not limited to a token number of stalls. Peer-reviewed analysis of charging infrastructure requirements for heavy-duty freight depots indicates that a minimum of one Level 3 charger per dock door is needed to support fleet electrification targets.¹⁹

Issue 5: The Town's Dismissal of Battery Energy Storage System (BESS) Risks Relies on an Unsupported Factual Premise

The Town's Response (Comments A-6 and A-20) asserts that a BESS is not a reasonably foreseeable project component because the 2022 California Energy Code does not require battery storage for nonresidential PV systems and the Project does not propose one. This factual claim requires examination.

Project Design Feature (PDF) 1 of the RSIS/MND requires that a photovoltaic system provide 75% of the facility's total electricity requirements. A 354,260-square-foot cold storage facility operating continuous refrigeration at 24 hours per day, 7 days per week has substantial baseline electricity demand. The assertion that grid electricity alone will bridge periods of low solar production (nights, cloudy periods, peak grid demand events) without any storage mechanism is directly contradicted by the operational characteristics of continuous cold storage logistics.

In 2023, the California Energy Commission (CEC) projected that commercial cold storage facilities in California would increasingly require BESS integration to maintain required temperature chains, avoid product loss during PSPS events, and comply with California's evolving Time-of-Use electricity pricing structures. As of January 1, 2023, California's updated Building Energy Efficiency Standards (Title 24, Part 6) requires all new nonresidential buildings with PV systems to also install a battery energy storage system — making BESS a code-mandated component of the very solar system required by Project Design Feature (PDF) 1, not merely a foreseeable future addition.

Even accepting the Town's premise that no BESS is currently proposed, the CEQA standard for environmental review requires consideration of reasonably foreseeable future changes to the project. Given the operational requirements of 24/7 cold storage, the increasing prevalence of PSPS events

¹⁹ Nicholas, M. A., & Hall, D. (2018). Charging infrastructure access and operation to reduce the grid impacts of deep electric vehicle adoption. *Nature Energy*, 4, 20–25.

documented in Southern California, and the CEC's identification of cold storage as a prime BESS deployment sector, omission of BESS from the project description and impact analysis is not justified on a "not currently proposed" basis.

Furthermore, recent peer-reviewed literature on BESS fire risk, toxic gas release, and thermal runaway events confirms that the potential impacts described in my prior comment letter are not speculative but constitute documented, quantifiable risks that require site-specific analysis. A 2021 study in the *Journal of Energy Storage*²⁰ documented 83 reported BESS fire incidents worldwide from 2011 to 2020, with thermal runaway identified as the primary failure mode in 57% of incidents.

Issue 6: The Town's Dismissal of Backup Generator Emissions Is Unsupported by Operational Reality

The Town's Response (Comments A-5 and A-21) asserts that the Project does not propose backup generators for warehouse refrigeration operations and that the only diesel standby equipment is the 324-hp fire pump included in the CalEEMod analysis. This response fails to address the reasonably foreseeable operational requirements of the Project.

A 354,260-square-foot cold storage facility operating under continuous refrigeration is a "critical facility" as defined under California Public Utilities Commission (CPUC) regulations and is therefore subject to PSPS event protections — which in practice means operators will be obligated or commercially incentivized to maintain backup power. AVFPD Ordinance 57, which the Town acknowledges applies to the facility, requires standby power for fire protection systems. However, the broader operational need for refrigeration backup power during a PSPS event is economically and practically non-optional: the loss of refrigeration in a cold storage warehouse during a multi-day PSPS event would destroy millions of dollars in temperature-sensitive inventory.

SCE initiated 20 PSPS events in 2024 and, in January 2025 alone, de-energized over 515,000 customers across two events lasting up to 15 days.²¹ This documented frequency and duration of PSPS

²⁰ Liu, X., Ouyang, D., Ren, D., He, Y. B., & Bhagat, R. (2021). A review of thermal failure behavior and failure mechanisms of lithium-ion batteries. *Journal of Energy Storage*, 43, 103084. <https://doi.org/10.1016/j.est.2021.103084>

²¹ Southern California Edison (SCE). (2025). *SCE's Public Safety Power Shutoff Program* (Letter to CPUC from Steven Powell, CEO of SCE). Dated October 3, 2025. <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/safety-and-enforcement-division/psps/final--letter-to-sce-psps-program-2025.pdf>

events establishes that backup generator use at a cold storage facility in the SCE service area is not speculative — it is operationally certain over the 30-year project life.²²

A peer-reviewed analysis of backup generator emissions during PSPS events in California estimated that each PSPS event lasting 43 hours in a service territory similar to SCE's generates thousands of metric tons of criteria pollutants, including substantial DPM.^{23,24} Applying CARB's documented emission factor of 0.01 grams of DPM per horsepower-hour for a Tier 4 diesel generator and assuming a reasonably foreseeable PSPS duration of 100 hours per year, a backup generator adequate to serve the Project's refrigeration load would produce meaningful quantities of DPM at the Project site — quantities that must be quantified and assessed against health significance thresholds.

Issue 7: The Town's Valley Fever Mitigation Remains Inadequate for Offsite Sensitive Receptors

The Town's Response (Master Comment 5; Responses to Comments A-11 and A-22) acknowledges the increasing incidence of coccidioidomycosis (Valley Fever) in San Bernardino County but dismisses the need for MERV-16 filtration at the Victor Valley Community College Public Safety Training Facility on the grounds that the Town lacks authority to impose conditions on third-party properties. This response does not address the scientific adequacy of the proposed mitigation.

The Town's assertion that San Bernardino County's coccidioidomycosis case rate of 10.5 per 100,000 as of May 2025 is "well below the statewide average" of 19.1 per 100,000 is a misleading comparison. The appropriate benchmark for assessing baseline risk is not the statewide average — which is heavily weighted by highly endemic counties — but rather the trajectory of rate increase in the immediate project area. San Bernardino County's rate increased from 1.18 per 100,000 in 2016 to 10.5 per 100,000 as of May 2025, a nearly nine-fold increase over nine years. This trajectory, combined with

²² California Air Resources Board (CARB). (2020). *Emission Impact: Additional Generator Usage Associated With Power Outage*. https://ww2.arb.ca.gov/sites/default/files/2020-01/Emissions_Inventory_Generator_Demand%20Usage_During_Power_Outage_01_30_20.pdf

²³ Barbose, G., Goldman, C., & Neenan, B. (2004). *A survey of utility experience with real time pricing*. Lawrence Berkeley National Laboratory, LBNL-54238.

