



Dean C. Logan, Registrar - Recorder/County Clerk

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PALMDALE

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NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND SCOPING MEETING

DATE: August 31, 2022

TO: State Clearinghouse, Public Agencies, Organizations, and Interested Parties

PROJECT: Antelope Valley Commerce Center: General Plan Amendment 22-001, Zone Change 22-001, Specific Plan 22-001, Tentative Parcel Map 83738, and Site Plan Review 22-008

The City of Palmdale, as lead agency under the California Environmental Quality Act (CEQA), will prepare an Environmental Impact Report (EIR) for General Plan Amendment 22-001, Zone Change 22-001, Specific Plan 22-001, Tentative Parcel Map 83738, and Site Plan Review 22-008 (hereinafter "Project"). In accordance with Section 15082 of the CEQA Guidelines, the City of Palmdale has issued this Notice of Preparation (NOP) to provide responsible agencies, trustee agencies, and other interested parties with information describing the proposed project and its potential environmental effects. The City of Palmdale is requesting input from reviewing agencies and the public regarding the scope and content of the EIR.

This Notice of Preparation (NOP) is also available on the City's website at: <https://cityofpalmdale.org/176/Planning>

Due to time limits mandated by State law, your response must be sent at the earliest possible date but no later than 30 days after the date of this notice.

Date of Notice: August 31, 2022

Notice of Preparation Review Period: September 1, 2022, to September 30, 2022

Scoping Meeting: September 19, 2022, at 5pm

**REVIEW EXTENDED
TO OCTOBER 27, 2022**

The subject site is 433.7 acres located east of Sierra Highway, south of Columbia Way (East Avenue M/Columbia Way), west of the Boeing Palmdale Facility and Plant 42, and north of the Palmdale Regional Airport on Assessor Parcel Numbers (APNs) 3126-022-926, -927, -928, and -929. The northern boundary of the project site (East Avenue M/Columbia Way) is the boundary between the City of Palmdale and the City of Lancaster.

A General Plan Amendment and Zone Change are proposed to designate the property as "Specific Plan." A Specific Plan is proposed to allow for the development of the 433.7-acre property with approximately 379.4 acres of industrial uses, 7.1 acres of commercial-flex uses, to allocate approximately 26.8 acres for open space and 20.4 acres for roadways. The Specific Plan would permit up to 8,263,332 square feet (SF) of industrial building space intended to accommodate a mixture of manufacturing, warehousing, parcel hub, fulfillment center, light industrial and associated uses, and approximately 61,855 SF of commercial-flex building space intended to accommodate commercial retail and small-scale manufacturing and sales. A Tentative Parcel Map is proposed to subdivide the Specific Plan area into 15 parcels and three lettered lots to facilitate future development.

Development of the Specific Plan area is expected to occur in four (4) phases. A Site Plan Review is proposed for Phase I, comprised of six industrial buildings in the northern portion of the property and including: Building 1 (142,565 SF), Building 2 (147,145 SF), Building 3 (135,520 SF), Building 4 (680,420 SF), Building 5 (1,004,180 SF), and Building 6 (274,870 SF). Specific development plans for remaining phases are not proposed at this time.

Applications filed with the City of Palmdale include the following:

- General Plan Amendment 22-001 proposes a modification to the land use element of the City of Palmdale General Plan from Industrial (IND) to Specific Plan for the 433.7-acre property.
- Zone Change 22-001 proposes a modification to the City's official zoning map from General Industrial (M-2) to Specific Plan for the 433.7-acre property.
- Specific Plan 22-001 proposes a long-range development plan for a contemporary master-planned commerce center on the 433.7-acre property, envisioned to contain industrial, commercial flex, and open space land uses. The Specific Plan includes a land use plan, circulation plan, infrastructure plans, phasing plan, and design guidelines for site design, architecture and landscaping.
- Tentative Parcel Map 83738 is a proposed map to subdivide the property into 15 parcels and three lettered lots.
- Site Plan Review 22-008 is a proposed site plan for the development of six buildings as the first phase of development on the property.

Scope of the EIR

In accordance with CEQA, the City of Palmdale requests that agencies review the description of the Project provided in this NOP and provide comments or guidance on the scope of environmental issues related to the statutory responsibilities of the Lead Agency. The EIR will be used by the City of Palmdale when considering the Project for approval and by other Responsible and Trustee Agencies to support their discretionary actions related to the Project, as applicable. The City of Palmdale is also seeking comments from interested parties regarding issues they believe should be addressed in the EIR. A location map, USGS Topographical Map, Specific Plan Land Use Plan, Tentative Parcel Map, and the Phase I Site Plan are attached.

The City of Palmdale in its capacity as Lead Agency has determined that an EIR will be prepared for the proposed Project. The Lead Agency opted not to prepare an Initial Study and has determined that the environmental factors checked below would be potentially affected by the proposed project, thereby, requiring analysis in the proposed Project's EIR:

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

The EIR will assess the effects of the proposed Project on the environment, identify potentially significant impacts, identify feasible mitigation measures to reduce or eliminate potentially significant environmental impacts, and discuss potentially feasible alternatives to the Project that may accomplish basic objectives while lessening or eliminating any potentially significant Project-related impacts.

Scoping Meeting

Pursuant to California Public Resources Code Section 21083.9(a)(2) of the CEQA Statute and CEQA Guidelines Section 15082(c), the City of Palmdale will hold a public scoping meeting, where agencies, organizations, and members of the public will receive a brief presentation on the Project, the scope of environmental review, and the overall EIR process.

While the issues raised in this meeting will be summarized in the required EIR, anyone wishing to make formal comments on the Notice of Preparation must do so in writing.

The scoping meeting will be held via Zoom on:

Date and Time: September 19, 2022, at 5pm
Access: <https://us06web.zoom.us/j/81295366701?pwd=MmNwQ1FVK1d3eDZOWFBjN1d6QVV6dz09>
Meeting ID: 812 9536 6701
Passcode: 321451

The scoping meeting will include time for attendees to provide input on the scope and content of the EIR, including any input regarding potential mitigation measures or possible alternatives to the project.

Opportunity for Public Review and Comment

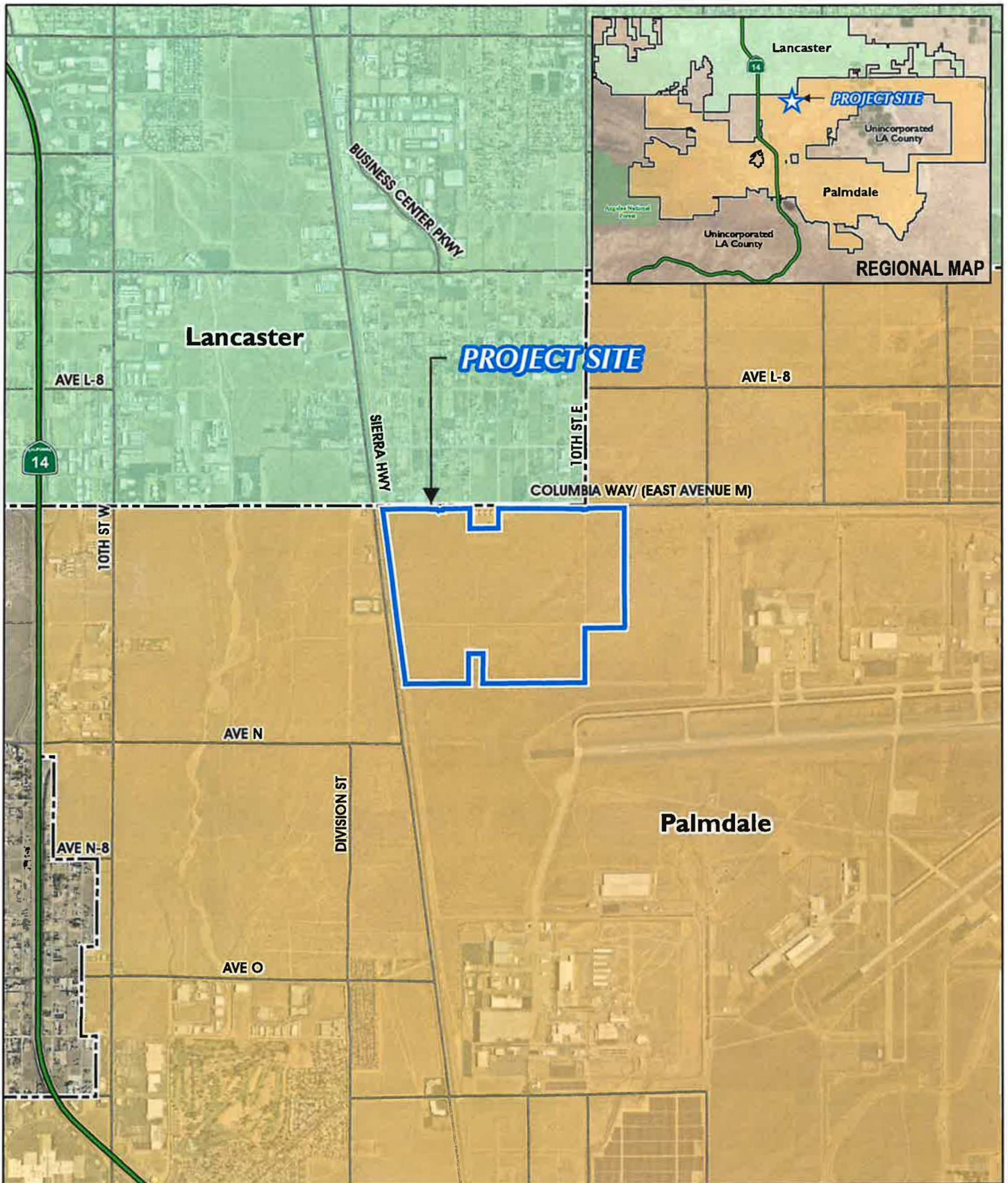
The issuance of this NOP begins a 30-day public scoping period. The scoping period begins on **September 1, 2022**, and ends on **September 30, 2022**. Comments may be sent to the City of Palmdale at any time during the 30-day public scoping period. Please focus your comments on issues related to the scope and content of the environmental analysis that will be included in the EIR. All scoping comments must be received by the City of Palmdale or postmarked by September 30, 2022. Due to the time limits mandated by state law, the City of Palmdale, recommends that your feedback is provided at the earliest possible date, but not provided later than 30 days after the date of this notice. Trustee Agencies and Responsible agencies are asked to identify their statutory authorities pertaining to the Project. If applicable, please include the name and contact information of a contact person for your agency. Direct all comments to:

City of Palmdale – Department of Economic and Community Development
Attn: Megan Taggart, Planning Manager
38250 Sierra Highway
Palmdale, CA 93550

Comments may also be emailed to: mtaggart@cityofpalmdale.org

Attachments:

Figure 1 – Location Map
Figure 2 – USGS Topographical Map
Figure 3 – Specific Plan Land Use Plan
Figure 4 – Proposed Tentative Parcel Map No. 83738
Figure 5 - Phase I Site Plan

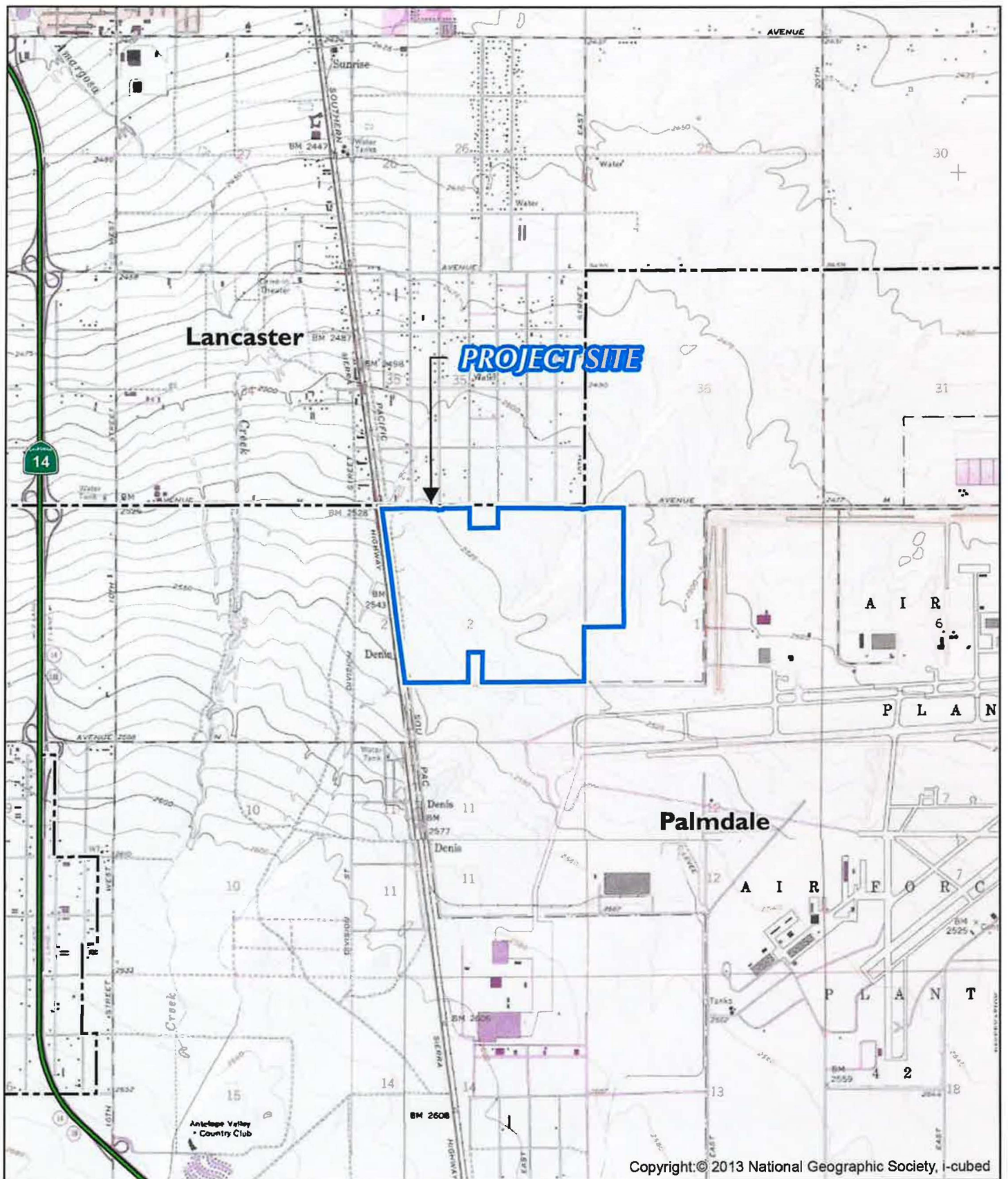


Antelope Valley Commerce Center

FIGURE 1 - LOCATION MAP

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Feet



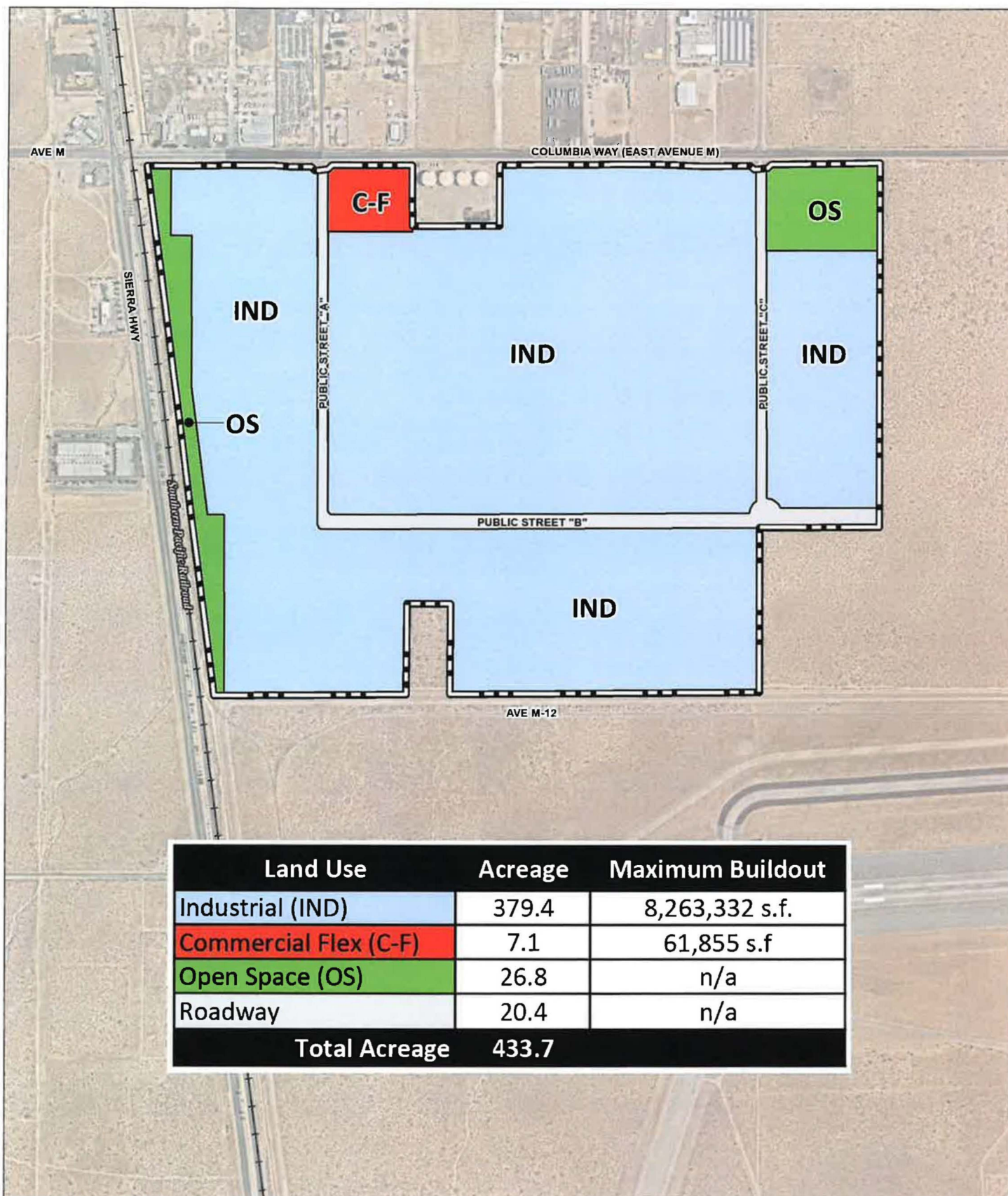


Antelope Valley Commerce Center

FIGURE 2 - USGS TOPOGRAPHICAL MAP

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Feet





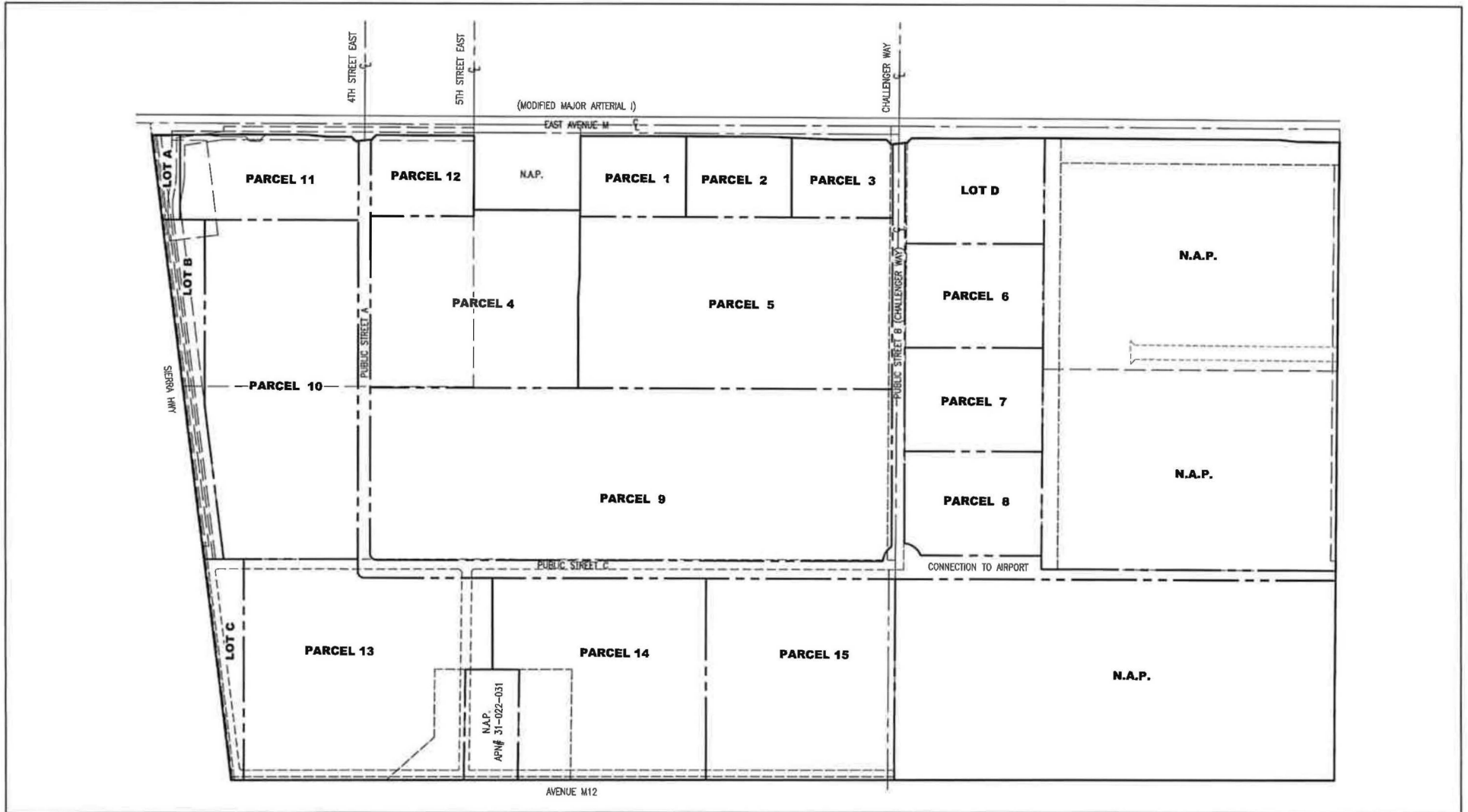
Source(s): ESRI, Nearmap Imagery (2022), LA County (2022)

