SUBSEQUENT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

CORDOVA BUSINESS CENTER PROJECT

October 2024

Prepared for:

TOWN OF APPLE VALLEY

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Apple Valley, California 92307

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1 Introduction

1.1 Project Overview

The Town of Apple Valley (Town) received an application from Cordova Business Center LLC (Project Applicant) for the development of the Cordova Business Center Project (Project). The Project includes the construction and operation of approximately 494,000 square feet of Building Area[1] as defined under the Development Code which is the building footprint on the site of industrial warehouse/distribution land use space on approximately 30 acres (APN Map 4063-491-0000) of vacant land located at the southwest quadrant of Central and Cordova The Project site will include onsite stormwater retention/treatment systems, landscaping, electric vehicle charging stations, clean air/vanpool/carpool stalls, compact parking, ADA-compliant parking spaces, trailer parking and both long- and short-term bicycle parking. The building is designed with ground and mezzanine incidental use of office space of approximately 10,508 for both executive and shipping offices. The project site would be developed withthree outdoor employee eating areas and dock loading facilities

The following sections set forth the premise under which this Subsequent Initial Study analyzes the environmental impacts of the proposed Project in accordance with the California Environmental Quality Act (CEQA):

1.2 Considerations in Preparation of a Subsequent Initial Study/Mitigated Negative Declaration[2]

This Subsequent Initial Study/Mitigated Negative Declaration (IS/MND) tiers off of the "*TOWN OF APPLE VALLEY GENERAL PLAN ENVIRONMENTAL IMPACT REPORT APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002, a Program EIR certified August 11, 2009 (SCH #-2008091077)*" (GPEIR) which is available for review at the Apple Valley Town Hall, 14955 Dale Evans Parkway Apple Valley, CA 92307 and online at 2009 General Plan | Town of Apple Valley. The GPEIR is incorporated into this document in its entirety by this reference in accordance with CEQA Guidelines §15150.

The proposed land use is consistent with the site's General Plan Land Use designation, and as analyzed and approved as part of the existing General Plan EIR.

The General Plan Land Use Map includes several Specific Plan Areas, one of which is the North Apple Valley Industrial Specific Plan (NAVISP or Specific Plan). The NAVISP is located in the northeaserly portion of the Town of Apple Valley. The NAVISP Land Use Map designates land uses within the Specific Plan

1 REFERENCE: Town of Apple Valley Municipal Code TITLE 9-DEVELOPMENT CODE Chapter 9.08 Definitions, Building Area, Building Coverage

[2] *REFERENCE: California Code of Regulations Title 14. Natural Resources Agency Chapter 3. Guidelines for Implementation of the California Environmental Quality Act (CEQA) as amended December 28, 2018, Article 10. Considerations in Preparing EIRs and Negative Declarations*

Area. The proposed Project is located within the NAVISP area[3].

Relationship of the NAVISP to the General Plan

The NAVISP (*amended Ord. No. 351, 428)* sets forth the relationship of the NAVISP to the General Plan":

> *"The North Apple Valley Industrial Specific Plan is a tool for implementing the goals of the Town's General Plan related to the 6,221-acre area that includes and surrounds the Apple Valley Airport. The Specific Plan is consistent with the Apple Valley General Plan and implements the goals of the General Plan related to the Airport Influence Area."*

The Specific Plan implements the following four land use designations:

- General Commercial – Specific Plan
- Industrial – Airport
- Industrial – Specific Plan
- Industrial - General

The proposed Project has a NAVISP land use designation of I-G, General Industrial with surrounding land use designations as follows:

A. Town General Plan Designations:
Project Site: NAVISP
North: NAVISP
East: NAVISP
West: NAVISP
South: NAVISP

B. NAVISP Land Use designations:
Project Site: I-G, General Industrial
North: I-G, General Industrial
East: I-SP, Specific Plan Industrial
South: I-G, General Industrial
West: I-G, General Industrial

C. Town Zoning Map designations:
Project Site: SP, Specific Plan
North: SP, Specific Plan
East: SP, Specific Plan
South: SP, Specific Plan
West: SP, Specific Plan

[3] *REFERENCE: Town of Apple Valley General Plan Land Use Map; Town of Apple Valley North Apple Valley Industrial Specific Plan Land Use Map Exhibit II-2.*

Relevance of Town Land Annexations and NAVISP Amendments to this Subsequent Initial Study

At the time of preparation of the NAVISP, the Town prepared the "*Town of Apple Valley North Apple Valley Specific Plan Environmental Impact Report*" for the proposed NAVISP Area (NAVISP EIR). The Town certified the NAVISP EIR on October 10, 2006 prior to adopting the Specific Plan.

Two annexations to the General Plan area that were ultimately annexed into the NAVISP were analyzed under CEQA in the 2009 GPEIR.

The County Local Agency Formation Commission (LAFCO) approved the proposed Land Annexation to the Town of Apple Valley and detachment from County Service Area 70 (LAFCO 3163) and in June 2011 the Town finalized the annexation of the Northeast Industrial Area consisting of 805.1+ acres of land (Annexation No. 2008-002). These 805.1+ acres are located immediately east of, and adjacent to the Town limits and contiguous with the NAVISP.

The NAVISP boundary was amended accordingly on January 24, 2012, to include the annexation areas and because both "were reviewed under CEQA through the 2009 General Plan Update which included the Certification of the GPEIR, the NAVISP Area Boundary Amendment was deemed exempt from further CEQA review"[4]. See FIGURE 1.2.2 ***Therefore, this Subsequent Initial Study tiers off the certified 2009 GPEIR not the 2006 NAVISP EIR.***

1.2.1 Town of Apple Valley 2009 General Plan EIR (GPEIR) Tiering[5]

CEQA Guidelines Article 10. §15152 Tiering provides for and encourages Lead Agencies to rely on the environmental analyses contained in an adopted General Plan EIR, in a process commonly called "*tiering*". This approach can eliminate repetitive discussions of the same issues and focus on potential impacts specific to a subject project. Because there is an adopted certified Town of Apple Valley Comprehensive General Plan EIR and a separate NAVISP EIR, an analysis of the two EIRs' certification timelines, scopes of review and the relationship of the two NAVISP land annexations as analyzed under CEQA is warranted to determine which of the two EIRs is appropriate for this Initial Study's tiering. The relationship of the two NAVISP annexations of land area, as they were analyzed under CEQA, is set forth in the following section 1.2.2 "*Analysis of the Comprehensive General Plan* ". This analysis was performed to determine which of the two EIRs was appropriate for this Subsequent Initial Study's EIR tiering.

1.2.2 Analysis of the 2009 Comprehensive General Plan

In 2009, the Townprepared a Comprehensive General Plan inclusive of two planned annexation areas and certified a Program General Plan Environmental Impact Report (SCH# 2008091077) . The GPEIR General Plan Study Area encompassed all lands within the Town's corporate limits at the time, as well as

4 REFERENCE: Town of Apple Valley North Apple Valley Industrial Specific Plan (NAVISP) (Amended Ord. No. 351, 352, 381, 412, 428, 427) Section I – Introduction D. CEQA Compliance (Amended Ord. No. 351, 428)

[5] *REFERENCE: California Code of Regulations Title 14. Natural Resources Agency Chapter 3. Guidelines for Implementation of the California Environmental Quality Act (CEQA) as amended December 28, 2018, Article 10. §15152. TIERING*

the two proposed land annexation areas identified as Annexation 2008-001 ("Golden Triangle") and Annexation 2008-002 ("Northeast Industrial Area"). Annexation 2008-002 is *"generally bounded on the west by Central Avenue and the eastern boundary of the Town of Apple Valley, on the north by Quarry Road, on the east by the section line of Section 14, Township 6 North, Range 3 West, Section 14, and on the south by the half section line of Section 23 Township 6 North, Range 3 West, San Bernardino Base and Meridian. The Northeast Industrial Area is 1.3± square mile and includes limited industrial (aggregate quarry) development. It is located east of and contiguous with the NAVISP and would provide for additional lands for similar uses."*

Annexation 2008-002 and the project site's placement relative to the annexation area are depicted in the following Figure.

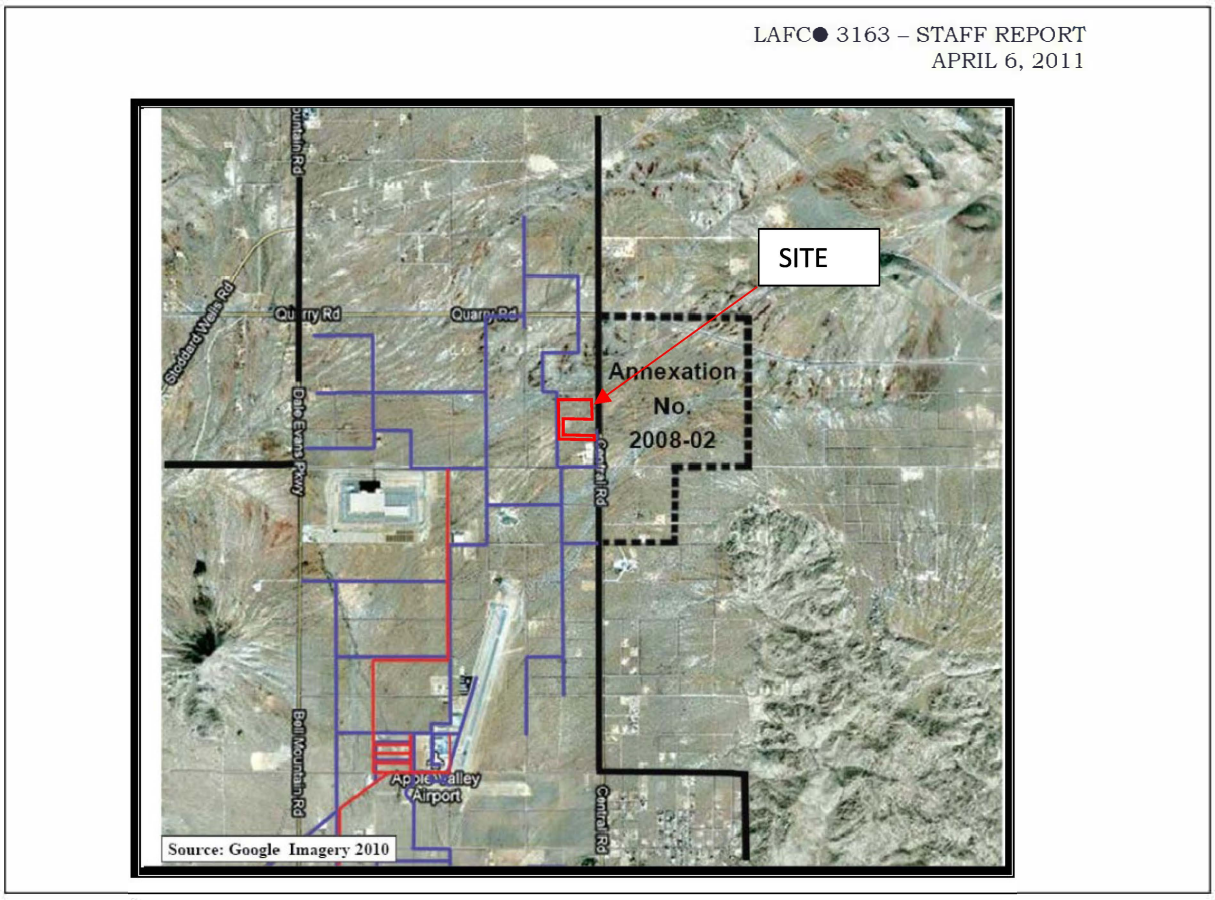


FIGURE 1.2.2 LAFCO 3163

The Annexation 2008-002 area was designated as Planned Industrial I-P in the General Plan. After the land annexation occurred, the General Plan was amended pursuant to the following Town's actions:

- RESOLUTION No. 2012-02
  General Plan Amendment No. 2011-001 Amended the General Plan Land Use Policy Map Changed the land use designation of Annexation Area 2008-002 from I-P to I-SP Specific Plan Industrial

- ORDINANCE NO. 427
  Zone ChangeNo. 2011-001 Amended the Official Zoning Map
  Changed the zone from I-P to I-SP; and
- ORDINANCE NO. 428
  Adopted Specific Plan Amendment No. 2005-001 Amendment No. 5
  In January 2012 the Specific Plan Amendment absorbed the Annexation No. 2008-002 land area. See the following FIGURE 1.2.2 Amended NAVISP Boundary Line - NAVISP Exhibit I-2.

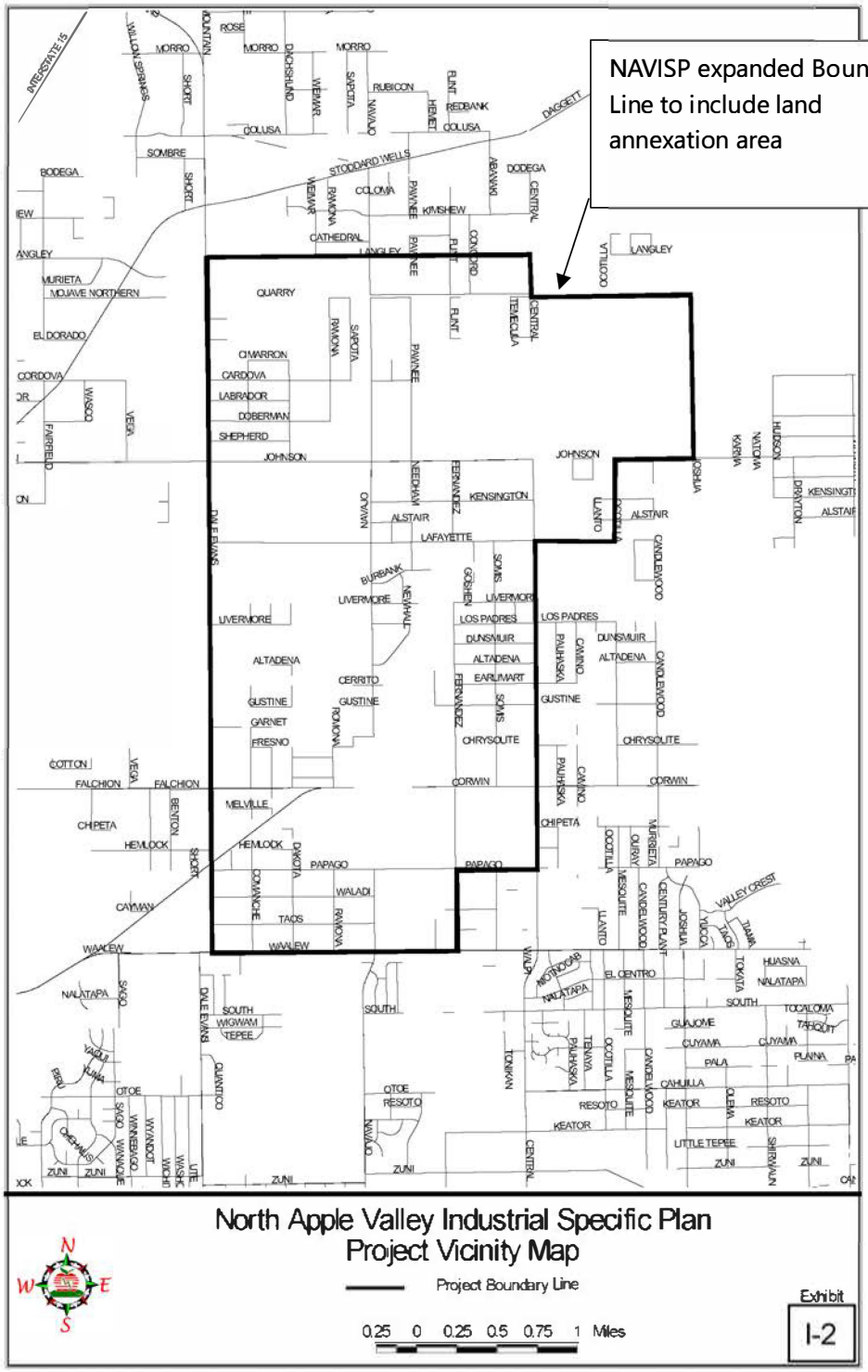


FIGURE 1.2.2 NAVISP AMENDED BOUNDARY LINE - NAVISP Exhibit I-2

The proposed Project is within the original NAVISP area to which Annexation Area 2008-002 is contiguous, as shown in Figures 1.2.2.1 & 1.2.2.2. The project site's Specific Plan land use designation is General Industrial-(IG) and its proposed warehouse and distribution use is consistent with the allowable land uses stated within the IG designation.

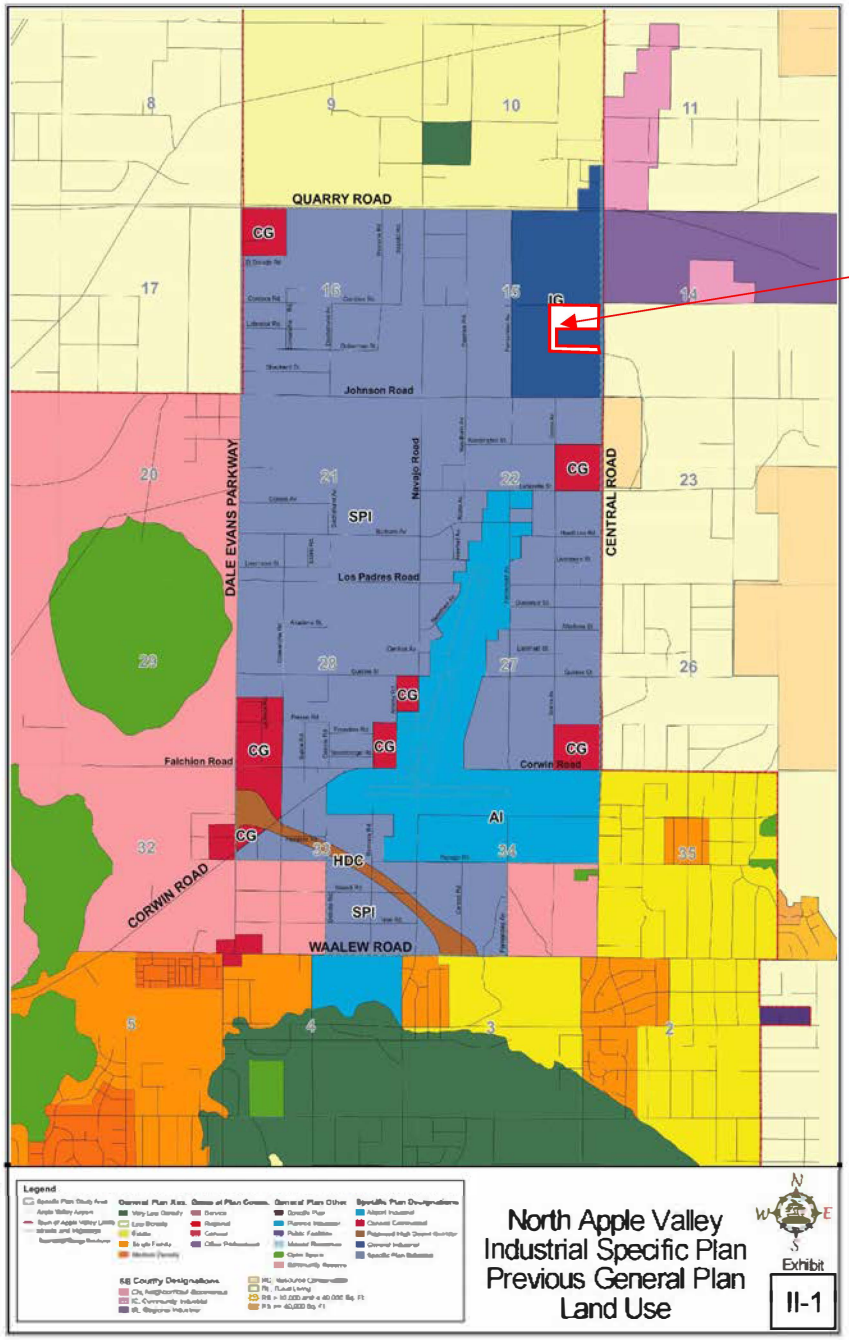


FIGURE 1.2.2.1 NORTH APPLE VALLEY INDUSTRIAL SPECIFIC PLAN PREVIOUS GENERAL PLAN LAND USE MAP

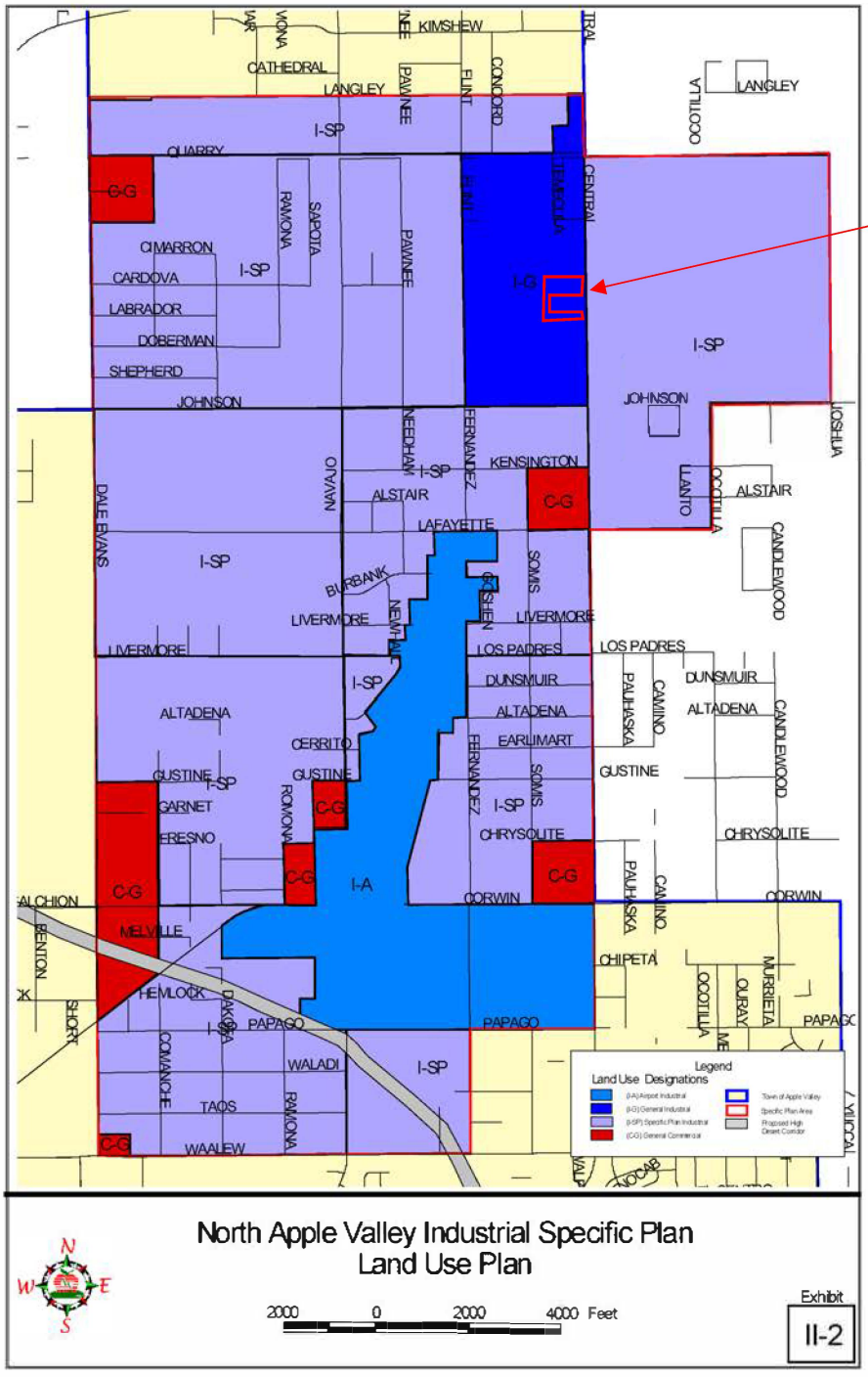


FIGURE 1.2.1.2 NORTH APPLE VALLEY INDUSTRIAL SPECIFIC PLAN CURRENT LAND USE PLAN

Reliance on the NAVISP Requirements & Relationship to the Development Code

As stated previously, the NAVISP is a tool for implementing the goals of the General Plan related to the 6,221-acre Specific Plan area that includes and surrounds the Apple Valley Airport." Further, the NAVISP states, "*This Specific Plan establishes development standards and guidelines for the Specific Plan area. This Specific Plan provides the zoning ordinance for the Specific Plan area. Where a development standard is different in the Development Code than in this Specific Plan, the provisions in this Specific Plan shall apply. Where a standard is not provided in this Specific Plan, the standards of the Development Code shall apply.*" The project is located within the NAVISP and is therefore required to comply with its development policies and requirements.

Because the Project is within the scope of the 2009 GPEIR and consistent with the requirements of State CEQA Guidelines Section 15168(c), this Subsequent Initial Study has been prepared to examine the proposed Projectto determine if the Project would result in any impacts greater than those previously analyzed. Based on the findings and conclusions of the Subsequent Initial Study, a Mitigated Negative Declaration has been prepared.[6]

Throughout this Subsequent Initial Study, comparative consistency analyses are made with respect to the proposed Project's consistency with the GPEIR. There are also references to consistency with the NAVISP document itself. However, the analysis does not tier from nor refer to the separately prepared 2006 NAVISP EIR. This Subsequent Initial Study tiers off the GPEIR and also, where applicable to the CEQA Checklist, compares consistency with the requirements of the NAVISP Development Standards.

1.2.3 GPEIR Pro-Rata Project Allocation Comparative Analysis Methodology

Basis of Methodology

As set forth in Section 1, this Subsequent Initial Study /Mitigated Negative Declaration tiers off of the General Plan 2009 GPEIR, which studied cumulative impacts associated with buildout of the General Plan Area, inclusive of the NAVISP and the two planned land annexation areas noted above. Per the 2009 GPEIR, the total General Plan area at buildout is as follows:

GPEIR Area[7]

Area within Town Corporate Limits Including NAVISP = 46,948.3 Acres
Proposed Annexation Area within Sphere of Influence = 3,579.7 Acres
Total GPEIR Area = 50,528.0 Acres

[6] *REFERENCE: Town of Apple Valley California Code of Regulations Title 14. Natural Resources Agency Chapter 3. Guidelines for Implementation of the California Environmental Quality Act (CEQA) as amended December 28, 2018, Article 11. §15168 PROGRAM EIR*

[7] *REFERENCE: 2009 Comprehensive General Plan and Annexation Areas 2008-001 & 2008-002 Environmental Impact Report (EIR) Section Introduction and Project Description D.2subsection Project Description [p. pI-5.2].*

The GPEIR assumes approximately *" 22% land-to-building coverage estimating 58,581,040 square feet"* of industrial development at buildout, including the annexation areas. The GPEIR studied environmental impacts based on the land use categories' overall acreages as exemplified in the following GPEIR TABLE III-34 Estimated Future Water Service Demands at General Plan buildout[8] .

(*GPEIR §I-Introduction and Project Description [p.p.I-26,2. Industrial Land Uses*)

Estimated water demands for proposed General Plan build out land uses are shown in Table III-34, below.

Table III-34
Estimated Future Water Service Demands at General Plan Build Out

Land Use	Units No. of Persons	Demand Factor [1,2,3,4] Gallons Per Capita Per Day (GPCPD)	Demand Ac-ft/Yr
Residential	194,931	208.00	45,396.2
	AC	**Ac-Ft/Ac/Year**	**Ac-ft/Yr**
Commercial (Incl. SP-Industrial Area)	11,914	1.98	25,590.3
Industrial	2,258	1.61	3,636.0
Other Uses	8,117	2.88	23,377.3
		Non-Residential Subtotal	**50,603.6**
		TOTAL GP BUILDOUT	**95,999.8**

[1] Residential factor from AVRWC based on historical consumption for residential uses.
[2] Commercial factors based on CVWD (2004) factor for Retail Shopping Areas, assuming 35% return flow. Commercial acreage includes Mixed Use and SP/Commercial.
[3] Industrial factor based on CVWD (2004) factor for Commercial and Industrial parks, based on 35% return flow. Industrial acreage does not include SP/Industrial since that is counted under SP/Commercial, above.
[4] Other uses factor based on CVWD (2004) average of factors for Golf course developments, public schools, self-storage facilities assuming 5% return flow.
Source: Terra Nova staff estimates based on historical consumption factors for residential uses from AVRWC UWMP 2005; industrial, commercial and other uses factors from Water System Backup Facilities Charge Study, prepared by Engineering Dept, Coachella Valley Water District, Sept 2004.

The estimates for future water service demand shown in Table III-34 account for build out of the entire General Plan area, including the proposed annexation lands. Residential development associated with implementation of the proposed General Plan and the annexations is estimated to result in water demand of 45,396.2 acre-feet per year at build out. Commercial, industrial and other land uses are expected to result in water demand of 50,603.6 acre-feet per year at build out. All land uses within the Town limits and annexation areas are expected to result in total water demand of 95,999.8 acre-feet per year at build out.

8 REFERENCE: 2009 Comprehensive General Plan and Annexation Areas 2008-001 & 2008-002 Environmental Impact Report (EIR) Section III Existing Conditions, Impacts and Mitigation Measures, Consumptive Demands p. III-161.

The GPEIR Industrial land use designations analyzed under the GPEIR inclusive of the NAVISP annexation areas total 11,914 acres [9]. This Subsequent Initial Study uses the same methodology as the GPEIR by determining the Project's Pro-Rata GPEIR Percentage of the total GPEIR Industrial Land Use Category Area. The following formula is used herein as the basis for determining various comparative demand and impacts throughout the technical studies for the Project:

Project Pro-Rata Calculation Formula

Formula:
(Project Net Area AC/GPEIR Study Area AC) = Project GPEIR Pro-Rata Allocation Percentage
29.8AC/11,914AC = yy%

Traffic and Transportation Impact Fee Assessment Methodology
The Town and Urban Crossroads, Inc., the preparer of the GPEIR Traffic Analysis, have concluded that the Development Impact Fees (DIFs) would be calculated on project-by-project basis based on its pro-rata allocation based on the Projects Pro-rata amount of land area analyzed under the GPEIR per Traffic Analysis Zone (TAZ).

Each proposed industrial project would be assessed its pro-rata amount of the total industrial land use area. The General Plan Update analysis was based on the Apple Valley Traffic Model (AVTM) which utilizes socio-economic data (SED) that is representative of specific land uses within each Traffic Analysis Zone (TAZ).

The Trip Generation Assessment prepared by Urban Crossroads in the GPEIR determined the TAZ for the GPEIR using the acreage of each separate land use designation category as shown in GPEIR Table III-34. Table 1 summarizes the total acreage of each applicable TAZ and the total daily trips, then the associated site daily trip generation has been calculated based on the site acreage located within each TAZ. The Urban Crossroads TGA and VMT analysis were performed for the Cordova Business Center (GPEIR Reference: TAZ 1239).

Each proposed industrial project would be charged its pro-rata amount of the total industrial land use area. The General Plan Update analysis was based on the Apple Valley Traffic Model (AVTM) which utilizes socio-economic data (SED) that is representative of specific land uses within each Traffic Analysis Zone (TAZ).