²⁴ Woo, J., Chermak, J., & Layton, D. (2021). Assessment of air quality and health impacts from the use of backup generators during public safety power shutoffs in California. *Environmental Science & Technology*, 55(17), 11681–11690. <https://doi.org/10.1021/acs.est.1c01685>

construction-related dust generation at the Project site, represents a quantifiable increase in spore exposure for adjacent occupants.

The nearest sensitive receptor — the Victor Valley Community College Public Safety Training Facility — is located approximately 200 feet (61 meters) from the Project boundary. At this distance, construction-generated particulate matter, including aerosolized *Coccidioides immitis* spores, will reach occupants before natural dispersion substantially reduces concentrations. A peer-reviewed study by Gorris et al.^{25,26} documented that *C. immitis* spores are viable and infective at distances of up to several kilometers from disturbed soil sources when wind conditions favor transport.

The Town's argument that it lacks authority to require MERV-16 filtration at adjacent buildings does not eliminate its obligation to assess the impact and propose feasible alternatives. CEQA requires that impacts be disclosed and, where significant, mitigated to the extent feasible. If off-site mitigation is not available, the inability to mitigate a significant impact supports the need for preparation of an EIR, where a broader set of mitigation and alternatives can be analyzed. Upwind/downwind particulate monitoring at the project boundary, while a useful improvement, does not reduce exposure in real time — by the time monitoring detects elevated levels and triggers a halt to grading, occupants at the College will already have been exposed.

Issue 8: The Town's FISMND Still Fails to Prove That The HRA Included DPM Emissions From Transportation Refrigeration Units (TRUs).

The Town's Responses assert that the HRA analyzed the diesel particulate matter (DPM) emissions associated with transportation refrigeration units (TRUs). The Town has not, however, provided the underlying HRA calculations — including the emission rates, screening dispersion factors, and resulting ground-level concentrations — that would be necessary to substantiate that assertion. The Town has therefore failed to provide the files necessary to validate its claim that the HRA for the Project included TRUs. Absent those files, neither we, the public, nor the decision-makers can verify whether the HRA in fact accounted for TRU emissions or whether any such analysis was

²⁵ Gorris, M. E., Cat, L. A., Zender, C. S., Treseder, K. K., & Randerson, J. T. (2018). Coccidioidomycosis dynamics in relation to climate in the southwestern United States. *GeoHealth*, 2(1), 6–24. <https://doi.org/10.1002/2017GH000095>

²⁶ Gorris, M. E., Treseder, K. K., Zender, C. S., & Randerson, J. T. (2019). Expansion of coccidioidomycosis endemic regions in the United States in response to climate change. *GeoHealth*, 3(10), 308–327. <https://doi.org/10.1029/2019GH000209>

accurate.

In its own Response, the Town effectively concedes this deficiency, stating that "the Town will supplement the RMND with an attachment documenting the screening HRA calculations, including emission rates, screening dispersion factors, and resulting ground-level concentrations," which it represents "will confirm the methodology is consistent with OEHHA guidance and demonstrate that results are below all applicable thresholds." That supplemental documentation has not been provided. We have formally requested the HRA calculations and have yet to receive them. Until the Town produces the actual calculations, its claim that the HRA included DPM emissions from TRUs remains unsupported and cannot be validated.

The FIS/MND's air quality analysis fails to mention or assess the impacts of TRU's that will need to be utilized onsite by trucks onsite. A clear and accurate analysis of the impacts would include not just the emissions from refrigeration units on site, but would also include diesel particulate matter emissions from the TRUs installed on insulated cargo vans, rail cars and shipping containers used in transporting fresh produce, meat, dairy products, beverages, film, prescription drugs, and other temperature sensitive goods. In addition to the health impacts from exposure to DPM from the TRUs, the air quality analysis must assess the impacts on greenhouse gas (GHG) emissions from the TRUs. This incomplete assessment must be addressed in an EIR.

Conclusion

The Town's responses to comments on the FIS/MND do not resolve the substantive scientific and technical deficiencies identified in my prior comment letter. On each issue addressed above:

- The 40-mile truck trip length assumption is not supported by project-specific data or by the weight of peer-reviewed literature on Inland Empire cold storage freight patterns.
 - The screening-level HRA does not constitute a compliant OEHHA HRA; the Town's own concession that my AERSCREEN analysis produced a 116-in-one-million cancer risk estimate at the nearest sensitive receptor establishes that refined dispersion modeling is required under OEHHA guidance.
 - The cumulative air quality analysis does not quantify the additive burden of the substantial cluster of warehouse projects in the immediate vicinity of the Project site within a non-attainment air basin.
-

- The GHG mitigation framework fails to address the dominant source of Project emissions — heavy-duty truck mobile sources — through enforceable, project-level conditions with real emission reduction co-benefits.
- The dismissal of BESS risks on the basis that no BESS is currently proposed is factually inconsistent with the operational requirements of a 24/7 cold storage facility and the evolving California Energy Code landscape for commercial PV systems.
- The dismissal of backup generator emissions is inconsistent with the documented frequency and duration of PSPS events in the SCE service area and with the operational necessity of maintaining refrigeration during power outages at a cold storage facility.
- The Valley Fever mitigation measures are insufficient to protect occupants of the Victor Valley Community College Public Safety Training Facility located 200 feet from the Project boundary during construction ground-disturbing activities.
- The Town's FISMND Still Fails to Prove That The HRA Included DPM Emissions From Transportation Refrigeration Units (TRUs).