Antelope Valley Commerce Center

FIGURE 3 - SPECIFIC PLAN LAND USE PLAN

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Feet



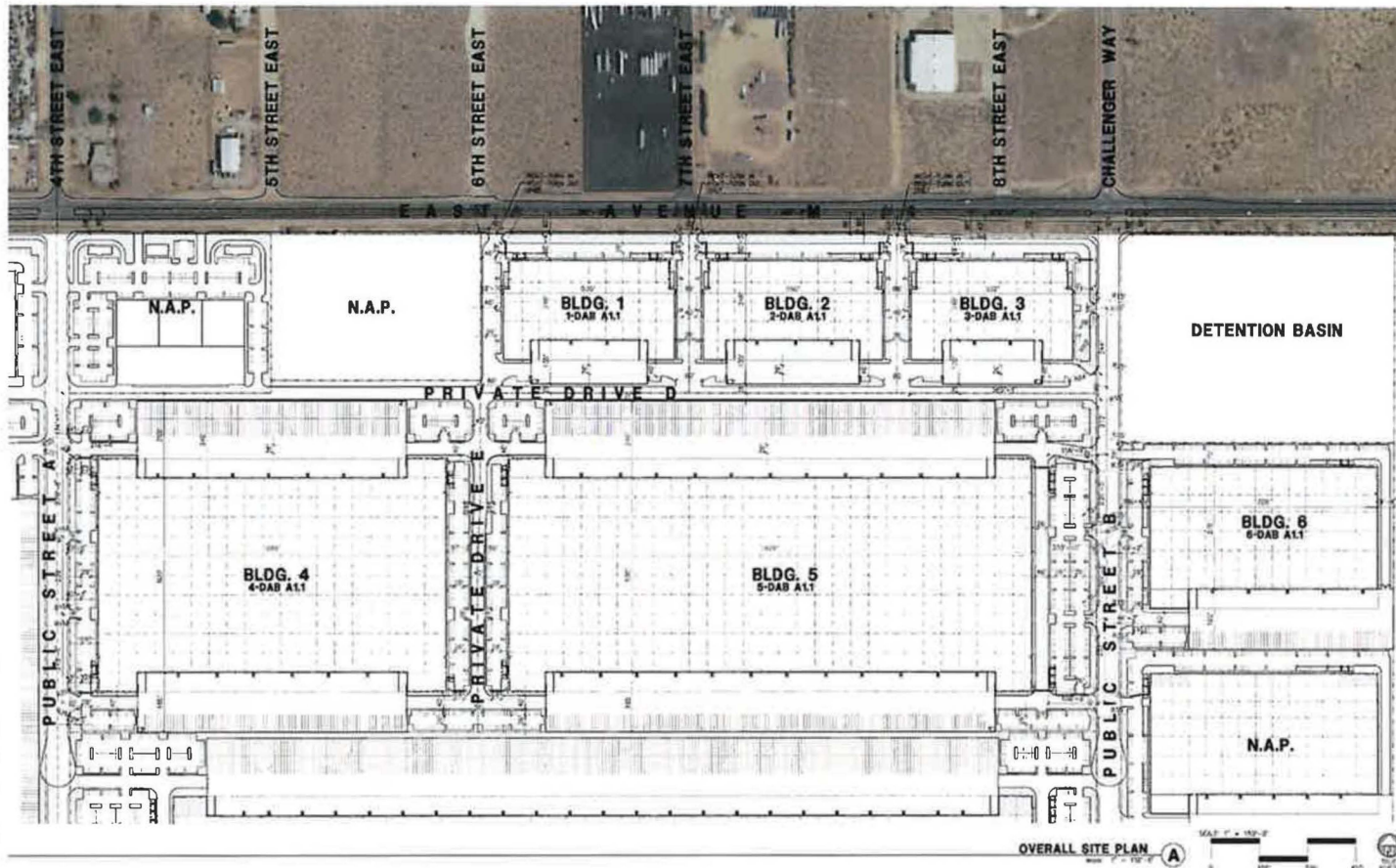


Source(s): WestLAND Group, Inc. (07-19-2022)

Antelope Valley Commerce Center

FIGURE 4 - TENTATIVE PARCEL MAP NO. 83738





SITE PLAN GENERAL NOTES

1. THE SITE SHOWN HEREIN IS A CONCEPTUAL PLAN. THE ACTUAL DEVELOPMENT OF THE SITE SHALL BE DETERMINED BY THE LOCAL GOVERNMENT AND THE STATE OF CALIFORNIA.
2. ALL UTILITIES ARE TO BE DEEPER THAN THE EXISTING UTILITIES.
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19. ALL UTILITIES ARE TO BE DEEPER THAN THE EXISTING UTILITIES.
20. ALL UTILITIES ARE TO BE DEEPER THAN THE EXISTING UTILITIES.

SITE LEGEND

| | |
|------------------|----------------|
| LANDSCAPED AREA | LIGHT STANDARD |
| CONCRETE PAVING | EXTENDED PLANK |
| ASPHALT PAVING | FLAME PROOFING |
| GRAVEL PAVING | FLAME PROOFING |
| ACCESSORY PAVING | FLAME PROOFING |
| | FLAME PROOFING |

Source(s): WestLAND Group, Inc. (08-09-2022)

Antelope Valley Commerce Center

FIGURE 5 - PHASE I SITE PLAN





State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Via Electronic Mail Only

September 27, 2022

Megan Taggart
City of Palmdale
38250 Sierra Highway
Palmdale, CA 913550
mtaggart@cityofpalmdale.org

Subject: Notice of Preparation of a Draft Environmental Impact Report for Antelope Valley Commerce Center: General Plan Amendment 22-001, Zone Change 22-001, Specific Plan 22-001, Tentative Parcel Map 83738, and Site Plan Review 22-008, SCH # 2022090009, City of Palmdale, Los Angeles County

Dear Ms. Taggart:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) from the City of Palmdale (City) for the Antelope Valley Commerce Center: General Plan Amendment 22-001, Zone Change 22-001, Specific Plan 22-001, Tentative Parcel Map 83738, and Site Plan Review 22-008 (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on Projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any

Conserving California's Wildlife Since 1870

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species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

Objective: The Project proposes a general plan amendment, zone change, specific plan, tentative parcel map (Tentative Parcel Map 83738), and site plan review (Site Plan Review 22-008) for the 433.7-acre property. The general plan and zone change will allow for modification of the land use element and zoning from Industrial to Specific Plan. The Specific Plan will detail the long-term master development plan for the property. Based on the proposed Specific Plan, approximately 379.4 acres will be allocated for industrial uses, 7.1 acres for commercial flex uses, 20.4 acres for roadways, and 26.8 acres for open space. Industrial uses may include a mixture of manufacturing, warehousing, parcel hub, fulfillment center, light industrial, and associated uses. Tentative Parcel Map 83738 is proposed to subdivide the 433.7-acre Project site into 15 parcels and three lettered lots to facilitate future development. Complete development of the Project site is anticipated to occur in four phases. Site Plan Review 22-008 proposes construction of six buildings, which will serve as the first phase of development. The six buildings will be constructed in the northern portion of the property with varying building areas and uses. The remaining three phases are not proposed with this specific Project.

Location: The Project site encompasses 433.7 acres located on the southeast corner of Sierra Highway and Columbia Way, in the City of Palmdale, Los Angeles County. The Project site is bounded by Columbia Way to the north, 15th Street East to the east, Sierra Highway to the west, and Avenue M-12 to the south. The Project site is located on Assessor Parcel Numbers: 3126-022-926, 3126-022-927, 3126-002-928, 3126-022-929.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. The EIR should provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151]. CDFW looks forward to commenting on the EIR when it is available.

Specific Comments

- 1) Impacts on Western Joshua Tree (*Yucca brevifolia*). Based on Google Imagery, there are western Joshua trees on the Project site. In order for the Project to be completed as proposed, western Joshua trees would need to be removed and western Joshua tree seedbank would be impacted through ground disturbing activities. Any of the following occurring completely or partially near western Joshua trees could impact western Joshua trees, root zone, and seedbank: ground-disturbing activities; staging areas; vegetation and debris piles; operation of heavy machinery; vehicles; installation of roads and drive aisles, and installation of temporary and/or permanent fencing.

- a) Protection Status. The western Joshua tree is a species designated as candidate for

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listing as threatened pursuant to CESA (Fish & G. Code, § 2050 *et seq.*). Take of western Joshua tree is defined as any activity that results in the removal of a western Joshua tree, or any part thereof, or impacts the seedbank surrounding one or more western Joshua trees (CDFW 2022h). The western Joshua tree is granted full protection of a threatened species under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Impacts on western Joshua tree requires a mandatory finding of significance under CEQA (CEQA Guidelines, § 15065).