The Trip Generation Assessment prepared by Urban Crossroads in the GPEIR determined the TAZ for the GPEIR using the Acreage of each separate land use designation category as shown in GPEIR Table III-34

9 *REFERENCE:2009 Comprehensive General Plan and Annexation Areas 2008-001 & 2008-002 Environmental Impact Report (EIR) Section I. Introduction and Project Description Sub Section D. Project Location and Description 2. Project Description*

Table 1 summarizes the total acreage of each applicable TAZ and the total daily trips, then the associated site daily trip generation has been calculated based on the site acreage located within each TAZ.

The Project Pro-Rata percentage share was calculated as shown in Table-1: ***GENERAL PLAN TRIP GENERATION:***

	GPEIR		Project Site	Project Pro Rata Share	
TAZ	Total TAZ Daily Trips	TAZ Acreage Units[1]	Acreage Units[1]	Percent Total	Total Site Daily Trips
GPEIR TAZ 1239 (Cordova)	9,076	316.3 Ac	29.8 Ac	9.42%	855

[1] GPEIR = General Plan Environmental Impact Report
[2] TAZ = Traffic Analysis Zone
[3] AC = Acreage

This same methodology has been applied in the various technical studies for the proposed Project in analyzing the project's impacts compared to the GPEIR impact analyses for Water, Sewer and Solid Waste demand, Air Quality, Greenhouse Gas, Energy, Noise and Traffic to be consistent with the GPEIR analysis for these technical studies categories. Other categories such as Aethetics, Biology, Cultural Resources, Wildfire, Geology, Hydrology are area and site specific. These categories' technical studies include onsite surveys and analysis as required under the GPEIR and not a GPEIR pro-rata allocation comparative analysis. The proposed Project's GPEIR Pro-Rata Allocation Acreage was determined for the aforementioned Initial Study Checklist impact categories and compared to the overall GPEIR Industrial land use acreage to determine the Project's GPEIR Pro-Rata Allocation Percentage.

The supplemental technical studies that were prepared for the proposed Project in accordance with CEQA, include a comparative analysis of the environmental impacts of the proposed Project with those environmental impacts studied in the GPEIR. The comparative analyses used the total NAVISP study area acreage component of the GPEIR and calculated the total applicable GPEIR Pro-Rata Allocation of the overall North Apple Valley Specific Plan Area. Then, they determined the GPEIR Pro-Rata Allocation for the proposed Project as the basis of their comparative analyses to determine the consistency with the GPEIR. The Town has determined that this methodology will also be used in its calculation of the proposed Project's Pro-Rata Share of Development Impact Fees related to Town of Apple Valley Capital Transportation Improvements.

The General Plan NAVISP identifies the designated land uses of the entire NAVISP land area; the NAVISP sets forth the following[10] regulations for industrial land uses within the NAVISP area:

- LAND USE
- DEVELOPMENT STANDARDS & GUIDELINES
- INFRASTRUCTURE

10 *REFERENCE: Town of Apple Valley North Apple Valley Industrial Specific Plan (NAVISP) (Amended Ord. No. 351, 352, 381, 412, 428, 427*

Consequently, this Subsequent Initial Study, inclusive of the supporting Technical Studies and Analyses, contains certain comparative analyses between these NAVISP categories and the proposed Project for the Project's consistency with the NAVISP. While these are separate comparative consistency analyses with the Specific Plan, they are not consistency analyses with the 2006 NAVISP EIR. ***Thus, this Initial Study does not tier off the 2006 NAVISP EIR; it only tiers off the 2009 GPEIR.***

1.3 Availability of the Notice of Intent to Adopt a Mitigated Negative Declaration and Initial Study/Mitigated Negative Declaration

The Notice of Intent to Adopt a Mitigated Negative Declaration ("NOI") and a Subsequent Initial Study/Mitigated Negative Declaration ("MND") for the Project has been provided to the Clerk of the Board of San Bernardino County and State Clearinghouse on October 16, 2024 with the 30-day comment period noted. The NOI has been distributed to responsible agencies and trustee agencies concerned with the Project and other public agencies with jurisdiction by law over resources affected by the Project. In addition, NOI has been posted onsite in the project area., and NOIs to owners and occupants of contiguous property within a 700' radius. Additional mailings of the NOI have been mailed to individuals and organizations that previously submitted written requests for notice, and to Native American tribes that have requested to be informed of proposed projects in geographic areas traditionally and culturally affiliated with the tribes. The MND is also available for review in person at Apple Valley Town Hall (Planning Department, 14955 Dale Evans Parkway, Apple Valley, California 92307) and at the San Bernardino County Library (14901 Dale Evans Parkway, Apple Valley, California 92307).

These documents are also available on the Town's website at:

https://www.applevalley.org/services/planning-division/environmental.

2 Project Description

2.1 Project Location

The approximately 30-acre Project Site is located in the northeast part of the Town of Apple Valley, which is within the Apple Valley region of San Bernardino County (Figure 1.2.1, Project Location). The Site is located in the southwest quadrant of Central and Cordova Roads. The Project site consists of Assessor's Parcel Number (APN) 0463-491-09. The Project is located in the NE ¼ of the SE ¼ of Section 15 Township 6N Range 3W as depicted on the U.S. Geological Survey Apple Valley North and Victorville, California 7.5-minute topographic quadrangle maps. Regional access to the Project site is provided via I-15N to Stoddard Wells Road heading east to Johnson Road, then east to Central Road.

2.2 Environmental Setting

Town of Apple Valley

The Town is approximately 72 square miles in the heart of the Victor Valley region of San Bernardino County. The Town is bordered by the City of Victorville to the west, the City of Hesperia to the southwest, and unincorporated San Bernardino County areas to the north and east.

Existing Project Site

The approximately 30-acre, predominantly rectangular "C" shaped project site consists of vacant, undeveloped land. The Project site is contiguous to Central Road on the east, which runs north and south, near to Johnson Road on the South, and contiguous to Cordova Road on the north. The land use designation of the project site is General Industrial (I-G) and the Zoning Map designation is Specific Plan (SP).

Surrounding Land Uses

Land uses surrounding the Project site primarily consist of vacant land. Specific land uses located in the immediate vicinity of the Project site include the following:

- North: Cordova Road and vacant land
- East: Central Road and vacant
- South: vacant land, unoccupied industrial buildings and Johnson Road beyond
- West: vacant land

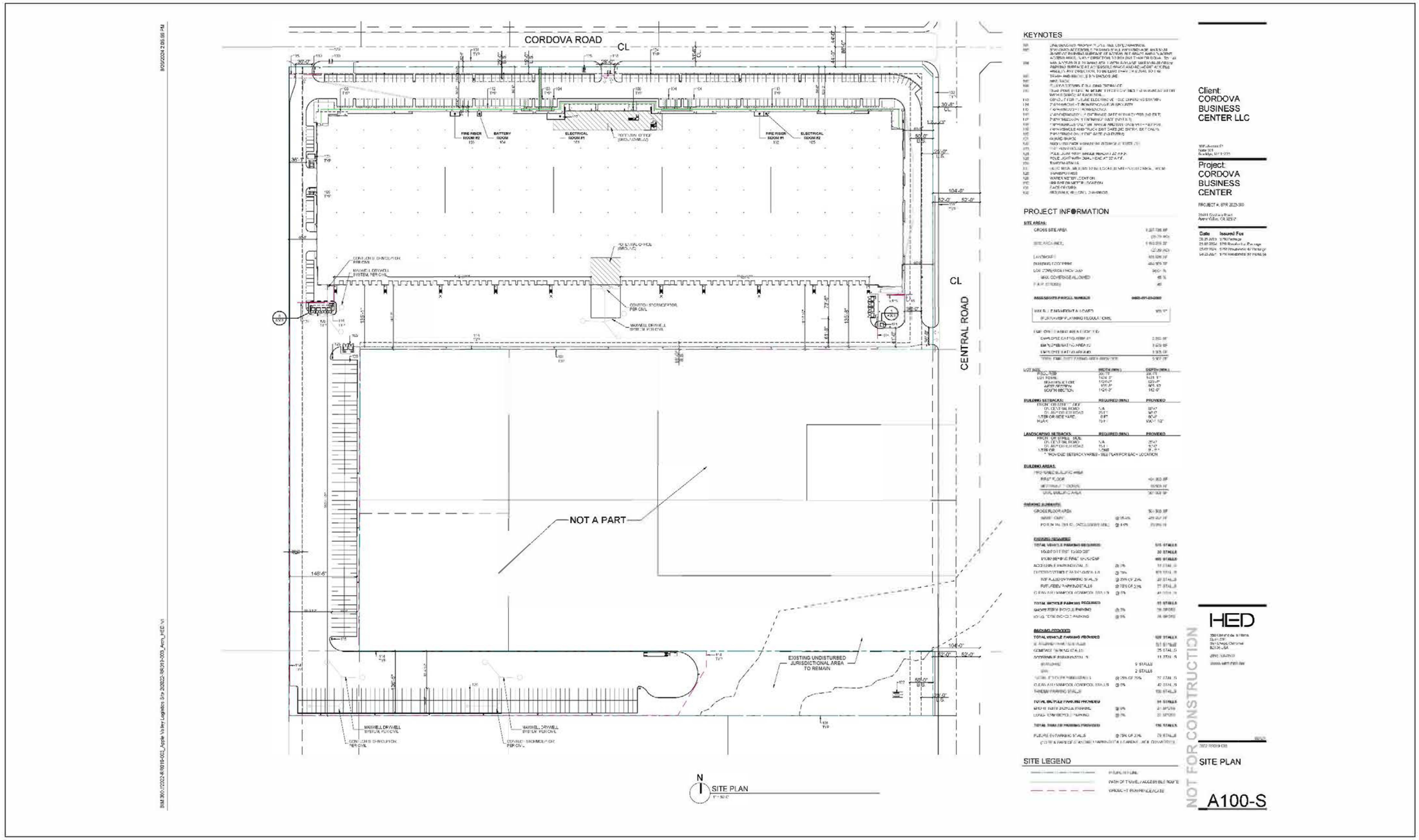


FIGURE 2.0.- CONCEPTUAL SITE

2.3 Project Characteristics

The Project would include construction of one industrial/warehouse building and associated improvements on approximately 30 acres of vacant land (APN Map 4063-491-0000) (see Figure 4, Site Plan). The Surveyed area is approximately 29.79 acres. The surveyed acreage was used for the technical studies' analyses. The Building Area[11] as defined under the Development Code is proposed at approximately 494,000 square feet with lot coverage at 38.07% and a proposed height of 55'-9". The Project is within the Maximum Allowable Building Height, which is 100 feet. The building will be concrete tilt-up construction and includes 10,508 square feet of mezzanine office area. for a total building square footage of 504,508 square feet. The building includes a total of 21,016 square feet of executive and operational offices, designed for dock loading three outdoor employee eating areas totaling 5,307 square feet, landscaping, loading docks, trailer truck and vehicle parking, accessible parking, electric vehicle parking, clean air/vanpool/carpool parking and long and short term bicycle parking. See *FIGURE 2.0.- CONCEPTUAL SITE PLAN*.

On-Site and Off-Site Improvements

The Project would include half width street improvements along Central Road and Cordova Road, including frontage landscaping. Central Road will have curb gutter and sidewalk. Cordova will have curb and gutter. A new water main will connect to the existing main line within Central and from a Point of Connection (POC) in Johnson west of Central Road and also a new main within Cordova from the Central to a POC at the existing main within Cordova west of Central . A new sewer main line will be constructed within Central and Cordova and to existing points of connection as determined by the Town based on whether Cordova or neighboring properties construct first. Onsite sheet flows conveying the tributary flows from the north/northeast/east will be concentrated into onsite Contech Retention Basin Systems located onsite for treatment prior to leaving the site. The Project would also have landscaping enhancing the site in accordance with the NAVISP Section III. Development Standards and Guidelines, Subsection 2. Landscape Design Standards.

Site Access and Circulation

The General Plan Circulation Map Exhibit IV-1 depicts Central Road and Johnson Road as a Major Road with a 104' ROW. Cordova Road is shown as a Secondary Road with an 88' ROW. Access to the Project site from the south would be provided via Central Road. According to the NAVISP "*Johnson Road runs without interruption from Dale Evans Parkway eastward to Central Road. Johnson Road is currently paved. from Dale Evans Parkway to Navajo Road. As a Major Road in the Apple Valley General Plan, Johnson Road will have a right of way of 104 feet and a paved surface of 80 feet across the entire width*

[11] *REFERENCE: Town of Apple Valley Municipal Coded TITLE 9 – DEVELOPMENT CODE, Chapter 9.08 Definitions, Building Area, Building Coverage*

of the Specific Plan area from Dale Evans Parkway to Central Road. Johnson Road will have a minimum of four (4) traffic lanes, two (2) parking lanes, and a continuous left turn lane or median. This road will have traffic signals at major intersections such as Navajo Road." Direct driveway ingress into the Site will be from Central Road; egress will be onto Cordova and Central Roads. Paved passenger vehicle parking areas would be provided along the Cordova facing the street and along the Building frontage and along the east side of the Building, along Central facing the Street, with dual parking lanes provided centrally to the Building Offices at the mid-point of the building along Cordova. Tractor-trailer stalls and loading docks would be on the east and south sides of the building. The Project would provide approximately 528 parking stalls. In addition to this vehicle parking, a total of 27 short- and 27 long-term bicycle parking stalls would be provided. The project would provide 181,836 square feet of landscaped area.

Utility Improvements

The Project would provide both wet and dry utilities, including domestic water, sanitary sewer, storm drainage, and electricity, in accordance with the NAVISP. The Site currently has an existing Southern California Edison (SCE) overhead line along Central and traversing the adjacent site on the east side of Central Road in an east/west alignment. This overhead line would need to be relocated.

Operations

Tenants for the Project have been identified. Warehouse and distribution business operations would be expected to be conducted within the enclosed building, with the exception of ingress and egress of trucks and passenger vehicles accessing the site, passenger and truck parking, the loading and unloading of trailers within designated truck courts/loading area, and the internal and external movement of materials around the Project site via forklifts, pallet jacks, yard hostlers, and similar equipment. It is anticipated that the facilities would be operated 24 hours a day, 7 days a week.

2.4 Project Approvals

The proposed land use of warehouse and distribution are permitted uses in the I-G land use/zoning designation within the NAVISP with a Site Plan Review which requires Director approval in accordance with ***NAVISP Section II – Land Use subsection E. Special Provisions 3. Permit Streamlining:****"This Specific Plan includes provisions for the permitting of projects through an administrative process, called Site Plan Review. Qualifying projects (permitted uses not requiring a SUP or CUP) will be reviewed and approved by the Director of Economic and Community Development or his representative. Site Plan Review is a process unique to this Specific Plan in the Town and is designed to provide qualifying projects with streamlined permitting requirements which do not require public hearings before the Planning Commission or Town Council."*

The Project would also require additional subsequent non-discretionary Town approvals that would include, but may not be limited to, a grading permit, building permits, and Certificates of Occupancy.

3 Initial Study Checklist

3.1. Project Title:

Cordova Business Center Project

3.2. Lead Agency Name and Address:

Town of Apple Valley, Planning Division
14955 Dale Evans Parkway
Apple Valley, California 92307

3.3. Contact Person and Phone Number:

Rick Hirsch, Town Consulting Planner
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, California 92307
760-240-7000 ext. 7205

3.4. Project Location:

The approximately 30-acre Project Site is located in the northeast part of the Town of Apple Valley, which is within the Apple Valley region of San Bernardino County (Figure 1, Project Location). The Site is located in the southwest quadrant of Central and Cordova Roads. The Project site consists of Assessor's Parcel Number (APN) 0463-491-09-0000. The Project is located in the NE ¼ of the SW ¼ of Section 15 Township 6N Range 3W as depicted on the U.S. Geological Survey Apple Valley North and Victorville, California 7.5-minute topographic quadrangle maps. Regional access to the Project site is provided via I-15N to Stoddard Wells Road heading east on Johnson Road, to Central Road then north to the Site.

3.5. Project Sponsor's Name and Address:

Cordova Business Center LLC
1019 Avenue P, Suite 501
Brooklyn, NY 11223
Attention: Adir Cohen

3.6. General Plan Designation:

General Industrial (I-G)

3.7. Zoning:

General Industrial (I-G)

3.8. Description of Project. (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary):

The Project includes the construction and operation of approximately 494,000 square feet of industrial/warehouse space on approximately 30 acres of vacant land generally on the east side of Central Road between Johnson Road on the south and Cordova Road on the north.

The Project would include construction of one industrial/warehouse building and associated improvements on approximately 30 acres of vacant land APN Map 0463-491-0000) (see Figure 4, Site Plan). The Surveyed area is approximately 29.79 acres. The surveyed acreage was used for the technical studies' analyses. The Building Area[12] as defined under the Development Code is proposed at approximately 494,000 square feet with lot coverage at 38.07% and a Building Height of 55'-9". The Project is within the Maximum Allowable Building Height which is at 100 feet. The Building will be concrete tilt-up construction and includes 10,508 square feet of mezzanine office area for a total building square footage of 504,508 square feet. The building includes a total of 21,016 square feet of executive and operational offices, designed for dock loading three outdoor employee eating areas totaling 5,307 square feet, 181,836 square feet of landscaping, loading docks, trailer truck and vehicle parking, accessible parking, electric vehicle parking, clean air/vanpool/carpool parking and long and short term bicycle parking. Total parking provided is 528 stalls.

3.9. Surrounding Land Uses and Setting (Briefly describe the project's surroundings):

Land uses surrounding the Project site primarily consist of vacant land. Specific land uses located in the immediate vicinity of the Project site include the following:

- North: Cordova Road and vacant land

[12] *REFERENCE: Town of Apple Valley Municipal Coded TITLE 9 – DEVELOPMENT CODE, Chapter 9.08 Definitions, Building Area, Building Coverage*

- East: Central Road and vacant land
- South: unoccupied buildings, Johnson Road and vacant land
- West: Vacant land

3.10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

Approvals from several Resource Agencies are anticipated: California Department of Fish & Wildlife Section 1602 Lake and Streambed Notification; United States Army Corps Engineers (USACE) Section 401 Individual Permit; California Regional Water Quality Control Board (RWQCB) Section 401 Water Quality Certification.

3.11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

In accordance with California Assembly Bill 52 requirements, the Town has initiated Tribal consultation, with Native American Tribal Representatives. Formal Notification Letter pursuant to Assembly Bill 52 (AB52) for the proposed Cordova Business Center Project were sent to the pertinent Tribes on 4/22/24. Due to the strict confidentiality required under AB52, the non-specific results are summarized herein.

Formal Letter responses were received from three of the five Native American Tribes notified. All three have reviewed the Archaeological Resources Inventory and Evaluation Report prepared for the proposed Project by ECORP Consulting, Inc. dated June 2024. These three Tribes have requested tribal participation during all ground disturbing activities and have submitted Cultural Resource Mitigation Measures both of which have been incorporated as Mitigation Measures into this Initial Study.

EVALUATION FORMAT

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Division 13. Environmental Statute, as Amended in 2022 Sections 21000, et seq., the California Code of Regulations Title 14. Natural Resources, Division 6. Resources Agency Chapter 3: Guidelines for Implementation of the California Environmental Quality Act As Amended December 28, 2018, (Section 15000, et seq.) (the CEQA Guidelines). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. The format of the study is presented as follows. The project is evaluated based on its effect on 20 major categories of environmental factors with a Mandatory Findings of Significance as category 21pursuant to 2018 CEQA Guidelines APPENDIX G. ENVIRONMENTAL CHECKLIST FORM (Initial Study Checklist). Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study Checklist provides a formatted analysis presented under "***Study/Findings***" that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations, i.e. "***Findings***":

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact

Substantiation is provided within the body of the "***Study***" to leading to and justifying each determination. One of the four following conclusions, i.e., "***Findings***" is then provided as a summary of the analysis for each of the major environmental factors:

1. **No Impact**: No impacts are identified or anticipated, and no mitigation measures are required.
2. **Less than Significant Impact**: No significant adverse impacts are identified or anticipated, and no mitigation measures are required.
3. **Less than Significant Impact with Mitigation Incorporated**: Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List of mitigation measures)
4. **Potentially Significant Impact**: Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to

evaluate these impacts, which are (List of the impacts requiring analysis within the EIR).

At the end of the analysis the required mitigation measures are restated and categorized and identified as project specific (MM), GPEIR GPEIR-MM and if there is a GPEIR Mitigation Monitoring and Reporting Program (GPEIR MMRP).

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analyses Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance

[Intentionally Left Blank]

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

☐	Aesthetics	☐	Agriculture and Forestry Resources	☐	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Energy
☐	Geology/Soils	☐	Greenhouse Gas Emissions	☐	Hazards & Hazardous Materials
☐	Hydrology/Water Quality	☐	Land Use/Planning	☐	Mineral Resources
☐	Noise	☐	Population/Housing	☐	Public Services
☐	Recreation	☐	Transportation	☐	Tribal Cultural Resources
☐	Utilities/Service Systems	☐	Wildfire	☐	Mandatory Findings of Significance

DETERMINATION: Based on this initial evaluation, the following finding is made:

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

Orlando Acevedo, Assistant Town Manager and Acting Economic and Community Development Director

date

California Environmental Quality Act (CEQA) Guidelines

Appendix G Environmental Checklist

I. Aesthetics

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☒	☐	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

References: Town of Apple Valley General Plan Environmental Impact Report titled, "***ENVIRONMENTAL IMPACT REPORT (SCH# 2008091077) APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", certified August 11, 2009(GPEIR); Town of Apple Valley ***North Apple Valley Industrial Specific Plan (NAVISP)*** *(Amended, Ordinance No. 427 & Ordinance No. 428. January 10, 2012)*; ***CalTrans list of eligible and officially designated State Scenic Highways:***

https://dot.ca.gov/-/media/dot-media/programs/design/documents/desig-and-eligible-aug2019_a11y.xlsx

STUDY/FINDINGS

Would the project:

a) Have a substantial adverse effect on a scenic vista?

STUDY: The Certified GPEIR analyzed Aesthetics relative to the General Plan Study Area inclusive of the adjacent Annexation 2008-002 area identifying the Project Impacts as follows:

"The proposed land-use plans for the two annexation areas have been designed to integrate into those lands surrounding them which occur in the Town's urban environment. However, build out of the annexation areas is nevertheless expected to have some impact on the visual and aesthetic resources, particularly since both areas are currently vacant desert lands. Although these potential impacts are not expected to affect the visual character of the annexation areas in the immediate future, they will gradually accumulate over time as new development takes place.

The conversion of rural land uses to industrial, commercial and residential uses will transform the open, semi-rural character of the area to that of a developed urban community. Existing viewsheds may be partially obstructed by buildings and other structures, and the present sense of open space will be diminished. Other elements of the built environment, including signage, utility infrastructure, and paved surfaces will also alter existing visual resources. The same policies, programs, and regulatory constraints applicable to all development in Town, however, will be applied to the annexation areas, thereby limiting building coverage and height to one and two story structures which will have limited impacts on viewsheds in either annexation area."

The ***GPEIR SECTION III. EXISTING ENVIRONMENTAL CONDITIONS, PROJECT IMPACTS AND MITIGATION MEASURES subsection A. Aesthetics and Visual Impacts***, studied the environmental impacts inclusive of the General Plan and inclusive of the NAVISP and annexation area designated land uses at build out. The GPEIR stated in subsection 2. Impacts that,

> *"Implementation of the General Plan is expected to result in the continued development of a variety of residential, commercial and industrial structures, as well as additional recreational development. With the exception of certain specialty structures, development allowed by the General Plan is expected to continue to be limited in terms of coverage, height and density. Some new low-density residential projects will be located within master planned communities and will benefit from consolidated open space, consistent architectural themes and limited building heights.*

Regardless of the type of development that occurs, new structures, signage, parking lots, utility infrastructure, lights and other elements of the built environment will result in additional visual impacts which could adversely affect surrounding viewsheds, either partially or wholly. Continued urbanization in undeveloped areas will change the natural topography and appearance of the area to a man-made built environment.

Build out of the General Plan will generate increased light and glare resulting from residential, commercial and industrial activities, while increased traffic will result in additional headlights and increased levels of illumination on local roadways.

The General Plan addresses these potential impacts through a series of policies and programs that are directed at maintaining the Town's character and scenic views and vistas. The Plan either directly regulates development or mandates the maintenance of zoning and other regulatory codes that assure detailed assessment of building coverage, setbacks and building heights, as well as other design features."

The ***SECTION A. Aesthetics and Visual Impacts subsection*** **2. "*Summary of Impacts*"** concluded and summarized the potential impacts of the build out of the General Plan as follows:

"Build out of the General Plan will result in some change to the existing visual character of much of the planning area. The conversion of vacant lands and rural land uses to industrial, commercial and more intense residential uses will change the open, semi-rural character that prevails in many parts of the area to that of a developed community. Existing viewsheds may be partially obstructed by buildings and other structures, and the present sense of open space will be diminished. Other elements of the built environment, including signage, utility infrastructure, and paved surfaces will also impact existing visual resources. However, implementation of the Town's General Plan policies and design performance standards, together with the mitigation measures set forth herein, are expected to reduce potentially detrimental impacts to visual resources to less than significant levels.

Build out of the General Plan will also result in increased levels of illumination and glare, as previously undeveloped land is developed for residential, commercial, and industrial uses. The designation of new and more intensively developed industrial areas may also impact on sensitive neighboring residential developments. However, impacts resulting from light and glare are expected to be reduced to less than significant levels through implementation of the Town's General Plan policies and design performance standards."

The Town of Apple Valley's policies and design performance standards applicable to the proposed Project are the NAVISP as described in ***SECTION I INTRODUCTION***, as restated in the following NAVISP excerpt:

"A. Background (Amended Ord. No. 351, 428)

The land use pattern in Apple Valley has been primarily residential, with commercial development occurring on State Route 18 and Bear Valley Road, the Town's connection to surrounding communities. The General Plan for the Town of Apple Valley includes a number of

Special Study Areas in which additional planning and land use studies have been recommended to address unique challenges and opportunities associated with developing these areas. These Special Study areas include the Airport Influence Area; the Dry Lake Flood Area; the Apple Valley Village Area located west of Central Avenue; the Highway 18 Improvement Area; the I-15 Corridor; and the Bear Valley Road Improvement Area. The North Apple Valley Industrial Specific Plan has at its center the Airport Influence Area.

This Specific Plan has been prepared to establish long-term development Goals, standards and guidelines for 6,220-acres including and surrounding the airport. The primary land uses envisioned in this area are industrial and commercial land uses, which will provide the Town with long-term economic growth and vitality, job growth, and revenue.

1. Statutory Authority

California Government Code Section 65450 through 65457 authorizes cities to adopt Specific Plans as a tool in the implementation of their General Plan. Government Code further specifies the content of Specific Plans, including the following minimum requirements:

1. *Text and diagrams that provide the distribution, location and extent of land uses; the distribution, location and extent of transportation, water, sewer, drainage and other utilities; and the standards and criteria by which these improvements will proceed;*
2. *Implementation measures including regulations, programs, public works projects and financing measures required to implement the Plan;*
3. *Consistency analysis to assure that the Specific Plan is compatible with the General Plan.*

Government Code further allows local jurisdictions to adopt Specific Plans either by resolution or ordinance. The Town of Apple Valley Development Code Section 9.03.070 specifies that Specific Plans shall be adopted by ordinance.

"2. Relationship to the General Plan (Amended Ord. No. 351, 428)

The North Apple Valley Industrial Specific Plan is a tool for implementing the goals of the Town's General Plan related to the 6,221-acre area that includes and surrounds the Apple Valley Airport. The Specific Plan is consistent with the Apple Valley General Plan, and implements the goals of the General Plan related to the Airport Influence Area.

3. ***Relationship to the Development Code (Amended Ord. No. 351, 428)***
This Specific Plan establishes development standards and guidelines for the Specific Plan area. This Specific Plan provides the zoning ordinance for the Specific Plan area. Where a development standard is different in the Development Code than in this Specific Plan, the provisions in this Specific Plan shall apply. Where a standard is not provided in this Specific Plan, the standards of the Development Code shall apply."

As stated in the GPEIR, impacts resulting from light and glare are expected to be reduced to less than significant levels through implementation of the Town's General Plan policies and design performance standards. The NAVISP was prepared to establish long-term development goals, standards and guidelines. The NAVISP established the development standards and guidelines pursuant to the GPEIR. The proposed Project has been designed in conformance with the NAVISP policies and design performance standards for the designated land use of Industrial General. The project building height, landscaping, parking, et al, and are all within the limitations of the NAVISP. Therefore, since the project has been designed in accordance with the NAVISP Design Standards & Guidelines there is no further mitigation required and ***less than a significant impact***.

The proposed Project land use designation is Industrial-General (I-G) and the proposed land use of warehouse/distribution are listed as "permitted". The project has been designed in accordance with all applicable NAVISP SECTION III. DEVELOPMENT STANDARDS AND GUIDELINES, Table III-2 Development Standards. The Building height in the Industrial-General Plan zone is limited to 100FT. The proposed Building's maximum height at 55'-9" which is nearly half of the allowable height.

The GPEIR includes Mitigation Measures and a Mitigation Monitoring Program in the Aesthetics and Visual Impacts Summary of Impacts 3. Mitigation Measures[13] that must be incorporated into this Initial Study. Some of these mitigation measures are applicable to the project. The Project relevant and collective mitigation measures from the GPEIR are incorporated into this Initial Study.

[13] *REFERENCE: Town of Apple Valley General Plan and Annexations 2008-001 & 2008-002/Environmental Impact Report Section III - Existing Conditions, Impacts, and Mitigation Measures*

GPEIR AESTHETICS AND VISUAL IMPACTS MITIGATION MEASURES (GPEIR, pp. III_4 through III-5)

The General Plan enhances the Town's ability to regulate and prevent significant viewshed impacts from occurring as a result of future development, while also mandating continued protection of the Town's visual resources. In order to ensure that impacts to visual resources are reduced to less than significant levels, the following mitigation measures shall be implemented.

GPEIR-MM1. Signage shall be in compliance with the Town's sign ordinance and shall be limited to the minimum size, scale and number needed to provide functional information, thereby minimizing impacts on traffic safety, streetscape, scenic viewsheds and the aesthetic character of the area.

GPEIR-MM2. Compliance with the Town's performance and design standards for landscaping, building coverage and setbacks, building design and height, architectural finishes, walls, fences and utility structures will be required of all development and redevelopment projects.

GPEIR-MM3. The Town shall maintain and implement design standards which protect scenic viewsheds and enhance community cohesion. Development standards shall address signage, landscaping, setbacks, building facades, vehicular and pedestrian access and related issues.

GPEIR-MM4. The Town's performance and design standards for lighting shall be maintained and implemented.

GPEIR-MM5. In addition to being in compliance with the Town's lighting ordinance, supplementary lighting recommendations include:

- External lighting shall be limited to the minimum height, fewest number and lowest intensity required to provide effective levels of illumination.
- Every reasonable effort shall be made to reduce spillage, both to protect residential use areas from excessive levels of illumination and to preserve dark skies at nighttime.
- Elevated lighting, including but not limited to parking lot lighting, shall be full-cutoff fixtures.
- Lighting fixtures in the vicinity of the airport shall be compatible with airport operations.

GPEIR-MM6. Overhead utility lines shall be undergrounded to the greatest extent possible through the maintenance of an undergrounding program.

GPEIR-MM7. The Town shall coordinate with utility providers to assure that utility infrastructure, including water wells, substations and switching/control facilities, are effectively screened to preserve scenic viewsheds and limit visual clutter.
GPEIR-MM8. Planning and design of residential neighborhoods and street corridors shall provide distinctive and characteristic design elements, such as entry monuments and landscaping, which preserve and enhance viewsheds enjoyed from these areas.
GPEIR-MM9. All development proposed within scenic viewsheds shall be regulated to minimize adverse impacts to views and vistas.