Conclusion

The facts identified and referenced in this rebuttal letter lead me to conclude that the Town's responses to my comments have not remedied the Project's potential for significant environmental impacts. A draft Environmental Impact Report (EIR) remains necessary to fully disclose and mitigate the Project's air quality, public health, GHG, and cumulative impacts, and to provide the public with the level of analysis that CEQA requires for a project of this scale located in a non-attainment air basin adjacent to sensitive receptors.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. J. Coen". The signature is fluid and cursive, with the first name "J." and last name "Coen" clearly distinguishable.

EXHIBIT B



1295 Hartford Avenue #8
White River Junction, VT 05001

Norman Marshall, President
(802) 356-2969
nmarshall@smartmobility.com

June 11, 2026

Kelilah D. Federman
Adams Broadwell Joseph & Cardozo
520 Capitol Mall, Suite 350
Sacramento, CA 95814

Subject: GTS Cold Storage Project

Dear Ms. Federman,

In February 2026 I have reviewed vehicle miles traveled (VMT), trip generation, and greenhouse gas (GHG) impacts of the proposed Green Trucking Solutions Cold Storage Project in Apple Valley Subsequent Recirculated Initial Study/Mitigated Negative Declaration ("MND") dated January 6, 2026 and made the following findings:

- 1) Project trip generation could be higher than assumed because the trip generation rate is based on counts at only five warehouses, and only two of those are of similar size.
- 2) The assumed average truck trip length of 40 miles is too low given that the proposed site's location is distant from important truck origins and destinations, including major freight transfer points, food producing areas, food-processing facilities, and population centers.
- 3) The MND fails to demonstrate that the project will not generate excessive VMT. The County's VMT Screening Tool calculates VMT that is about three times the Town's threshold. The model analysis in the MND is not credible because the average trip lengths are unrealistically low.
- 4) The MND CalEEMod analysis underestimates VMT, GHG and criteria pollutant emissions.

Now, I also have reviewed the responses to my comments in the Final Initial Study/Mitigated Negative Declaration ("FIS/MND") dated May 2026. As discussed below, I stand by my February 2026 findings.

Trip Generation Could Be Higher than the MND Assumes

In February 2026, I found:

Project trip generation could be higher than assumed because the trip generation rate is based on counts at only five warehouses, and only two of those are of similar size.

The FIS/MND states that this rate is validated by an ITE trip generation study in the Inland Empire dated October 2016 that included nine cold storage warehouses. (p. 108)

ITE's *Trip Generation* generally includes all relevant trip generation data that has been provided to ITE and that meets certain standards. In this case the documentation for category 157, High-Cube Cold Storage Warehouse states: "The sites were surveyed in the 2000s, the 2010s, and the 2020s in California."

Given that the 2016 study referenced in the FIS/MND was done by ITE, it must be assumed that ITE was aware of these data, but decided to omit some or all of it. Some of the sites may be in both the 2016 study and *Trip Generation*. It cannot be assumed that the 2016 counts represent a separate valid dataset.

The MND should have highlighted the inherent uncertainty in using this estimate, and possibly used a higher and more conservative value. To reduce the uncertainty, additional traffic count data could have been collected at one or more similar facilities in the Inland Empire.

The MND Underestimates Truck VMT and Emissions

In February 2026, I found:

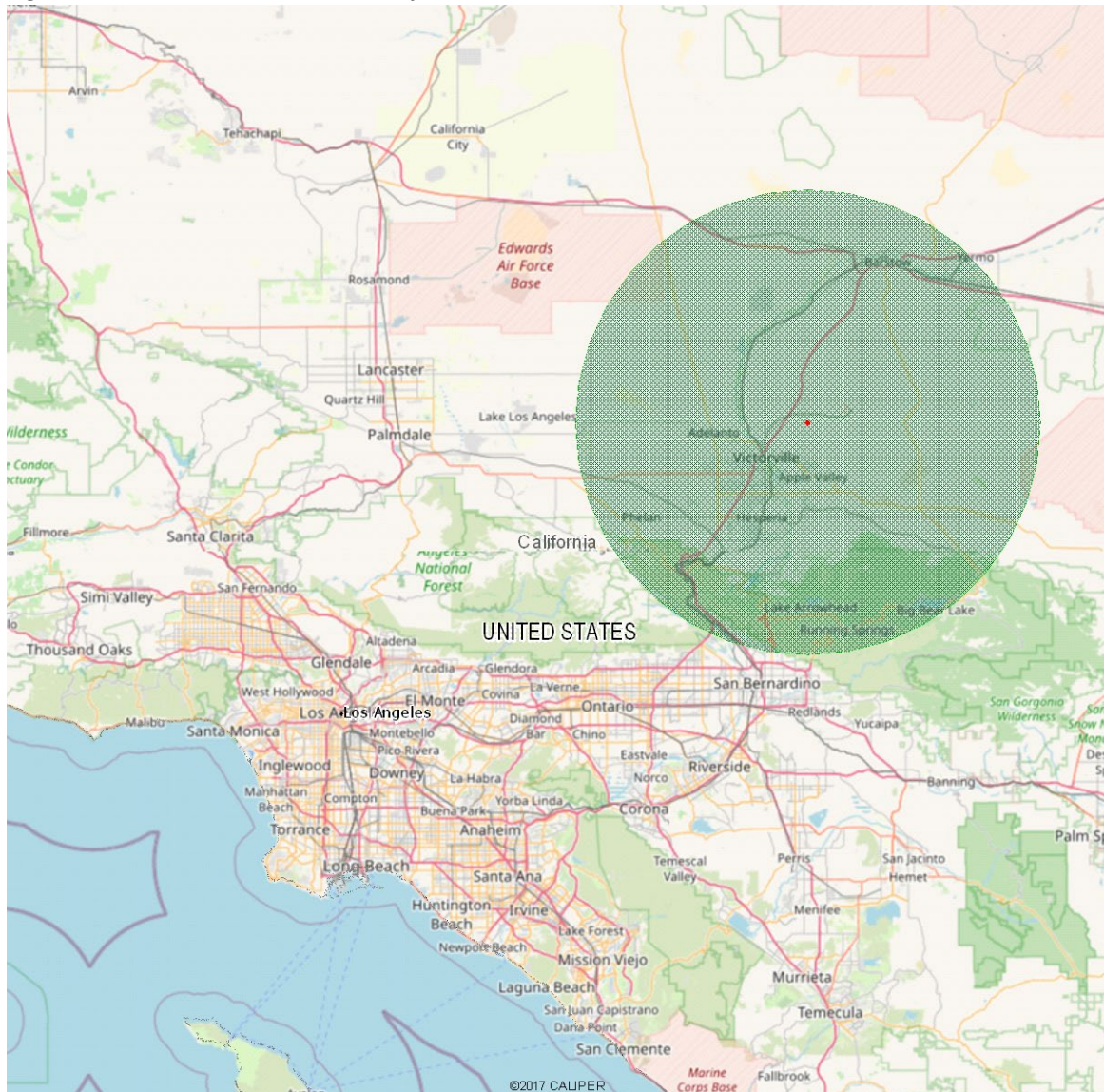
The assumed average truck trip length of 40 miles is too low given that the proposed site's location is distant from important truck origins and destinations, including major freight transfer points, food producing areas, food-processing facilities, and population centers.