- b) Analysis and Disclosure. The EIR should provide information as to where western Joshua trees occur within the survey area, number of trees, tree height, age class (e.g., seedling, juvenile, mature), and any observations of flowers and/or fruits. The EIR should also provide information on the natural communities supporting western Joshua trees in the survey area (also see General Comment #1a). The EIR should provide complete disclosure of the Project's impact on western Joshua tree, seedbank, and natural communities supporting western Joshua tree. Both direct and indirect impacts should be discussed and disclosed. The EIR should discuss if the Project would result in changes to on-site drainage patterns. Surface flow from the Project site directed off site where there may be western Joshua trees could result in soil erosion and disturbance to the root zone.
- c) Surveys. In preparation of the EIR, CDFW recommends the City require the Project Applicant to retain a qualified biologist to survey the Project site and areas around the Project site for western Joshua trees. The qualified biologist should survey all areas within 300 feet of the Project site for western Joshua trees.
- d) Avoidance. CDFW recommends the City require the Project Applicant to fully avoid impacts on western Joshua tree and seedbank to the maximum extent feasible. CDFW recommends the EIR be conditioned with a mitigation measure to avoid all impacts on western Joshua tree and seedbank through implementation of a 300-foot buffer. No work or access should occur within the buffer until the Project is complete. In addition, CDFW recommends the City require the Project Applicant to design the Project so that drainage from the Project site is not directed to adjacent areas where there may be western Joshua trees. The EIR should discuss how the Project has been designed to fully avoid impacts on western Joshua tree and seedbank.
- e) Compensatory Mitigation. If the Project is unable to fully avoid impacts on western Joshua tree and seedbank, CDFW recommends the City require the Project Applicant to provide mitigation to compensate for those impacts. Appropriate mitigation for the Project's impact on western Joshua tree would include obtaining appropriate take authorization under CESA prior to implementing the Project (pursuant to Fish & Game Code, § 2080 *et seq.*).
- f) CESA. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from a project is prohibited, except as authorized by State law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project and any Project-related activity

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during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the project's CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP.

- 2) Impacts on Mohave Ground Squirrel (*Xerospermophilus mohavensis*). Mohave ground squirrels have been documented historically to occur within the Antelope Valley region. According to the [California Natural Diversity Database \(CNDDB\)](#), observations of Mohave ground squirrels has been documented within a mile of the Project site (CDFW 2022a). The Project site may support requisite habitat elements for Mohave ground squirrel. This includes burrows under vegetation found in desert scrub and Joshua tree woodland. The limits of Mohave ground squirrel's geographic range are not known precisely; surveys may be required in areas up to five miles from currently documented boundaries (CDFW 2003). In addition, Mohave ground squirrel may have occurred, or could possibly still occur, outside the geographic range currently recognized by CDFW (CDFW 2019).
 - a) Protection Status. Mohave ground squirrel is a CESA-listed species. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from a project is prohibited, except as authorized by State law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9).
 - b) Analysis and Disclosure. The EIR should provide full disclosure of the presence of Mohave ground squirrel on the Project site. Conclusions made in regard to habitat quality and suitability should be substantiated by scientific and factual data, which may include maps, diagrams, and similar relevant information sufficient to permit full assessment of significant impacts by reviewing agencies. Potential direct and indirect impacts on Mohave ground squirrel should be discussed in the Project's environmental document. If the Project would impact Mohave ground squirrel and habitat, the EIR should provide measures to avoid and/or mitigate potential impacts to Mohave ground squirrel and habitat supporting the species. For unavoidable impacts, appropriate mitigation may include consultation with CDFW and obtaining appropriate take authorization under CESA.
 - c) Surveys. In preparation of an EIR, CDFW recommends the City require the Project Applicant to retain a qualified biologist to conduct a visual survey for Mohave ground squirrel and habitat quality according to established [Mohave Ground Squirrel Survey Guidelines](#) (CDFW 2003). If visual surveys do not reveal presence of Mohave ground squirrel on the Project site but potential habitat is present, standard small mammal trapping grids should be established in potential Mohave ground squirrel habitat.

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- 3) Impacts on Desert tortoise (*Gopherus agassizii*). The proposed Project is within the home range of desert tortoise. Desert tortoises spend the majority of the year underground in burrows throughout the Mojave Desert. Over the past 20 years, the population densities of desert tortoise have greatly declined (CDFW 2022f). Project activities such as grading, vegetation removal, and construction activities may result in loss of burrowing habitat, foraging habitat, and cause the death or injury of adults, juveniles, eggs, or hatchlings mortality.
 - a) Protection Status. Desert tortoise is an Endangered Species Act (ESA) and CESA-listed species. Desert tortoise has full protection of a threatened species under CESA. Take of any endangered, threatened, candidate species, or CESA-listed plant species that results from a project is prohibited, except as authorized by State law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). In addition, impacts on desert tortoise requires a mandatory finding of significance under CEQA (CEQA Guidelines, § 15065).
 - b) Analysis and Disclosure. The EIR should provide full disclosure of the presence or absence of desert tortoise within the Project site. The EIR should also analyze and discuss the Project's direct and indirect impacts on desert tortoise and habitat. Surveys and assessments for the species should be disclosed with the EIR and not deferred until a later time (i.e., preconstruction surveys). If the Project would impact desert tortoise and habitat, the EIR should provide measures to avoid and/or mitigate potential impacts to desert tortoise as well as habitat. For unavoidable impacts, appropriate mitigation may include consultation with CDFW and/or U.S. Fish and Wildlife Service (USFWS) and obtaining appropriate take authorization under CESA and ESA prior to implementing the Project.
 - c) Surveys. In preparation of the EIR, CDFW recommends the City require the Project Applicant to retain a qualified biologist to prepare a habitat assessment and conduct 10-meter-wide belt transects covering the Project site and adjacent areas in order to determine the presence of desert tortoise. The habitat assessment and transects should be performed adhering to methods described in [Preparing for Any Action That May Occur Within the Range of the Mojave Desert Tortoise](#) (USFWS 2019).
- 4) Impacts on Foraging Habitat for Swainson's Hawk (*Buteo swainsoni*). According to CNDDDB, Swainson's hawk have been observed within a mile of the Project site (CDFW 2022a). Nesting pairs in the Antelope Valley primarily forage in agricultural areas within the region, as well as other desert scrub habitat that support a suitable prey base of small rodents (ICF 2019). Swainson's hawk is threatened by loss of nesting and foraging habitat (e.g., from agricultural shifts to less crops that provide less suitable habitat); urban development; environmental contaminants (i.e., pesticides); and climate change (ICF 2019; CDFW 2016).
 - a) Protection Status. Swainson's hawk is granted full protection as a threatened CESA-listed species. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Impacts on Swainson's hawk requires a mandatory finding of significance under CEQA (CEQA Guidelines, § 15065).

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- b) Analysis and Disclosure. The EIR should provide full disclosure of the Project impacts on Swainson's hawk and foraging habitat. To permit full assessment of significant impacts, surveys and assessments for the species should be disclosed in the EIR and not deferred until a later time (i.e., preconstruction surveys). In addition, the EIR should evaluate and discuss the Project's impact on Swainson's hawk population at a local and region scale. If the Project would result in loss of nesting and/or foraging habitat, CDFW recommends the EIR include measures to mitigate for those impacts. Any proposed compensatory mitigation should ensure no net loss of foraging habitat for Swainson's hawk. Appropriate mitigation may also include consulting with CDFW and obtaining appropriate take authorization under CESA prior to implementing the Project (pursuant to Fish & Game Code, § 2080 et seq.).
 - c) Surveys. In preparation of the EIR, CDFW recommends the City require the Project Applicant to retain a qualified biologist to survey the Project site for nesting habitat and five miles around the Project site where nesting habitat occurs. The qualified biologist should also assess Swainson's hawk foraging habitat in the Project site and areas off site that could be impacted by the Project. The survey protocol should be performed adhering to methods described in [Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley for Los Angeles and Kern Counties, California](#) (CDFW 2010).
- 5) Impact on Species of Special Concern (SSC) - Reptiles. The coast horned lizard (*Phrynosoma blainvillii*) and Northern California legless lizard (*Anniella pulchra*) have both been observed and recorded within a mile of the Project site (CNDDDB 2022a). Project activities related to ground disturbing activities, such as grading and construction of buildings, may result in reptile habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. Moreover, the Project may remove essential foraging and breeding habitat for the species.
 - a) Protection Status. Both species are designated as SSC. CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065).
 - b) Analysis and Disclosure. CDFW recommends the EIR provide full disclosure of the presence of these SSC species and potential impacts on habitat. To allow for a full assessment of significant impacts, surveys and assessments for the species should be disclosed in the EIR and not deferred until a later time (i.e., preconstruction surveys). If the Project would result in loss of suitable habitat for these SSC, CDFW recommends the EIR include measures to mitigate for those impacts.
 - c) Surveys and Avoidance. CDFW recommends qualified biologist(s) familiar with the reptile species behavior and life history conduct focused surveys to determine the presence/absence of these SSC. Surveys should be conducted during active season when the reptile species are most likely to be detected. Additionally, CDFW recommends that a qualified biological monitor be on site during ground and habitat disturbing activities to move out of harm's way special status species (see General Comment #2) that would be injured or killed by grubbing or Project-related grading

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activities. It should be noted that the temporary relocation of on-site wildlife does not constitute as effective mitigation for the purposes of offsetting Project impacts associated with habitat loss.

- 6) Impacts to Nesting Birds. The Joshua tree woodland and associated vegetation within the Project site provide potential nesting habitat for a variety of nesting birds and raptors. The proposed Project may impact nesting birds through grading activities and removal of vegetation and trees within the Project site. Furthermore, Project activities occurring during the nesting bird season, especially in areas providing suitable nesting habitat, could result in the incidental loss of fertile eggs or nestlings, or nest abandonment.
 - a) Protection Status. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.
 - b) Analysis and Disclosure. CDFW recommends the EIR discuss the Project's potential impact on nesting birds and raptors within the Project site. A discussion of potential impacts should include impacts that may occur during ground-disturbing activities and vegetation removal. The EIR should analyze and discuss the Project's impact on bird and raptor nesting and breeding habitat. The EIR should also disclose the acreage of bird and raptor nesting and breeding habitat that could be impacted and lost as a result of the proposed Project.
 - c) Avoidance. CDFW recommends the EIR include a measure to fully avoid impacts to nesting birds and raptors. To the extent feasible, no construction, ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating), and vegetation removal during the avian breeding season which generally runs from February 15 through September 15 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs.