GPEIR MITIGATION MONITORING/REPORTING PROGRAM (GP EIR, pp. III-5 through III-6.)
GPEIR-MMRP A. All development plans, including lighting, landscape and signage proposals, shall be reviewed by the Town to assure their substantial compliance with the Town's design and performance standards, the design parameters set forth in the above mitigation measures and the General Plan.
Responsible Party: Planning Division, Planning Commission, Town Council

GPEIR-MMRP B. The Town shall maintain and implement a comprehensive Development Code and other regulatory documents which define the design perimeters to which public and private development projects must conform. Application packages shall be maintained to guide the preparation of Specific Plans, Conditional Use and other permits, and to ensure a thorough review of all community design issues.
Responsible Party: Planning Division, Planning Commission, Town Council

GPEIR-MMRP C. The Development Code shall maintain neighborhood enhancing design standards for industrial, commercial and residential development areas that ensure a variety of complementary design, the provision of safe open spaces, adequate access and parking, appropriately designed and scaled walls/fences and comprehensive landscaping programs.
Responsible Party: Planning Division, Planning Commission, Town Council

FINDINGS: [**Less Than Signficant With Mitigation Incorporated**] The GPEIR concluded that, *"impacts resulting from light and glare are expected to be reduced to less than significant levels through implementation of the Town's General Plan policies and design performance standards*. The policies and design performance standards via the adopted NAVISP have been incorporated into the project's design relative to the regulation of design standards which regulated building mass and scale, signage and lighting. Pursuant to the GPEIR, impacts associated with scenic resources and implementation of the required NAVISP design standards as described in this Initial Study Section I. Introduction and

following Subsections and the GPEIR mitigation measures incorporated herein will reduce impacts to ***less than significant levels with mitigation incorporated.***

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

STUDY: According to CalTrans published list of eligible and officially designated State scenic Highways, the nearest State Route within San Bernardino County is Interstate-15. I-15 is listed as "Eligible" along Route 58 near Barstow/Route 127 near Baker beginning from Post Mile 76.9 to Post Mile R136.6. This stretch of I-15 is between Barstow and Baker and not within the Apple Valley/Victor Valley region. The proposed project is not located near a state scenic highway. There are no mapped scenic resources on the project site. As depicted on the Cordova Business Center Photo Essay included herewith as APPENDIX 12. the site does not include any rock outcroppings. The Biological Resources Assessment by David Lee and an Aquatic Resources Delineation (ARD) by ECORP Consulting Inc, were conducted for the proposed Project Site which described the existing condition of the Site. The ARD Section 4.0 Environmental Setting 4.1 Existing Site Conditions described the site as follows:

> *"The Study Area consists of undeveloped land with disturbances present including scattered trash, unauthorized dump sites, and Off-Highway Vehicle (OHV) tracks that are scattered throughout the Study Area and along the western and northern boundaries. Surrounding land use consists primarily of undeveloped land."*
>
> *"Vegetation within the Study Area is primarily composed of native shrub species including four-wing saltbush (Atriplex canescens), pencil cholla (Cylindropuntia ramosissima), creosote bush (Larrea tridentata), peach thorn (Lycium cooperi), and turpentine broom (Thamnosma montana). One nonnative herbaceous species, red-stemmed filaree (Erodium cicutarium), was also identified and prevalent within the Study Area. The dominant plant species present within the Study Area is creosote bush. No riparian vegetation was observed within the Study Area.*
>
> The Biological Assessment and Aquatic Resources Assessment are included herewith as APPENDIX 4. As reported in the Geotechnical Report, the site is relatively flat, without outcroppings.

FINDINGS: [**No Impact**], The site specific Assessments conducted for the proposed Project concluded that there are no rock outcroppings located on site, the site is vacant land absent of any historic buildings, vegetation consists of native shrub and the site is not located within a state scenic highway, there is no impact to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. ***Therefore, there is no impact.***

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

STUDY: The proposed project is located in a non-urbanized area and falls within the North Apple Valley Industrial Specific Plan. The foregoing ***a) Study*** is applicable to this question. The GPEIR analyzed Aesthetics is thoroughly analyzed in a) herein. The ***GPEIR Section III. A. Aesthetics and Visual Impacts subsection 2. Project Impacts*** describes the impacts relative to the existing visual character or quality of public views of the site and its surroundings as follows:

> ***"2. Project Impacts***
> *Implementation of the General Plan is expected to result in the continued development of a variety of residential, commercial and industrial structures, as well as additional recreational development. With the exception of certain specialty structures, development allowed by the General Plan is expected to continue to be limited in terms of coverage, height and density. Some new low-density residential projects will be located within master planned communities and will benefit from consolidated open space, consistent architectural themes and limited building heights.*
>
> *Regardless of the type of development that occurs, new structures, signage, parking lots, utility infrastructure, lights and other elements of the built environment will result in additional visual impacts which could adversely affect surrounding viewsheds, either partially or wholly. Continued urbanization in undeveloped areas will change the natural topography and appearance of the area to a man-made built environment.*
>
> *Build out of the General Plan will generate increased light and glare resulting from residential, commercial and industrial activities, while increased traffic will result in additional headlights and increased levels of illumination on local roadways.*
>
> *The General Plan addresses these potential impacts through a series of policies and programs that are directed at maintaining the Town's character and scenic views and vistas. The Plan either directly regulates development, or mandates the maintenance of zoning and other regulatory codes that assure detailed assessment of building coverage, setbacks and building heights, as well as other design features."*

The GPEIR Section III. A. 2. Summary of Impacts sets forth the requirements for "*implementation of the Town's General Plan policies and design performance*

standards, together with the mitigation measures set forth herein, are expected to reduce potentially detrimental impacts to visual resources to ***less than significant levels****."* This Section of the GPEIR Section III. is restated herein:

"Summary of Impacts
Build out of the General Plan will result in some change to the existing visual character of much of the planning area. The conversion of vacant lands and rural land uses to industrial, commercial and more intense residential uses will change the open, semi-rural character that prevails in many parts of the area to that of a developed community. Existing viewsheds may be partially obstructed by buildings and other structures, and the present sense of open space will be diminished. Other elements of the built environment, including signage, utility infrastructure, and paved surfaces will also impact existing visual resources. However, implementation of the Town's General Plan policies and design performance standards, together with the mitigation measures set forth herein, are expected to reduce potentially detrimental impacts to visual resources to ***less than significant levels****.*

Build out of the General Plan will also result in increased levels of illumination and glare, as previously undeveloped land is developed for residential, commercial and industrial uses. The designation of new and more intensively developed industrial areas may also impact on sensitive neighboring residential developments. However, impacts resulting from light and glare ***are expected to be reduced to less than significant levels through implementation of the Town's General Plan policies and design performance standards****.*

The proposed Project land use designation is Industrial-General (I-G) and the proposed land use of warehouse/distribution are listed as "permitted". The project has been designed in accordance with all applicable NAVISP SECTION III. DEVELOPMENT STANDARDS AND GUIDELINES, Table III-2 Development Standards. The Building height in the Industrial-General zone is limited to 100FT. The proposed Building meets this limitation.

FINDINGS: [**Less Than Significant Impact**] The General Plan addressed potential impacts through a series of policies and programs that are directed at maintaining the Town's character and scenic views and vistas. The Plan either directly regulates development, or mandates the maintenance of zoning and other regulatory codes that assure detailed assessment of building coverage, setbacks and building heights, as well as other design features. As set forth in the NAVISP Section I – Introduction 2. Relationship to the General Plan *(Amended Ord. No.351, 428),* the NAVISP is the tool for implementing the Goals of the Towns General Plan related to the entire 6,221 acre NAVISP area. Further, Subsection 3.

Relationship to the Development Code *(Amended Ord. No.351, 428),* states that the "*Specific Plan, also known as NAVISP, establishes development standards and guidelines for the Specific Plan Area. This Specific Plan provides the zoning ordinance for the Specific Plan area. Where a development standard is different in the Development Code than in this Specific Plan, the provisions in this Specific Plan shall apply. Where a standard is not provided in this Specific Plan, the standards of the Development Code shall apply.*"

The GPEIR concluded that, *"impacts resulting from light and glare are expected to be reduced to **less than significant levels** through implementation of the Town's General Plan policies and design performance standards*. The policies and design performance standards under the GPEIR via the adopted NAVISP have been incorporated into the project's design which regulate building mass and scale, signage and lighting. Pursuant to the GPEIR, impacts associated with scenic resources and implementation of the required NAVISP Design Standards and Guidelines, will reduce impacts to less than significant levels. Therefore, there will be a ***less than significant impact***.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

STUDY: The GPEIR analyzed Aesthetics relative to the Study Area identifying the Project Impacts as follows:

"*Regardless of the type of development that occurs, new structures, signage, parking lots, utility infrastructure, lights and other elements of the built environment will result in additional visual impacts which could adversely affect surrounding viewsheds, either partially or wholly. Continued urbanization in undeveloped areas will change the natural topography and appearance of the area to a man-made built environment.*

Build out of the General Plan will generate increased light and glare resulting from residential, commercial and industrial activities, while increased traffic will result in additional headlights and increased levels of illumination on local roadways.

The General Plan addresses these potential impacts through a series of policies and programs that are directed at maintaining the Town's character and scenic views and vistas. The Plan either directly regulates development, or mandates the maintenance of zoning and other regulatory codes that assure detailed assessment of building coverage, setbacks and building heights, as well as other design features."

The proposed Project land use designation is Industrial-General (I-G) and the proposed land use of warehouse/distribution are listed as "permitted". The project has been designed in accordance with all applicable NAVISP SECTION III. DEVELOPMENT

STANDARDS AND GUIDELINES, pp. III-39-III-41, Section F. Design Standards and Guidelines 3. Lighting para. a.) General Provisions, b) Requirements for Shielding and filtering and c). Prohibited Lighting.

The General Guidelines regulate proposed lighting design relating to functional requirements, safety, security, energy efficiency, maintenance of the Town's Dark Sky Policy, blending with building architectural design and hardscape elements, parking lots, photometric design for light intensity and distance. The Shielding and Filtering Guidelines regulate light emissions requirements for filtering of outdoor fixtures by Fixture Lamp Type. Prohibited Lighting includes regulations prohibiting unshielded outdoor illumination, prohibition of new Mercury Vapor Installations and illuminated awnings.

These NAVISP Standards and Guidelines were prepared under the Statutory Authority of the California Government Code Section 65450 through 65457 authorizes cities to adopt Specific Plans as a tool in the implementation of their General Plan.[14]

Table III-2 Development Standards which include specific Design Guidelines for lighting. The project will be designed to meet the lighting standards of the Town.

FINDINGS: [**Less Than Significant Impact**]. The GPEIR concluded that, *"impacts resulting from light and glare are expected to be reduced to less than significant levels through implementation of the Town's General Plan policies and design performance standards*. The policies and design performance standards under the GPEIR via the adopted NAVISP have been incorporated into the project's design which regulate building mass and scale, signage, lighting and glare. Pursuant to the GPEIR, impacts associated with scenic resources and implementation of the required NAVISP Design Standards and Guidelines, will reduce impacts to less than significant levels. Therefore, there will be a ***less than significant impact***.

[14] *REFERENCE: Town of Apple Valley North Apple Valley Industrial Specific Plan Section I – Introduction (Amended Ord. No. 351, 428) A.) Background (Amended Ord. No 351, 428) 1.) Statutory Authority*

II. Agriculture and Forest Resources

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

References: Town of Apple Valley General Plan Environmental Impact Report titled, "***ENVIRONMENTAL IMPACT REPORT (SCH# 2008091077) APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", certified August 11, 2009; ***Updated Sensitive Biological Resources Impact Analysis and Recommended Mitigation Measures for the Cordova Business Center Project*** dated July 25, 2023 by ECORP Consulting, Inc.

STUDY/FINDINGS

Would the project:

a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**
STUDY: The Certified GPEIR addressed Agricultural Resources relative to the General Plan Area and annexation area identifying the Project Impacts as follows:

"The State has identified four areas in Apple Valley as Farmland of Statewide Importance. Two are located north of Yucca Loma Road, and west of Apple Valley Road. Two are located south of Yucca Loma Road; one immediately east of Apple Valley Road, and one south of Bear Valley Road, in the Deep Creek area. Altogether, these lands represent approximately 130 acres.

Within the lands identified by the State, approved projects occur. Specifically, the Town has on record approved Tentative Tract Maps for 37.5 acres at the southeast corner of Camber Lane and Chickasaw Lane; 42.3 acres at the southwest corner of Choco Road and Yucca Loma Road, and 37 acres at the southeast corner of Wren Road and Mockingbird Road. These approvals affect almost all of the lands designated by the State as farmland, and occurred prior to the current General Plan update, on lands designated for residential land uses in the current General Plan.

Implementation of the General Plan has the potential to convert the lands designated by the State as Farmland of Statewide Importance to residential development. As stated above, all but about 15 acres are committed to development under the existing General Plan, although development has not occurred. These lands are in relatively small parcels of 40 acres or less, and not conducive to the long term production of agriculture.

The Land Use Element of the General Plan allows ranching and agricultural activities in the Very Low Density Residential, Low Density Residential, Estate Residential and Estate Residential ¾ land use designations. The parcels identified by the State occur in the Single Family Residential, Specific Plan, Public Facilities and Low Density Residential designations. The majority of these lands are designated for suburban land uses, and have existing approved residential development proposals under the current General Plan. These lands are also not currently farmed, nor have they been in several years. The latter designation applies to those lands located south of Bear Valley Road. These lands, therefore, may be developed as agricultural or ranching facilities under the General Plan, representing about 30 acres.

The balance of the land use designations, however, will result in the elimination of these lands from
potential agricultural production.

Lands in the Deep Creek area are designated Low Density Residential and Estate Residential in order to preserve the rural and agricultural/ranching activities which have occurred there in the past. Although these lands are not designated by the State as Farmland of Statewide Importance, they are likely to develop to include equestrian, ranching or hobby farm facilities. This area of Apple Valley has been identified in the General Plan for long term preservation in a semiagrarian character, including policies and programs which protect this character.

The Williamson Act contract which currently occurs in Town applies to land owned by theTown's largest water company. The parcel is not currently farmed. Should AVR wish to develop the land, the Williamson Act contract will need to be removed from the parcel. AVR will be required to notify responsible agencies, including the Town, of its intent of non-renewal, and the change will be recorded with the County. Given that the parcel is only 1.8 acres in size, it is not of long term agricultural value, and will not represent a significant loss of agricultural land in the area.

As a result of implementation of the General Plan, it is likely that about 100 acres of land designated by the State as Farmland of Statewide Importance will be lost. None of the parcels represent viable long term agricultural production lands within Apple Valley, or for the region. The more likely agricultural, ranching and equestrian areas in Town occur surrounding the most southerly designated Farmland of Statewide Importance, in the Deep Creek area. These lands are designated to allow agricultural and ranching activities, and are able to support such activities through the policies of the General Plan."

FINDINGS: **[No Impact]** Since the designated agricultural lands occur in the areas designated as residential uses area and not within the Industrial General land use area of which the Site is located there will be no impact to agricultural resources as a result of build out of the proposed project.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

STUDY: The GPEIR studied Agricultural Resources as described in the foregoing Section a). In addition the Current San Bernardino Policy Plan Figure 5.2-2 Agricultural Resources North Desert Region, Victor Valley does not show any Williamson Act Parcels in the Project area. Therefore, the proposed Project site is not subject to a Williamson Act Contract that restricts development. Specifically, there are no designated farmlands within the General Industrial area of which the Site is located.

FINDINGS: **[No Impact]**.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

STUDY: The GPEIR stated at that time there were approved Tentative Tract Maps for 37.5 acres that affected almost all of the lands designated by the State as farmland and occurred prior to the GP update on lands designated for residential uses in the current General Plan. The project is located within the NAVISP and as stated above there are no designated agricultural lands nor timberland zoned areas occurring in the General Industrial area of which the proposed Project is located. A Biological Resources Assessment was performed on the proposed Project Site and no timberland was identified.

FINDINGS: [**No Impact**] The project is located within the NAVISP and as stated above there are no designated agricultural lands nor timberland zoned areas occurring in the area of which the proposed Project is located. Therefore, there are no conflicts with the existing zoning or cause rezoning of timberland, as such there is no impact.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

STUDY: The GPEIR stated at that time there were approved Tentative Tract Maps for 37.5 acres that affected almost all of the lands designated by the State as farmland and occurred prior to the GP update on lands designated for residential uses in the current General Plan. The project is located within the NAVISP and as stated above there are no designated agricultural lands nor timberland zoned areas occurring in the General Industrial area of which the proposed Project is located. A Biological Resources Assessment was performed on the proposed Project Site and no timberland was identified.
FINDINGS: [**No Impact**] The project is located within the NAVISP and as stated above there are no designated agricultural lands nor timberland zoned areas occurring in the Annexation area of which the proposed Project is located. Therefore, there are no conflicts with the existing zoning or cause rezoning of timberland. Therefore, there is no impact.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

STUDY: The GPEIR stated at that time there were approved Tentative Tract Maps for 37.5 acres that affected almost all of the lands designated by the State as farmland and occurred prior to the GP update on lands designated for residential uses in the current General Plan. The project is located within the NAVISP and as stated above there are no designated agricultural lands nor timberland zoned areas occurring in the General

Industrial area of which the proposed Project is located. A Biological Resources Assessment was performed on the proposed Project Site and no timberland was identified.

FINDINGS: [**No Impact**] The project is located within the NAVISP and as stated above there are no designated agricultural lands occurring in the General Industrial area of which the proposed Project is located. Therefore, development of the Site will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. Consequently, there is ***no impact***.

III. Air Quality

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

References: Town of Apple Valley General Plan Environmental Impact Report titled, "***ENVIRONMENTAL IMPACT REPORT (SCH# 2008091077) APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", certified August 11, 2009; ***Cordova Business Center Air Quality Assessment (AQA)*** dated August 21, 2024

STUDY/FINDINGS

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

STUDY: A recent Air Quality Assessment was conducted for the proposed Project by Urban Crossroads who was the consultant that conducted the Air Quality Assessment (AQA) for the General Plan Update EIR. The Assessment compares the proposed Project to the GPEIR designated land use to determine if the proposed Project falls within the overall envelope analysis included and analyzed in the GPEIR.

The GPEIR AQA impacts analysis stated that the potential for air quality degradation in the Town and region would increase with implementation of the proposed General Plan. The GPEIR AQA used the factors to project air quality emissions from the CEQA Air Quality Handbook which was prepared by the South Coast Air Quality Management District. The Mojave District Air Quality Management District accepts the use of emission factors as set forth and adopted by the SCAQMD. THE GPEIR concluded that actual fugitive dust

emissions are expected to be much less than that projected in the GPEIR AQA at General Plan Build Out since the GPEIR AQA analysis assume a conservative estimate that assumed all developable acres would be graded at once. Compliance with MDAQMD dust control measures pursuant to Rule 403.2 will reduce air quality impacts from fugitive dust to meet established PM_{10} standards. The GPEIR determined that as each specific development is proposed and site-specific environmental documents are prepared that project's impacts should be analyzed. The GPEIR analyzed and presented emissions for Industrial usage at Build Out. *"Industrial electrical consumption at General Plan build out is estimated by applying the annual usage factors for "warehouse" and "miscellaneous" development. For the purposes of this analysis, it is assumed that warehouse development will account for approximately 25% of all industrial development in the Town."*

The GPEIR concluded the following:

"All criteria thresholds are projected to be exceeded without the application of mitigation measures. Although emissions can be mitigated to a certain degree, significant and unavoidable impacts to air quality, including greenhouse gas emissions, will occur as a result of development of the General Plan. Therefore, as required under CEQA, Findings and a Statement of Overriding Considerations for emission that cannot be reduced to levels below the MDAQMD thresholds must be prepared. Regardless of mitigation measures, development of the General Plan will contribute to cumulative air quality impacts locally and regionally.

Note that requiring project-specific proposals to implement mitigation measures, including but not limited to those set forth below, can be effective in reducing air quality impacts to the entire General Plan area by providing alternative transportation options, increasing the use of green building design and technologies into planned future and remodeled facilities, and incorporating the use of alternative energy sources both locally and regionally through individual and regionwide solar roof installation projects and region-wide wind farm development, among other possible programs. These measures will not only reduce emissions of criteria pollutants, but will also reduce emissions associated with the formation of greenhouse gases."

Because the GPEIR calculated the emissions based on the conservative assumption that all developable acreage would develop at the same time, the best comparative analysis would be to compare the Project's Pro-Rata Allocation of the GPEIR Analyses resultant emissions.

The Air Quality Assessment for the proposed project compares the proposed Project to the GPEIR analyses for the designated land use to determine if the proposed Project falls within the overall envelope analysis included and analyzed in the GPEIR. The GPEIR Section III.C analyzed Air Quality stating that, *"A wide range of data and information, including*

regional air quality monitoring stations, local and regional scale planning and environmental documents, and consultation with the Mojave Desert Air Quality Management District, have been used in researching and analyzing the build out of the General Plan and annexations, and their potential air quality impacts." The GPEIR set the MDAQMD Emissions Thresholds in GPEIR Table III-1., State and Federal Ambient Air Quality Standards in Table III-2, Regional Pollutants of Concern in Table III-3, Table III-4 & III-5. The GPEIR requires that new projects are required to prepare a detailed air quality analyses. It states that "*All construction activities within the Town of Apple Valley shall be subject to Rule 401 Visible Emissions, Rule 402 Nuisance, and Rule 403 Fugitive Dust in accordance with the Mojave Desert Planning Area PM_{10} Attainment Plan*." The Project AQA also analyzed the construction impacts accordingly. The AQA includes modeling for construction activieies, dust emissions, on-road trips, and construction duration.

The results of the modeling was then compared to the thresholds stated within the GPEIR. The AQA also performed a comparative analysis of the Project Pro-rata share of the 2009 General Plan EIR Emissions assigned to the Project site as set forth herein:

The AQA analyzed the impacts of the proposed Cordova Business Center Project. The following is the Pro-Rata methodology from the Urban Crossroads' AQA:

"PRO-RATA SHARE OF 2009 GENERAL PLAN EIR EMISSIONS ASSIGNED TO THE PROJECT SITE

The land area for the proposed Cordova Project at 494,000 square feet on 29.79 acres is included in the Comprehensive General Plan and evaluated in the 2009 EIR and designated land use of General Industrial (I-G) that allows warehousing and warehousing distribution facilities as permitted uses. In order to appropriately estimate the emissions considered in the GPEIR for the proposed Project, additional modeling has been conducted to determine the pro-rata share of emissions assigned to the Project's land area. First, the trips apportioned to the proposed Project in the General Plan was determined based on information in the Trip Generation Assessment. Additionally, the usage factors for electricity, natural gas, solid waste, and water demand were obtained from the GPEIR and apportioned to the proposed Project considered. Detailed operation model outputs for the Project Pro-Rata share of adopted Industrial land use for the subject sites considered in the GPEIR are presented in Attachment B."

The AQA describes the "Criteria Pollutants" as restated herein below:

> *"Both the U.S. Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for common pollutants. These ambient air quality standards are levels of contaminants representing safe levels that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called "criteria" pollutants because the health and other effects of each pollutant are described in criteria documents. The six criteria pollutants*

are ozone (O3) (precursor emissions include NOX and reactive organic gases (ROG), CO, particulate matter (PM), nitrogen dioxide (NO2), sulfur dioxide (SO2), and lead. Areas that meet ambient air quality standards are classified as attainment areas, while areas that do not meet these standards are classified as nonattainment areas. The San Bernardino County portion of the MDAB is designated as a nonattainment area for the federal O3 and PM2.5 standards and is also a nonattainment area for the state standards for O3, and PM10."

The AQA provides Regulatory Background for Federal national air quality standards (NAAQS) for O_3, CO, NO_X, SO_2, PM_{10}, and lead (Pb) (1), Federal clean Air Act (CAA) . The Environmental Protection Agency (EPA) is responsible for setting and enforcing the NAAQS and has jurisdiction over emissions and emissions sources outside of state waters. Automobiles sold in California must meet stricter emission requirements of the California Air Resources Board (CARB). The following excerpt from the AQA provides background information of CARB:

"CARB
The CARB, which became part of the California EPA (CalEPA) in 1991, is responsible for ensuring implementation of the California Clean Air Act (AB 2595), responding to the federal CAA, and for regulating emissions from consumer products and motor vehicles. AB 2595 mandates achievement of the maximum degree of emissions reductions possible from vehicular and other mobile sources in order to attain the state ambient air quality standards by the earliest practical date. The CARB established the California ambient air quality standards (CAAQS) for all pollutants for which the federal government has NAAQS and, in addition, establishes standards for SO4, visibility, hydrogen sulfide (H2S), and vinyl chloride (C2H3Cl). However, at this time, H2S and C2H3Cl are not measured at any monitoring stations in the MDAB because they are not considered to be a regional air quality problem. Generally, the CAAQS are more stringent than the NAAQS (5) (1).

Local air quality management districts, such as the MDAQMD, regulate air emissions from stationary sources such as commercial and industrial facilities. All air pollution control districts have been formally designated as attainment or non-attainment for each CAAQS. Serious non-attainment areas are required to prepare Air Quality Management Plans (AQMP) that include specified emission reduction strategies in an effort to meet clean air oals. These plans are required to include:

- *Application of Best Available Retrofit Control Technology to existing sources;*
- *Developing control programs for area sources (e.g., architectural coatings and solvents) and indirect sources (e.g. motor vehicle use generated by residential and commercial development);*
- *A District permitting system designed to allow no net increase in emissions from any new or modified permitted sources of emissions;*
- *Implementing reasonably available transportation control measures and assuring a substantial reduction in growth rate of vehicle trips and miles traveled;*
- *Significant use of low emissions vehicles by fleet operators;*

- *Sufficient control strategies to achieve a 5% or more annual reduction in emissions or 15% or more in a period of three years for ROGs, NOX, CO and PM10. However, air basins may use alternative emission reduction strategy that achieves a reduction of less than 5% per year under certain circumstances."*

Air Quality Management Plan (AQMP)

The AQA states that currently the NAAQS and CAAQD are exceeded in most parts of the Mojave Desert Air Basin (MDAB) of which the proposed Project is located in the portion of the MDAB and is under the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD). The AQA reported that, *"In regard to the NAAQS, the Project region within the MDAB is in nonattainment for ozone (8-hour) and PM10. For the CAAQS, the Project region within the MDAB is in nonattainment for ozone (1-hour and 8-hour), PM10, and PM2.5. In response, the MDAQMD has adopted a series of Air Quality Management Plans (AQMPs) to meet the state and federal ambient air quality standards (6). AQMPs are updated regularly in order to more effectively reduce emissions, accommodate growth, and to minimize any negative fiscal impacts of air pollution control on the economy."*

According to the AQA the current MDAQMD Rules applicable to the proposed Project applicable during construction activity, "include but are not limited to Rule 403 (fugitive dust) and Rule 1113 (Architectural Coatings) (7) (8").

Simply stated, the MDAQMD Rule 403 regulates particulate matter within the ambient air resulting from human-made dust sources. The MDAQMD Rule 1113 limits the volatile organic compound (VOC) content of architectural coatings used on projects within the MDAQMD.

The AQA summarizes PM_{10} suppression techniques below:

- *"Portions of a construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized.*
- *All onsite roads will be paved as soon as feasible or watered periodically or chemically stabilized.*
- *All material transported offsite will be either sufficiently watered or securely covered to prevent excessive amounts of dust.*
- *The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times.*
- *Where vehicles leave a construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the workday to remove soil tracked onto the paved surface."*

AQA METHODOLOGY

Urban Crossroads used the latest version of CalEEMod Version 2022.1 to determine the construction and operational air quality and greenhouse gas emissions. The CalEEMod calculates the construction-source and operational criterial pollutant (VOCs, NOX, SOX,

CO, PM10, and PM2.5) and GHG emissions from direct and indirect sources; and quantify applicable air quality and GHG reductions achieved from mitigation measures (9).
The AQA used the current California Environmental Quality Act Guidelines (CEQA Guidelines) (14 CCR §§15000, et seq.) APPENDIX G Environmental Checklist III. Air Quality criteria a) through d) to determine the significance of potential Project-related air quality impacts.

MDAQMD REGIONAL EMISSIONS THRESHOLDS
The AQA included the MDAQMD emissions thresholds for criteria pollutants (April 2019). Projects in the MDAB with daily emissions that exceed any of the "indicated" thresholds in the MDAQMD thresholds should be considered as having an "individually and cumulatively significant air quality impact." Below is TABLE III.1 - AQA TABLE 1: MAXIMUM DAILY REGIONAL EMISSIONS THRESHOLDS.

TABLE III.1 - TABLE 1: MAXIMUM DAILY REGIONAL EMISSIONS THRESHOLDS

Pollutant	Construction/Operations
CO	548lbs/day
NO_X	137lbs/day
VOC	137lbs/day
SO_X	137lbs/day
PM_{10}	82lbs/day
PM_{25}	65lbs/day

lbs/day = Pounds Per Day

CONSTRUCTION ACTIVITIES
Because the GPEIR doesn't quantify construction emissions associated with buildout of the General Plan and that the GPEIR states on Page III-23, "*Air quality impacts resulting from construction activities could be significant and should be analyzed in detail, as each specific development is proposed and site-specific environmental documents are prepared.*", the AQA calculated the Project's construction emissions and compared them to the applicable thresholds as required by the GPEIR.

AQA CONCLUSIONS PERTAINING TO CONSTRUCTION ACTIVITIES
The AQA concluded that, *"Construction Activities associated with the Project would result in emissions of VOCs, NO_X, SO_X, CO, PM_{10} AND PM_{25} expected from the following construction activities:*

- *Site Preparation*
- *Grading (Import/Export)*
- *Building Construction*
- *Paving*
- *Architectural Coating*

"GRADING ACTIVITIES
Dust is typically a major concern during grading activities. Because such emissions are not amenable to collection and discharge through a controlled source, they are called "fugitive emissions". Fugitive dust emissions rates vary as a function of many parameters (soil silt, soil moisture, wind speed, area disturbed, number of vehicles, depth of disturbance or excavation, etc.). CalEEMod was utilized to calculate fugitive dust emissions resulting from this phase of activity. Per client provided data, the Project is expected to balance, and import/export would not be required.

ON-ROAD TRIPS
Construction generates on-road vehicle emissions from vehicle usage for workers, vendors, and haul trucks commuting to and from the site. Worker and hauling trips are based on CalEEMod defaults. It should be noted that for vendor trips, specifically, CalEEMod only assigns vendor trips to the Building Construction phase. Vendor trips would likely occur during all phases of construction. As such, the CalEEMod defaults for vendor trips have been adjusted based on a ratio of the total vendor trips to the number of days of each subphase of activity.

CONSTRUCTION DURATION
For purposes of analysis, construction of Project is expected to commence in January 2024 and would last through November 2025. The construction schedule utilized in the analysis represents a "worst-case" analysis scenario should construction occur any time after the respective dates since emission factors for construction decrease as time passes and the analysis year increases due to emission regulations becoming more stringent. The duration of construction activity and associated equipment represents a reasonable approximation of the expected construction fleet as required per CEQA Guidelines (12).