The FIS/MND response states:

Mr. Marshall argues the 40-mile truck trip assumption is too low and recommends a 115-mile one-way trip length. (p. 109)

As shown above, I did conclude that the 40-mile length was too low but did not recommend a 115-mile trip length. The 115-mile length was suggested by another commenter based on the distance to the Ports of Long Beach and Los Angeles. I was not assuming Port trips but noted instead that there are few significant freight origins and destinations (freight transfer points, food-processing facilities, and/or population centers) within 40 miles of the proposed warehouse. I reproduce the map illustrating this again below as Figure 1.

Figure 1: 40-Mile Radius Around Project Site



The FIS/MND also references the CalEEMod default rate and “SCAQMD WAIRE guidance.” Neither of these justify the average 40-mile distance. The CalEEMod rate cannot be expected to be valid for all truck trips in California. A 40-mile trip length was given in an illustrative example in a SCAQMD document, but was not recommended as a regional standard. In fact, SCAQMD made very different recommendations in its November 22, 2023 comments on the Hemlock Warehouse Development Project Draft SEIR in the City of Fontana, stating:

However, it is essential to note that the distance from the Proposed Project site to the Port of Los Angeles or Long Beach is approximately 70 miles one-way. Thus, South Coast AQMD staff is concerned about underestimating truck emissions due to the shorter distance that HHDT is analyzed in the Draft SEIR. Hence, it is recommended that the Lead Agency revise the truck emissions analysis using the more conservative trip length between 40 to 70 miles, of which 40 miles could be used for local and 70 miles for Port

trips and include the revision in the final CEQA document. Tailoring these parameters and assumptions to be based on project-specific data will ensure a more accurate assessment of emissions, accounting for the unique circumstances and logistical realities of the Proposed Project. (p. 2)

A longer average truck trip length should be developed based on likely origins and destinations. These should include the ports (approximately 115 miles distant), Central Valley agricultural areas (150-500 miles distant), major population centers (e.g. Los Angeles 90 miles distant), and Class 1 railyards (closest ones 30-60 miles distant). In order to justify a 40-mile average truck trip distance, it must be demonstrated that the excess mileage from longer trips will be offset by shorter trips. For example, a single 150-mile truck trip from the Bakersfield area would need to be offset by three implausibly short 3-mile truck trips. A 40-mile average truck trip distance appears to be impossible for this project in this location, and certainly should not be asserted without a plausible explanation.

[The MND Fails to Demonstrate that the Project Will Not Generate Excessive VMT](#)

In February 2026, I found:

The MND fails to demonstrate that the project will not generate excessive VMT. The County's VMT Screening Tool calculates VMT that is about three times the Town's threshold. The model analysis in the MND is not credible because the average trip lengths are unrealistically low.

In these February 2026 comments, I provided substantial documentation as to why the average commute and truck trip lengths are too low in the model for this project. The FIS/MND does not fully address these issues, but mostly restates that the model obtained from SBCTA in June 2022 was used. (p. 109)

Project VMT continues to be underestimated.

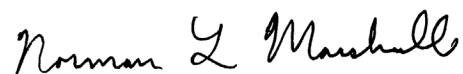
[The CalEEMod Analysis Underestimates Operating Emissions](#)

In February 2026, I found:

The MND CalEEMod analysis underestimates VMT, GHG and criteria pollutant emissions.

This finding was based on the concerns discussed above regarding trip generation, average trip lengths, and VMT. As discussed above, the FIS/MND does not address these issues, and I stand by my finding regarding operating emissions.

Sincerely,

A handwritten signature in black ink that reads "Norman L. Marshall". The signature is written in a cursive, flowing style.

Norman L. Marshall

EXHIBIT C

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037

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ssannadan@adamsbroadwell.com

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KELILAH D. FEDERMAN
RICHARD M. FRANCO
ANDREW J. GRAF
TANYA A. GULESSERIAN
RACHAEL E. KOSS
AIDAN P. MARSHALL
ALAUURA R. MCGUIRE
ISABEL TAHIR

Of Counsel

DANIEL L. CARDOZO
MARC D. JOSEPH

February 4, 2026

VIA EMAIL AND U.S. MAIL

David Contreras, Planning Director
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

Email: dcontreras@applevalley.org
Planning@applevalley.org

La Vonda M. Pearson, Town Clerk
Town of Apple Valley
14955 Dale Evans Pkwy
Apple Valley, CA 92307

Email: townclerk@applevalley.org

VIA EMAIL ONLY

Rick Hirsch, Consulting Planner

Email: rhirsch@interwestgrp.com

**Re: Request for Immediate Access to Documents Referenced in the
Recirculated Subsequent Initial Study/Mitigated Negative
Declaration - Green Trucking Solutions Cold Storage Project
(SCH No. 2023080221; Site Plan Review No. SPR2022-002)**

Dear Mr. Contreras, Ms. Pearson, and Mr. Hirsch:

We are writing on behalf of Californians Allied for a Responsible Economy ("CARE CA") to request ***immediate access*** to any and all documents referenced, incorporated by reference, and relied upon in the Recirculated Subsequent Initial Study/Mitigated Negative Declaration ("RMND") prepared for the Green Trucking Solutions Cold Storage Project (SCH No. 2023080221; Site Plan Review No. SPR2022-002) ("Project"), proposed by Green Trucking Solutions, LLC ("Applicant"). *This request excludes a copy of the RMND. This request also excludes any documents that are currently available on the Town of Apple Valley website.*¹

The Project proposes to construct a 354,260-square-foot cold storage warehouse building on an 18.78-acre site located in the Town of Apple Valley, San Bernardino County, at the northwest corner of Navajo Road and Lafayette Street (Assessor Parcel Number 0463-231-06). Also, the Project site is located within the North Apple Valley Industrial Specific Plan.