If impacts to nesting birds and raptors cannot be avoided, CDFW recommends the EIR include measures to minimize impacts on nesting birds and raptors. Prior to starting ground-disturbing activities and vegetation removal, a qualified biologist should conduct nesting bird and raptor surveys to identify nests. The qualified biologist should establish no-disturbance buffers to minimize impacts on those nests. CDFW recommends a minimum 300-foot no disturbance buffer around active bird nests. For raptors, the no disturbance buffer should be expanded to 500 feet and 0.5 mile for special status species, if feasible. Personnel working on the Project, including all contractors working on site, should be instructed on the presence of nesting birds, area sensitivity, and adherence to no-disturbance buffers. Reductions in the buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors determined by a qualified biologist.

- 7) Landscaping. The proposed Project may entail landscaping around the constructed buildings. CDFW recommends the City only use native species found in naturally occurring vegetation communities within or adjacent to the Project site. The proposed Project should

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not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. Accordingly, CDFW recommends the City restrict use of any species, particularly 'Moderate' or 'High' listed by the [California Invasive Plant Council](#) (Cal-IPC 2022). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.

- 8) Use of Rodenticides. If the Project results in enhanced landscaping, vegetation may need to be managed via chemical methods. Herbicides, pesticides, and rodenticides may impact wildlife. Second generation anticoagulant rodenticides are known to have harmful effects on the ecosystem and wildlife. [Assembly Bill 1788](#) prohibits the use of any second-generation anticoagulant rodenticides because second generation anticoagulant rodenticides have a higher toxicity and are more dangerous to nontarget wildlife (California Legislative Information 2020). CDFW recommends the EIR include a discussion as to the Project's use of herbicides, pesticides, and second-generation anticoagulant rodenticides to maintain the restored areas within the Project site in perpetuity. CDFW recommends the City include measures that would prohibit the use of any second-generation anticoagulant rodenticides throughout the Project.

General Comments

- 1) Biological Baseline Assessment. The EIR should provide an adequate biological resources assessment, including a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project site. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. An environmental document should include the following information:
 - a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The EIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2022b);
 - b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas should be included where Project construction and activities could lead to direct or indirect impacts off site;

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- c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at a Project site and within the neighboring vicinity. The [Manual of California Vegetation Online](#) should also be used to inform this mapping and assessment (CNPS 2022). Adjoining habitat areas should be included in this assessment the Project could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
 - d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by a Project. California Natural Diversity Database in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. An assessment should include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a Project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur in the Project site. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)];
 - e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of a Project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's [Survey and Monitoring Protocols and Guidelines](#) for established survey protocol for select species (CDFW 2022c). Acceptable species-specific survey procedures may be developed in consultation with CDFW and the USFWS; and
 - f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of a proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame or in phases.
- 2) Scientific Collecting Permit. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocated wildlife to avoid harm or mortality in connection with Project-related activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2022e).

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- 3) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of removing plants and wildlife from one location and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.
- 4) Lake and Streambed Alteration Program. The EIR should provide a stream delineation and analysis of impacts. The delineation should be conducted pursuant to the to the USFWS wetland definition adopted by CDFW (Cowardin et al. 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification. Modifications to a river, creek, or stream in one area may result in bank erosion, channel incision, or drop in water level along that stream outside of the immediate impact area. Therefore, CDFW recommends the EIR discuss the potential impact to any stream that may be located within or surrounding the Project site.
 - a) CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the project applicant (or "entity") must notify CDFW pursuant to Fish and Game Code Section 1600 *et seq.* CDFW's issuance of a Lake and Streambed Alteration (LSA) Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the environmental document of the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the environmental document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2022i).
 - b) As part of the LSA Notification process, CDFW requests a hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. Additionally, the hydrological evaluation should assess the 100, 50, 25, 10, 5, and 2-year frequency flood events to evaluate existing and proposed conditions and erosion/scour potential. CDFW recommends the EIR discuss the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.
- 5) Disclosure. A EIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed Project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, §15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).

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- 6) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental document “shall describe feasible measures which could mitigate for impacts below a significant level under CEQA.”
 - a) Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the Lead Agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4). A public agency “shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures” (Pub. Resources Code, § 21081.6). CDFW recommends the City provide mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of proposed mitigation measures.
 - b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the EIR should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the EIR should provide an adequate, complete, and detailed disclosure about a project’s proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
- 7) Data. CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and natural communities detected by completing and submitting [CNDDB Field Survey Forms](#) (CDFW 2022d). To submit information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW’s Vegetation Classification and Mapping Program (CDFW 2022g). The City should ensure data collected for the preparation of the EIR be properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred.
- 8) Biological Direct, Indirect, and Cumulative Impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The EIR should address the following:
 - a) A discussion regarding Project-related indirect impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]. Impacts on, and maintenance of, wildlife corridor/movement

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areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the EIR;

- b) A discussion of both the short-term and long-term effects to species population distribution and concentration and alterations of the ecosystem supporting the species impacted [CEQA Guidelines, § 15126.2(a)];
 - c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;
 - d) A discussion of Project-related changes on drainage patterns; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project sites. The discussion should also address the potential water extraction activities and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
 - e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the EIR; and
 - f) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant and wildlife species, habitat, and vegetation communities. If the City determines that the Project would not have a cumulative impact, the EIR should indicate why the cumulative impact is not significant. The City's conclusion should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].
- 9) Compensatory Mitigation. The EIR should include mitigation measures for adverse Project-related direct or indirect impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.
- 10) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, an EIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed

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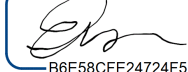
include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

Conclusion

We appreciate the opportunity to comment on the NOP for the Antelope Valley Commerce Center: General Plan Amendment 22-001, Zone Change 22-001, Specific Plan 22-001, Tentative Parcel Map 83738, and Site Plan Review 22-008 Project to assist the City in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Julisa Portugal, Environmental Scientist, at Julisa.Portugal@wildlife.ca.gov or (562) 330-7563.

Sincerely,

DocuSigned by:



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Erinn Wilson-Olgin

Environmental Program Manager I
South Coast Region

ec: CDFW

Erinn Wilson-Olgin – Erinn.Wilson-Olgin@wildlife.ca.gov
Victoria Tang – Los Alamitos – Victoria.Tang@wildlife.ca.gov
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CEQA Program Coordinator – Sacramento – CEQACommentLetters@wildlife.ca.gov
State Clearinghouse - state.clearinghouse@opr.ca.gov

References:

- [CDFW] California Department of Fish and Wildlife. 2003. Mohave Ground Squirrel Survey Guidelines. January 2003; minor process and contact changes in July 2010. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83975&inline>
- [CDFW] California Department of Fish and Wildlife and California Energy Commission. 2010. Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83991&inline>
- [CDFW] California Department of Fish and Wildlife. 2016. Status review: Swainson's hawk (*Buteo swainsoni*) in California. Report to the California Fish and Game Commission, Sacramento, CA, USA. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=133622&inline>

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- [CDFW] California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Available from:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>
- [CDFW] California Department of Fish and Wildlife. 2019. A Conservation Strategy for the Mojave Ground Squirrel (*Xerospermophilus mohavensis*). Available from:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>
- [CDFWa] California Department of Fish and Wildlife. 2022. California Natural Diversity Database. Available from: <https://wildlife.ca.gov/Data/CNDDDB>
- [CDFWb] California Department of Fish and Wildlife. 2022. Natural Communities. Accessed at:
<https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>.
- [CDFWc] California Department of Fish and Wildlife. 2022. Survey and Monitoring Protocols and Guidelines. Available from: <https://wildlife.ca.gov/conservation/survey-protocols>
- [CDFWd] California Department of Fish and Wildlife. 2022. Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>
- [CDFWe] California Department of Fish and Wildlife. 2022. Scientific Collecting Permits. Available from: <https://wildlife.ca.gov/Licensing/Scientific-Collecting#53949678>
- [CDFWf] California Department of Fish and Wildlife. 2022. Desert Tortoise Status Review: How You Can Help. Available from: <https://wildlife.ca.gov/Data/CNDDDB/News/desert-tortoise-status-review-how-you-can-help>
- [CDFWg] California Department of Fish and Wildlife. Combined Rapid Assessment and Releve Form. Available from: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>
- [CDFWh] California Department of Fish and Wildlife. 2022. Trimming of western Joshua trees and removal of dead western Joshua trees. What is "Take"? Available from:
<https://wildlife.ca.gov/Conservation/CESA/WJT>
- [CDFWi] California Department of Fish and Wildlife. 2022. Lake and Streambed Alteration Program. <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>
- [CAL-IPC] California Invasive Plant Council. 2022. The Cal-IPC Inventory. Available from:
<https://www.cal-ipc.org/plants/inventory/>
- [CNPS] California Native Plant Society. 2022. A Manual of California Vegetation Online. Available from: <https://vegetation.cnps.org/>
- California Legislative Information. 2020. AB-1788 Pesticides: use of second-generation anticoagulant rodenticides. Available from:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1788
- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States. U.S. Fish and Wildlife Service. FWS/OBS-79/31. Washington, DC.
- [ICF] Public Draft Antelope Valley Regional Conservation Investment Strategy. October 2019. (ICF 462.16.) San Diego, California. Prepared for Desert Mountains Conservation Authority, Lancaster, California. Available from:
<https://wildlife.ca.gov/Conservation/Planning/Regional-Conservation/Documents>
- [USFWS] United States Fish and Wildlife Service. 2019. Preparing for Any Action That May Occur Within the Range of the Mojave Desert Tortoise (*Gopherus agassizii*). Version October 8, 2019. Available from:
<https://wildlife.ca.gov/Conservation/SurveyProtocols#377281283-reptiles>

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013



September 24, 2022

CORS 2022090004

Megan Taggart
City of Palmdale
38250 Sierra Highway
Palmdale, CA 93550

Sent by email to: Mtaggart@cityofpalmdale.org

**Re: Antelope Valley Commerce Center
SCH 2022090009 — Notice of Preparation**

Dear Megan Taggart:

The California Public Utilities Commission (Commission/CPUC) has jurisdiction over rail crossings (crossings) in California. CPUC ensures that crossings are safely designed, constructed, and maintained. The Commission's Rail Crossings Engineering Branch (RCEB) is in receipt of the *Notice of Preparation (NOP)* for the proposed Antelope Valley Commerce Center Project (Project). City of Palmdale (City) is the lead agency.