1 As shown in the CalEEMod User's Guide Version 2022.1, Section 4.3 "Off-Road Equipment" as the analysis year increases, emission factors for the same equipment pieces decrease due to the natural turnover of older equipment being replaced by newer less polluting equipment and new regulatory requirements."

The AQA analyzed Regional Construction Emissions without mitigation, the estimated operational-source emissions from the GPEIR analyzed Industrial land use, and then compared the two scenarios. The results of the project's estimated maximum Construction Emissions without mitigation are shown in the following ***TABLE III-2 – AQA TABLE 2: REGIONAL CONSTRUCTION EMISSIONS SUMMARY***:

TABLE III-2 – AQA TABLE 2: REGIONAL CONSTRUCTION EMISSIONS SUMMARY

Source	VOC	NO_X	CO	SO_X	PM_{10}	PM_{25}
	Summer					
2024	5.14	81.81	163.82	0.28	1.06	3.95
2025	19.90	52.18	78.81	0.10	6.81	3.39
	Winter					
2024	5.00	81.88	161.98	0.28	11.06	3.95
2025	19.62	52.43	71.21	0.10	6.81	3.39
Maximum Daily Emissions	**19.90**	**81.88**	**163.82**	**0.28**	**11.06**	**3.95**
MDAQMD Regional Threshold	137	137	548	137	82	65
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**

[1] PM_{10} and $PM_{2.5}$ source emissions reflect 3x daily watering per MDAQMD Rule 403 for fugitive dust.

The MDAQMD thresholds were not exceeded therefore there is no significant impact from construction emissions.

PRO-RATA SHARE OF 2009 GENERAL PLAN EIR EMISSIONS ASSIGNED TO THE PROJECT SITE

As explained in Section 1.2.3, the Urban Crossroads AQA for the Proposed Project uses the same methodology as the GPEIR by determining the Project's Pro-Rata GPEIR Percentage of the total GPEIR Industrial Land Use Category Area. Detailed construction model outputs and operational model outputs for the Project Pro-Rata share of adopted Industrial land use for the subject sites considered in the GPEIR are presented in AQA Attachment A and Attachment B respectively. The AQA is included herewith as APPENDIX 3 Air Quality, Greenhouse Gas and Energy Assessment.

The AQA estimated Construction and Operation-source emissions from the Pro-Rata share of adopted General Plan Industrial land use for the subject sites considered in the GPEIR and are summarized in the following Table III-3. The GPEIR identified significant air quality impacts from emissions of VOCs, NOx, SOx, PM10, and PM2.5 emissions and are summarized in the following ***TABLE III-3 - AQA TABLE 3:PRO-RATA SHARE OF 2009 GENERAL PLAN EIR OPERATIONAL EMISSIONS*** **ASSIGNED TO THE PROJECT SITE (PROJECT PRO RATA ALLOCATION)**:

TABLE III-3 - AQA TABLE 3: PRO-RATA SHARE OF 2009 GENERAL PLAN EIR OPERATIONAL EMISSIONS ASSIGNED TO THE CORDOVA PROJECT SITE (PROJECT PRO RATA ALLOCATION)

Source	VOC	NO_X	CO	SO_X	PM_{10}	PM_{25}
Summer						
GPEIR Project Total Site Emissions Pro Rata Allocation	**19.45**	**38.91**	**113.21**	**0.39**	**16.59**	**5.20**
Winter						
GPEIR Project Total Site Emissions Pro Rata Allocation	**15.61**	**40.47**	**80.37**	**0.38**	**16.56**	**5.18**

The AQA estimated operation-source emissions from the Cordova Project is summarized in Table 4. Detailed operation model outputs are presented in AQA Attachment C. Emissions that would occur with implementation of the proposed Project are considered and addressed within the 2009 GPEIR and are less than the Pro-Rata share emissions summarized on Table 3. The estimated the operation-source emissions from the proposed Cordova Project are summarized in the following ***TABLE III-4 – AQA TABLE 4: TOTAL PROJECT REGIONAL OPERATIONAL EMISSIONS and the operation-source emissions for this Cordova Project Site are shown below***:

TABLE III-4 – AQA TABLE 4: TOTAL CORDOVA PROJECT REGIONAL OPERATIONAL EMISSIONS

Source	Emissions (lbs/day)					
	VOC	NO_X	CO	SO_X	PM_{10}	PM_{25}
Summer						
Proposed Total Cordova Site Emissions	**18.76**	**29.17**	**102.46**	**0.33**	**15.80**	**4.54**
Winter						
Proposed Total Cordova Site Emissions	**14.95**	**30.62**	**70.58**	**0.32**	**15.76**	**4.51**

A comparison of the proposed Project Regional Operational emissions to the GPEIR Project Pro-rata Emissions Allocation that are accounted for based on the adopted land uses are summarized in Table III-5 below.

TABLE III-5 – AQA TABLE 5: CORDOVA PROJECT NET REGIONAL OPERATIONAL EMISSIONS

	Emissions (lbs/day)					
Source	**VOC**	**NO_X**	**CO**	**SO_X**	**PM_{10}**	**PM_{25}**
Summer						
Proposed Cordova Site Total Emissions	18.76	29.17	102.46	0.33	15.80	4.54
GPEIR Total Pro Rata Emissions Allocation Cordova Project Site	19.45	38.91	113.21	0.39	16.59	5.20
Net Emissions	**-0.68**	**-9.74**	**-10.75**	**-0.06**	**-0.80**	**-0.67**

Winter						
Proposed Cordova Site Total Emissions	14.95	30.62	70.58	0.32	15.76	4.51
GPEIR Total Pro Rata Emissions Allocation Cordova Project Site	15.61	40.47	80.37	0.38	16.56	5.18
Net Emissions	**-0.66**	**-9.85**	**-9.76**	**-0.06**	**-0.80**	**-0.67**

Table III-5 above shows the Proposed Project is anticipated to generate less Operational emissions per day for the pollutants of VO_X, NO_X CO, SO_X, PM_{10}, AND $PM_{2.5}$ as compared to the GPEIR Total Pro-Rata Emissions Allocation generated by the designated Industrial land use for the subject sites considered in the GPEIR.

FINDINGS: [**Less Than Significant Impact**] As required under the GPEIR the proposed Project located within the General Industrial Area was analyzed in a current AQA. The current AQA also analyzed the Project under the CEQA Guidelines APPENDIX G. III. Air

Quality a) criterion under the most current MDAQMD thresholds and new modeling under 2022 CalEEMod. The AQA findings are noted below that support a less that significant impact:

Consistency Criterion No.1

As described in the AQA, the Cordova Business Center Project would develop 494,000 square feet of warehousing and distribution uses within a single building on the site totaling approximately 29.8-net acres which is consistent with the land uses in the adopted General Plan. Additionally, it should be noted that the proposed Project is anticipated to generate less emissions per day for pollutants of VOC, NOX, CO, SOX, PM10, and PM2.5 as compared to the Project Pro Rata Emissions Allocations generated by the adopted land use for the subject sites as considered in the 2009 EIR. Emissions that would occur under the proposed Project are considered and addressed in the 2009 EIR and would therefore the Project would not result in any new significant impacts that were not previously disclosed and analyzed in the 2009 EIR.

Consistency Criterion No. 2

All MDAQMD Rules and Regulations

The Project would be required to comply with all applicable MDAQMD Rules and Regulations, including, but not limited to Rules 401 (Visible Emissions), 402 (Nuisance), and 403 (Fugitive Dust).

Consistency Criterion No. 3

Demonstrating that the project will not increase the frequency or severity of a violation in the federal or state ambient air quality standards

Consistency Criterion No. 3 refers to violations of the CAAQS and NAAQS. CAAQS and NAAQS violations would occur if regional significance thresholds were exceeded., "As evaluated, the Project's regional construction emissions would not exceed the applicable regional thresholds of significance that were not previously disclosed in the GPEIR. For operational activity, the Project is anticipated to generate less emissions per day as compared to emissions generated by the GPEIR adopted industrial land use. As such, the Project would not result in any impacts greater than the adopted GPEIR.". As such, ***a less than significant impact*** *is expected.*

AQMP Consistency Conclusion

The proposed Project results in fewer emissions than what would occur under the adopted land uses as evaluated in the 2009 EIR, as such, the proposed Project would not result in any new significant impacts that were not previously disclosed in the 2009 GPEIR.

Based on the foregoing the Project is therefore considered to be consistent with the AQMP and ***a less than significant impact would occur with respect to this threshold***

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

STUDY: The Urban Crossroads' AQA was prepared to consider effects of the development of the proposed Project Site and specifically address the CEQA Guidelines APPENDIX G III. Air Quality b). This SIS has reviewed the Urban Crossroads Air Quality Analysis in the foregoing ***a) STUDY.*** Table III-5 in the ***a) STUDY*** shows the Proposed Project is anticipated to generate less emissions per day for the pollutants of VO_X, NO_X CO, SO_X, PM_{10}, AND

$PM_{2.5}$ as compared to emissions generated by the designated Industrial land use for the subject sites considered in the GPEIR.

The following summarizes the Construction and Operational Impacts:

Construction Impacts
The AQA estimated the maximum daily construction emissions over the course of 2 years for both summer and winter emissions. The results of the project's estimated maximum Construction Emissions without mitigation are shown in the preceding **AQA TABLE 2: REGIONAL CONSTRUCTION EMISSIONS SUMMARY.** The comparative analysis of the Project's Construction emissions compared to the MDAQMD Daily Regional Thresholds showed that the MDAQMD thresholds were not exceeded by the Project's construction.

The AQA concluded that "*The Project-specific evaluation of emissions presented in the preceding analysis demonstrates that proposed Project construction-source air pollutant emissions would not result in exceedances of regional thresholds. Therefore, proposed Project construction-source emissions would be considered less than significant on a project-specific and cumulative basis.*"

Operational Impacts
As shown in the preceding Table III-5, which compares the Project's Summer and Winter Operational emissions combined with GPEIR Total Pro Rata Emissions Allocation for the Cordova Project, the Project is anticipated to generate less Operational emissions per day for the pollutants of VO_X, NO_X CO, SO_X, PM_{10}, AND $PM_{2.5}$ as compared to emissions generated by the designated Industrial land use for the subject site considered in the GPEIR.

The Urban Crossroads' AQA concluded that, "*The Project-specific evaluation of emissions presented in the preceding analysis demonstrates that proposed Project operational-source air pollutant emissions would result in fewer emissions than attributed to the subject sites as evaluated in the 2009 EIR. Therefore, the proposed Project operational-source emissions would not result in emissions beyond what was previously disclosed and analyzed in 2009 EIR, and no new significant project-specific or cumulative impacts are expected.*"

Given the fact that the GPEIR assumed the buildout of the study area would occur at the same time and given the AQA analysis and conclusions, the proposed Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard. Therefore, there is a ***less than significant impact***.

FINDINGS: [**Less Than Significant Impact**] The GPEIR assumed that the entire area would be developed at the same time and that construction impacts were included in its analysis.

As stated in the analysis above, the GPEIR set forth the MDAQMD Emissions Thresholds in GPEIR Table III-1., State and Federal Ambient Air Quality Standards in Table III-2, Regional Pollutants of Concern in Table III-3, Table III-4 & III-5. The GPEIR requires that new projects are required to prepare a detailed air quality analyses. It states that *"All construction activities within the Town of Apple Valley shall be subject to Rule 401 Visible Emissions, Rule 402 Nuisance, and Rule 403 Fugitive Dust in accordance with the Mojave Desert Planning Area PM_{10} Attainment Plan."*

In accordance with the GPEIR a detailed AQA was prepared for the proposed Project. In addition, the Project's AQA also analyzed the Construction and Operational impacts accordingly. The results of the modeling and analyses were then compared to the Regional Thresholds stated within the GPEIR. The AQA also performed a comparative analysis of the Project Pro-rata share of the 2009 General Plan EIR Emissions assigned to the Project site as set forth in the preceding ***a) STUDY***:"

The AQA concluded that their analyses demonstrated that Pproject-specific unmitigated emissions from construction- would not result in exceeding the current regional thresholds established by the MDAQMD for emissions of any criteria pollutant and no mitigation is required. The AQA further concluded that, "***Therefore, proposed Project construction-source unmitigated emissions would be considered less than significant on a project-specific and cumulative basis."***

The AQA also concluded that their project specific evaluation of project-specific air-pollutant emissions from operational-sources would *result in fewer emissions than attributed to the subject sites as evaluated in the 2009 GPEIR*. The AQA concluded "***Therefore, the proposed Project operational-source emissions would not result in emissions beyond what was previously disclosed in the GPEIR documentation, and no new significant project-specific or cumulative impacts are expected."***

Based on the foregoing analyses and conclusions, the Project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

c) Expose sensitive receptors to substantial pollutant concentrations?

STUDY: The AQA thoroughly assessed exposure to sensitive receptors in accordance with the MDAQMD Guidelines:

The following project types located within a specified distance to an existing or planned sensitive receptor land use must be evaluated to determine exposure of substantial pollutant concentrations to sensitive receptors (11):

- Any industrial project within 1,000 feet;
- A distribution center (40 or more trucks per day) within 1,000 feet;
- A major transportation project (50,000 or more vehicles per day) within 1,000 feet;
- A dry cleaner using perchloroethylene within 500 feet;
- A gasoline dispensing facility within 300 feet.

Because the Project consists of a total Building Area of 494,000 sq ft of warehouse and distribution uses within one building on approximately 29.79 net acres and the nearest residence is approximately 1,800 feet from the project site, no analysis is required. The AQA also concluded that the results of their regional analysis indicated that "*the Project will generate fewer truck trips and consequently emissions than if the site were developed consistent with the general plan land uses as evaluated in the 2009 EIR. Therefore, sensitive receptors would not be subject to a significant air quality impact during Project construction and operational activities beyond those already disclosed in the prior CEQA document for the GPEIR.*"

The AQA further analyzed CO "Hot Spots. The AQA concluded that, "*the Project would not result in potentially adverse CO concentrations or "hot spots." Further, detailed modeling of Project-specific CO "hot spots" is not needed to reach this conclusion. An adverse CO concentration, known as a "hot spot", would occur if an exceedance of the state one-hour standard of 20 parts per million (ppm) or the eight-hour standard of 9 ppm were to occur.*" The AQA included in **TABLE 6: CO MODEL RESULTS** that summarizes a CO "hot spot" analysis that was conducted in 2003 to establish a more accurate record of baseline CO concentrations affecting the South Coast Air Basin (SCAB). The analysis includes four busy intersections in Los Angeles at peak morning and afternoon time periods. This "hot spot" analysis did not predict any violation of CO standards. The following is ***TABLE III-6 – AQA TABLE 6: CO MODEL RESULTS***:

TABLE III-6 – AQA TABLE 6: CO MODEL RESULTS

Intersection Location	CO Concentrations (ppm)		
	Morning 1-hour	Afternoon 1-hour	8-hour
Wilshire Boulevard/Veteran Avenue	4.6	3.5	3.7
Sunset Boulevard/Highland Avenue	4	4.5	3.5
La Cienega Boulevard/Century Boulevard	3.7	3.1	5.2
Long Beach Boulevard/Imperial Highway	3	3.1	8.4

Notes: Federal 1-hour standard is 35 ppm and the deferral 8-hour standard is 9.0 ppm.

Because MDAQMD has not established its own guidelines for CO hotspots analysis, and the MDAQMD guidelines are based on the SCAQMD methodology the AQA applied the

SCAQMD criteria when analyzing CO hotspots with the MDAQMD. The AQA advised that, "*SCAQMD's 2003 AQMP and the 1992 Federal Attainment Plan for Carbon Monoxide (1992 CO Plan), peak carbon monoxide concentrations in the basin were a result of unusual meteorological and topographical conditions and not a result of traffic volumes and congestion at a particular intersection. As evidence of this, for example, 8.4 ppm CO concentration measured at the Long Beach Blvd. and Imperial Hwy. intersection (highest CO generating intersection within the "hotspot" analysis), only 0.7 ppm was attributable to the traffic volumes and congestion at this intersection; the remaining 7.7 ppm were due to the ambient air measurements at the time the 2003 AQMP was prepared (20).*"

The AQA concluded that based on the foregoing. "*...even if the traffic volumes for the proposed Project were double or even triple of the traffic volumes generated at the Long Beach Blvd. and Imperial Hwy. intersection, coupled with the on-going improvements in ambient air quality, the Project would not be capable of resulting in a CO "hot spot" at any study area intersections."*

The AQA advised that similar considerations are also employed by other Air Districts when evaluating potential CO concentration impacts citing the Bay Area Air Quality Management District (BAAQMD). This Air District concludes that "*under existing and future vehicle emission rates, a given project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour(vph)—or 24,000 vph where vertical and/or horizontal air does not mix—in order to generate a significant CO impact (21).*"

The **AQA TABLE 7: CO MODEL RESULTS** lists the traffic volumes generating the CO concentrations for the "hot spot" analysis. ***TABLE III.7 – AQA TABLE 7: CO MODEL RESULTS*** below shows the Wilshire Boulevard/Veteran Avenue Intersection Location as the busiest intersection with total (AM/PM) traffic volumes of 8,062 vph and 7,716 respectively.

TABLE III.7 – AQA TABLE 7: CO MODEL RESULTS

Intersection Location	Peak Traffic Volumes (vph)				
	Eastbound (AM/PM)	Westbound (AM/PM)	Southbound (AM/PM)	Northbound (AM/PM)	Total (AM/PM)
Wilshire Boulevard/Veteran Avenue	4,954/2,069	1,830/3,317	721/1,400	560/933	8,062/7,719
Sunset Boulevard/Highland Avenue	1,417/1,716	1,342/1,540	2,304/1,832	1,551/2,238	6,614/5,374
La Cienega Boulevard/Century Boulevard	2,540/2,243	1,891/2,728	1,384/2,029	821/1,674	6,634/8,674
Long Beach Boulevard/Imperial Highway	1,217/2,020	1,760/1,400	479/944	756/1,150	4,212/5,514

The AQA concluded that the 2003 AQMD estimated that the 1-hour concentration for this intersection was 4.6ppm; which indicates that should the hourly traffic volume increase four times to 32,248 vehicles per hour, CO concentrations (4.6ppm x 4 = 18.4) would still not likely exceed the most stringent 1-hour CO standard (20.0 ppm).

FINDINGS: [**Less Than Significant Impact**] Because the project Building Area consists of 494,000 sq ft of warehouse and distribution uses plus 11,508 sq ft of messanine office area within one building on approximately 30 acres (29.79 surveyed acres) and the nearest

residence is approximately 1,800 feet from the project site, no analysis is required. The AQA also concluded that the results of their regional analysis indicated that the Project will generate fewer truck trips and consequently fewer emissions than if the site were developed consistent with the general plan land uses as evaluated in the 2009 GPEIR which conservatively estimated the Build Out of all developable land at the same time.

Therefore, sensitive receptors would not be subject to a significant air quality impact during Project construction and operational activities beyond those already disclosed in the adopted GPEIR." Therefore there would be a ***less than significant impact****.*

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

STUDY: The AQA also considered the potential for the Project to generate objectionable odors. The land uses generally associated with odor complaints were listed in the AQA as follows:

- Agricultural uses (livestock and farming)
- Wastewater treatment plants
- Food processing plants
- Chemical plants
- Composting Operations
- Refineries
- Landfills
- Dairies
- Fiberglass molding facilities

The proposed Project is warehouse and distribution with storage of apparel, children's toys and accessories, household items such as kitchenware, small appliances, health and fitness, etc. and doesn't contain land uses typically associated with emitting of objectionable odors. The AQA stated that potential odor sources associated with the proposed Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities and the temporary storage of typical solid waste (refuse) associated with the proposed Project's (long-term operational) uses. As required under the Building Code, Fire Code and Best Management Practices, Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less than significant. It is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the solid waste regulations. The proposed Project would also be required to comply with MDAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, the AQA concluded that odors associated with the proposed Project construction and operations would be **less than significant** and no mitigation is required (23).

FINDINGS: [**Less Than Significant Impact**] The proposed Project would also be required to comply with MDAQMD Rule 402 to prevent occurrences of public nuisances. As required under the Building Code, Fire Code and Best Management Practices, Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and thus considered less than significant. It is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the solid waste regulations. Therefore, the AQA concluded that odors associated with the proposed Project construction and operations would be less than significant and no mitigation is required.

IV. Biological Resources

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to substantially impact any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have the potential to substantially degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, impact a threatened or endangered species, or eliminate a plant or animal community?	☐	☒	☐	☐
c) Have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☒	☐	☐

References: Town of Apple Valley General Plan Environmental Impact Report titled, "***ENVIRONMENTAL IMPACT REPORT (SCH# 2008091077) APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 &***

2008-002", certified August 11, 2009***;*** ***Biological Resources Assessment*** dated November 2022, prepared by David N. Lee Consulting; ***Updated Sensitive Biological Resources Impact Analysis and Recommended Mitigation Measures for the Cordova Business Center Project***, ***Apple Valley, San Bernardino County, California,*** dated July 25, 2023 by ECORP Consulting, Inc. *(UIARRM);* ***Aquatic Resources Delineation for the Cordova Business Center Project*** (ECORP 2023a) and ***Potential Impact Assessment of Aquatic Resources for the Cordova Business Center Project*** (ECORP 2023b).

STUDY/FINDINGS

Would the project:

a) Have the potential to substantially impact any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

STUDY: The GPEIR addressed Biological Resources within the General Plan area including Annexation Area 2008-001 and 2008-002 within which the proposed Project is located. ***Section III – Existing Conditions, Impacts, and Mitigation Subsection D. Biological Resources*** discussed the existing biological resources in the Town of Apple Valley, the vicinity, and regionally, and analyzes the potential constraints, risks and opportunities associated with these existing conditions as the General Plan and annexations build out. The following is an excerpt of the GPEIR Summary Matrix relative to impacts to biological resources within the Annexation Area:

> *"As with other undeveloped portions of the Town, build out of the annexation areas has the potential to impact biological resources, including common and possibly special status species, in the annexation areas through direct disturbance from development, habitat loss, and fragmentation. Future development in the annexation areas may result in activities within and adjacent to ephemeral streams. Such activities may be subject to state and federal regulatory permitting requirements, to be determined at the time development proposals are reviewed by the Town."*

The GPEIR includes the following Biological Mitigation Measures that apply to this Project, and are listed at the end of this Section IV. BIOLOGY.

> *"The EIR includes requirements for site specific and species specific studies in areas of habitat for species of concern; the continued coordination with regional agencies on MSHCP issues; the adoption of the Town's MSHCP; and the preservation of open space areas. With implementation of these mitigation measures, impacts associated with biological resources will be reduced to less than significant levels."*

In accordance with GPEIR MM-3 a Biologic Resources Assessment (BRA) was conducted by David N. Lee Consulting in November 2022. The BRA Section 5 Impacts and Mitigation, subsection 5.1 defined Habitats and Natural Communities of Special Concern which are *"(1) based on Federal, state, or local laws regulating their development; (2) limited distributions; an/or (3) the habitat requirements of special status plants or animal occurring on site. State and/or federal jurisdictional features are considered natural communities of special concern.*

The BRA concluded that the proposed Project does not contain federal designated critical habitat.

> The BRA stated that "*no natural communities of special concern were identified by the CNDDB during the records search as occurring within the Apple Valley North USGS 7.5-minute quad. The only natural community of special concern identified within the Project is jurisdictional waters. Waters of the U.S. and state qualify as natural communities of special concern, as they are regulated by state and federal resource agencies.*"

An Updated Impacts Analysis and Recommended Mitigation Measure was completed (UIARMM) by ECORP Consulting dated 7/25/2023 attached hereto as APPENDIX 3. The UIARMM addressed potential impacts to sensitive biological resources as a result of the implementation of the Project that deviate from or are not addressed by the BRA, pursuant to the CEQA APPENDIX G Environmental Checklist. The UIARMM analysis observed two Joshua Trees, one on the proposed Project Site, and the other is located on the adjacent property outside of the Property Boundary. However, the one onsite Joshua Tree is within jurisdictional area that will remain as dedicated natural open space area not be disturbed. The Western Joshua Tree is fully protected under State Assembly Bill No. 1008 of California Western Joshua Tree Conservation Act (WJTCA) which was recently passed by the State Legislature in July 2023 to conserve the Joshua tree and its habitat and at the same time support the state's renewable energy housing priorities. According to the California Department of Fish and Wildlife, the following is a WJTCA Summary:

> *"The Western Joshua Tree Conservation Act (WJTCA) prohibits the importation, export, take, possession, purchase, or sale of any western Joshua tree in California unless authorized by CDFW.*
>
> *The act authorizes CDFW to issue permits for the incidental take of one or more western Joshua trees if the permittee meets certain conditions. Permittees may pay specified fees in lieu of conducting mitigation activities. The act also authorizes CDFW to issue permits for the removal of dead western Joshua trees and the trimming of live western Joshua trees under certain circumstances.*
>
> *Pursuant to the WJTCA, CDFW may enter into an agreement with any county or city to delegate limited authority to permit the taking of a western Joshua tree associated with developing single-family residences, multifamily residences, accessory structures, and public works projects. CDFW may similarly enter into an agreement with any county or city to delegate limited authority to permit the removal of dead western Joshua trees and the trimming of live western Joshua trees.*
>
> *Under the act, all in-lieu fees collected will be deposited into the Western Joshua Tree Conservation Fund for appropriation to CDFW solely for the purposes of acquiring, conserving, and managing western* Joshua tree conservation lands and completing other activities to conserve the western Joshua tree.

Additionally, the act requires CDFW to develop and implement a western Joshua tree conservation plan in collaboration with governmental agencies, California Native American Tribes, and the public. The complete draft conservation plan must be presented no later than December 31, 2024 at a public meeting of the Fish and Game Commission for its review and approval. CDFW must also develop annual reports assessing the conservation status of the western Joshua tree and submit them to the commission and the State Legislature no later than January 1 of each year, starting in 2025.

In March 2022, CDFW prepared a status review report for western Joshua tree evaluating whether listing the species as endangered or threatened under the California Endangered Species Act would be warranted. The WJTCA requires CDFW to prepare an updated status review report by January 1, 2033, unless the Fish and Game Commission directs CDFW to complete the update sooner, and directs the Fish and Game Commission to consider the effectiveness of the conservation measures of the WJTCA, the updated status review report, and other factors before deciding whether the current petition to list the western Joshua tree under the California Endangered Species Act is warranted."

The BRA and UIARMM both reported that one Joshua Tree was observed on the Project site. This tree is located in an area that will remain natural undisturbed area and will not be impacted by the Project. The UIARMM reported that there is potential for small emerging individuals to be present within the Project Site. However, to protect against impacts to this species, Pre-Construction Rare Plant Surveys shall be required in accordance with Mitigation Measure BIO-3 Pre-Construction Rare Plant Surveys. Should there be any emerging young Joshua Trees observed during the pre-construction surveys, an Incidental Take Permit would be required from CDFW. Impacts to WJT would require certain Mitigation Measures as Conditions of Approval of the ITP for the "Taking" of the impacted trees. These mitigation measures can include relocation, dedication of mitigation land, and other measures in exchange for permitting permanent impacts. The WJTCA provides for payment of "in-lieu" mitigation fees in conjunction with an Incidental Take Permit by the Permittee as compensatory mitigation for permanent impacts[15]. CDFW Fish and Game Code Chapter 11.5 Western Joshua Tree Conservation Act has created a Joshua Tree Mitigation Fee Structure. Certain geographical areas contain a "Reduced Mitigation Fee[16]" as depicted on an interactive map on CDFW's Website[17]. The In-lieu mitigation fees for certain portions of Los Angeles County, Kern County and San Bernardino County are identified in the WJTCA §1927.3 (7)(d)(1) are reduced if located within the following identified Geographical Area:

"(1) (A) Any project in the area bounded by the intersection of Highway 99 and Highway 58, then east along Highway 58 to the intersection of Interstate 15, then north along

15 *REFERENCE: California Fish and Game Code Chapter 11.5 Section 1927 Western Joshua Tree Conservation Act Section 1927.3 (7)*
16 *California Fish and Game Code Chapter 11.5 Section 1927 Western Joshua Tree Conservation Act Section 1927.3 (7')(d)(1)*
17 *REFERENCE: California Department of Fish and Wildlife; Western Joshua Tree Mitigation Fees (arcgis.com)*

Interstate 15 to the intersection of Highway 247, then south along Highway 247 to the intersection of Highway 18, then west along Highway 18 to the intersection of Highway 138, then west and north along Highway 138 to the intersection of Interstate 5, then north along Interstate 5 to the intersection of Highway 99, then north along Highway 99 to Highway 58."

This is also described on the CDFW website as the "*Reduced Fee Area*". Pursuant to WJTCA §1927.3 (7)(d)(2)(e)(B) Projects that do not meet the criteria set forth in in paragraph (1) of subdivision (d) would be subject to the Standard Fee Amounts. The area containing the single existing Joshua tree and the area where they may be future emerging juvenile Joshua Trees are both depicted on the CDFW website Interactive Map. The Project is within the "Reduced Mitigation Fee Area". The following is the CDFW WJT Mitigation Fee Summary showing the different fees for the Standard Rate and the Reduced Rate:

Summary of Mitigation Fees

Reduced Mitigation Fees (within blue area) [See CFGC Section 1927.3 (d)]:

- *Trees 5 meters or greater in height - $1000*
- *Trees 1 meter or greater but less than 5 meters in height - $200*
- *Trees less than 1 meter in height - $150*

Standard Mitigation Fees (anywhere in State, outside blue area) [See CFGC Section 1927.3 (e)]:

- *Trees 5 meters or greater in height - $2,500*
- *Trees 1 meter or greater but less than 5 meters in height - $500*
- *Trees less than 1 meter in height - $340*

CDFW INTERACTIVE MITIGATION FEE AREA MAP

CDFW's new GIS interactive Mitigation Fee Area Map was used to verify the location of the Project in relation to the applicable Joshua Tree Mitigation Fee. The following ***FIGURE 2.0 – CDFW Western Joshua Tree Reduced Mitigation Fee Area d***epicts the reduced fee area in "blue". The rest of the area in yellow depicts the Standard Fee Amount. ***FIGURE 2.1 – Project Location within CDFW WJT Reduced Mitigation Fee Area*** shows the Project Site Location at Central and Johnson Roads within the Reduced Mitigation Fee Area in Blue.