¹ Accessed <https://applevalley.org/government/california-environmental-quality-act/> on February 4, 2026.

February 4, 2026

Page 2

Our request for ***immediate access*** to all documents referenced in the Recirculated Subsequent RMND is made pursuant to the California Environmental Quality Act ("CEQA"), which requires that all documents referenced, incorporated by reference, and relied upon in an environmental review document be made available to the public for the entire comment period.²

Please use the following contact information for all correspondence:

U.S. Mail

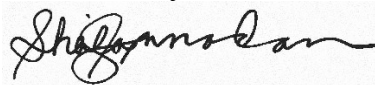
Sheila M. Sannadan
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

Email

ssannadan@adamsbroadwell.com

If you have any questions, please call me at (650) 589-1660 or email me at ssannadan@adamsbroadwell.com. Thank you for your assistance with this matter.

Sincerely,



Sheila M. Sannadan
Legal Assistant

SMS:lj1

² See Public Resources Code § 21092(b)(1) (stating that "all documents referenced in the draft environmental impact report or negative declaration" shall be made "available for review"); 14 Cal. Code Reg. § 15072(g)(4) (stating that all documents incorporated by reference in the MND . . . "shall be readily accessible to the public").

EXHIBIT D

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

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ssannadan@adamsbroadwell.com

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ALAUURA R. MCGUIRE
ISABEL TAHIR

Of Counsel

DANIEL L. CARDOZO
MARC D. JOSEPH

February 4, 2026

VIA EMAIL AND U.S. MAIL

David Contreras, Planning Director
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

Email: dcontreras@applevalley.org
Planning@applevalley.org

La Vonda M. Pearson, Town Clerk
Town of Apple Valley
14955 Dale Evans Pkwy
Apple Valley, CA 92307

Email: townclerk@applevalley.org

VIA EMAIL ONLY

Rick Hirsch, Consulting Planner
Email: rhirsch@interwestgrp.com

Public Records Act Coordinator
Email: records@applevalley.org

**Re: Request for Immediate Access to Public Records – Green
Trucking Solutions Cold Storage Project (SCH No. 2023080221;
Site Plan Review No. SPR2022-002)**

Dear Mr. Contreras, Ms. Pearson, Mr. Hirsch, and Public Records Act Coordinator:

We are writing on behalf of Californians Allied for a Responsible Economy (“CARE CA”) to request ***immediate access*** to any and all public records referring or related to the Green Trucking Solutions Cold Storage Project (SCH No. 2023080221; Site Plan Review No. SPR2022-002) (“Project”), proposed by Green Trucking Solutions, LLC (“Applicant”), *since the date of our last request on February 20, 2025*. This request includes, but is not limited to, any and all file materials, applications, correspondence, resolutions, memos, notes, analysis, email messages, files, maps, charts, and any other documents related to the Project. *This request does not include the Recirculated Subsequent Initial Study/Mitigated Negative Declaration (“RMND”) or documents referenced or relied upon in the Recirculated Subsequent RMND, which we have requested in a separate letter pursuant to the California Environmental Quality Act.*

The Project proposes to construct a 354,260-square-foot cold storage warehouse building on an 18.78-acre site located in the Town of Apple Valley, San Bernardino County, at the northwest corner of Navajo Road and Lafayette Street (Assessor Parcel Number 0463-231-06. Also, the Project site is located within the North Apple Valley Industrial Specific Plan.

February 4, 2026

Page 2

CARE CA is a non-profit organization which advocates for a sustainable construction industry and protecting the environment and health of its communities' workforces. The organization includes Town of Apple Valley residents, the District Council of Ironworkers and Southern California Pipe Trades DC 16, along with their members, their families, and other individuals who live and work in the County of San Bernardino County and Town of Apple Valley.

This request is made pursuant to the California Public Records Act (Government Code §§ 7920.000, et seq.). This request is also made pursuant to Article I, section 3(b) of the California Constitution, which provides a Constitutional right of access to information concerning the conduct of government. Article I, section 3(b) provides that any statutory right to information shall be broadly construed to provide the greatest access to government information and further requires that any statute that limits the right of access to information shall be narrowly construed.

We request ***immediate access*** to review the above documents pursuant to section 7922.525 of the Public Records Act, which requires public records to be "open to inspection at all times during the office hours of a state or local agency" and provides that "every person has a right to inspect any public record." Therefore, the 10-day response period applicable to a "request for a copy of records" under Section 7922.535(a) does not apply to this request.

We request access to the above records in their original form, as maintained by the agency. Pursuant to Government Code Section 7922.570, if the requested documents are in electronic format, please upload them to a file hosting program such as Dropbox, NextRequest or a similar program. Alternatively, if the electronic documents are 10 MB or less (or can be easily broken into sections of 10 MB or less), they may be emailed to me as attachments.

We reserve the right to have a copy service make copies of any and all of the requested documents depending on the volume. Please contact me to arrange for transmission/duplication of the responsive records.

Please use the following contact information for all correspondence:

U.S. Mail

Sheila M. Sannadan
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

Email

ssannadan@adamsbroadwell.com

February 4, 2026
Page 3

If you have any questions, please call me at (650) 589-1660 or email me at ssannadan@adamsbroadwell.com. Thank you for your assistance with this matter.