The Project Applicant proposes to develop 433.7-acre property with approximately 379.4 acres of industrial uses, 7.1 acres of commercial-flex uses, to allocate approximately 26.8 acres for open space and 20.4 acres for roadways. The Specific Plan would permit up to 8,263,332 square feet (SF) of industrial building space intended to accommodate a mixture of manufacturing, warehousing, parcel hub, fulfillment center, light industrial and associated uses, and approximately 61,855 SF of commercial-flex building space intended to accommodate commercial retail and small-scale manufacturing and sales.

The project is located near the highway rail crossing (CPUC No. 001B-409.10, DOT No. 750642) east of the intersection of Sierra Hwy and Avenue M (Columbia Way). On February 8, 2018, CPUC staff met with representatives from Cities of Palmdale and Lancaster, Caltrans, Metrolink, and UPRR for a diagnostic meeting to discuss safety improvements to the crossing. The City of Lancaster is the lead agency for this crossing improvement project and is actively in preliminary engineering design for these improvements.

Any development adjacent to the railroad right-of-way (ROW) should be planned with the safety of the rail corridor in mind. New developments may increase pedestrian or vehicular traffic volumes not only on streets and at intersections, but also at nearby rail crossings. Traffic impact studies should analyze rail crossing safety and potential mitigation measures.

In addition, construction or modification of public crossings requires authorization from the Commission. RCEB representatives are available to discuss any potential safety impacts or concerns at crossings. Please continue to keep RCEB informed of the project's development. More information can be found at: <http://www.cpuc.ca.gov/crossings>.

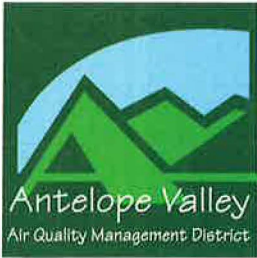
If you have any questions, please contact Chris Palas at (213) 999-3403, or cpp@cpuc.ca.gov.

Megan Taggart
SCH 2022090009
September 24, 2022

Sincerely,

Chris Palas
Utilities Engineer
Rail Crossings Engineering Branch
Rail Safety Division

CC: State Clearinghouse, state.clearinghouse@opr.ca.gov
Kenneth Tom, UPRR, ktom@up.com
Donald Filippi, Metrolink, FillippiD@scrra.net



Antelope Valley Air Quality Management District
43301 Division St., Suite 206
Lancaster, CA 93535-4649

661.723.8070

In reply, please refer to AV0922/171

September 12, 2022

Megan Taggart
City of Palmdale
38250 Sierra Highway
Palmdale, CA 93550

RE: Notice of Preparation of a Draft Environmental Impact Report and Scoping Meeting

Ms. Taggart,

The Antelope Valley Air Quality Management District (District) has received the request to review planning documents for Notice of Preparation of a Draft Environmental Impact Report and Scoping Meeting for project: Antelope Valley Commerce Center: General Plan Amendment 22-001. The plan is proposed to allow for the development of the 433.7-acre property with approximately 379.4 acres of industrial uses, 7.1 acres off commercial-flex uses, to allocate approximately 26.8 acres for open space and 20.4 acres for roadways. The project is located east of Sierra Highway, south of Columbia Way (East Avenue M/Columbia Way), west of the Boeing Palmdale Facility and Plant 42, and north of the Palmdale Regional Airport. (APNs: 3052-079-002, -003 and -004).

Prior to initiating any grading or grubbing construction activity, the District requires submission of the required Construction Excavation Fee as well as compliance with all prerequisites outlined in District Rule 403, *Fugitive Dust*, including submission and approval of a Dust Control Plan, installation of signage and the completion of a successful onsite compliance inspection by an AVAQMD field inspector.

During the construction phase, all disturbed areas should be stabilized so that no visible fugitive dust leaves the property line and does not impact traffic or neighboring residents. If an area of one-half acre or more of Disturbed Surface Area remains unused for seven or more days, the area must comply with the conditions for a Stabilized Surface outlined in Rule 403. Upon completion of the project, all disturbed surface areas must meet the definition of a stabilized surface, as defined in Rule 403 and verified by District staff.

All construction equipment utilized on this project must comply with Air Resources Board In-Use Off-Road Diesel Vehicle Regulation.

Thank you for the opportunity to review this planning document. If you have any questions regarding the information presented in this letter please contact me at (661) 723-8070 ext. 23 or blods@avaqmd.ca.gov.

Sincerely,

Barbara Lods

Barbara Lods
Operations Manager

BJL/SS
Sent via Email



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Transportation
Ray Marquez, Chino Hills

September 29, 2022

Megan Taggart, Planning Manager
City of Palmdale, Department of Economic and Community Development
38250 Sierra Highway
Palmdale, California 93550
Phone: (661) 267-5213
E-mail: mtaggart@cityofpalmdale.org

RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Antelope Valley Commerce Center [SCAG NO. IGR10715]

Dear Megan Taggart,

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the Antelope Valley Commerce Center ("proposed project") to the Southern California Association of Governments (SCAG) for review and comment. SCAG is responsible for providing informational resources to regionally significant plans, projects, and programs per the California Environmental Quality Act (CEQA) to facilitate the consistency of these projects with SCAG's adopted regional plans, to be determined by the lead agencies.¹

Pursuant to Senate Bill (SB) 375, SCAG is the designated Regional Transportation Planning Agency under state law and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS). SCAG's feedback is intended to assist local jurisdictions and project proponents to implement projects that have the potential to contribute to attainment of Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) goals and align with RTP/SCS policies. Finally, SCAG is the authorized regional agency for Intergovernmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372.

SCAG staff has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Antelope Valley Commerce Center in Los Angeles County. The proposed project includes a new specific plan to allow for the development up to 8,263,332 square feet (SF) of industrial building space, 61,855 SF of commercial-flex building space, 26.8 acres of open space, and 20.4 acres for roadways on a 433.7-acre site.

When available, please email environmental documentation to IGR@scag.ca.gov providing, at a minimum, the full public comment period for review.

If you have any questions regarding the attached comments, please contact the Intergovernmental Review (IGR) Program, attn.: Annaleigh Ekman, Associate Regional Planner, at (213) 630-1427 or IGR@scag.ca.gov. Thank you.

Sincerely,

Frank Wen, Ph.D.
Manager, Planning Strategy Department

¹ Lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2020 RTP/SCS (Connect SoCal) for the purpose of determining consistency for CEQA.

**COMMENTS ON THE NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
ANTELOPE VALLEY COMMERCE CENTER [SCAG NO. IGR10715]**

CONSISTENCY WITH CONNECT SOCIAL

SCAG provides informational resources to facilitate the consistency of the proposed project with the adopted 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS or Connect SoCal). For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with Connect SoCal.

CONNECT SOCIAL GOALS

The SCAG Regional Council fully adopted [Connect SoCal](#) in September 2020. Connect SoCal, also known as the 2020 – 2045 RTP/SCS, builds upon and expands land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health. The goals included in Connect SoCal may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project. Among the relevant goals of Connect SoCal are the following:

| SCAG CONNECT SOCIAL GOALS | |
|---------------------------|--|
| Goal #1: | <i>Encourage regional economic prosperity and global competitiveness</i> |
| Goal #2: | <i>Improve mobility, accessibility, reliability and travel safety for people and goods</i> |
| Goal #3: | <i>Enhance the preservation, security, and resilience of the regional transportation system</i> |
| Goal #4: | <i>Increase person and goods movement and travel choices within the transportation system</i> |
| Goal #5: | <i>Reduce greenhouse gas emissions and improve air quality</i> |
| Goal #6: | <i>Support healthy and equitable communities</i> |
| Goal #7: | <i>Adapt to a changing climate and support an integrated regional development pattern and transportation network</i> |
| Goal #8: | <i>Leverage new transportation technologies and data-driven solutions that result in more efficient travel</i> |
| Goal #9: | <i>Encourage development of diverse housing types in areas that are supported by multiple transportation options</i> |
| Goal #10: | <i>Promote conservation of natural and agricultural lands and restoration of habitats</i> |

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

| SCAG CONNECT SOCIAL GOALS | | |
|---------------------------|--|---|
| Goal | | Analysis |
| Goal #1: | <i>Encourage regional economic prosperity and global competitiveness</i> | <i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i> |
| Goal #2: | <i>Improve mobility, accessibility, reliability and travel safety for people and goods</i> | <i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i> |
| etc. | | etc. |

Connect SoCal Strategies

To achieve the goals of Connect SoCal, a wide range of land use and transportation strategies are included in the accompanying twenty (20) technical reports. Of particular note are multiple strategies included in Chapter 3 of Connect SoCal intended to support implementation of the regional Sustainable Communities Strategy (SCS) framed within the context of focusing growth near destinations and mobility options; promoting diverse housing choices; leveraging technology innovations; supporting implementation of sustainability policies; and promoting a Green Region. To view Connect SoCal and the accompanying technical reports, please visit the [Connect SoCal webpage](#). Connect SoCal builds upon the progress from previous RTP/SCS cycles and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that helps the SCAG region strive towards a more sustainable region, while meeting statutory requirements pertinent to RTP/SCSs. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

The 2020 Connect SoCal also identifies a goods movement system in the SCAG region and develops strategies to address expected growth trends and demands in goods movement. For further information on the goods movement strategies, please see the [2020 Connect SoCal Goods Movement Technical Report](#). For further information on industrial development and warehousing in Southern California, please see [Industrial Warehousing in the SCAG Region](#).

Connect SoCal identified Key Connections that lie at the intersection of land use, transportation and innovation meant to advance policy discussions and strategies to leverage new technologies and create better partnerships to increase progress on the regional goals. Accelerated Electrification is one of the Key Connections and was established to create a holistic and coordinated approach to de-carbonizing or electrifying passenger vehicles, transit, and goods movement vehicles. The Accelerated Electrification Key Connection sets a vision to reduce both the local and global emissions associated with multiple modes of transportation by deploying clean mobility solutions and the infrastructure needed to support them. SCAG staff encourages the lead agency to incorporate clean mobility solutions and supporting infrastructure into the project, as appropriate.