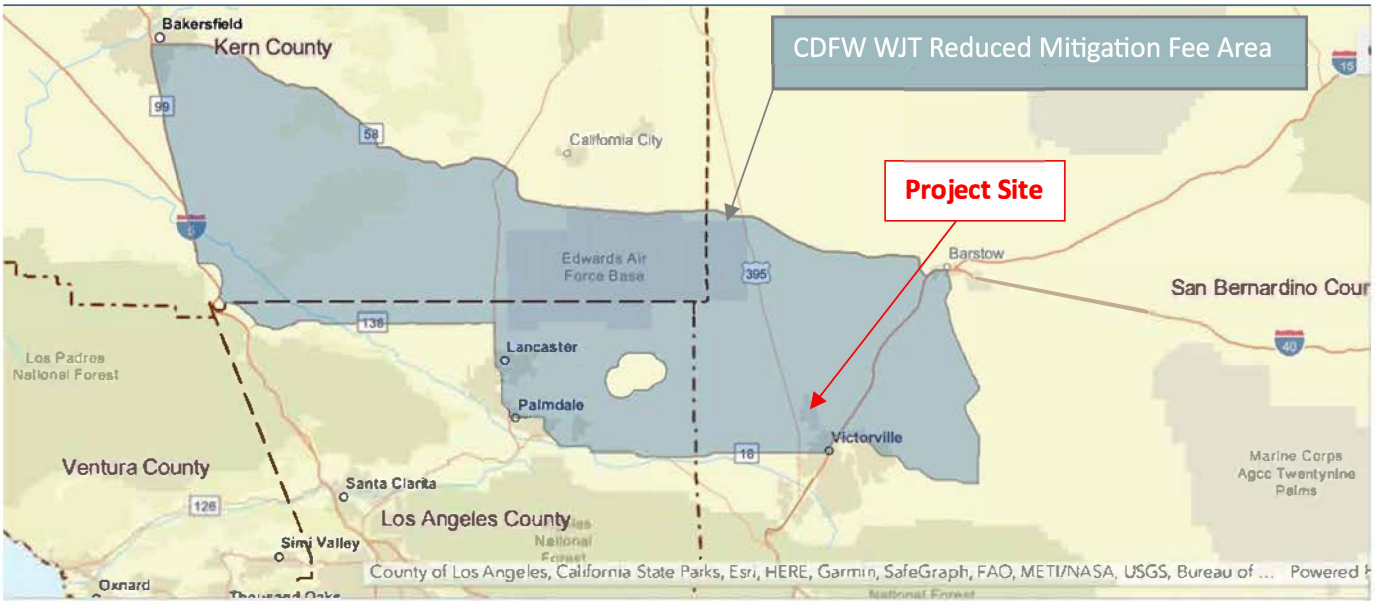


FIGURE 2.0 – CDFW Western Joshua Tree Reduced Mitigation Fee Area

See enlargement of the project area location on the following ***FIGURE 2.1- Enlarged Project Location within CDFW WJT Reduced Mitigation Fee Area***:

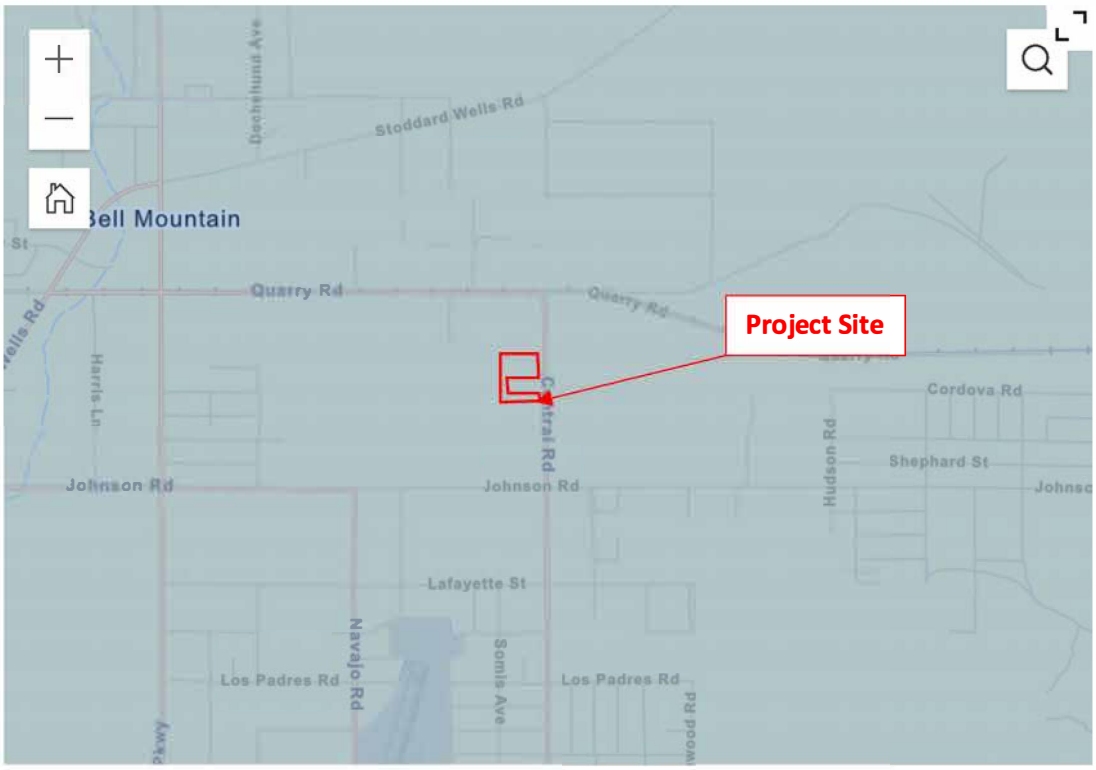


FIGURE 2.1 – Project Location within CDFW WJT Reduced Mitigation Fee Area

The foregoing FIGURE 2.1 shows the Project location within the Reduced Mitigation Fee Area.

The UIARMM [18]reviewed the BRA and provided an independent peer review of the BRA assessment of the Special-Status Species assessment for Rare Plant Species, and concluded the following, *"The 2022 BRA conducted a literature search for known occurrences of special-status plants in or near the Project, which resulted in nine species that were assessed for potential to occur on the Project. Of the nine species, only three species, desert cymopterus (Cymopterus deserticola), Mojave monkeyflower (Diplacus mohavensis) and Joshua tree, have a CNPS ranking. ECORP concurs with the assessment within the BRA for these species. The other six species included in the BRA are protected by the San Bernardino Development Code or the Town of Apple Valley only, and do not have a CNPS ranking."* ECORP concluded that of the three species only one Joshua Tree was observed on the Site. However, the tree is located within the area designated as "Natural undisturbed dedicated open space area to remain" in conjunction with a CDFW LSA Permit Conditions of Approval and therefore there will be no impact to the existing JoshuaTree. However as discussed previously, should there be any emerging young Joshua Trees observed during the pre-construction surveys, an Incidental take Permit would be required. The Permittee would be required to pay mitigation fees accordingly.

ECORP's UIAMM also evaluated impacts to ***Rare Plant Species, Rare Plant Species, Special-Status Species, Other Special-Status Species, Sensitive Natural Communities, State or Federally Jurisdictional Aquatic Resources, Wildlife Movement Corridors and Nursery Sites*** which are summarized in the following excerpts from the UIAMM:

Rare Plant Species
The UIAMM concluded that direct impacts to "*Clokey's cryptantha, desert cymopterus, purple-nerve cymopterus, Mojave monkeyflower, Barstow woolly sunflower, short-joint beavertail, Beaver Dam breadroot, Mojave beardtongue, and Latimer's woodland-gilia may occur as a result of Project implementation in the form of mortality and habitat loss. Indirect impacts to these species may occur as a result of Project implementation in the form of increased dust and inadvertent introduction of invasive plant species during construction.* However, ***Project-related impact to special status plant species will be reduced to less than significant with implementation of ECORP'S recommended Mitigation Measures BIO-1, BIO-2, AND BIO-3***. Impacts to White pygmy-poppy, Mojave spineflower, Torrey's box-thorn, solitary blazing star, corwned muilla, and Mojave fish-hook cactus have a CRPR rank of 4 (plants of limited distribution) and do not clearly meet CEQA standards and thresholds for impact considerations. ***Therefore, impacts to these species are Less Than Significant with Mitigation Incorporated.***

18 *REFERENCE: Updated Sensitive Biological Resources Impact Analysis and Recommended Mitigation Measures for the Cordova Business Center Project, Apple Valley, San Bernardino County, California, dated July 25, 2023 by ECORP Consulting, Inc. (UIARMM)*

Special-Status Species

- *Crotch Bumble Bee (Bombus crotchii)* - ECORP concluded that ***Impacts to Crotch bumble bee are not anticipated as a result of Project implementation.***
- *Desert Tortoise (Gopherus agassizii)* - Direct impacts to desert tortoise may occur as a result of Project implementation in the form of habitat loss, mortality, injury, and disease. Indirect impacts to desert tortoise may occur during Project construction in the form of increased dust, noise, ground vibrations, increased presence of predators due to food waste, and nighttime lighting. ***Direct and indirect impacts to desert tortoise will be reduced to a level that is less than significant with implementation of Mitigation Measures BIO-1, BIO-2, and BIO-4.***
- *Burrowing Owl (Athene cunicularia)* - While not observed within the Project site during the July 2023 survey, the species is mobile and could take up residence on the Project site prior to the start of Project activities. If burrowing owls are present on the Project site prior to construction, direct impacts in the form of ground disturbance, vegetation removal, habitat loss, and mortality may occur. Indirect impacts during construction may occur in the form of increased noise, vibrations, dust, increased presence of predators due to food waste, and nighttime lighting. ***Project-related impacts to burrowing owl would be less than significant with the implementation of Mitigation Measures BIO-1, BIO-2, and BIO-5.***
- *Desert Kit Fox (Vulpes macrotis arsipus)* - While not observed within the Project site during the July 2023 survey, the species is mobile and could take up residence on the Project site prior to the start of Project activities. If desert kit fox is present on the Project site prior to construction, direct impacts to the species may occur as a result of Project implementation in the form of mortality, injury, and habitat loss. Mortality and/or injury may occur during construction as a result of vehicle/equipment strikes. Indirect impacts to desert kit fox may occur during Project construction in the form of increased dust, noise, ground vibrations, increased presence of predators due to food waste, and nighttime lighting. ***Implementation of Mitigation Measures BIO-1, BIO-2, and BIO-5 will reduce Project-related impacts to desert kit fox to a level that is less than significant.***
- *Mohave Ground Squirrel (Xerospermophilus mohavensis)* - Based on the location of the Project, and the conditions observed onsite, it is unlikely for the species to occur within the Project site and additional protocol-level surveys for MGS within the Project site are not recommended because the species is presumed absent from the Project area. However, this species is a proposed Covered Species under the draft Apple Valley MSHCP and if the draft Apple Valley MSHCP is finalized prior to the Project being developed, the Project would be subject to the requirements of the MSHCP involving MGS. Based on the location of the Project, and the conditions observed onsite, it is unlikely for the species to occur within the Project site

and additional protocol-level surveys for MGS within the Project site are not recommended because the species is presumed absent from the Project area. Therefore, Project related impacts to Mohave Ground Squirrel are not expected to occur.

Other Special-Status Species

- San Diego Pocket Mouse - The BRA states that while the Project site includes habitat associated with the pallid San Diego pocket mouse, the "statistical model outputs for the range of the species show it outside of the Project, per Data Basin provided by The Conservation Biology Institute" (David N Lee Consulting 2022). ***Therefore, Project related impacts to pallid San Diego pocket mouse are not expected to occur.***
- Golden Eagle - The BRA states that the Project site supports foraging habitat for golden eagle but not nesting habitat. ECORP concurs with this assessment based on the site characteristics. Direct or indirect impacts to golden eagle nesting habitat are not anticipated as a result of implementation of the Project. Direct impacts to golden eagle foraging habitat could occur as a result of the Project in the form of ground disturbance, vegetation removal, and foraging habitat loss. Indirect impacts to golden eagle foraging habitat in the form of construction noise, vibrations, and increased dust may occur. Due to the small size of the Project site and the abundance of suitable foraging habitat available within the region, the loss of golden eagle foraging habitat as a result of implementation of the Project is not anticipated to significantly impact the proliferation of the species. ***Project-related impacts to foraging golden eagles are not expected with implementation of Mitigation Measure BIO-2.***
- Le Conte's thrasher (Toxostoma lecontei) - The BRA identified suitable habitat within the Project site for Le Conte's thrasher (Toxostoma lecontei).
- loggerhead shrike (Lanius ludovicianus) - The BRA identified suitable habitat within the Project site for loggerhead shrike (Lanius ludovicianus).
- horned lark (Eremophila alpestris actia) - The BRA also noted that horned lark (Eremophila alpestris actia) was observed onsite
- prairie falcon (Falco mexicanus) - a prairie falcon (Falco mexicanus) was observed flying over the site
- Bendire's thrasher - The Project site contains suitable foraging habitat throughout for this species. The presence of cholla and yucca also provide suitable nesting habitat for this species. Based on the time and location of the record, and the presence of habitat on site, this species has potential to occur.
- Bird species protected under the Migratory Bird Treaty Act (MBTA) - The Project site contains suitable nesting habitat for bird species protected under the Migratory Bird Treaty Act (MBTA). ***Development of the Project site will be required to comply with the MBTA and avoid impacts to nesting birds.***

Direct impacts to Le Conte's thrasher, loggerhead shrike, horned lark, prairie falcon, Bendire's thrasher and other nesting birds could occur as a result of Project implementation in the form of removal of nests/nesting habitat. Indirect impacts could occur as a result of increased noise, ground vibrations, dust, and increased human and vehicular activity. ***Impacts to Le Conte's thrasher, loggerhead shrike, horned lark, prairie falcon, Bendire's thrasher, and other nesting birds would be less than significant with the implementation of Mitigation Measures BIO-1 Worker environmental Awareness Program, BIO-2 Biological Monitoring, and BIO-6 Pre-construction Nesting Bird Survey***. These mitigation measures would provide necessary onsite worker training to identify sensitive species during construction operations, identify any existing sensitive species through Biological Monitoring allowing for protection measures to be implemented, and allow for identification of any existing nesting birds prior to start of construction to implement methods to avoid impacts to existing nesting birds.

Sensitive Natural Communities

No sensitive natural communities, as defined by CDFW, are present on or adjacent to the Project site. ***No impacts to sensitive natural communities will occur as a result of the Project.***

State or Federally Jurisdictional Aquatic Resources

ECORP delineated 0.966 Acre of Ephemeral Drainage on the proposed Project site and approximately 1.094 acres of potential CDFW jurisdiction on the site. However, of this approximately 1 acre is avoided and will remain dedicated natural open space area. Because 0.966 Acre of Ephemeral Drainage and .094 acre of CDFW jurisdiction is impacted, implementation of mitigation measures will be required by CDFW for this area. Impacts to state and or federal jurisdictional area requires permits from each agency such as CDFW Lake and Streambed Alteration Agreements, and U.S. Army Corps of Engineers Clean Water Act (CWA) Section 404 Permit. These agencies require that permittees mitigate their impacts, i.e., compensatory mitigation. They have determined that this compensatory mitigation would consist of dedication of additional land with like and kind of the nature of the impacted area; purchase of mitigation credits from an approved Mitigation Land Bank, or in some cases payment of in-lieu fees to the agencies. The mitigation requirements are determined by the jurisdictional agencies based on the various quantites of impacted areas by category and the quality of the impacted habitat, species, streambeds, streams, and or wetland areas. The amount of mitigtation is determined in the form of a ratio applied to the impact areas (acres). The Compensatory Mitigation requirements become Mitigation Measures as Conditions of Approval of the Jurisdictional Permits. ***Impacts to potentially jurisdictional aquatic resources would be less than significant with the implementation of Mitigation Measures BIO-1, BIO-2, and BIO-7.***

Wildlife Movement Corridors and Nursery Sites

The Project area provides wildlife movement opportunities because it consists of open and relatively unimpeded land. However, it would not be considered a wildlife movement

corridor that would need to be preserved to allow wildlife to move between important natural habitat areas due to the absence of conserved natural lands in the vicinity, presence of anthropogenic disturbances, and the Project area's proximity to industrial and residential areas. The Project area is also mostly surrounded by open unimpeded land, functioning as a single contiguous block of habitat rather than a corridor. The Project area is exposed and does not contain any major features that would be considered critical movement corridors for wildlife. Although the dirt roads and desert washes located within the Project boundaries are likely utilized by wildlife moving through the area, ***these features would not be considered necessary linkages between conserved natural habitat areas or critical for wildlife movement because of the nearby open space surrounding the Project.***

FINDINGS: [**Less Than Signficant With Mitigation Incorporated**] Based on the results of the BRA and UIARMM which is summarized in this analysis potential to substantially impact any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service would be mitigated to less than significant with mitigation incorporated.
ECORP concurred with the assessment within the BRA for the nine species that were assessed for potential to occur on the Project. The other six species included in the BRA are protected by the San Bernardino Development Code or the Town of Apple Valley only, and do not have a CNPS ranking. Only the three remaining species, desert cymopterus (Cymopterus deserticola), Mojave monkeyflower (Diplacus mohavensis) and Joshua tree, have a California Rare Plant Society (CNPS) ranking. However, only the single Joshua Tree was observed on the Site but it is located within the area designated as "Natural undisturbed area to remain". This area will likely be imposed as part of mitigation to offset impacts to jurisdictional area.

Project development-related potential impacts to special-status plant species will be reduced to less than significant with implementation of ***Mitigation Measures BIO-1 Worker Awareness Program, BIO-2 Biological Monitoring, and BIO-3 Rare Plant Surveys***.

ECORP concluded that "*White pygmy-poppy, Mojave spineflower, Torrey's box-thorn, solitary blazing star, crowned muilla, and Mojave fish-hook cactus have a CRPR rank of 4 (plants of limited distribution) and do not clearly meet CEQA standards and thresholds for impact considerations.* ***Therefore, impacts to these species are not considered significant.***"

For all project related impacts as noted in the ECORP Study, they concluded that project development related impacts requiring mitigation will be reduced to less than significant with implementation of BIO Mitigation Measures 1 through 3 noted above. **BIO-1** ***Worker environmental Awareness Program, BIO-2 Biological Monitoring and BIO-3 Rare Plant***

Species. These mitigation measures would provide necessary onsite worker training to identify sensitive species during construction operations, identify any existing sensitive species through Biological Monitoring and Rare Plant Surveys allowing for protection measures to be implemented, and allow for identification of any existing nesting birds prior to start of construction to implement methods to avoid impacts to existing nesting birds.
Therefore, impacts will be ***Less Than Significant with Mitigation Incorporated***.

The following are the required mitigation measures for Biological Impacts:

BIOLOGY MITIGATION MEASURES
BIO-1 – Worker Environmental Awareness Program: Prior to the start of construction, a Worker Environmental Awareness Program (WEAP) will be developed by the Applicant. A qualified biologist with experience with the sensitive biological resources in the region will present the WEAP to all personnel working in the Project area (either temporarily or permanently) prior to the start of Project activities. The purpose of this program is to train the personnel about sensitive biological and aquatic resources associated with the Project, Project-specific measures to avoid or eliminate impacts to these resources, consequences for not complying with Project permits and agreements, and contact information for the lead biologist. Logs of personnel who have taken the training will be kept on the site at the construction or Project office.

BIO-2 – Biological Monitoring: A qualified biologist (biological monitor) with experience monitoring for and identifying sensitive biological resources known to occur in the shall be present during all ground-disturbing activities related to the Project. Biological monitoring duties will include, but are not limited to, conducting worker education training, verifying compliance with project permits (if any are required), and ensuring Project activities stay within designated work areas. The biological monitor will have the right to halt all activities in the area affected if a special-status species is identified in a work area and is in danger of injury or mortality. If work is halted in the area affected as determined by the biological monitor, work will proceed only after the hazards to the individual is removed and the animal is no longer at risk, or the individual has been moved from harm's way in accordance with the Project's permits and/or management/translocation plans.

BIO-3 – Pre-construction Rare Plant Survey: A pre-construction survey shall be conducted for the special-status plant species that have been identified on site (western Joshua tree) and those that have potential to occur. Special-status plant species with potential to occur should be surveyed within their appropriate blooming period; these species and their respective blooming periods are as follows: Joshua tree (March – June) Clokey's cryptantha (April-June), desert cymopterus (April), purplenerve cymopterus (March-April), Mojave monkeyflower (April-May), Barstow woolly sunflower (April-May), short-joint beavertail

(April-June), Beaver Dam breadroot (April-May), Mojave beardtongue (March-May), and Latimer's woodland-gilia (March-June). The survey methods should follow the guidelines listed in the CNPS Botanical Survey Guidelines (CNPS 2001). Impacts to all special-status plant species identified onsite, including Joshua tree, shall be avoided with an appropriate non-disturbance buffer determined by the Project biologist. If a population of special-status plants is found on the Project site and avoidance is not an option, then coordination will need to occur with CDFW to discuss implementation of additional protection or mitigation measures. Mitigation measures for special-status plant species other than the Joshua tree could include seed collection and/or transplanting. If Project-related impacts to Joshua tree cannot be avoided and the species is still a candidate for listing or has been fully listed under the California Endangered Species Act (ESA), and in accordance with the California Western Joshua Tree Conservation Act (WJTPA), the Project will need to obtain an Incidental Take Permit (ITP) from CDFW under Section 2081 of the California ESA to receive authorization for take of the species prior to the start of ground-breaking activities. Additional protection measures specific to Joshua tree would be included in the ITP and may include additional biological monitoring or compensatory mitigation at a 1:1 ratio to result in no net loss. If the species is no longer a candidate or fully listed species under the California ESA then the project will be subject to the protection requirements under Section 88.01 the San Bernardino County Development Code and/or the requirements associated with the Western Joshua Tree Conservation Act (SB 122 signed into effect on July 10, 2023). If regulated desert native plants, as identified by the San Bernardino County Development Code (Section 88.01.060) are observed during the survey, a Tree or Plant Removal Permit must be acquired prior to their removal. The Town of Apple Valley Municipal Code TITLE 9 – DEVELOPMENT CODE Chapter 9.76 Plant Protection and Management sets forth the Town's regulations, general provisions and guidelines for management of the plant resources in the Town of Apple Valley. The following Mitigation Measure shall be incorporated to reduce potential impacts to less than significant:

BIO-8 The Project shall comply with the following Sections of the Town of Apple Valley Municipal Code 9.76 PLANT PROTECTION AND MANAGEMENT:

- 9.76.020 Desert Native Plan Protection
- 9.76.030 Riparian Plant Conservation
- 9.76.040 Joshua Trees

Therefore, with the implementation of these mitigation measures, potential impacts to sensitive plant species will be less than significant.

b) Have the potential to substantially degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, impact a threatened or endangered species, or eliminate a plant or animal community?

STUDY: The BRA by David N. Lee Consulting was performed to evaluate and determine whether any special status plant or wildlife species, or their habitat, or sensitive habitats occur on the Project Site. The evaluation included data compiled from state and federal agencies. Analyses of maps and aerial photos of the Project and surrounding areas were conducted. The BRA reported the following, "*The field survey, map review, and a review of the biology of evaluated species and habitats were used to determine the special status species and sensitive habitats that could occur in the Project. Special status species in this BRA are those listed (or candidate or proposed) under the federal or state Endangered Species Acts, under the California Native Plant Protection Act, as a California species of special concern (SSC) or fully protected by the CDFW, or that are assigned a California Rare Plant Rank (CNPS 2022). Survey included any potential special status natural communities in this BRA are waters, riparian communities, and any natural community ranked S1, S2, or S3 by CDFW (2022).*"

The BRA concluded that no California listed invasive species were observed during their general biological surveys of the two parcels. The BRA concluded that, "*Development will be consistent with the Town's planning documents (i.e., Specific Plan EIR) and ordinances, and with the implemented avoidance and minimization measures, all impacts are anticipated to be reduced to less than significant with mitigation. There are no known cumulative impacts as existing adjacent land is vacant.*"

The ECORP UIARMM also conducted an impact analysis which addresses potential impacts to sensitive biological resources as a result of implementation of the Project that deviate from or are not addressed by the BRA, pursuant to the terms of CEQA, and CEQA APPENDIX G Environmental Checklist. The ECORP assessment addressed the Bumble Bee (Bombus crotchii), Desert Tortoise (Gopherus agassizii), Burrowing Owl (Athene Cunicularia), Desert Kit Fox (Vulpes macrotis arsipus), Mohave Ground Squirrel (Xerospermophilus mohavenisi). The following are the ECORP conclusions and recommended Mitigation Measures:

- ***Bumble Bee (Bombus crotchii)*** - The BRA identified suitable habitat to support Crotch bumble bee present within the Project site. The Crotch bumble bee is a Candidate species for listing under the California ESA. Based on ECORP's biological survey and assessment of the site, the Project site is not likely to support this species due to a lack of the species' food genera on-site. Impacts to Crotch bumble bee are not anticipated as a result of Project implementation.

    - ***Desert Tortoise (Gopherus agassizii)*** – Due to the presence of suitable habitat and multiple records of desert tortoise within 5 miles, this species has potential for occurrence on the Project site. Direct impacts to desert tortoise may occur as a result of Project implementation in the form of habitat loss, mortality, injury, and disease. Approximately 30 acres of suitable disturbed creosote bush scrub is proposed to be permanently impacted by the Project, which may currently be used by desert tortoise for foraging, movement throughout the region, sheltering (burrow sites), and/or reproduction. However, the habitat present within the Project site is of lower quality than in other areas throughout the species' range (i.e., high amounts of disturbance due to off-highway vehicles, trash dumping, and invasive annuals). Mortality and/or injury of desert tortoise may occur during construction as a result of vehicle/equipment strikes. Introduction of disease to the species may occur

during construction as a result of unauthorized handling of desert tortoises that could be present on or near the site.

Indirect impacts to desert tortoise may occur during Project construction in the form of increased dust, noise, ground vibrations, increased presence of predators due to food waste, and nighttime lighting. Direct and indirect impacts to desert tortoise will be reduced to a level that is less than significant with implementation of Mitigation Measures BIO-1, BIO-2, and BIO-4.

- ***Burrowing Owl (Athene Cunicularia*** - Burrowing owl is a CDFW Species of Special Concern, is protected by the Migratory Bird Treaty Act and California Fish and Game Code (USFWS 1918), and is a Covered Species in the draft Apple Valley MSHCP. The literature review identified 10 records of burrowing owl within a five-mile radius of the Project site, with the closest observation located approximately one mile southwest of the Project site. During the survey conducted on July 5, 2023, two occupied burrowing owl complexes were documented in the northeastern corner of the Project site. These two complexes consisted of between 5 to 8 burrow entrances, with whitewash, feathers, and pellets present, but no burrowing owls were observed actively occupying the complexes at the time of the survey. Based on these observations, and the results of the literature review, burrowing owls are considered to be present within the Project site.

  Direct impacts to burrowing owl may occur as a result of Project implementation in the form of mortality, injury, ground disturbance, vegetation removal, and habitat loss. Indirect impacts during construction may occur in the form of increased noise, vibrations, dust, increased presence of predators due to food waste, and nighttime lighting. Project-related impacts to burrowing owl would be less than significant with the implementation of Mitigation Measures BIO-1, BIO-2, and BIO-5.

- ***Desert Kit Fox (Vulpes macrotis arsipus)*** – *The BRA does not include a discussion on the desert kit fox. Desert kit fox is a Covered Species under the draft Apple Valley MSHCP and is a fur-bearing mammal that is protected under the California Code of Regulations (CCR) Title 14, Chapter 5, Section 460, which prohibits take of the species at any time (CCR 2017). This species is not currently tracked in the CNDDB database and as such, no records of this species were revealed in the literature review, but suitable habitat for this species was present throughout the Project site. During the survey, ECORP documented a single piece of desert kit fox scat at the entrance of a burrowing owl complex. Therefore, this species is considered present on the Project site.*

  Direct impacts to desert kit fox may occur as a result of Project implementation in the form of mortality, injury, and habitat loss. Mortality and/or injury may occur during construction as a result of vehicle/equipment strikes. Indirect impacts to desert kit fox may occur during Project construction in the form of increased dust, noise, ground vibrations, increased presence of predators due to food waste, and nighttime lighting. Implementation of Mitigation Measures BIO-1, BIO-2, and BIO-5 will reduce Project related impacts to desert kit fox to a level that is less than significant.

- ***Mohave Ground Squirrel (Xerospermophilus mohavenisi)*** *- The Project site is located outside of the known current range for the species; however, CDFW still manages for the species in the region in and around Apple Valley, Lucerne Valley, and Cushenbury. There have been no records of Mohave ground squirrel occurrences from regional or protocol trapping efforts documented near the Project site or vicinity since 1955, despite more recent intensive grid and remote camera trapping efforts in the region (CDFW 2023a; Leitner 2008, 2015). Studies have shown that optimal habitat types for MGS typically include plant communities that harbor spiny hopsage (Grayia spinosa) and winterfat (Krascheninnikovia lanata), including creosote bush scrub, saltbush scrub, and Joshua tree woodland communities (Scarry et al. 1996; Leitner and Leitner 1998). While creosote bush scrub was the primary habitat community present on-site, no spiny hopsage or winterfat was observed during the survey. Furthermore, ECORP biologists observed high levels of disturbance throughout the Project site (off-highway vehicle roads/tracks, trash dumping, and an abundance of non-native annual grasses); these site conditions do not provide suitable habitat for Mohave ground squirrel. Based on the location of the Project, and the conditions observed onsite, it is unlikely for the species to occur within the Project site and additional protocol-level surveys for MGS within the Project site are not recommended because the species is presumed absent from the Project area. However, this species is a proposed Covered Species under the draft Apple Valley MSHCP and if the draft Apple Valley MSHCP is finalized prior to the Project being developed, the Project would be subject to the requirements of the MSHCP involving MGS. Requirements for MGS protection in accordance with the draft Apple Valley MSHCP are unknown at the time this report was prepared*

- Project-related impacts to special-status species will be reduced to less than significant with implementation of Mitigation Measures as noted in the previous special status list for Desert Tortoise, Desert Kit Fox, Mojave Ground Squirrel i.e., BIO-1 Worker Awareness Program , BIO-2 Biological Monitoring, and BIO-3 Rare Plant Surveys which are listed in a) above and also mitigation measures BIO-4 Surveys for Desert Tortoise, BIO-5 Pre-Construction Surveys for Burrowing Owl and Desert Kit Fox, BIO-7 – Potentially Jurisdictional Aquatic Resources.

BIO -4 through BIO-7 area listed as follows:

BIO-4 – Surveys for Desert Tortoise: A focused (protocol-level) survey for desert tortoise -shall for the Project site to determine presence/absence of this species. The survey shall be conducted by qualified biologists with experience surveying for and identifying the species according to the most current survey guidelines available, which is currently *Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise* (*Gopherus agassizii*; USFWS 2019). The protocol-level survey will need to be conducted during the appropriate time of year when desert tortoises are most active: April through May or September through October. If individuals or signs of desert tortoise (e.g., burrows, carcasses, scat) are observed on or immediately adjacent to the Project site and impacts to the species are unavoidable, then coordination with USFWS and/or CDFW will need to

occur. If unavoidable Project related impacts to desert tortoise will occur, then the appropriate permits will need to be obtained from USFWS (consultation under either Section 7 or Section 10 of the Federal ESA) and CDFW (Incidental Take Permit under Section 2081 of the California ESA) prior to the start of ground-disturbing Project activities. In addition, a pre-construction survey shall be conducted for desert tortoise no more than three (3) days prior to the start of ground disturbing activities (including but not limited to geotechnical testing, vegetation removal, and fencing activities) to identify whether desert tortoise is occupying the Project site at that time. If no desert tortoises are found and no other desert tortoise protection measures are required from other Project permits, then Project construction may commence. If desert tortoise is observed on the Project site during the pre-construction survey and impacts to the species are unavoidable and the Project does not have desert tortoise "take" authorization in the form of agency issued permits, then the Project -shall immediately cease Project activities and coordinate with USFWS and CDFW to identify additional protection or mitigation measures or to obtain permits authorizing take of the species.

BIO-5 – Pre-construction Surveys for Burrowing Owl and Desert Kit Fox: Pre-construction surveys for burrowing owl and desert kit fox shall be conducted prior to the start of ground-disturbing activities by qualified biologists experienced with surveying for and identifying both species. The surveys shall follow the methods described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012). Two surveys shall be conducted, with the first survey occurring between 30 and 14 days before the start of ground disturbing activities (including but not limited to fence installation, geotechnical testing, vegetation removal, grading, grubbing, and construction), and second survey being conducted no more than 24 hours prior to the start of ground-disturbing activities. If burrowing owls, desert kit fox, and/or their burrows are identified on the Project site during the survey, and impacts to the species are unavoidable, the Project will need to coordinate with CDFW and develop species protection plans for ECORP Consulting, Inc. both species that outline additional protection measures (burrowing owl protection measures shall be in accordance with the CDFW's Staff Report on Burrowing Owl Mitigation [CDFW 2012]).