Sincerely,



Sheila M. Sannadan
Legal Assistant

SMS:ljl

EXHIBIT E

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000
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ALAUURA R. MCGUIRE

Of Counsel

DANIEL L. CARDOZO
MARC D. JOSEPH

March 24, 2026

VIA EMAIL AND U.S. MAIL

David Contreras, Planning Director
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

Email: dcontreras@applevalley.org
Planning@applevalley.org

La Vonda M. Pearson, Town Clerk
Town of Apple Valley
14955 Dale Evans Pkwy
Apple Valley, CA 92307

Email: townclerk@applevalley.org

VIA EMAIL ONLY

Rick Hirsch, Consulting Planner

Email: rhirsch@interwestgrp.com

Public Records Act Coordinator

Email: records@applevalley.org

Re: Public Records Act Request – Green Trucking Solutions Cold Storage Project (SCH No. 2023080221; Site Plan Review No. SPR2022-002)

Dear Mr. Contreras, Ms. Pearson, Mr. Hirsch, and Public Records Act Coordinator:

We are writing on behalf of Californians Allied for a Responsible Economy (“CARE CA”) to request a copy of any and all records related to the Green Trucking Solutions Cold Storage Project (SCH No. 2023080221; Site Plan Review No. SPR2022-002) (“Project”), proposed by Green Trucking Solutions, LLC (“Applicant”), *since the date of our last request on February 4, 2026*. This request includes, but is not limited to, any and all file materials, correspondence, resolutions, memos, notes, analysis, email messages, files, maps, charts and any other documents related to the project. **This request also includes, but is not limited to, all comments received on the Recirculated Subsequent Initial Study/Mitigated Negative Declaration.**

The Project proposes to construct a 354,260-square-foot cold storage warehouse building on an 18.78-acre site located in the Town of Apple Valley, San Bernardino County, at the northwest corner of Navajo Road and Lafayette Street (Assessor Parcel Number 0463-231-06. Also, the Project site is located within the North Apple Valley Industrial Specific Plan.

March 24, 2026

Page 2

CARE CA is a non-profit organization which advocates for a sustainable construction industry and protecting the environment and health of its communities' workforces. The organization includes Town of Apple Valley residents, the District Council of Ironworkers and Southern California Pipe Trades DC 16, along with their members, their families, and other individuals who live and work in the County of San Bernardino County and Town of Apple Valley.

This request is made pursuant to the **California Public Records Act** (Government Code §§ 7920.000, *et seq.*). This request is also made pursuant to Article I, section 3(b) of the California Constitution, which provides a Constitutional right of access to information concerning the conduct of government. Article I, section 3(b) provides that any statutory right to information shall be broadly construed to provide the greatest access to government information and further requires that any statute that limits the right of access to information shall be narrowly construed.

We request access to the above records in their original form, as maintained by the agency.¹ Pursuant to Government Code Section 7922.570, if the requested documents are in electronic format, please upload them to a file hosting program such as Dropbox, NextRequest or a similar program. Alternatively, if the electronic documents are 10 MB or less (or can be easily broken into sections of 10 MB or less), they may be emailed to me as attachments.

Please use the following contact information for all correspondence:

U.S. Mail

Sheila Sannadan
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

Email

ssannadan@adamsbroadwell.com

We will pay for any direct costs of duplication associated with filling this request up to \$200.² However, please contact me at (650) 589-1660 with a cost estimate before copying/scanning the materials.

¹ Gov. Code § 7922.570; *Sierra Club v. Super. Ct.* (2013) 57 Cal. 4th 157, 161-62.

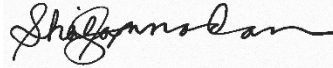
² Gov. Code §§ 7922.530, 7922.575; *North County Parents v. Dept. of Education* (1994) 23 Cal.App.4th 144; *County of Los Angeles v. Super. Ct.* (2000) 82 Cal.App.4th 819, 826.

March 24, 2026

Page 3

If you have any questions, please call me at (650) 589-1660 or email me at ssannadan@adamsbroadwell.com. Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheila M. Sannadan", written over a light gray rectangular background.

Sheila M. Sannadan
Legal Assistant

SMS:acp

EXHIBIT F

RE: GTS Cold Storage Project - Hearing

From Richard Hirsch <rhirsch@interwestgrp.com>

Date Tue 6/16/2026 11:25 AM

To Sheila M. Sannadan <ssannadan@adamsbroadwell.com>

Cc Kelilah D. Federman <kfederman@adamsbroadwell.com>; planning@applevalley.org
<planning@applevalley.org>; David Contreras <dcontreras@applevalley.org>

Hello,

The applicant team is currently working on it. I do not have a date for you.

Rick

From: Sheila M. Sannadan <ssannadan@adamsbroadwell.com>

Sent: Tuesday, June 16, 2026 9:13 AM

To: Richard Hirsch <rhirsch@interwestgrp.com>

Cc: Kelilah D. Federman <kfederman@adamsbroadwell.com>; planning@applevalley.org; David Contreras
<dcontreras@applevalley.org>

Subject: RE: GTS Cold Storage Project - Hearing

Good Morning Rick,

Thank you for contacting the applicant. Could you please advise when the document we've requested will be provided?

Thank you.

Regards,
Sheila

Sheila Sannadan
Legal Assistant
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
Phone (650) 589-1660
Fax (650) 589-5062
ssannadan@adamsbroadwell.com

From: Richard Hirsch <rhirsch@interwestgrp.com>

Sent: Monday, June 15, 2026 10:31 AM

To: Sheila M. Sannadan <ssannadan@adamsbroadwell.com>

Cc: Kelilah D. Federman <kfederman@adamsbroadwell.com>; planning@applevalley.org; David Contreras <dcontreras@applevalley.org>

Subject: RE: GTS Cold Storage Project - Hearing

Hello,

Thank you for your messages. I am contacting the applicant team regarding your request and we will send the requested items once they are available.

Thank you.