DEMOGRAPHICS AND GROWTH FORECASTS

A key, formative step in projecting future population, households, and employment through 2045 for Connect SoCal was the generation of a forecast of regional and county level growth in collaboration with expert demographers and economists on Southern California. From there, jurisdictional level forecasts were ground-truthed by subregions and local agencies, which helped SCAG identify opportunities and barriers to future development. This forecast helps the region understand, in a very general sense, where we are expected to grow, and allows SCAG to focus attention on areas that are experiencing change and may have increased transportation needs. After a year-long engagement effort with all 197 jurisdictions one-on-one, 82 percent of SCAG's 197 jurisdictions provided feedback on the forecast

of future growth for Connect SoCal. SCAG also sought feedback on potential sustainable growth strategies from a broad range of stakeholder groups – including local jurisdictions, county transportation commissions, other partner agencies, industry groups, community-based organizations, and the general public. Connect SoCal utilizes a bottom-up approach in that total projected growth for each jurisdiction reflects feedback received from jurisdiction staff, including city managers, community development/planning directors, and local staff. Growth at the neighborhood level (i.e., transportation analysis zone (TAZ) reflects entitled projects and adheres to current general and specific plan maximum densities as conveyed by jurisdictions (except in cases where entitled projects and development agreements exceed these capacities as calculated by SCAG). Neighborhood level growth projections also feature strategies that help to reduce greenhouse gas emissions (GHG) from automobiles and light trucks to achieve Southern California’s GHG reduction target, approved by the California Air Resources Board (CARB) in accordance with state planning law. Connect SoCal’s Forecasted Development Pattern is utilized for long range modeling purposes and does not supersede actions taken by elected bodies on future development, including entitlements and development agreements. SCAG does not have the authority to implement the plan -- neither through decisions about what type of development is built where, nor what transportation projects are ultimately built, as Connect SoCal is adopted at the jurisdictional level. Achieving a sustained regional outcome depends upon informed and intentional local action. To access jurisdictional level growth estimates and forecasts for years 2016 and 2045, please refer to the [Connect SoCal Demographics and Growth Forecast Technical Report](#). The growth forecasts for the region and applicable jurisdictions are below.

| | Adopted SCAG Region Wide Forecasts | | | | Adopted City of Palmdale Forecasts | | | |
|------------|------------------------------------|------------|------------|------------|------------------------------------|-----------|-----------|-----------|
| | Year 2020 | Year 2030 | Year 2035 | Year 2045 | Year 2020 | Year 2030 | Year 2035 | Year 2045 |
| Population | 19,517,731 | 20,821,171 | 21,443,006 | 22,503,899 | 162,262 | 179,535 | 188,171 | 207,047 |
| Households | 6,333,458 | 6,902,821 | 7,170,110 | 7,633,451 | 45,820 | 53,046 | 56,660 | 61,798 |
| Employment | 8,695,427 | 9,303,627 | 9,566,384 | 10,048,822 | 38,610 | 41,655 | 43,178 | 45,938 |

MITIGATION MEASURES

SCAG staff recommends that you review the [Final Program Environmental Impact Report](#) (Final PEIR) for Connect SoCal for guidance, as appropriate. SCAG’s Regional Council certified the PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on May 7, 2020 and also adopted a PEIR Addendum and amended the MMRP on September 3, 2020 (please see the [PEIR webpage](#) and scroll to the bottom of the page for the PEIR Addendum). The PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.



**LOS ANGELES COUNTY
SANITATION DISTRICTS**
Converting Waste Into Resources

Robert C. Ferrante

Chief Engineer and General Manager

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
(562) 699-7411 • www.lacsd.org

September 23, 2022

Ref. DOC 6684939

Ms. Megan Taggart, Planning Manager
City of Palmdale
Department of Economic and Community Development
38250 Sierra Highway
Palmdale, CA 93550

Dear Ms. Taggart:

NOP Response to Antelope Valley Commerce Center (Specific Plan 22-001)

The Los Angeles County Sanitation Districts (Districts) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report for the subject project on September 6, 2022. We offer the following comments regarding sewerage service:

1. The project area is outside the jurisdictional boundaries of the Districts and will require annexation into District No. 14 before sewerage service can be provided to the proposed development. For a copy of the Districts' Annexation Information and Processing Fee sheets, go to www.lacsd.org, under Services, then Wastewater Program and Permits, and select Annexation Program. For more specific information regarding the annexation procedure and fees, please contact Ms. Donna Curry at (562) 908-4288, extension 2708.
2. Individual developments associated with the proposed project may require a Districts' permit for Industrial Wastewater Discharge. Project developers should contact the Districts' Industrial Waste Section at (562) 908-4288, extension 2900, to reach a determination on this matter. If this permit is necessary, project developers will be required to forward copies of final plans and supporting information for the proposed project to the Districts for review and approval before beginning project construction. For additional Industrial Wastewater Discharge Permit information, go to <https://www.lacsd.org/services/wastewater-programs-permits/industrial-waste-pretreatment-program/industrial-wastewater-discharge-permits>.
3. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' Trunk "C" Trunk Sewer, located in East Avenue M, west of 30th Street East. The Districts' 15-inch diameter trunk sewer has a capacity of 2.2 million gallons per day (mgd) and conveyed a peak flow of 0.7 mgd when last measured in 2018.
4. The wastewater generated by the proposed project will be treated at the Lancaster Water Reclamation Plant, which has a capacity of 18 mgd and currently processes an average recycled flow of 13.9 mgd.
5. The expected average wastewater flow from the Specific Plan, described in the NOP as up to 8,263,332 square feet of industrial buildings and up to 61,855 square feet of commercial-flex buildings, is 1,672,769 gallons per day. The expected average wastewater flow from Phase 1 of the Specific Plan, which includes 2,384,700 square feet of industrial buildings, is 476,940 gallons per day. For a copy of the District's average wastewater generation factors, go to www.lacsd.org, under Services, then Wastewater Program and Permits and select Will Serve Program, and click on the [Table 1, Loadings for Each Class of Land Use](#) link.

6. Due to the anticipated volume of wastewater to be generated by the proposed project and from other planned developments in the area, the proposed project may have significant impacts on the Districts' sewerage system. Although there is no relief sewer scheduled for construction at this time, as additional flows are generated and the Districts' trunk sewer nears capacity, construction of a relief sewer will be scheduled, depending on the availability of relief project funding. Therefore, the availability of capacity within the Districts' sewerage system should be verified as the proposed project develops.
7. The Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities (directly or indirectly) to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is used by the Districts for its capital facilities. Payment of a connection fee may be required before this project is permitted to discharge to the Districts' Sewerage System. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org, under Services, then Wastewater (Sewage) and select Rates & Fees. In determining the impact to the Sewerage System and applicable connection fees, the Districts will determine the user category (e.g. Condominium, Single Family Home, etc.) that best represents the actual or anticipated use of the parcel(s) or facilities on the parcel(s) in the development. For more specific information regarding the connection fee application procedure and fees, the developer should contact the Districts' Wastewater Fee Public Counter at (562) 908 4288, extension 2727. If an Industrial Wastewater Discharge Permit is required, connection fee charges will be determined by the Industrial Waste Section.
8. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CAA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but it is to advise the developer that the Districts intend to provide this service up to the levels that are legally permitted and to inform the developer of the currently existing capacity and any proposed expansion of the Districts' facilities.

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2743, or mandyhuffman@lacsd.org.

Very truly yours,

Mandy Huffman

Mandy Huffman
Environmental Planner
Facilities Planning Department

MNH:mnh

cc: D. Curry
A. Howard
P. Palencia
A. Schmidt

09/29/2022

VIA EMAIL ONLY

Megan Taggart, Planning Manager
Department of Economic and Community Development
City of Palmdale
38250 Sierra Highway
Palmdale, CA 93550
mtaggart@cityofpalmdale.org

RE: NOP Comments for Antelope Valley Commerce Center Project

Dear Ms. Taggart,

On behalf of Coalition for Responsible Equitable Economic Development ("CREED LA") thank you for the opportunity to provide comments on the Notice of Preparation ("NOP") for environmental review of the Antelope Valley Commerce Center (the "Project").

The proposed Project proposes a Specific Plan to allow for the development of the 433.7-acre property and permit up to 8,263,332 square feet of industrial building space intended to accommodate a mixture of manufacturing, warehousing, parcel hub, fulfillment center, light industrial and associated uses, and approximately 61,855 square feet of commercial-flex building space intended to accommodate commercial retail and small-scale manufacturing and sales. In addition, a Site Plan Review is proposed for Phase I, comprised of six industrial buildings totaling 2,384,700 square feet.

The Initial Study ("IS") identifies the Project's potentially significant impacts under CEQA to include all impacts except Agriculture and Forestry, Mineral Resource, Population/ Housing, and Recreation. CREED LA respectfully requests, under CEQA complete analysis of these impacts, imposition of all feasible mitigation and study of a reasonable range of alternatives to the Project.

General Comments

Phase I of the Specific Plan envisions the development of industrial uses within six separate buildings totaling over 2 million square feet. In addition to building structures, development will consist of loading docks, truck trailer and automobile parking, and associated

infrastructure improvements. After reviewing the information provided, the following comments are being submitted for consideration as part of the EIR process.

Project Alternatives: The DEIR should study a reasonable range of alternatives. Please include at least two environmentally superior alternatives to the Project, including an Alternative that restricts operations to fewer hours than the 24 hours a day, 7 days a week operation that is typical for industrial warehouse operations.

Industrial Use: The DEIR should provide details of any and all proposed future uses of the Project, clearly articulated and quantified. If planned operations are unknown, the DEIR must consider all reasonably foreseeable uses including higher intensity uses such as cold storage and subsequent potential use of transportation refrigeration units (TRUs) during Project operation.

Therefore, the DEIR should study a combination of the five primary logistics-type uses at the site, including providing justification and square footage assumed for each use analyzed to ensure that the unique impacts of each use (i.e., both truck and vehicular trips, air quality, GHG emissions, public health risk and other environmental effects) are comprehensively evaluated.

If the Project will not include cold storage (as omitted in the Project description), then the City must include California Air Resources Board (CARB) recommended design measures in the DEIR. CARB recommends requiring contractual language in tenant lease agreements or restrictive covenant over parcel to prohibit use of TRUs.

Air Quality & Public Health: We have major concerns about the impacts of industrial warehouses on air quality and public health. Phase I alone will include six large warehouses. This means hundreds and hundreds of heavy-duty diesel trucks will come in and out of the Project site on any given day. The high daily volumes of truck traffic and on-site equipment (e.g. forklifts and yard tractors) will pollute the air with toxic diesel emissions and expose nearby communities to air pollution and global climate change.