BIO-6 – Pre-construction Nesting Bird Survey: If construction or other Project activities are scheduled to occur during the bird breeding season (February 1 through August 31), a pre-construction nesting bird survey shall be conducted by a qualified biologist experienced with avian surveying and identification to ensure that active bird nests will not be disturbed or destroyed during ground-disturbing activities or Project construction. The survey shall be completed no more than three (3) days prior to initial ground disturbing activities, including but not limited to fence installation, geotechnical testing, and vegetation removal. The nesting bird survey shall include the Project site and adjacent areas where Project activities have the potential to affect active nests, either directly or indirectly, due to construction activity, noise, or ground disturbance. If an active nest is

identified, a qualified avian biologist shall establish an appropriate non-disturbance buffer around the nest using flagging or staking and notify the crew of the non-disturbance buffer location. Construction activities shall not occur within any non-disturbance buffer areas until the nest is deemed inactive by the qualified avian biologist. If no nests are observed during the preconstruction nesting bird survey then Project construction may commence. If onsite Project activities areceased for more than two (2) weeks during the bird breeding season, then additional pre-construction nesting bird surveys shall be repeated in accordance with the methods described above.

BIO-7 – Potentially Jurisdictional Aquatic Resources: The Project shall avoid and minimize impacts to aquatic resources to the extent feasible. Aquatic resources to be preserved onsite will be designated as Environmentally Sensitive Areas (ESAs). The ESAs shall be clearly demarcated with orange construction fencing or other visible barrier, and no Project-related activities shall be permitted within the delineated area. If Project activities cannot avoid impacts to aquatic resources that are jurisdictional to the U.S. Army Corps of Engineers, CDFW, and/or Regional Water Quality Control Board, then the appropriate permits shall be obtained from the regulatory agencies prior to the start of ground-disturbing activities. Additional protection measures are expected to be included in these permits, such as compensatory mitigation at a 1:1 ratio to ensure no net loss of resources, additional biological monitoring requirements, or restoration. Compensatory mitigation options may include purchase of credits in an agency-approved mitigation bank or creation, restoration, or enhancement of like habitats within the Project site or at a suitable offsite location. Mitigation bank credits are generally the preferred method of compensatory mitigation if credits are available for the appropriate resource type and watershed.

FINDINGS: [**Less Than Signficant With Mitigation Incorporated**] Based on the GPEIR's conclusions, findings and Mitigation Measures, and the recent conclusions, findings and Mitigation Measures by the Biological Resources Assessment (BRA) and Updated Impact Analysis (and Recommended Mitigation Measures (UIARMM) as summarized above and discussed and analyzed in the complete reports included herewith as APPENDIX 2 – Biological Resources, with the incorporation of these mitigation measures listed herein, the Project will not have the potential to substantially degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, impact a threatened or endangered species, or eliminate a plant or animal community. **Therefore, with the implementation of these mitigation measures, potential impacts to sensitive plant species will be less than significant. Level of Impact is Less Than Significant with Mitigation Incorporated.**

c) Have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or

endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

STUDY c) and d): The GPEIR determined that within the General Plan area there were jurisdictional and non-jurisdictional waterways. Under ***Regulation of Streambeds and Watercourses:***

"Per California Fish and Game Code § 1600 et seq., the California Department of Fish and Game (CDFG) has authority regarding any proposed development activity that will divert, obstruct, or affect the natural flow, or change the bed, channel, or bank of any watercourse or body of water. On a federal level, Section 404 of the federal Clean Water Act grants the U.S. Army Corps of Engineers permitting authority for any project that will alter waters of the United States. The Town will continue to require that developers obtain the proper permits and authorizations from these and other appropriate agencies, including the California Regional Water Quality Control Board, as necessary. Exhibit III-3 shows the jurisdictional and non-jurisdictional waterways within the Town and Sphere of Influence.

The GPEIR provided for Mitigation Measures and concluded that with implementation impacts associated with the biological resources would be reduced to less than significant levels. In accordance with the GPEIR, a current Aquatic Resources Delineation (ARD) for the Cordova Business Center Project (ECORP 2023a) dated July 2023 and Potential Impact Assessment of Aquatic Resources for the Cordova Business Center Project (ECORP 2023b) dated July 2023 were conducted for the proposed Project Site. The ARD mapped resources within the Study Area that include potential Waters of the U.S. The Study stated that there were no riparian vegetation observed within the Study Area. A review of the U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory indicates one blue-line stream within the Study Area. The Features were mapped on Figure 5 and were assessed during the jurisdictional delineation.

The following ***FIGURE 2.2 – ARD FIGURE 5 Aquatic Resources Delineation USACE/RWQCB – Cordova Business Center*** shows the Ephemeral Drainage and Ordinary High Water Mark (OHWM). The ARD shows 0.160 Acre of USACE/RWQCB jurisdictional area. The following ***FIGURE 2. 3 – ARD FIGURE 6 Aquatic Resources Delineation CDFW – Cordova Business Center*** shows 0.236 Acre of CDFW Streambed jurisdictional area. **TABLE 2.0 – ARD TABLE 4. Summary of Aquatic Resources[1] , on** the following page, replicated from the ARD lists the observed Aquatic Resources in the Study Area. The ARD concludes that there are no wetlands within the Study Area, nor do any of the aquatic features present within the Study Area support wetland characteristics, based on soil characteristics and vegetation composition.

Table 4. Summary of Aquatic Resources[1]						
Feature No.	**Location**	**Waters of the U.S.[2]**	**Waters of the State[2]**	**CDFW[3]**	**Resource Size (Linear Feet)**	**Cowardin Class[4]**
	(Latitude/ Longitude)	**Acre**				
1	34.607177, -117.176284	0.010	0.010	0.015	216	R6
2	34.607226, -117.174574	0.150	0.150	0.221	2,227	R6
3						
	TOTAL[6]	**0.160**	**0.160**	**0.236**	**2,443**	

TABLE 2.0 – ARD TABLE 4. Summary of Aquatic Resources[1]

1Acreages and linear feet represent a calculated estimation and are subject to modification following agency verification. This analysis is not intended to interpret the definition of Waters of the U.S. based on the recent Supreme Court decision in the *Sackett v. USEPA* case.

2 OHWM widths were used to estimate Waters of the State of California (Waters of the State) areas.

3 TOB widths were used to estimate CDFW acreages.

4 R6=Riverine, Ephemeral

5The acreage value for each feature has been rounded to the nearest 1/1000 decimal place. The totals represent a summation of unrounded values prior to being rounded.

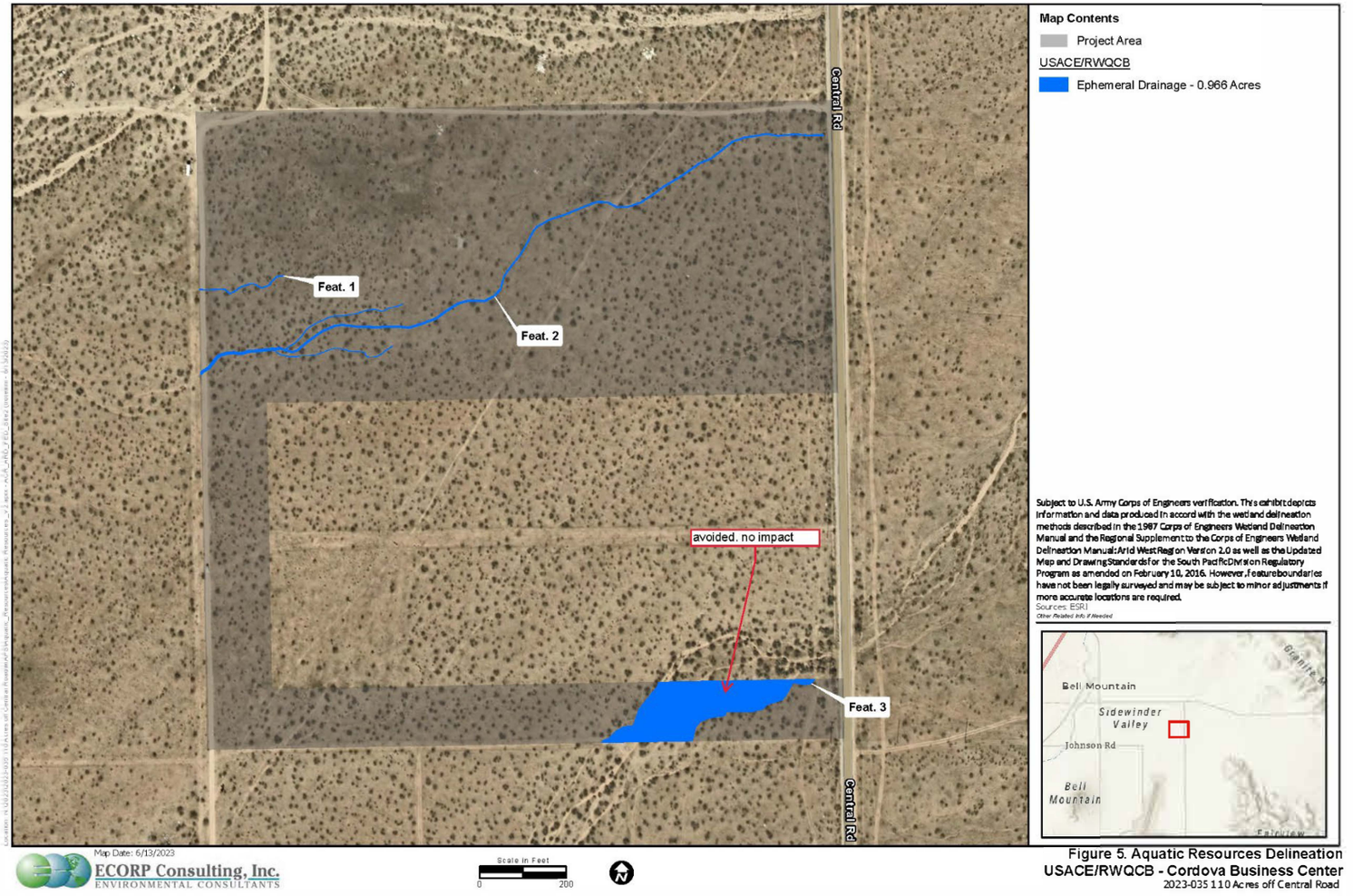


Figure 5. Aquatic Resources Delineation
USACE/RWQCB - Cordova Business Center
2023-035 110 Acres off Central Road

FIGURE 2.2 – ARD FIGURE 5 Aquatic Resources Delineation USACE/RWQCB – Cordova Business Center

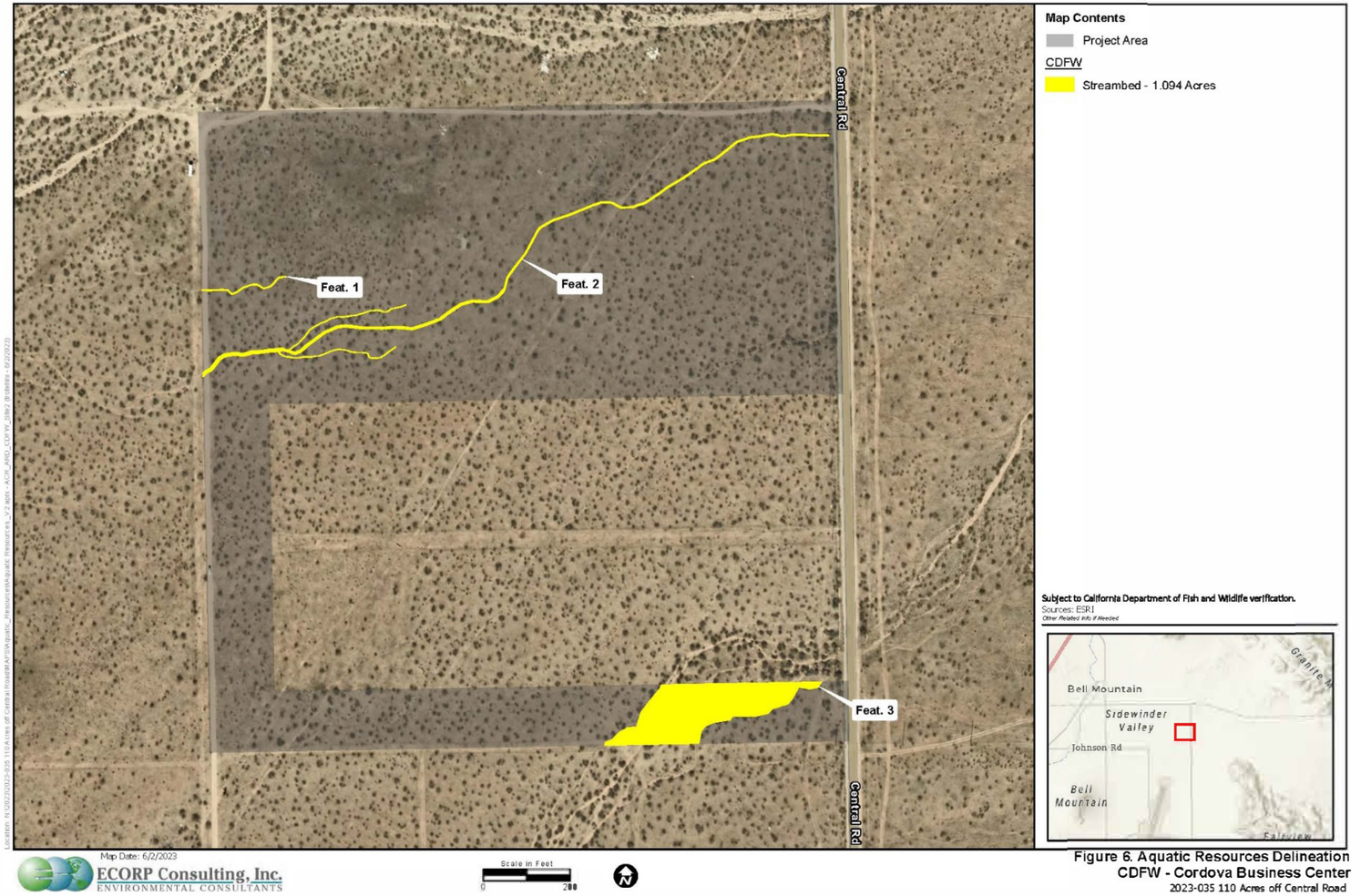


Figure 6. Aquatic Resources Delineation
CDFW - Cordova Business Center
2023-035 110 Acres off Central Road

FIGURE 2.3 – ARD FIGURE 6 Aquatic Resources Delineation CDFW – Cordova Business Center

ECORP's ARD concluded that "A total of approximately 0.966 acre of ephemeral drainages have been mapped within the Study Area. However, only the ephemeral drainages mapped onsite are subject to USACE verification. The ephemeral drainages would likely be jurisdictional under the Porter-Cologne Water Quality Control Act. In addition, approximately 0.236 acres of streambed would likely be regulated under California Fish and Game Code Section 1600, as streambed. These acreages represent a calculated estimation of the jurisdictional area within the Study Area and are subject to modification following an agency review and/or verification process."

ECORP'S Potential Impact Assessment of Aquatic Resources delineates that two of the three aquatic resources (Features 1 and 2) with the Study Area occur within the Project Impact Area as depicted on the following ***FIGURE 2.4 – Potential Impacts by Agency FIGURE 3 Aquatic Resources Delineation USACE/RWQCB– Cordova Business Center***

The Project avoids impacts to Feature 3. ECORP calculated the acreages of each feature within the Project impact Area as mapped on Figures. The three jurisdictional agencies United States Corps of Engineers, (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife are shown below in ***TABLE 2.0-ECORP Table 1. Permanent Impacts by Agency***. The impacts to each Feature are quantified by both acreage and by Linear Feet. Then the total Permanent Impacts of all three Features (Feature 3 has 0 Impacts) thus of the two remaining Features is shown in the row titled "TOTAL" :

Table 1. Permanent Impacts by Agency[1]

Feature No.	USACE Waters of the U.S. [2]		RWQCB Waters of the State[2]		California Department of Fish and Wildlife[3]	
	Acre	Linear Feet	Acre	Linear Feet	Acre	Linear Feet
1	0.010	216	0.010	216	0.015	216
2	0.150	2,227	0.150	2,227	0.221	2,227
3	-	-	-	-	-	-
TOTAL	**0.160**	**2,443**	**0.160**	**2,443**	**0.236**	**2,443**

[1] Acreages and linear feet represent a calculated estimation and are subject to modification following the U.S. Army Corps of Engineers (USACE) verification process. This analysis is not intended to interpret the definition of Waters of the U.S. based on the recent Supreme Court decision in the *Sackett v. USEPA* case.

[2] Ordinary high-water mark widths were used to estimate Waters of the State areas.

[3] Top-of-bank widths were used to estimate California Department of Fish and Wildlife (CDFW) acreages.

[4] The acreage value for each feature has been rounded to the nearest 1/1000 decimal place. The totals represent a sum of unrounded values prior to rounding.

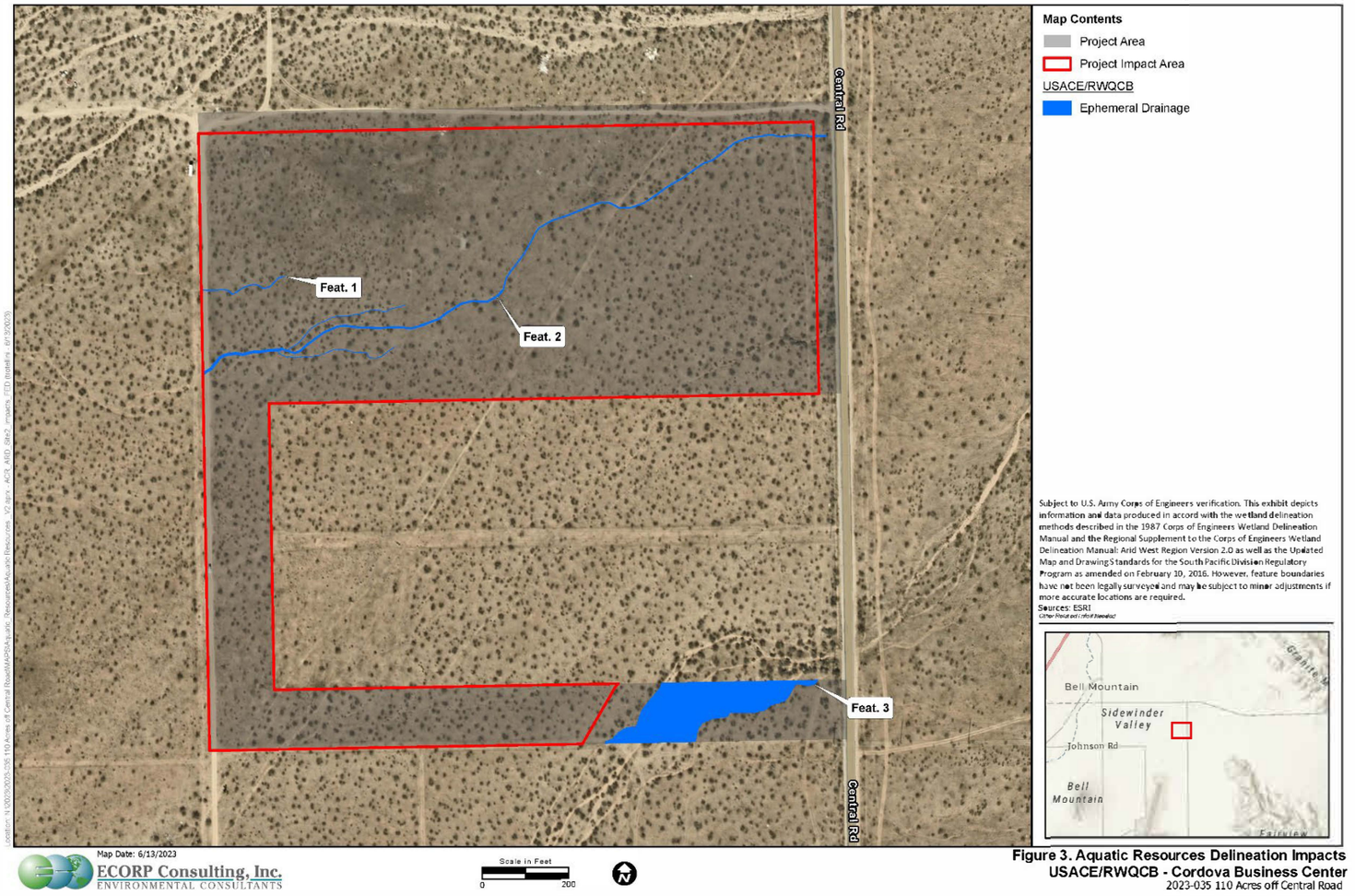


Figure 3. Aquatic Resources Delineation Impacts
USACE/RWQCB - Cordova Business Center
2023-035 110 Acres off Central Road

FIGURE 2.4 – Potential Impacts by Agency FIGURE 3 Aquatic Resources Delineation USACE/RWQCB– Cordova Business Center

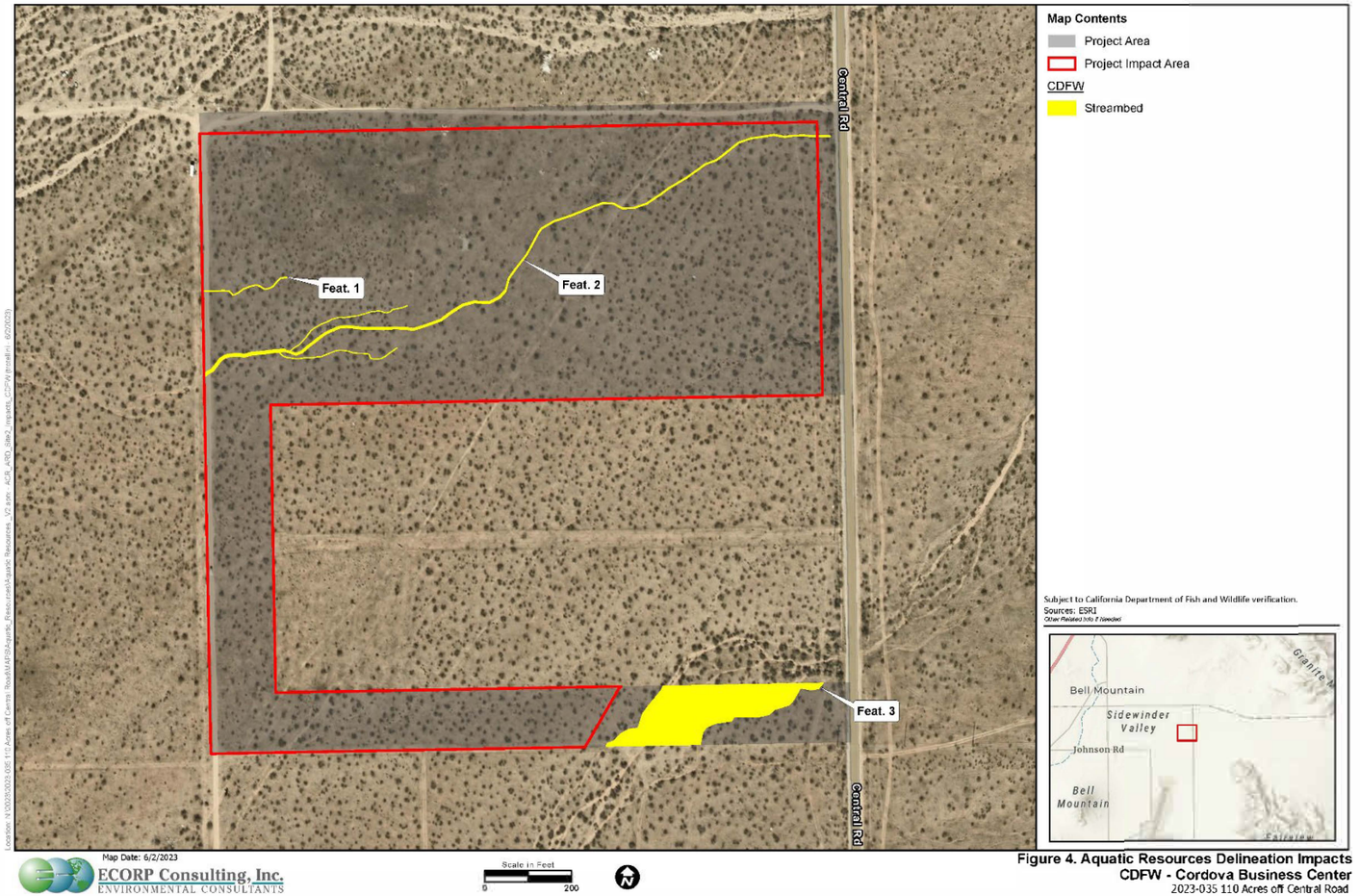


FIGURE 2.4 – Potential Impacts by Agency FIGURE 4 Aquatic Resources Delineation CDFW– Cordova Business Center

ECORP's Updated Impact's Analysis and Mitigation Measures recommended that permanent impacts to jurisdictional aquatic resources would need appropriate permits from the jurisdictional agencies, i.e., California Department of Fish and Wildlife, Regional Water Quality Control Board and United States Army Corps of Engineers. Impacts to these resources will require State and Federal Permits require compensatory mitigation for impacts to jurisdictional resources at a 1:1 ratio to ensure no net loss of resources, additional biological monitoring requirements, or restoration. Such mitigation may include purchase of credits in an agency-approved mitigation bank or creation, restoration, or enhancement of like habitats within the Project site or at a suitable offsite location. In-lieu Mitigation Fees may be acceptable mitigation as well should mitigation credits not be available. Impacts to *potentially* jurisdictional aquatic resources would be less than significant with the implementation of Mitigation Measures BIO-1, BIO-2 as described previously and BIO-7 Potentially Jurisdictional Aquatic Resources as described further in the following list of Mitigation Measures.

FINDINGS c) and d): [**Less Than Signficant With Mitigation Incorporated**]
Although the updated Studies and analyses show there are ephemeral drainages mapped in the Study Area and may have the potential to reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, based on the findings and conclusions of the GPEIR and updated Analyses prepared by ECORP the impacts to potentially jurisdictional aquatic resources would be less than significant with the implementation of Mitigation Measures BIO-1 Worker Awareness Program, BIO-2 , and BIO-7 as described in the foregoing analysis for b).

Based on the GPEIR's conclusions, findings and Mitigation Measures, and the recent conclusions, findings and Mitigation Measures by the Biological Resources Assessment (BRA) and Updated Impact Analysis (and Recommended Mitigation Measures (UIARMM) as summarized above and discussed and analyzed in the complete reports included herewith as APPENDIX 2 – Biological Resources, with the incorporation of the recommended mitigation measures as discussed herein in a) & b) the Project will not have the potential to substantially degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, impact a threatened or endangered species, or eliminate a plant or animal community. Therefore, the Project will have a ***less than significant impact with mitigation measures incorporated***.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

STUDY e) and f): As stated in the foregoing ***Study*** of questions ***a), b) c) and d)*** the required BIO Mitigation Measures BIO-1 THROUGH BIO-8 and, the required GPEIR Mitigation Measures ensure impacts to Biological Resources were reduced to less that significant levels. All GPEIR Biology Mitigation Measures applicable to the proposed Project are included herein and noted below.

The proposed Project's additional Technical Studies satisfy the GPEIR Mitigation Measures that require site specific studies. The GPEIR Mitigation Measures are listed herein nonetheless for consistency with the GPEIR.

The Town of Apple Valley GPEIR Mitigation Measures regarding the formation of a Habitat Conservation Plan are as follows:

1. (a) The Town shall aid the County of San Bernardino and other participating federal, state, and local agencies in the preparation of a private lands counterpart to the West Mojave Habitat Conservation Plan.

(b) The Town shall participate in the provision of biological resources data and/or surveys relevant to open space areas within its jurisdiction and sphere of influence that may have biological resources value, and shall participate in the preparation of a Habitat Conservation Plan that addresses the needs of the Town with regard to regional biological resources.

(c) If a Habitat Conservation Plan is formulated by the participating federal, state, and local agencies that allows for the conservation of biological resources, the Town shall implement it.

2. The Town shall complete the preparation of the Apple Valley MSHCP, in conjunction with the California Department of Fish & Game ("CDFG") and the U.S. Fish and Wildlife Service ("USFWS"). Upon the completion of the MSHCP to the satisfaction of all three parties, the Town shall proceed to implement it according to its terms and the authorization for take of special status species granted by CDFG and USFWS.

The federal Clean Water Act (CWA) passed in 1972[19] establishes the framework for regulating discharges of pollutants into the waters of the United States and for regulating water quality standards for surface waters. The United States Environmental Protection Agency (EPA), under the CWA, has a permit program, called the National Pollutant Discharge Elimination System (NPDES) that controls discharges. Under the CWA it is unlawful to discharge any pollutant from a point source into navigable waters unless an NPDES Permit is obtained. The federal program was delegated to the State of California in 1972. Implementation of the NPDES Program is through the State Water Resources Control Boards and through the nine Regional Water Quality Control Boards (Regional Water Boards) (RWQCB). The Project falls within the jurisdiction of Region 6 – Lahontan (Lahontan R6). The proposed Project is subject to the California State Water Resources

[19] *REFERENCE: 33 U.S.C. §1251 et seq. (1972)*

Control Board National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (General Permit)[20]. Under the General Permit the project is required to prepare a Storm Water Pollution Prevention Plan (SWPPP) in conjunction with the development of the Project. The SWPPP includes what is known as Best Management Practices (BMPs) that are designed to prevent water pollution, treat stormwater runoff, and that must be implemented Pre-construction, during construction, and post-construction of the project to ensure against pollution entering the state and nations waters. These BMPs are mandatory and must be implemented and managed. The Project will be required to follow the SWPPP and implement all BMPs therein.

FINDINGS e) and f): [**Less Than Signficant With Mitigation Incorporated**] The County and the Town of Apple Valley entered into a Memorandum of Understanding (MOU) for the Planning and Implementation of the Apple Valley Multispecies Habitat Conservation Plan/Natural Community Conservation Plan (NCCP) in November 2016 included herein in APPENDIX IV. In 2017 the Town of Apple Valley Natural Community Conservation Plan and Habitat Conservation Planning Agreement was entered into by and between the Town of Apple Valley (Town) and the California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (UFWLS). As of this writing the NCCP and the MSHCP are still in preparation. Therefore, until such time as these Plans are adopted, any necessary state and federal resource agency perms will be required under the prescribed Mitigation Measures Bio-1 through Bio-7. ECORP Consulting determined that those Project activities that cannot avoid impacts to aquatic resources that are jurisdictional to the U.S. Army Corps of Engineers, CDFW, and/or Regional Water Quality Control Board, then the appropriate permits shall be obtained from the regulatory agencies prior to the start of ground-disturbing activities. Additional protection measures are expected to be included in these permits, such as compensatory mitigation at a 1:1 ratio to ensure no net loss of resources, additional biological monitoring requirements, or restoration such that impacts to jurisdictional area will be reduced to less that significant. Compensatory mitigation options may include purchase of credits in an agency-approved mitigation bank or creation, restoration, or enhancement of like habitats within the Project site or at a suitable offsite location or payment of in-lieu fees as required by the jurisdictional agencies. Mitigation bank credits are generally the preferred method of compensatory mitigation if credits are available for the appropriate resource type and watershed. "Best Management Practices as required under the State General Permit will be implemented to further reduce impacts to water quality species that have potential to occur on the property. The applicable site specific GPEIR Biology Mitigation Measures, GPEIR Mitigation Monitoring and Reporting Program Mitigation Measures MMRP-A through MMRP-E shall

[20] *REFERENCE: NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES (GENERAL PERMIT)*
ORDER WQ 2022-0057-DWQ NPDES NO. CAS000002 ORDER WQ 2022-0057-DWQ NPDES NO. CAS000002 Adopted by the State Water Resources Control Board September 8, 2022, effective on September 1, 2023

be implemented for the proposed Project. . Therefore, the impacts would be ***less than significant with mitigation incorporated***.