Richard Hirsch
Town of Apple Valley
Consulting Planner

From: Sheila M. Sannadan <ssannadan@adamsbroadwell.com>

Sent: Friday, June 12, 2026 1:22 PM

To: planning@applevalley.org; David Contreras <dcontreras@applevalley.org>

Cc: Richard Hirsch <rhirsch@interwestgrp.com>; Kelilah D. Federman <kfederman@adamsbroadwell.com>

Subject: RE: GTS Cold Storage Project - Hearing

Good Afternoon Mr. Contreras and Planning Department:

I just received an automated email response that Richard Hirsch is currently out of the office. Could you please assist me with my request below?

Could you please provide us with a copy of the "attachment documenting the screening HRA calculations, including emission rates, screening dispersion factors, exposure assumptions (including age sensitivity factors and fraction of time at home values), and the resulting ground-level concentrations and cancer risk values" referenced in the Final MND?

Thank you for your assistance.

Regards,
Sheila

Sheila Sannadan
Legal Assistant
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
Phone (650) 589-1660
Fax (650) 589-5062
ssannadan@adamsbroadwell.com

From: Sheila M. Sannadan

Sent: Friday, June 12, 2026 1:11 PM

To: 'Richard Hirsch' <rhirsch@interwestgrp.com>

Cc: planning@applevalley.org; David Contreras <dcontreras@applevalley.org>; Kelilah D. Federman <kfederman@adamsbroadwell.com>

Subject: RE: GTS Cold Storage Project - Hearing

Hello Rick,

Could you please provide us with a copy of the "attachment documenting the screening HRA calculations, including emission rates, screening dispersion factors, exposure assumptions (including age sensitivity factors and fraction of time at home values), and the resulting ground-level concentrations and cancer risk values" referenced in the Final MND?

Thank you for your assistance.

Regards,
Sheila

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ssannadan@adamsbroadwell.com

From: Richard Hirsch <rhirsch@interwestgrp.com>

Sent: Thursday, May 28, 2026 1:58 PM

To: Sheila M. Sannadan <ssannadan@adamsbroadwell.com>

Cc: planning@applevalley.org; David Contreras <dcontreras@applevalley.org>; Kelilah D. Federman <kfederman@adamsbroadwell.com>

Subject: RE: GTS Cold Storage Project - Hearing

Ok thank you for confirming.

Rick

From: Sheila M. Sannadan <ssannadan@adamsbroadwell.com>

Sent: Thursday, May 28, 2026 1:18 PM

To: Richard Hirsch <rhirsch@interwestgrp.com>

Cc: planning@applevalley.org; David Contreras <dcontreras@applevalley.org>; Kelilah D. Federman <kfederman@adamsbroadwell.com>

Subject: RE: GTS Cold Storage Project - Hearing

Hello Richard,

Thank you for the update.

We are able to access the FEIR and Response to Comments.

Thank you.

Regards,
Sheila

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Adams Broadwell Joseph & Cardozo
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Fax (650) 589-5062
ssannadan@adamsbroadwell.com

From: Richard Hirsch <rhirsch@interwestgrp.com>
Sent: Thursday, May 28, 2026 12:57 PM
To: Sheila M. Sannadan <ssannadan@adamsbroadwell.com>
Cc: planning@applevalley.org; David Contreras <dcontreras@applevalley.org>; Kelilah D. Federman <kfederman@adamsbroadwell.com>
Subject: RE: GTS Cold Storage Project - Hearing

Hello,

The project's Final IS/MND containing the Responses to Comments is now posted on the Town environmental web page, here: <https://applevalley.org/ceqa-related-documents/>

Once at that page, scroll to the bottom and press the button for Page 2. On Page 2, scroll to the bottom and you will see the button for the GTS project on the lower right hand side. Click that button which will bring up a page providing live links to all of the CEQA documents for the project. The Final IS/MND is labeled as "Green Trucking Solutions Cold Storage Center, Site Plan Review 2022-002, FINAL Initial Study and Mitigated Negative Declaration".

Please reply with confirmation that you are able to access and download the file.

The Notice of Pending Land Use Decision will be posted on the Town website and sent to all parties who had requested special notification at least (20) calendar days prior to a decision. Any member of the public may submit a comment during that period. I will send you the Notice once the Town has determined a date for noticing.

Thank you.

Richard Hirsch
Town of Apple Valley
Consulting Planner

From: Sheila M. Sannadan <ssannadan@adamsbroadwell.com>
Sent: Thursday, May 28, 2026 11:49 AM
To: Richard Hirsch <rhirsch@interwestgrp.com>

Cc: planning@applevalley.org; David Contreras <dcontreras@applevalley.org>; Kelilah D. Federman <kfederman@adamsbroadwell.com>

Subject: RE: GTS Cold Storage Project - Hearing

Good Morning Richard,

Could you please advise whether Responses to Comments on the MND will be released simultaneously with the Notice of Pending Land Use Decision? Otherwise, when will Responses to Comments be released? Does the Notice of Pending Land Use Decision allow for additional public comments before the Director's decision?

Thank you for your assistance.

Regards,
Sheila

Sheila Sannadan
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Adams Broadwell Joseph & Cardozo
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Phone (650) 589-1660
Fax (650) 589-5062
ssannadan@adamsbroadwell.com

From: Richard Hirsch <rhirsch@interwestgrp.com>

Sent: Tuesday, May 12, 2026 12:08 PM

To: Sheila M. Sannadan <ssannadan@adamsbroadwell.com>

Cc: planning@applevalley.org; David Contreras <dcontreras@applevalley.org>; Kelilah D. Federman <kfederman@adamsbroadwell.com>

Subject: RE: GTS Cold Storage Project - Hearing

Hello,

No, there is not yet a release date. You will receive the Notice since your firm is on the project's special notification list.

Richard Hirsch
Town of Apple Valley
Consulting Planner

From: Sheila M. Sannadan <ssannadan@adamsbroadwell.com>

Sent: Tuesday, May 12, 2026 11:52 AM

To: Richard Hirsch <rhirsch@interwestgrp.com>

Cc: planning@applevalley.org; David Contreras <dcontreras@applevalley.org>; Kelilah D. Federman <kfederman@adamsbroadwell.com>

Subject: RE: GTS Cold Storage Project - Hearing

Good Morning Richard,

Thank you for the information regarding the approval process of the GTS Cold Storage Project. Could you please advise whether there is now a set date for the release of the Notice of Pending Land Use Decision by the Director?