Even if the immediate project area has few nearby residences, the DEIR should adopt South Coast AQMD's suggestion that a mobile source health risk assessment be performed if projects include diesel-fueled vehicular trips. The assessment should include impacts from particulate matter from the diesel trucks on the health of those living, working, and recreating nearby including increases in respiratory illnesses, cardiovascular disease, and cancers. In addition, estimates of the significance of air quality impacts must be consistent with current epidemiological studies regarding the effects of pollution and various kinds of environmental stress on public health.

If the air quality impacts are significant, the DEIR must fully mitigate the impacts to ensure that the Project is in compliance with AQMP in both construction and operational phases. We must not ignore the unjust consequences of toxic pollution on surrounding communities and workers.

Mitigation measures: Mitigation measures must be effective and enforceable. Every effort must be made to incorporate modern technology in the mitigation measures and MMRP. For

example, a requirement that all off-road equipment and trucks using the site during construction and operations be zero emission, near-zero emissions or alternative-fueled vehicle would both reduce and/or eliminate air pollution impacts and CO2 emissions.

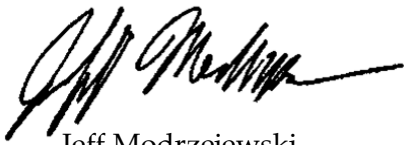
Full Disclosure: Provide all sources and referenced materials when the DEIR is made available.

Conclusion

Thank you for the opportunity to submit NOP comments. Again, CREED LA respectfully requests under CEQA full analysis of the environmental impacts, feasible mitigation, and reasonable alternatives to the Project.

We look forward to reviewing and commenting on the DEIR.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Modrzejewski', with a long horizontal flourish extending to the right.

Jeff Modrzejewski
Executive Director

Ph: (626) 381-9248
Fx: (626) 389-5414
Em: info@mitschtsailaw.com



139 South Hudson Avenue
Suite 200
Pasadena, California 91101

VIA E-MAIL

September 8, 2022

City Clerk
City of Palmdale
38300 Sierra Highway, Suite C
Palmdale, CA 93550
Em: cityclerkdepartment@cityofpalmdale.org

Megan Taggart, Planning Manager
City of Palmdale
38250 Sierra Highway
Palmdale, CA 93550
Em: mtaggart@cityofpalmdale.org

**RE: Public Records Act and Mailing List Request Regarding the
Antelope Valley Commerce Center (SCH#: 2022090009)**

Dear City Clerk and Megan Taggart,

On behalf of Southwest Regional Council of Carpenters (“**SWRCC**” or “**Southwest Carpenters**”) and its members, this Office requests that the City of Palmdale (“**City**” or “**Lead Agency**”) provide any and all information referring or related to the Antelope Valley Commerce Center (“**Project**”) pursuant to the California Public Records Act (“**PRA**”), Cal. Government (“**Gov’t**”) Code §§ 6250–6270 (collectively “**PRA Request**”).

Moreover, SWRCC requests that City provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The Southwest Regional Council of Carpenters is a labor union representing more than 57,000 union carpenters in six states, including California, and has a strong

interest in well-ordered land use planning and addressing the environmental impacts of development projects, such as the Project.

I. PUBLIC RECORDS ACT REQUEST.

Southwest Carpenters is requesting any and all information referring or related to the Project.

The Public Records Act defines the term “public record” broadly as “any writing containing information relating to the conduct of the public’s business . . . regardless of physical form and characteristics.” Gov’t Code § 6252(d). “Records” includes all communications relating to public business regardless of physical form or characteristics, including but not limited to any writing, picture, sound, or symbol, whether paper, magnetic, electronic, text, other media, or written verification of any oral communication. Included in this request are any references in any appointment calendars and applications, phone records, or text records. These “records” are to include, but are not limited to correspondences, e-mails, reports, letters, memorandums, and communications by any employee or elected official of City concerning the Project.

Please include in your response to this request the following examples of “records,” as well as any similar physical or electronic forms of communication: any form of writing such as correspondence, electronic mail records (“email”), legal and factual memoranda, facsimiles, photographs, maps, videotapes, film, data, reports, notes, audiotapes, or drawings. Cal. Government Code § 6252(g) (defining a writing to including “any record thereby created, regardless of the manner in which the record has been stored”). Responsive correspondence should include, inter alia, emails, text messages, or any other form of communication regardless of whether they were sent or received on public or privately-owned electronic devices “relating to the conduct of the public’s business.” Cal. Government Code § 6252(e); *Citizens for Ceres v. Super. Ct.* (“Ceres”) (2013) 217 Cal. App. 4th 889, 909; *Citizens for Open Gov’t v. City of Lodi* (“Lodi”) (2012) 205 Cal.App.4th 296, 307, 311; *City of San Jose v. Superior Court* (2017) 2 Cal. 5th 608, 625 (finding that a public employee or officer’s “writings about public business are not excluded” from the California Public Records Act “simply because they have been sent, received, or stored in a personal account.”) .

This Office requests any and all information referring or related to the Project, including but not limited to:

- (1) All Project application materials;
- (2) All staff reports and related documents prepared by the City with respect to its compliance with the substantive and procedural requirements of the California Environmental Quality Act, Public Resources Code § 21000 et seq., and the CEQA Guidelines, title 14, California Code of Regulations, § 15000 et seq. (collectively “**CEQA**”) and with respect to the action on the Project;
- (3) All staff reports and related documents prepared by the City and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the agency pursuant to CEQA;
- (4) Any transcript or minutes of the proceedings at which the decisionmaking body of the City heard testimony on, or considered any environmental document on, the Project, and any transcript or minutes of proceedings before any advisory body to the public agency that were presented to the decisionmaking body prior to action on the environmental documents or on the Project;
- (5) All notices issued by the City to comply with CEQA or with any other law governing the processing and approval of the Project;
- (6) All written comments received in response to, or in connection with, environmental documents prepared for the Project, including responses to the notice of preparation;
- (7) All written evidence or correspondence submitted to, or transferred from, the City with respect to compliance with CEQA or with respect to the Project;
- (8) Any proposed decisions or findings submitted to the decisionmaking body of the City by its staff, or the Project proponent, Project opponents, or other persons;
- (9) The documentation of the final City decision and approvals, including the final environmental impact report, mitigated negative declaration, negative declaration, or notice of exemption, and all documents, in addition to those referenced in paragraph (3), cited

or relied on in the findings or in a statement of overriding considerations adopted pursuant to CEQA;

- (10) Any other written materials relevant to the public agency's compliance with CEQA or to its decision on the merits of the Project, including the initial study, any drafts of any environmental document, or portions thereof, that have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the Project and either made available to the public during the public review period or included in the City 's files on the Project, and all internal agency communications, including staff notes and memoranda related to the Project or to compliance with CEQA; and
- (11) The full written record before any inferior administrative decisionmaking body whose decision was appealed to a superior administrative decisionmaking body prior to the filing of any litigation.

Please respond within 10 days from the date you receive this request as to whether this request specifies identifiable records not exempt from disclosure under the PRA or otherwise privileged or confidential, and are therefore subject to disclosure. This Office understands that this time may be extended up to 14 days for unusual circumstances as provided by Cal. Government Code § 6253(c), and that we will be notified of any extension and the reasons justifying it.

We request that you provide all documents in electronic format and waive any and all fees associated with this Request. SWRCC is a community-based organization. Please notify and obtain express approval from this Office before incurring any duplication costs.

If any of the above requested documents are available online, please provide us with the URL web address at which the documents may be downloaded. If any of the requested documents are retained by the City in electronic computer-readable format such as PDF (portable document format), please provide us with pdf copies of the documents via email, or inform us of the location at which we can copy these documents electronically.

In preparing your response, please bear in mind that you have an obligation under Government Code section 6253.1 to (1) identify all records and information responsive to our request or the purpose of our request; (2) describe the information technology and physical location in which the records exist; and (3) provide suggestions for overcoming any practical basis for denying access to the records or information sought.

In responding to this request, please bear in mind that any exemptions from disclosure you may believe to be applicable are to be narrowly construed. *Marken v. Santa Monica-Malibu Unif. Sch. Dist.* (2012) 202 Cal. App. 4th 1250,1262; and may be further narrowed or eliminated by the adoption of Proposition 59, which amended article I, section 3(b)(2) of the California Constitution to direct that any “statute ... or other authority ... [that] limits the right of access” to “information concerning the conduct of the people’s business” must be “narrowly construed.”

As for any records that you nonetheless decline to produce on the grounds of an exemption, please bear in mind that the case law under the Public Records Act imposes a duty on you to distinguish between the exempt and the non-exempt portion of any such records, and to attempt in good faith to redact the exempt portion and to disclose the balance of such documents.

Please bear in mind further that should you choose to withhold any document from disclosure, you have a duty under Government Code section 6255, subd. (a) to “justify withholding any record by demonstrating that the record in question is exempt under express provisions” of the Public Records Act or that “the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.”

Finally, please note that you must retain and not destroy any and all records, notwithstanding any local record retention or document destruction policies. As the Court noted in *Golden Door Properties, LLC v. Superior Court of San Diego County* (2020) 53 Cal.App.5th 733 that a public agency “must retain ‘[a]ll written evidence or correspondence submitted to, or transferred from’ . . . with respect to” CEQA compliance or “with respect to the project.”

II. NOTICE LIST REQUEST.

We also ask that you put this Office on its notice list for any and all notices issued under the CEQA and the Planning and Zoning Law.

In particular, we request that City send by mail or electronic mail notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivision for the Project, or supported, in whole or in part, through permits, contracts, grants, subsidies, loans, or other forms of approvals, actions or assistance, including but not limited to the following:

- Notices of any public hearing held in connection with the Project; as well as
- Any and all notices prepared pursuant to CEQA, including but not limited to:
- Notices of determination that an Environmental Impact Report (“EIR”) or supplemental EIR is required for a project, prepared pursuant to Public Resources Code Section 21080.4;
- Notices of availability of an EIR or a negative declaration for a project prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations;
- Notices of approval or determination to carry out a project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law;
- Notice of approval or certification of any EIR or negative declaration prepared pursuant to Public Resources Code Section 21152 or any other provision of law;
- Notice of exemption from CEQA prepared pursuant to Public Resources Code section 21152 or any other provision of law; and
- Notice of any Final EIR prepared pursuant to CEQA.

This Office is requesting notices of any approvals or public hearings under CEQA and the California Planning and Zoning Law. This request is filed pursuant to California

Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 requiring agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by regular and electronic mail to:

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We look forward to working with you. If you have any questions or concerns, please do not hesitate to contact our Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitchell M. Tsai", is written over a horizontal line.

Mitchell M. Tsai
Attorneys for Southwest Regional Council
of Carpenters