BIOLOGY MITIGATION MEASURES:

ECORP Consulting has evaluated the impacts to biological resources and included their recommended mitigation measures in their -Technical Studies included in APPENDIX 4 – General Biological Resources Assessment/Aquatic Resources to reduce impacts to biological resources to a less than significant level. In addition to these mitigation measures, ECORP included addition Best Management Practices to further reduce impacts to species that have potential to occur on the property. Therefore, the Town of Apple Valley requires the following mitigation measures shall be implemented:

BIO-1 – Worker Environmental Awareness Program: Prior to the start of construction, a Worker Environmental Awareness Program (WEAP) will be developed by the Applicant. A qualified biologist with experience with the sensitive biological resources in the region will present the WEAP to all personnel working in the Project area (either temporarily or permanently) prior to the start of Project activities. The WEAP may be videotaped and used to train newly hired workers or those not present for the initial WEAP. The WEAP could include, but will not be limited to: discussions of the sensitive biological and aquatic resources associated with the Project, Project-specific measures to avoid or eliminate impacts to these resources, consequences for not complying with Project permits and agreements, and contact information for the lead biologist. Logs of personnel who have taken the training will be kept on the site at the construction or Project office.

BIO-2 – Biological Monitoring: A qualified biologist (biological monitor) with experience monitoring for and identifying sensitive biological resources known to occur in the area shall be present during all ground-disturbing activities related to the Project. Biological monitoring duties will include, but are not limited to, conducting worker education training, verifying compliance with project permits (if any are required), and ensuring Project activities stay within designated work areas. The biological monitor shall halt all activities in the area affected if a special-status species is identified in a work area and is in danger of injury or mortality. If work is halted in the area affected as determined by the biological monitor, work will proceed only after the hazards to the individual is removed and the animal is no longer at risk, or the individual has been moved from harm's way in accordance with the Project's permits and/or management/translocation plans.

BIO-3 – Pre-construction Rare Plant Survey: A pre-construction survey shall be conducted for the special-status plant species that have potential to occur on the Project site. Special status plant species with potential to occur should be surveyed within their appropriate blooming period; these species and their respective blooming periods are as follows: Joshua tree (March – June), Clokey's cryptantha (April-June), desert cymopterus (April),

purple-nerve cymopterus (March-April), Mojave monkeyflower (April-May), Barstow woolly sunflower (April-May) short-joint beavertail (April-June), Beaver Dam breadroot (April-May), Mojave beardtongue (March-May), and Latimer's woodland-gilia (March-June). The survey methods should follow the guidelines listed in the CNPS Botanical Survey Guidelines (CNPS 2001). Impacts to all special-status plant species identified on-site, including Joshua tree, should be avoided with an appropriate non-disturbance buffer determined by the Project biologist. If a population of special-status plants is found on the Project site and avoidance is not an option, then coordination may need to occur with CDFW to discuss implementation of additional protection or mitigation measures. Mitigation measures for special-status plant species other than the Joshua tree could include seed collection and/or transplanting. If Project-related impacts to Joshua tree cannot be avoided and the species is fully protected under the California Western Joshua Tree Conservation Act, then the Project will need to obtain an Incidental Take Permit (ITP) from CDFW under Section 2081 of the California ESA to receive authorization for take of the species prior to the start of ground-breaking activities. Additional protection measures specific to Joshua tree would be included in the ITP and may include additional biological monitoring or compensatory mitigation at a 1:1 ratio to result in no net loss.

The project will also be subject to the protection requirements under Section 88.01 the San Bernardino County Development Code and the requirements associated with the Western Joshua Tree Conservation Act (SB 122 signed into effect on July 10, 2023). If regulated desert native plants, as identified by the San Bernardino County Development Code (Section 88.01.060) are observed during the survey, a Tree or Plant Removal Permit must be acquired prior to their removal.

BIO-4 – Surveys for Desert Tortoise: A focused (protocol-level) survey for desert tortoise shall be conducted for the Project site to determine presence/absence of this species. The survey shall be conducted by qualified biologists with experience surveying for and identifying the species according to the most current survey guidelines available, which is currently Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise (Gopherus agassizii; USFWS 2019). The protocol-level survey will need to be conducted during the appropriate time of year when desert tortoises are most active: April through May or September through October. If individuals or sign of desert tortoise (e.g., burrows, carcasses, scat) are observed on or immediately adjacent to the Project site and impacts to the species are unavoidable, then coordination with USFWS and/or CDFW will need to occur. If unavoidable Project related impacts to desert tortoise will occur, then the appropriate permits will need to be obtained from USFWS (consultation under either Section 7 or Section 10 of the Federal ESA) and CDFW (Incidental Take Permit under Section 2081 of the California ESA) prior to the start of ground-disturbing Project activities. In addition, a pre-construction survey shall be conducted for desert tortoise no more than three (3) days prior to the start of ground disturbing activities (including but not limited to geotechnical testing, vegetation removal, and fencing activities) to identify

whether desert tortoise is occupying the Project site at that time. If no desert tortoises are found and no other desert tortoise protection measures are required from other Project permits, then Project construction may commence. If desert tortoise is observed on the Project site during the pre-construction survey and impacts to the species are unavoidable and the Project does not have desert tortoise "take" authorization in the form of agency issued permits, then the Project would need to stop Project activities and coordinate with USFWS and CDFW to identify additional protection or mitigation measures or to obtain permits authorizing take of the species.

BIO-5 – Pre-construction Surveys for Burrowing Owl and Desert Kit Fox: Pre-construction surveys for burrowing owl and desert kit fox shall be conducted prior to the start of ground-disturbing activities by qualified biologists experienced with surveying for and identifying both species. The surveys shall follow the methods described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012). Two surveys should be conducted, with the first survey occurring between 30 and 14 days before the start of ground disturbing activities (including but not limited to fence installation, geotechnical testing, vegetation removal, grading, grubbing, and construction), and second survey being conducted no more than 24 hours prior to the start of ground-disturbing activities. If burrowing owls, desert kit fox, and/or their burrows are identified on the Project site during the survey, and impacts to the species are unavoidable, the Project shall coordinate with CDFW and develop species protection plans for both species that outline additional protection measures (burrowing owl protection measures shall be in accordance with the CDFW's Staff Report on Burrowing Owl Mitigation [CDFW 2012].

BIO-6 – Pre-construction Nesting Bird Survey: If construction or other Project activities are scheduled to occur during the bird breeding season (February 1 through August 31), a pre-construction nesting bird survey shall be conducted by a qualified biologist experienced with avian surveying and identification to ensure that active bird nests will not be disturbed or destroyed during ground-disturbing activities or Project construction. The survey shall be completed no more than three (3) days prior to initial ground disturbing activities, including but not limited to fence installation, geotechnical testing, and vegetation removal. The nesting bird survey shall include the Project site and adjacent areas where Project activities have the potential to affect active nests, either directly or indirectly, due to construction activity, noise, or ground disturbance. If an active nest is identified, a qualified avian biologist shall establish an appropriate non-disturbance buffer around the nest using flagging or staking and notify the crew of the non-disturbance buffer location. Construction activities shall not occur within any non-disturbance buffer areas until the nest is deemed inactive by the qualified avian biologist. If no nests are observed during the preconstruction nesting bird survey then Project construction may commence. If onsite Project activities are ceased for more than two (2) weeks during the bird breeding season, then additional pre-construction nesting bird surveys shall be repeated in accordance with the methods described above.

BIO-7 – Potentially Jurisdictional Aquatic Resources: The Project shall avoid and minimize impacts to aquatic resources to the extent feasible. Aquatic resources to be preserved onsite will be designated as Environmentally Sensitive Areas (ESAs). The ESAs shall be clearly demarcated with orange construction fencing or other visible barrier, and no Project-related activities shall be permitted within the delineated area. If Project activities cannot avoid impacts to aquatic resources that are jurisdictional to the U.S. Army Corps of Engineers, CDFW, and/or Regional Water Quality Control Board, then the appropriate permits shall be obtained from the regulatory agencies prior to the start of ground-disturbing activities. Additional protection measures are expected to be included in these permits, such as compensatory mitigation at a 1:1 ratio to ensure no net loss of resources, additional biological monitoring requirements, or restoration. Compensatory mitigation options may include purchase of credits in an agency-approved mitigation bank or creation, restoration, or enhancement of like habitats within the Project site or at a suitable offsite location. Mitigation bank credits are generally the preferred method of compensatory mitigation if credits are available for the appropriate resource type and watershed.

BIO-8 The Project shall comply with the following Sections of the Town of Apple Valley Municipal Code 9.76 PLANT PROTECTION AND MANAGEMENT:

- 9.76.020 Desert Native Plan Protection
- 9.76.030 Riparian Plant Conservation
- 9.76.040 Joshua Trees

BIO-9 CONSTRUCTION BEST MANAGEMENT PRACTICES

9.1 Confine all work activities to a pre-determined work area.

9.2 To prevent inadvertent entrapment of wildlife during the construction phase of a Project, all excavated, steep-walled holes or trenches more than two feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals.

9.3 Wildlife are often attracted to burrow- or den-like structures such as pipes and may enter stored pipes and become trapped or injured. To prevent wildlife use of these structures, all construction pipes, culverts, or similar structures with a diameter of four inches or greater should be capped while stored onsite.

9.4 All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from the construction or Project site.

9.5 Use of rodenticides and herbicides on the Project site should be restricted. This is necessary to prevent primary or secondary poisoning of wildlife, and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the United States Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to predatory wildlife.

GPEIR SECTION III. D. BIOLOGICAL RESOURCES 3. MITIGATION MEASURES (GPEIR, pp.III-68.)

The GPEIR analysis of impacts to Biological Resources includes certain mitigation measures and a Mitigation Monitoring and Reporting Program that when implemented reduces impacts to less than significant. Of these GPEIR Biology Mitigation Measures (BIO-MM), certain mitigation measures pertain to the proposed Project; while others are primarily binding to the Town. To ensure that impacts to biological resources are reduced to less than significant levels, the following mitigation measures shall be implemented. Therefore, impacts are ***less than significant with mitigation incorporated***.

GPEIR BIO-MM1. (c) If a Habitat Conservation Plan is formulated by the participating federal, state, and local agencies that allows for the conservation of biological resources, the Town shall implement it.

GPEIR BIO-MM3. (a) The Town shall require that biological resources evaluations be performed prior to development actions, including site-specific surveys utilizing specified survey parameters as required for all special status species in identified habitat areas, and especially within or adjacent to linkage corridors or special survey areas and potential jurisdictional areas.

(b) As required by CEQA, if biological resources are present that would be significantly impacted by a project, mitigation shall be imposed on the project to reduce the impact to a level of less than significant, to the extent feasible.

(c) At the General Plan-level, it is not practical to formulate or list the entire range of specific mitigation measures that can be required for individual projects. Therefore, this identification can only be done at the project-level, based on the Town's judgment of the individual circumstances of the project before it as a lead agency under CEQA. However, it can be generally stated that the Town shall require mitigation pursuant to species- or resource-specific protocols established by CDFG, USFWS, and/or the U.S. Army Corps of Engineers. The Town can also require, as appropriate, transplantation or seed collection programs, trapping and removal of wildlife, preservation of offsite habitat, recreation of habitat, or participation in a mitigation bank.

GPEIR BIO-MM4. The Town shall ensure that land actions require site-specific nest surveys for the presence of migratory birds in accordance with established protocols and requirements of the Migratory Bird Treaty Act, prior to site disturbance. If protected

migratory birds and/or raptors are found to be nesting onsite, construction activities will not be allowed within a radius of the nest determined by a qualified biologist, until the young have fledged and left the nest.

GPEIR BIO MM-5. Biological surveys for Burrowing Owls and Prairie Falcons shall be performed for any site proposed for development wherever sufficient open space and suitable habitat is present. Coordination with California Department of Fish and Game is required when survey results are positive.

GPEIR BIO MM-6. Biological surveys for bats shall be performed prior to disturbance on projects involving reconstruction of bridges, demolition of abandoned buildings, and/or have the potential to contain old mines, in order to determine if significant roosts are present. If roosts are present, projects shall comply with applicable protocols of the Department of Fish and Game or US Wildlife Service, and the recommendations of qualified biologists.

GPEIR BIO MM-11. Development proposals adjacent to open space lands shall provide buffers and linkages to maintain natural resource values.

GPEIR BIO MM-12. Groundwater shall be conserved to reduce overdraft and retain or increase the depth of the water table along the Mojave River, which will help to preserve and restore plant communities within and adjacent to the waterway.

GPEIR BIO MM-13. Development projects proposing to alter or impact major drainages (blueline streams) including ephemeral streams, shall consult with the appropriate state and/or federal regulatory agency. Such alteration may require permits from the U.S. Army Corps of Engineers, Lahonton Regional Water Quality Control Board, and/or the California Department of Fish and Game. Compliance with such permits will ensure that impacts to riparian habitat are mitigated by either restoration or replacement, and that impacts to water quality are avoided by compliance with Section 401 of the Clean Water Act requirements.

GPEIR BIOLOGY MITIGATION MONITORING/REPORTING PROGRAM
(GPEIR §III-Existing Conditions, Impacts and mitigation Measures, p. III-71.)

MMRP BIO-A. Potential impacts to biological resources from development projects shall be evaluated and assessed on a project-by-project basis, through the Initial Study review process. Impacts shall be clearly documented and mitigation measures recommended as necessary.

Responsible Parties: Planning Division, Developer, Consulting Biologist.

MMRP BIO-B. Prior to the issuance of building permits, the Town shall assure that all required

biological resource mitigation actions, including but not limited to pre-construction surveys, off-site mitigation and/or the payment of appropriate impact fees, have been satisfied.

Responsible Parties: Planning Division, Building Division, Developer, Consulting Biologist.

MMRP BIO-C. Town staff shall, on an annual basis, review biological resources reference materials and update records and inventories to ensure that resource databases are maintained on an ongoing basis.

Responsible Parties: Planning Division, Consulting Biologist.

MMRP BIO-D. Prior to issuance of grading permits, the Town shall assure that project developers have obtained all required state and federal regulatory permits related to biological resources, including impacts to stream beds and banks, have been obtained.

Responsible Parties: Planning Division, Developer, California Department of Fish and Game, U.S. Army Corps of Engineers.

MMRP BIO-E. The Town shall require that on-site inspections be conducted during development activities, including but not limited to grading and construction, in order to assure conformance with grading limits, and the preservation and integration of native and other appropriate landscape materials in accordance with approved landscape plans.

Responsible Parties: Planning Division, Developer, Consulting Biologist.

V. Cultural Resources

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

References: Town of Apple Valley General Plan Environmental Impact Report titled, "***ENVIRONMENTAL IMPACT REPORT (SCH# 2008091077) APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", certified August 11, 2009; ***Review of Paleontological Resources Section of the Apple Valley General Plan Environmental Impact Report for the Cordova Business Center, Apple Valley,*** *California* dated October 15, 2023 by ECORP Consulting , Inc., ***Review of Cultural Resources Sections of the Apple Valley General Plan Environmental Impact Report for the Cordova Business Center, Apple Valley, California*** dated October 16, 2023 by ECORP Consulting , Inc., ***Archaeological Resources Inventory and Evaluation Report for the Cordova Business Center*** *performed by* ***ECORP Consulting, Inc.*** June 2024.

STUDY/FINDINGS

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

c) Disturb any human remains, including those interred outside of formal cemeteries?

a), b) & c) STUDY: The adopted General Plan Update and Annexation Areas 2008-001 and 2008-002 EIR analyzed impacts to Cultural Resources in ***Section III – Existing Conditions, Impacts, and Mitigation Measures Subsection E. Cultural Resources*** in accordance with *CEQA §15064.5 Determining The Significance of Impacts to Archaeological and Historical Resources.*

HISTORICAL RESOURCES

The GPEIR stated that during preparation of the Cultural Resources Technical Report for the Town of Apple Valley General Plan Update, the NAHC confirmed that according to a search of the Sacred Lands File, no sites were recorded within the Planning Area. However, the Commission suggested that local Native American organizations be contacted and CRM Tech initiated correspondence with nine representatives identified by the NAHC, as well as with two additional representatives of the Cahuilla. At the time of writing the Technical Report, only one response had been received. The Cultural Resources Coordinator for the tribe advised that the tribe was aware of several cultural resource sites to the south and southeast of the planning area, and made recommendations regarding project review and protection of resources as development occurs.

Historic maps from the mid-1850s identified the only evidence of human activities in the vicinity of the Planning Area was the historic Mormon Trail, identified in the maps as "Road to Salt Lake City". At the nearest spot, the trail traversed in a north-south direction approximately 3.5 miles west of the north portion of the Planning Area. No man-made features of any kind were observed within or adjacent to the Town and Sphere of Influence at that time. Areas of sensitivity for archaeological resources are shown in the following **FIGURE 3.0 - GPEIR CULTURAL RESOURCES SENSITIVITY MAP, APPLE VALLEY, CA Exhibit III-4.** The proposed Project is shown on the Map within the blue Prehistorical sites representative of "*Prehistoric Sites*". The other two areas of sensitivity depicted on Exhibit III-4 is "*Prehistoric and Historic-period sites*" in green, and "*Historic-period sites*" in pink. The proposed project is located outside of both the green and pink sensitivity areas.

PALEONTOGICAL RESOURCES

The GPEIR concluded that based on research most of the surface deposits in the planning area have a low potential for containing significant fossil remains due to their young age. Although these surface deposits can be just a veneer cover that in some areas rests directly on top of older sediments, based on local research, no reports of any fossil have been made in the planning area. However, reports nearby have identified localities with fossil resources in similar age soil deposits as those that occur in the planning area. In summary, the likelihood of encountering paleontological resources during future development projects within the boundaries of the planning area ranges from low to high, depending on the location and sediments encountered. Areas of sensitivity for archaeological resources are shown in the following **FIGURE 3.1 – GPEIR AREAS OF SENSITIVITY FOR PALEO RESOURCES, APPLE VALLEY, CA Exhibit III-4.** The proposed Project is shown on the Map within the yellow "*Low sensitivity area*".

The GPEIR concluded for impacts to Cultural Resources, "*It is likely that additional sites and structures may be discovered in areas of cultural resource sensitivity during future development of the General Plan and annexation areas. Future development projects could potentially result in direct and/or indirect disturbance or destruction of sensitive archaeological and historic resources. Impacts may include grading activities, site excavation, construction, and increased foot and vehicular traffic. Site surveys should be conducted on all future developments on previously undeveloped land in*

areas identified as potentially sensitive for historic and prehistoric resources in Exhibit III-5, to determine the presence and significance of archaeological and historic resources, and to set forth appropriate mitigation measures to off-set potential negative impacts resulting from build out of the General Plan and annexation areas."

The GPEIR concluded for impacts to Paleontological Resources, "*Future development in the Planning area could also impact paleontological resources, should Pleistocene-age soils be disturbed by grading or excavation activities resulting from build out of the General Plan. Since the depth of Holocene-age soils in the planning area is not known, Pleistocene-age soils may be sufficiently close to the surface to be disturbed by grading activities. Monitoring of grading activities by a suitably qualified expert should occur in areas where there is potential for disturbance to Pleistocene-age soils, in areas identified as potentially sensitive for paleontologic resources in Exhibit III-5 to determine the presence and significance of such resources.*

Given that additional sites and resources may be discovered during future development, site surveys should be required as part of the initial project review process on all future development projects in sensitive areas. The mitigation measures described below are applicable to all lands within the planning area and both annexation areas."

ECORP Consulting conducted an Archaelological Resources Inventory and Evaluation Report for the proposed Project that included records search with the California Historical Resources Information System (CHRIS) of the California Office of Historic Preservation, which includes a review of the state archaeological site files, the National Register of Historic Places, and other databases that catalogue significant events and resources in local, state, or national history. ECORP also contacted the Native American Heritage Commission to request a sacred lands file search to determine whether any sacred sites have been recorded on the property. Additionally, ECORP contacted local historical societies, if any, to seek additional information on the location of the Project Area.

ECORP completed an intensive field survey of the Project Area of approximately 30 acres. ECORP surveyed all accessible portions of the Project Area using pedestrian transect intervals spaced 10 to 15 meters apart, where possible. The Project Area was examined for evidence of cultural resources, including pre-contact and historic-period (i.e., over 50 years of age) cultural deposits and features. Four resources were identified in the Project Area, have been recorded and mapped in accordance with the standards of the California Office of Historic Preservation (OHP. ECORP then evaluated of eligibility of the resources to be included in the California Register of Historical Resources (CRHR) or the National Register of Historic Places (NRHP) based on the level of effort required.

- Refuse deposit residence debris - considered ineligible for inclusion on the NRHP or CRHR under all criteria and is therefore not a Historical Resource as defined by CEQA.

- Privy pit and vault – also known as an **Outdoor Toilet** or Outhouse. The features of this site lack any structural integrity that could be considered a work of a master or represent a specific type or period (NRHP/CRHR Criterion C/3).
- Isolates not meeting the eligibility criteria for inclusion in the NRHP or CRHR as an individual resource.
- Refuse debris deposit- This site lacks any structural integrity that could be considered a work of a master or represent a specific type or period (NRHP/CRHR C/3).

ECORP found that none of the resources within the Project Area are eligible for listing on the CRHR and NRHP and therefore are not Historical Resources under CEQA or Historic Properties under Section 106 NHPA (if applicable).

Based on the following:

1) The ECORP's request of the Sacred Lands File by NAHC produced negative results, in that, explained according to a search of the Sacred Lands File *"the NAHC confirmed that according to a search of the Sacred Lands File, no sites were recorded within the Planning Area"*;
2) The Historic maps from the mid-1850s identified the only evidence of human activities in the vicinity of the Planning Area was the historic Mormon Trail, identified in the maps as "Road to Salt Lake City". At the nearest spot, the trail traversed in a north-south direction approximately 3.5 miles west of the north portion of the Planning Area. No man-made features of any kind were observed within or adjacent to the Town and Sphere of Influence at that time;

Thus, the resources identified in the field survey are most likely of a more recent deposition.

A paleontological resources record search was conducted with the Western Science Center (WSC), Hemet, CA. The records search was performed to identify previous studies that have been conducted within a 1-mile radius of the project area and to determine if any paleontological resources have been previously recorded in the vicinity of the project.

ECORP has prepared an inventory report for the project area that follows the California Office of Historic Preservation's recommended content and format. The report provides the historic context, methods, results, and recommendations for appropriate findings. In accordance with State Assembly Bill 52 (AB52) the ECORP Report is a Confidential Report and is not included herewith in APPENDICES. Summaries of the report's conclusions are allowed to be included herewith.

a), b) & c) FINDINGS: [**Less Than Signficant With Mitigation Incorporated**]

Cultural Resources and Paleontological Resources Analyses and onsite Surveys have been conducted by ECORP Consulting, Inc. The onsite Surveys have recorded four resources that based on the results of the GPEIR analysis are of a more recent period.

The National Register of Historic Places (NRHP) & California Register of Historic Recources (CRHR) provides the eligibility criteria for listing on their registers. ECORP evaluated the four resources in comparison with both NRHP and CRHR eligibility criteria for listing. If the resources do not meet all of the applicable specific criteria for each of the types of resource, then the resource is considered as ineligible for inclusion on the NRHP or CRHR.

ECORP evaluated resources and isolates CBC-03-I and sites CBC-1, CBC-2, and CBC-4. The methods of testing performed included excavation of shovel test pits. ECORP archaeologists identified and documented all cultural materials encountered during excavation by level and returned them to the unit during backfilling. ECORP used field methods that were minimally invasive and only included minimal excavation (as needed) to confirm the presence or absence of cultural deposits. Moreover, ECORP performed only in-field identification and documentation and did not collect, analyze, or curate any observed materials. ECORP did not collect any artifacts during the testing effort.

Based on the results of analysis and lack of any information or structural integrity to indicate that resources were associated with important events of prehistory,or history, lacks structural integrity that could be considered a work of a master or represent a specific type or period, the resource is a survace scatter of refulse and no further data can be extracte all of which is NRHP/CRHR Criterion, and determined that they are considered not eligible for inclusion in the NRHP and CRHR and, therefore, are not Historical Resources under CEQA or Historic Properties under Section 106 NHPA (if applicable).

The project site is located outside of the Prehistoric and Historic-Period Sites Areas of Elevated Sensitivity and Historic-Period Sites Areas of Sensitivity, and is located within the Prehistoric sites Area of Elevated Sensitivity. The proposed Project Site is located in the Low Areas of Sensitivity for Paleo Resources. Based on the conclusions of the GPEIR and requirement for site specific surveys, which have been performed by ECORP, there is a moderate potential for buried pre-contact archaeological sites. Mitigation measures as recommended by ECORP, CUL-1 through CUL-3 and those mitigation measures included in the GPEIR will reduce potential impacts to cultural and paleontological resources to ***less than significant with mitigation incorporated***. These mitigation measures, listed below, require Contractor Awareness Training and notifications for Post Review Discoveries specific surveys, provide monitoring of all ground disturbances such that should a discovery occur of potential historic, archeological resources and or human or non-human remains the project can be stopped to implement procedures to make a finding of significance. Tribal Consultation with the Native American Tribes resulted in recommended Cultural Resources Mitigation Measures requested by two of the five tribes notified. Their recommended Mitigation Measures are included herein and shall be incorporated as noted therein. Based on the foregoing and GPEIR analyses of cultural, paleontological and Native American Tribal resources and imposed mitigation measures, impacts would be ***less than significant with mitigation incorporated***.

The following mitigation measures shall be incorporated to reduce the potential impacts to less than significant:

CULTURAL RESOURCES MITIGATION MEASURES

MITIGATION MEASURES

The following mitigation measures as recommended by ECORP Consulting shall be implemented to reduce potential impacts to less than significant.

CUL-1 Contractor Awareness Training - The lead agency shall ensure that a Contractor Awareness Training Program is delivered to train equipment operators about cultural resources. The program shall be designed to inform construction personnel about: federal and state regulations pertaining to cultural resources and tribal cultural resources; the subsurface indicators of resources that shall require a work stoppage; procedures for notifying the lead agency of any occurrences; project-specific requirements and mitigation measures; and enforcement of penalties and repercussions for non-compliance with the program. The training shall be prepared by a qualified professional archaeologist and may be provided either through a brochure, video, or in-person tailgate meeting, as determined appropriate by the archaeologist.

The training shall be provided to all construction supervisors, forepersons, and operators of ground disturbing equipment. All personnel shall be required to sign a training roster. The construction manager is responsible for ensuring that all required personnel receive the training. The Construction Manager shall provide a copy of the signed training roster to the lead agency as proof of compliance.

CUL-2 The project proponent shall retain a qualified professional archaeologist to monitor all ground-disturbing activities. The archaeologist shall meet the Secretary of the Interior's professional qualifications standards for archaeology. The archaeologist shall have the authority to stop grading or construction work within 50 feet of any discovery of potential historical or archaeological resources in order to implement the procedures in Mitigation Measure CUL-3 and make a finding of significance under Section 15064.5 of the California Environmental Quality Act Guidelines.

CUL-3 Post – Review Discoveries - There always remains the potential for ground-disturbing activities to expose previously unrecorded cultural resources. Both CEQA and Section 106 of the NHPA require the lead agency to address any unanticipated cultural resource discoveries during Project construction. . If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for

prehistoric and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

• If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required.
• If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the lead agencies. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined by CEQA or a historic property under Section 106 NHPA, if applicable. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or a Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction.
  • If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the San Bernardino County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

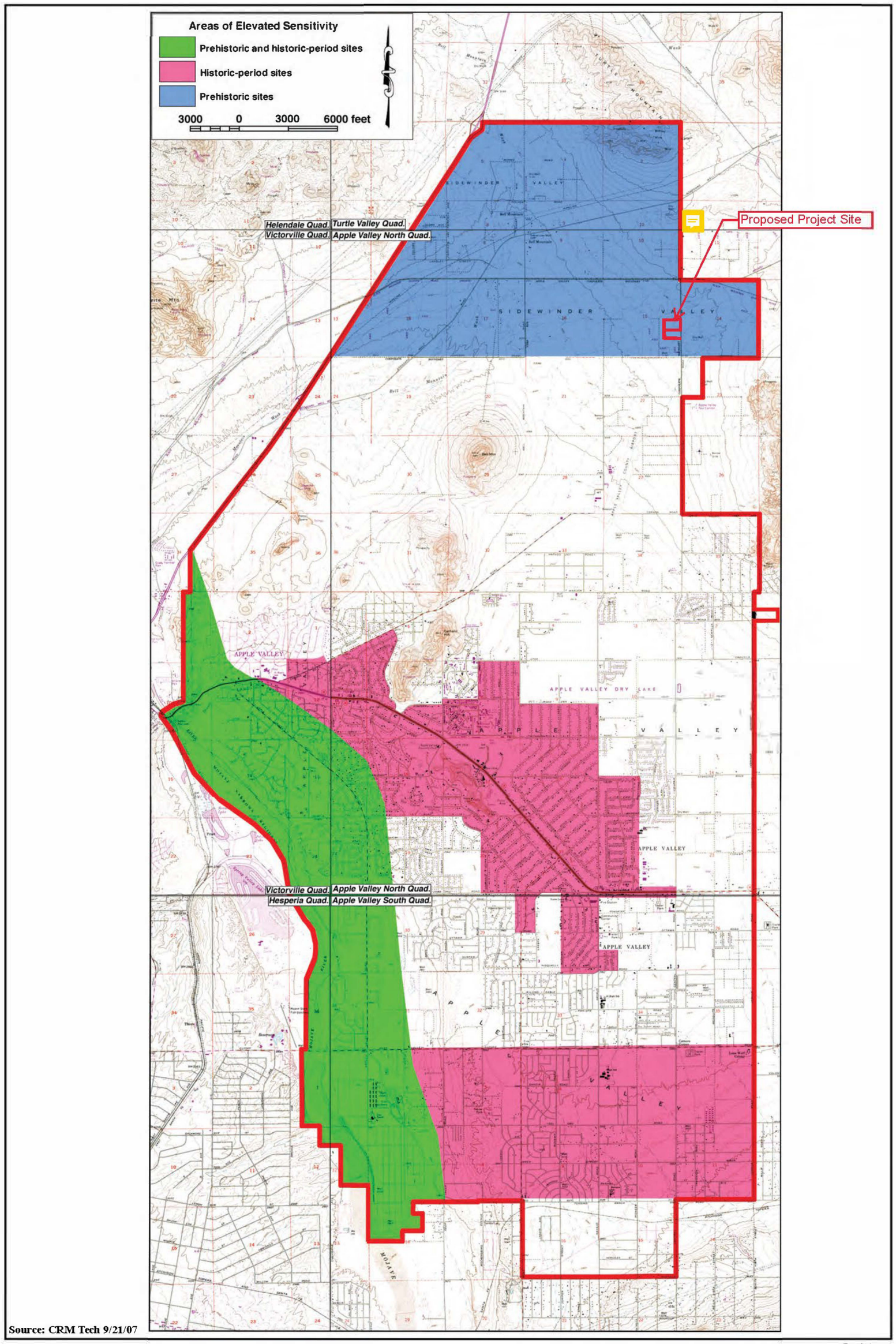


FIGURE 3.0 - GPEIR CULTURAL RESOURCES SENSITIVITY MAP, APPLE VALLEY, CA Exhibit III-4.