Thank you.

Regards,
Sheila

Sheila Sannadan
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South San Francisco, CA 94080
Phone (650) 589-1660
Fax (650) 589-5062
ssannadan@adamsbroadwell.com

From: Richard Hirsch <rhirsch@interwestgrp.com>
Sent: Saturday, April 25, 2026 11:29 AM
To: Sheila M. Sannadan <ssannadan@adamsbroadwell.com>
Cc: planning@applevalley.org; Kelilah D. Federman <kfederman@adamsbroadwell.com>; David Contreras <dcontreras@applevalley.org>
Subject: RE: GTS Cold Storage Project - Hearing

Hello,

This project will not have a public hearing. The project site is located in the North Apple Valley Specific Plan area and requests Site Plan Review. SPRs are considered administratively with a decision made by the Director, following issuance of a Notice of Pending Land Use Decision and notice period. This period is typically 10 days but will be extended to 20 days, due to the project having a Mitigated Negative Declaration. You will receive the Notice since your firm is on the project's special notification list. There is currently no date set for publication of the Notice.

Please let me know if you have any other questions.

Richard Hirsch
Town of Apple Valley
Consulting Planner

--

RICHARD HIRSCH
SENIOR PLANNER



rhirsch@interwestgrp.com

cell: 415.377.7826

[website](#) | [linkedin](#) | [email](#)

From: Sheila M. Sannadan <ssannadan@adamsbroadwell.com>

Sent: Friday, April 24, 2026 1:18 PM

To: Richard Hirsch <rhirsch@interwestgrp.com>

Cc: planning@applevalley.org; Kelilah D. Federman <kfederman@adamsbroadwell.com>

Subject: RE: GTS Cold Storage Project - Hearing

Good Afternoon Rick,

Could you please advise whether there is now an upcoming hearing is scheduled for the GTS Cold Storage Project?

Thank you.

Regards,
Sheila

Sheila Sannadan

Legal Assistant

Adams Broadwell Joseph & Cardozo

601 Gateway Boulevard, Suite 1000

South San Francisco, CA 94080

Phone (650) 589-1660

Fax (650) 589-5062

ssannadan@adamsbroadwell.com

From: Richard Hirsch <rhirsch@interwestgrp.com>

Sent: Monday, April 13, 2026 11:39 AM

To: Sheila M. Sannadan <ssannadan@adamsbroadwell.com>

Cc: planning@applevalley.org; Kelilah D. Federman <kfederman@adamsbroadwell.com>

Subject: RE: GTS Cold Storage Project - Hearing

Hello,

No, the status has not changed since your prior inquiry and my response.

Rick

From: Sheila M. Sannadan <ssannadan@adamsbroadwell.com>
Sent: Monday, April 13, 2026 10:47 AM
To: Richard Hirsch <rhirsch@interwestgrp.com>
Cc: planning@applevalley.org; Kelilah D. Federman <kfederman@adamsbroadwell.com>
Subject: RE: GTS Cold Storage Project - Hearing

Good Morning Rick,

Thank you for your response. Has the status changed? Is there now an upcoming hearing is scheduled, or tentatively scheduled, for the GTS Cold Storage Project?

Thank you.

Regards,
Sheila

Sheila Sannadan
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South San Francisco, CA 94080
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ssannadan@adamsbroadwell.com

From: Richard Hirsch <rhirsch@interwestgrp.com>
Sent: Friday, March 27, 2026 3:31 PM
To: Sheila M. Sannadan <ssannadan@adamsbroadwell.com>
Cc: planning@applevalley.org; Kelilah D. Federman <kfederman@adamsbroadwell.com>
Subject: RE: GTS Cold Storage Project - Hearing

Hello,

No hearings have been scheduled, nor tentatively scheduled.

Rick Hirsch
Town of Apple Valley
Consulting Planner

From: Sheila M. Sannadan <ssannadan@adamsbroadwell.com>
Sent: Friday, March 27, 2026 2:51 PM
To: Richard Hirsch <rhirsch@interwestgrp.com>
Cc: planning@applevalley.org; Kelilah D. Federman <kfederman@adamsbroadwell.com>
Subject: RE: GTS Cold Storage Project - Hearing

Good Afternoon Rick,

Is there now an upcoming hearing is scheduled, or tentatively scheduled, for the GTS Cold Storage Project?

Thank you.

Regards,
Sheila

Sheila Sannadan
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Adams Broadwell Joseph & Cardozo
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South San Francisco, CA 94080
Phone (650) 589-1660
Fax (650) 589-5062
ssannadan@adamsbroadwell.com

From: Richard Hirsch <rhirsch@interwestgrp.com>
Sent: Wednesday, February 18, 2026 1:08 PM
To: Sheila M. Sannadan <ssannadan@adamsbroadwell.com>
Cc: planning@applevalley.org; Kelilah D. Federman <kfederman@adamsbroadwell.com>
Subject: RE: GTS Cold Storage Project - Hearing

Hello,

No hearings or project decision has been scheduled for this project at this time.

Thank you for your interest.

Rick Hirsch
Town of Apple Valley
Consulting Planner

From: Sheila M. Sannadan <ssannadan@adamsbroadwell.com>
Sent: Wednesday, February 18, 2026 12:02 PM
To: Richard Hirsch <rhirsch@interwestgrp.com>
Cc: planning@applevalley.org; Kelilah D. Federman <kfederman@adamsbroadwell.com>
Subject: GTS Cold Storage Project - Hearing

Good Afternoon Rick,

Could you please advise whether an upcoming hearing is scheduled, or tentatively scheduled, for the GTS Cold Storage Project (SCH No. 2023080221)?

Thank you.

Regards,
Sheila

Sheila Sannadan
Legal Assistant
Adams Broadwell Joseph & Cardozo
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South San Francisco, CA 94080
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ssannadan@adamsbroadwell.com