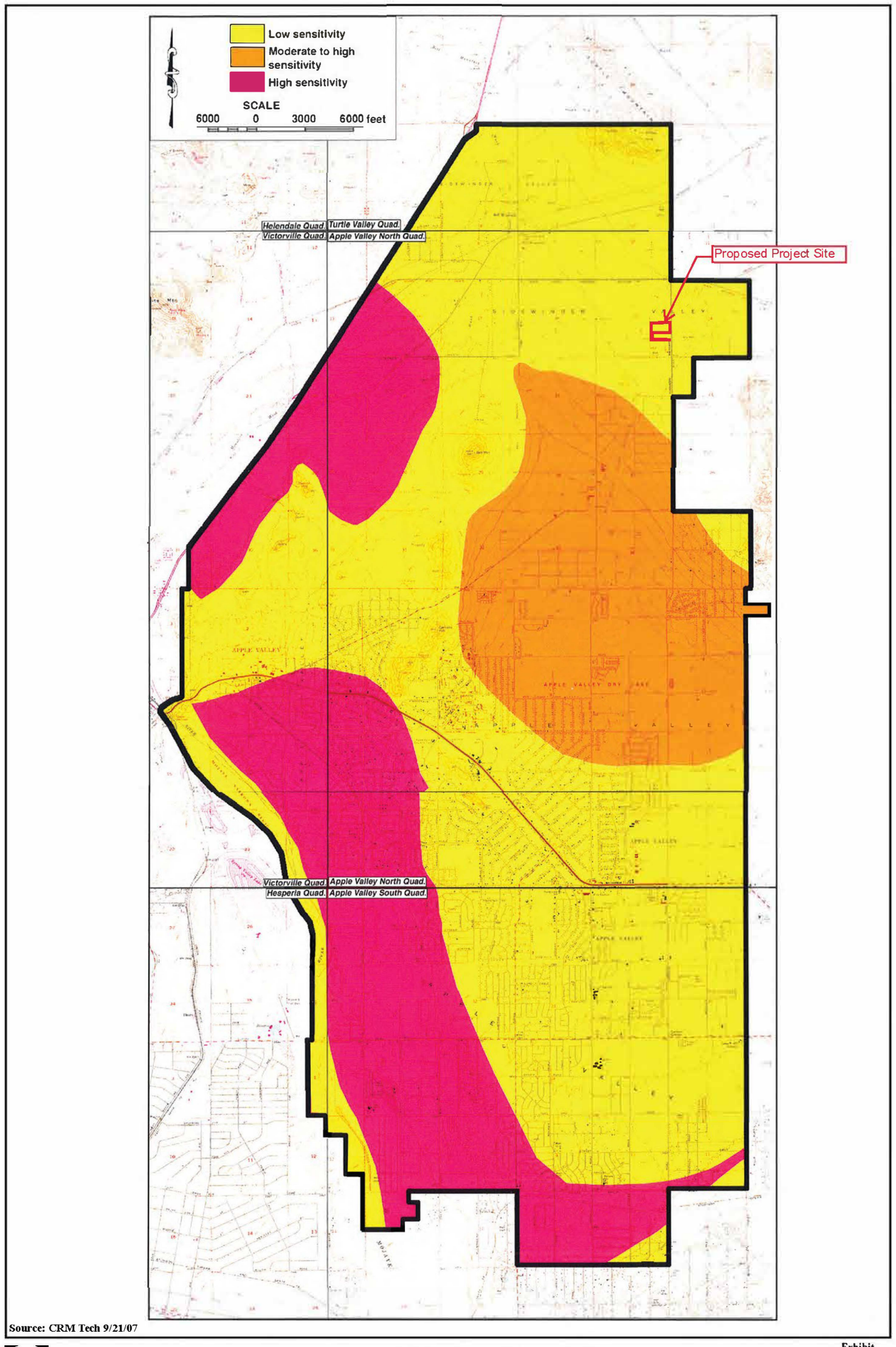


FIGURE 3.1 - GPEIR AREAS OF SENSITIVITY FOR PALEO RESOURCES, APPLE VALLEY, CA Exhibit III-5.

VI. Energy

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☐	☒
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

References: Town of Apple Valley General Plan Environmental Impact Report (SCH# 2008091077) titled, "***APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", certified on August 11, 2009; *NAVISP as amended* January 2012; ***ENERGY ASSESSMENT*** prepared by Urban Crossroads dated August 21, 2024.

STUDY/FINDINGS

Would the project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

STUDY: An Energy Assessment was performed by Urban Crossroads in conjunction with the Air Quality Assessment and Greenhouse Gas Assessment in August 2024 and analyzed the Project's anticipated energy use during construction and operations to determine if the Project would:

- Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

CONSTRUCTION ENERGY DEMANDS

The analysis used the 2024 National Construction Estimator which identifies that a typical power cost per 1,000 sf of construction per month at $2.66, to calculate the Project's total construction power cost. The analysis then calculates the Project's Construction Cost based on Land Use, building size, construction duration as shown below in ***TABLE 6 – EA TABLE 11: PROJECT CONSTRUCTION POWER COST***:

TABLE 6 – EA TABLE 11: PROJECT CONSTRUCTION POWER COST

Land Use	Power Cost (per 1,000 SF of building per month of construction)	Total Building Size (1,000 SF)	Construction Duration	Project Construction Power Cost
Unrefrigerated Warehouse-No Rail	$2.66	494	22	$28,908.88
Parking Lot	$2.66	169.013	22	$9,890.64
Other Asphalt Surfaces	$2.66	634.669	22	$37,140.83
TOTAL PROJECT CONSTRUCTION POWER COST				**$75,940.35**

TABLE 6 a. – EA TABLE 12: PROJECT CONSTRUCTION ELECTRICITY USAGE

Land Use	Cost per kWh	Project Construction Electricity Usage (kWh)
Unrefrigerated Warehouse-No Rail	$0.15	192,726
Parking Lot	$0.15	65,938
Other Asphalt Surfaces	$0.15	247,606
TOTAL PROJECT CONSTRUCTION ELEVTRICITY USAGE (kWh)		**506,269**

The EA estimated the total electricity usage from on-site Project Construction related activities for the same land uses at the Cost per kWh of $0.015. The total Project Construction Electricity Usage (kWH) was estimated to be approximately 506,269 as shown ***EA TABLE 12: PROJECT CONSTRUCTION ELECTRICITY USAGE***. The EA then estimated the Construction Equipment Fuel. The Project construction activities were estimated to consume 220,591 gallons of diesel fuel. Project Construction would represent a "single-event" diesel fuel demand and would not require on-going or permanent commitment of diesel fuel resources for this purpose.

CONSTRUCTION WORKER FUEL ESTIMATES

The VMT estimated the construction worker trips would generate 1,888,110 VMT. Using a CalEEMod methodology, the EA assumed that "*50% of all vendor of all vendor trips are from Light Duty Auto (LDA), 25% are from Light Duty Truck1 (LDT1), and 25% are from Light Duty Truck2 (LDT2). Data regarding Project related construction worker trips were based on CalEEMod defaults for the land use type and project location which are also utilized within the air quality assessment and CalEEMod outputs contained herein.*" The EA TABLE 14"

CONSTRUCTION WORKER FUEL CONSUMPTION ESTIMATES delineates the construction activities, duration, Worker Trips/Day, Trip Length, VMT, Average Vehicle Fuel Economy and calculates the Estimated Fuel Consumption (gallons) and estimated that, "*68,241 gallons of fuel will be consumed related to construction worker trips during full construction of the proposed Project. Project construction worker trips would represent a "single-event" gasoline fuel demand and would not require ongoing or permanent commitment of fuel resources for this purpose."*

Similarly, ***EA TABLE 15: CONSTRUCTION VENDOR FUEL CONSUMPTION ESTIMATES*** delineates the total construction vendor per hauling fuel consumption at 41,603 gallons.

CONSTRUCTION ENERGY DEMANDS SUMMARY
The EA determined that the equipment use of fuel would not be atypical for the type of construction proposed, "*because there are no aspects of the Project's proposed construction process that are unusual or energy-intensive, and Project construction equipment would conform to the applicable CARB emissions standards, acting to promote equipment fuel efficiencies."*

The EA states that the California Code of Regulations (CCR) Title 13, Motor Vehicles, Section 2449 regulates "*idling, limits idling times of construction vehicles to no more than 5 minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. Best Available Control Measures (BACMs) inform construction equipment operators of this requirement"*

The EA further cited the 2023 Integrated Energy Policy Report (IEPR) released by the California Energy Commission (CEC) which releases an IEPR every 2 years and an update every other year that, "*fuel efficiencies are getting better within on and off-road vehicle engines due to more stringent government requirements*."

The EA concluded, "*As supported by the preceding discussions, Project construction energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary.*"

OPERATIONAL ENERGY DEMANDS
The analysis compared the current anticipated proposed Project's Transportation Energy Demands with the GPEIR Transportation Energy Demands to determine if the proposed Project falls within the overall envelope of analysis included in the Environmental Impact Report (EIR) (SCH No. 2008091077) for the Apple Valley General Plan and Annexations 2008-001 & 2008-002 (GPEIR). The GPEIR estimated the transportation energy demands associated with the designated land uses within the General Plan Area inclusive of the NAVISP and Annexation Areas (General Plan Area) at buildout.

The proposed Project's energy demand was determined by analyzing the Project-generated traffic as a function of total Vehicle Miles Traveled (VMT) and the estimated vehicle fuel economies of the projected vehicles accessing the Site. The annual VMT for the GPEIR Pro-Rata Project Allocation was calculated based on CalEEMod outputs in the EA Attachment B. Urban Crossroads performed the VMT Analysis for the proposed Project which is included herein as APPENDIX IXVII. Transportation. The VMT per vehicle classification was determined by the vehicle fleet mix and the total VMT.

As explained in Section 1.2.3, the Urban Crossroads EA for the Proposed Project uses the same methodology as the GPEIR by determining the Project's Pro-Rata GPEIR Percentage of the total GPEIR Industrial Land Use Category Area. Detailed construction model outputs and operational model outputs for the Project Pro-Rata share of adopted Industrial land use for the subject sites considered in the GPEIR are presented in EA Attachment A and Attachment B respectively. The EA is included herewith as APPENDIX 3 Air Quality, Greenhouse Gas and Energy Assessment.

The General Plan Area which are summarized below in ***EA TABLE 16: PRO-RATA SHARE OF 2009 GENERAL PLAN EIR-GENERATED VEHICLE TRAFFIC ANNUAL FUEL CONSUMPTION*** included herein as **TABLE 6.1** below:

TABLE 6.1 - TABLE 16: PRO-RATA SHARE OF 2009 GENERAL PLAN EIR-GENERATED VEHICLE TRAFFIC ANNUAL FUEL CONSUMPTION

SOURCE	Annual VMT	Estimated Annual Fuel Consumption (gallons)
GPEIR Pro Rata Project Allocation (ALL VEHICLES)	***5,292,658***	***448,796***

According to the EA, "*Energy that would be consumed by Project-generated traffic is a function of total VMT and estimated vehicle fuel economies of vehicles accessing the Project site. The VMT per vehicle class can be determined by the vehicle fleet mix and the total VMT. As with worker and vendors trips, operational vehicle fuel efficiencies were estimated using information generated within EMFAC2021 developed by CARB (37). The estimated transportation energy demands associated with the Proposed Project are summarized on Table 17. The annual VMT for the Proposed Project was calculated based on CalEEMod outputs in Attachment A.*" The following is TABLE 6.2 -EA ***TABLE 17: TOTAL PROJECT-GENERATED VEHICLE TRAFFIC ANNUAL FUEL CONSUMPTION*** that shows the Total Proposed Project-Generated Vehicle Traffic Annual Fuel Consumption:

TABLE 6.2 - TABLE 17: TOTAL PROJECT-GENERATED VEHICLE TRAFFIC ANNUAL FUEL CONSUMPTION

Source	Annual VMT	Estimated Annual Fuel Consumption (Gallons/Yr)
TOTAL PROPOSED PROJECT (ALL VEHICLES)	**5,235,181**	**433,885**

The EA performed an Annual Fuel Consumption Comparison of the Net-Generated Vehicle Traffic with the GPEIR Pro-Rata Allocation. The following is ***TABLE 6.3 – EA TABLE 18: NET-GENERATED VEHICLE TRAFFIC ANNUAL FUEL CONSUMPTION COMPARISION WITH GPEIR PRO RATA ALLOCATION:***

TABLE 6.3 – EA TABLE 18: NET-GENERATED VEHICLE TRAFFIC ANNUAL FUEL CONSUMPTION COMPARISION WITH GPEIR PRO RATA ALLOCATION

Source	**Annual VMT**	**Estimated Annual Fuel Consumption (gallons) (GPY)**
Proposed Sites (All Vehicles)	5,235,181	433,885
GPEIR Pro Rata Allocation Project Site (All Vehicles)	5,292,658	448,796
Net Generated Vehicle Traffic Annual Fuel Consumption	**-57,477**	**-14,911**

The comparative analysis in ***EA TABLE 18*** shows the proposed Project will use 14,911 fewer Gallons Per Year than the 448,796 GPEIR Estimated Annual Fuel Pro Rata Allocation for the Project Area as shown in TABLE 6.1, i.e., 3% less than the total GPEIR Project Allocation.

PRO-RATA SHARE OF 2009 GENERAL PLAN EIR ENERGY DEMANDS

The EA concluded in ***EA TABLE 19 PRO-RATA SHARE OF 2009 GENERAL PLAN EIR ANNUAL OPERATIONAL ENERGY DEMAND SUMMARY*** that the total GPEIR Project Pro-Rata Energy Demand is 29,562,936 (kBTU/year) of Natural Gas and 5,187,000 (kWH/year) of Electricity. The proposed Project will not include natural gas as part of its design.

Proposed Project Energy Demands

The following ***TABLE 6.4 – EA TABLE 20: TOTAL PROJECT ANNUAL OPERATIONAL ENERGY DEMAND SUMMARY*** summarizes the estimated energy demands associated with the Proposed Project:

TABLE 6.4 – EA TABLE 20: TOTAL PROJECT ANNUAL OPERATIONAL ENERGY DEMAND SUMMARY

Source	**Natural Gas Demand** (kBTU)	**Electricity Demand** (kWH/year)
TOTAL PROJECT ENERGY DEMAND	**0**	**2,429,656**

TABLE 6.5 – EA TABLE 21: NET ANNUAL OPERATIONAL ENERGY DEMAND SUMMARY

Source	**Natural Gas Demand** (kBTU/year)	**Electricity Demand** (kWH/year)
Proposed Site Energy Demand	0	2,429,656
GPEIR Pro Rata Allocation Site Energy Demand	29,562,936	5,187,000
Net Energy Demand Cordova Site	**-29,562,936**	**-2,757,344**

As shown in TABLE 6.5, the Project operational energy demands will result in a net surplus of 29,562,936kBTU of the GPEIR Annual Natural Gas Demand Allocation and net surplus of 2,757,344 kWh of the GPEIR Annual Electricity Demand Allocation compared to the Project Pro-Rata Allocation of the GPEIR adopted Industrial land use Demands for the subject sites considered in the GPEIR.

The EA summarized the proposed Project's Operation Energy Demands concluding that the Project proposes conventional industrial uses reflecting contemporary energy efficient/energy conserving designs and operational programs. The Project does not propose uses that are inherently energy intensive and the energy demands in total would be comparable to other industrial land use projects of similar scale and configuration. The Project will comply with the applicable Title 24 standards which will ensure that the Project energy demands would not be inefficient, wasteful, or otherwise unnecessary. Based on the results of the EA comparative analysis the EA demonstrated that *"The Project would not cause or result in the need for additional energy producing or transmission facilities. The Project would not engage in wasteful or inefficient uses of energy and aims to achieve energy conservations goals within the State of California. As supported by the preceding analyses, Project operations would not result in the inefficient, wasteful, or unnecessary consumption of energy."*

FINDINGS: [**No Impact**] The proposed Project land use is consistent with the General Plan/ designated land use and zoning. As demonstrated in the EA analyses the proposed Project construction and operations would not result in the inefficient, wasteful, or unnecessary consumption of energy. As shown in **TABLE 6.5 – EA TABLE 21: NET ANNUAL OPERATIONAL ENERGY DEMAND SUMMARY & COMPARATIVE ANALYSIS** the Project operational energy demands will result in a net surplus of 29,562,936 kBTU of the GPEIR Annual Natural Gas Demand Allocation and net surplus of 2,757,344 kWh of the GPEIR Annual Electricity Demand Allocation compared to the Project Pro-Rata Allocation of the GPEIR adopted Industrial land use Demands for the subject sites considered in the GPEIR. Electrical energy would be available for use during construction from existing power lines and connections, precluding the use of less-efficient generators. The project does not include use of natural gas in its design. Therefore, the Project would not cause or result in the need for additional energy producing or transmission facilities. The Project would not engage in wasteful or inefficient uses of energy and aims to achieve State energy conservation Goals. Therefore, based on the preceding analysis, there is ***no impact***.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
STUDY: The proposed Project will not conflict with any applicable local or state plans. The Project proposes warehouse and distribution, which are "permitted" land uses consistent with the land use analyzed under the GPEIR. Conventional industrial uses reflecting contemporary energy efficient/energy conserving designs and operational programs is

proposed for the Project. The analyses in the EA demonstrate that the Project will have a surplus of the GPEIR Project Pro Rata Energy Demand Allocation, as restated above in **a)** and does not propose uses that are inherently energy intensive and the energy demands in total would be comparable to other industrial land use projects of similar scale and configuration. The proposed project must comply with the most current Building Energy Efficiency Standards, including the California Code of Regulations (CCR) Title 13 & Title 24, Part 11: California Green Building Standards. The Energy Assessment for the proposed Project demonstrated that the construction and operation of Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources and would not conflict with or obstruct a State or local plan for energy efficiency. Impacts would be less than significant. The Project will be in compliance with all applicable CCR Titles including but not limited to Title 13 and Title 24 standards ensuring that the Project energy demands will not be inefficient, wasteful, or otherwise unnecessary.

FINDINGS: [**No Impact**] Based on the results of the EA analyses which concluded that, "*Results of the assessment indicate that the Project is not anticipated to result in any new impacts beyond those previously identified in the GPEIR for the same land area, and in fact the Project would result in fewer emissions associated with air quality, GHG, and energy compared to the GPEIR Project Pro Rata Allocation if the Project were developed consistent with the designated land uses evaluated in the GPEIR*." Therefore, impacts would be *less than significant*.

VII. Geology/Soils

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☒	☐	☐
ii) Strong seismic ground shaking?	☐	☒	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐
iv) Landslides	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

References: Town of Apple Valley General Plan Environmental Impact Report titled, "***ENVIRONMENTAL IMPACT REPORT (SCH# 2008091077) APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", certified August 11, 2009; ***GEOTECHNICAL REPORT Proposed Warehouse NEC Cordova and Central Road, Apple Valley, CA*** dated April 28, 2023

STUDY/FINDINGS

Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault?

STUDY: The GPEIR Section III. Existing Conditions, Impacts, and Mitigation Measures Subsection F. Geology and Soils Geotechnical included the Annexation Area 2008-002 in the General Plan Update Study Area of the Town of Apple Valley. The GPEIR analyzed the Thresholds of Significance Criteria for Determining Significance in accordance with CEQA.

According to the GPEIR Geotechnical Section the closest Active Fault is the Helendale Fault to the northeast of the Annexation Area. It was assumed that both the Helendale and the South Lockhart faults would rupture simultaneously, producing a maximum magnitude earthquake of 7.3 could occur, which would result in horizontal peak ground acceleration of 0.3g to 0.75g, or violent to extreme shaking using the Modified

Mercalli intensities. The GPEIR addressed Geologic Project Impacts specifically including the Annexation Areas relating to potential geologic hazards:

> "*Build out of the General Plan and annexation areas will increase the potential for a number of geologic and seismic hazards. Construction of structures and infrastructure could expose persons and property to geological hazards in the event of a seismic event. Potential geological impacts associated with build out of the General Plan and annexation areas are discussed below.*"

In accordance with the GPEIR, a recent site-specific Geotechnical Report of the proposed Project Site was conducted by Landmark Consulting included herein as APPENDIX 6. Their Study included analysis of Faulting in Section 3.5. Their study involved the performance of a computer-aided search of known faults or seismic zones that lie within a 51-mile radius of the project site. Consistent with the GPEIR Geotechnical analysis, the Landmark review of the current Alquist-Priolo Earthquake Fault Zone maps indicated that the nearest mapped Earthquake Fault Zone is the Helendale fault located approximately 1.6 miles northeast of the project site. The site does not lie within a State of California, Alquist-Priolo Earthquake Fault Zone. The Landmark Report analyzed Ground-shaking, Surface Rupture, Liquefaction and lateral spreading, Landsliding, Volcanic hazards, Tsunamis, seiches, and flooding, Expansive Soil and Seismic Settlement in conjunction with Faulting. The Report concluded that surface rupture is considered unlikely to occur at the Project Site because of the well-delineated fault lines through the High Desert as shown on the United States Geological Survey and California Division of Mines and Geology except for undiscovered or new faults. The report concluded that liquefaction is unlikely to be a potential hazard at the site since the groundwater is believed to be deeper than 50 feet. The report concluded that the soils beneath the site consist primarily of dense to very dense silty sands and sands. The Report concluded based on empirical relationships that settlements are not expected to occur at the project site.

FINDINGS: [**No Impact**] Based on the fact that surface rupture is unlikely to occur, that liquefaction is unlikely to be a potential hazard at the site since the groundwater is believed to be deeper than 50 feet, the report concluded that the soils beneath the site consist primarily of dense to very dense silty sands and sands, and the Report concluded based on empirical relationships that settlements are not expected to occur at the project site, ***there is no impact.***

ii. Strong seismic ground shaking?

STUDY: Ground shaking is expected to occur as stated in the GPEIR and consistent with the GPEIR, Landmark's recent Geotechnical Report states that the project site is

considered likely to be subjected to moderate to strong ground motion from earthquakes in the region as noted in the preceding section a) i.

The GPEIR states that," *Build out of the General Plan and annexation areas will increase the potential for a number of geologic and seismic hazards. Construction of structures and infrastructure could expose persons and property to geological hazards in the event of a seismic event."* The GPEIR includes mitigation measures in the Geotechnical Section Mitigation Measures that when implemented shall reduce impacts to less than significant, and also a Mitigation Monitoring Program. These are restated as follows. The applicable MMs and MMRP MMs shall be incorporated to mitigate the potential for impacts. Applicable mitigation measures to the project development are GPEIR GEO MM 2,3,6 through 10, 12, 15, 17 through 23 and GPEIR GEO MMRP A. through D.:

GPEIR GEO MITIGATION MEASURES (GPEIR, pp. III-106 through III-108)

GEO MM 9. Retaining walls shall be constructed to adopted building code standards, include an adequate sub-drain system at the base to prevent excessive hydrostatic pressure, and be evaluated by the Building Inspector.

GEO MM 10. All existing vegetation and debris shall be removed from areas that are to receive compacted fill. Removal of trees shall include a minimum of 95% of the root systems. Excavation to depths ranging from 2 to 4 feet or more below the existing site grade may be required.

GEO MM 15. All grading permit requests shall include a soil erosion prevention plan. Blowing dust and sand during grading operation shall be mitigated by maintaining moist surface soils, limiting the area of dry exposed soils, planting stabilizing vegetation, establishing windbreaks with non-invasive vegetation or perimeter block walls, applying chemical soil stabilizers, and adequately watering construction sites prior to and during grading and site disturbance. (Also see Air Quality in Section III-C).

GEO MM 16. Proposed development within a designated Alquist-Priolo Earthquake Fault Zone shall require site-specific geotechnical investigation including fault trenching and other Alquist- Priolo Fault Zoning Act guidelines.

GEO MM 17. Imported and onsite fill soils for future development shall be approved by the project's soils engineer. Prior to placement as compaction fill the soils engineer shall assure that all fill materials are free of vegetation,

organic material, cobbles and boulders greater than 6 inches in diameter, and other debris. Approved soil shall be placed in horizontal lifts or appropriate thickness as prescribed by the soils engineer and watered or aerated as necessary to obtain near-optimum moisture-content.

GEO MM 18. Fill materials shall be uniformly compacted to no less than 90% of the laboratory maximum density, by either over-filling and cutting back to expose a compacted core or by approved mechanical methods, as determined by American Society for Testing and Materials (ASTM) test method D-1557-78. The project soils engineer shall observe the placement of fill and take sufficient tests to verify the moisture content, uniformity, and degree of compaction obtained. In-place soil density measurements should be determined by the sand-cone method, in accordance with ASTM Test Method D-1556-64 (74), or equivalent test method acceptable to the Town's Building and Safety Department.

GEO MM 19. In general, finish cut slopes shall not be inclined steeper than 2:1 (horizontal to vertical). Attempts to excavate near-vertical temporary cuts for retaining walls or utility installations in excess of 5 feet may result in failure of the slope, which has the potential to damage equipment and injure workers. All cut slopes must be inspected by the project engineer during grading to provide additional recommendations for safe construction.

GEO MM 20. Foundation systems that utilize continuous and spread footings are recommended for the support of one and two-story structures. Foundations for higher structures must be evaluated based on structure design and on-site soil conditions.

GEO MM 21. Positive site drainage shall be established during finish grading. Finish lot grading shall include a minimum positive gradient of 2% away from structures for a minimum distance of three (3) feet and a minimum gradient of 1% to the street or other approved drainage course.

GEO MM 22. Utility trench excavations in slope areas or within the zone of influence of structures should be properly backfilled in accordance with the following recommendations:

(a) Pipes shall be bedded with a minimum of 6 inches of pea gravel or approved granular soil. Similar material shall be used to provide a cover of at least 1 foot over the pipe. This backfill shall then be uniformly compacted by mechanical means or jetted to a firm and unyielding condition.

(b). Remaining backfill may be fine-grained soils. It shall be placed in lifts not exceeding 6 inches in thickness or as determined appropriate, watered or aerated to near optimum moisture content, and mechanically compacted to a minimum of 90% of the laboratory maximum density.

(c) Pipes in trenches within 5 feet of the top of slopes or no the face of slopes shall be bedded and backfilled with pea gravel or approved granular soils as described above. The remainder of the trench backfill shall comprise typical on-site fill soil mechanically compacted as described in the previous paragraph.

GPEIR MITIGATION MONITORING/REPORTING PROGRAM
(GPEIR, §III-Existing Conditions, Impacts and mitigation Measures pp. III-108 throughIII-109)

GPEIR GEO MMRP A. During any project site preparation, the Town Engineer and/or Building and Safety Department staff shall visit the site to ensure compliance with applicable Town ordinances, conditions of approval, and erosion control plans.

Responsible Parties: Town Engineer, Building Division, developer, and grading contractor.

GPEIR GEO MMRP B. Prior to grading and construction, but subsequent to preparation of final development plans and specifications, the Geotechnical Consultant and/or the Town Engineer shall review foundation plans to verify compatibility with site-specific geotechnical conditions and conformance with the recommendations contained herein. The need for additional subsurface exploration shall be determined on a project-by-project basis.

Responsible Parties: Town Engineer, and Geotechnical Consultant.

GPEIR GEO MMRP C. As appropriate, rough grading shall be performed under geological and/or engineering observation by the Geotechnical Consultant and the Town Engineer, accordingly.

Responsible Parties: Town Engineer, and Geotechnical Consultant.

GPEIR GEO MMRP D. As determined appropriate, the Town Engineer and/or Geotechnical Consultant shall monitor the following onsite grading activities, and as necessary verify or modify conclusions and recommendations set forth in the project's geotechnical report:

1. Observation of all grading operations;
2. Geologic observation of all cut slopes;
3. Observation of all key cuts and fill benching;
4. Observation of all retaining wall back cuts, during and following completion or excavation;
5. Observation of all surface and subsurface drainage systems;
6. Observation of all backfill wedges and sub-drains for retaining walls;
7. Observation of pre-moistening of sub-grade soils and placement of sand cushion and vapor barrier beneath the slab;
8. Observation of all foundation excavations for the structure or retaining walls prior to placing forms and reinforcing steel; and
9. Observation of compaction of all utility trench backfill.

Responsible Parties: Town Engineer and/or Geotechnical Consultant.

Ground motions are dependent primarily on the earthquake magnitude and distance to the seismogenic (rupture) zone. The GPEIR includes Mitigation Measures which when implemented would ***reduce the impacts to less that significant with mitigation incorporated.***

FINDINGS: [**Less Than Signficant With Mitigation Incorporated**] Ground motions are dependent primarily on the earthquake magnitude and distance to the seismogenic (rupture) zone. The GPEIR Mitigation Measures are incorporated herein which the GPEIR Study concluded that when implemented would reduce the impacts to ***less that significant with mitigation incorporated***.

iii. Seismic-related ground failure, including liquefaction?

STUDY: The study in the preceding section ii. Are applicable to this section pertaining to seismic-related ground-failure. The recent Landmark Geotechnical Report included field explorations to a maximum depth of 36 feet below grade. Subsurface soils encountered consist of dominantly dense to very dense interbedded silty sands, sands

to the maximum depth of exploration. Near surface soils consist of the Helendale-Bryman loamy sands and Cajon-Arizo complex. Groundwater was not encountered in the borings during the field exploration and the report states that groundwater is anticipated to be first encountered at deeper than 100 feet bgs. Landmark concluded that Liquefaction is unlikely to be a potential hazard at the site since the groundwater is believed to be deeper than 50 feet.

FINDINGS: [**No Impact**] Because groundwater was not encountered and believed to be deeper than 50 feet, liquefaction is unlikely to be a potential hazard. ***Therefore there would be no impact,***

iv. Landslides?

STUDY: The hazard of landsliding is unlikely due to the regional planar topography. No ancient landslides are shown on geologic maps of the region and no indications of landslides were observed during our site investigation.

FINDINGS: [**No Impact**] No ancient landslides are shown on geologic maps of the region and no indications of landslides were observed during our site investigation. ***Therefore there would be no impact,***

b) Result in substantial soil erosion or the loss of topsoil?

STUDY: The proposed project will develop the entire site inclusive of parking lots, landscaping and onsite infiltration and clarification systems to capture tributary onsite flows. Offsite tributary flows do not enter the site. The onsite flows have been designed to direct and capture storm flows and treat and infiltrate the storm. The natural topsoils will be graded and the site improved with paving, landscaping and onsite drainage improvements that will eliminate loss of topsoil that occurs naturally. The project will be subject to Post Construction Best Management Practices (BMPs) in accordance with Local, State and Federal requirements. The grading plan will include an erosion control plan to be implemented during grading and construction operations. The Landmark Geotechnical Report did not report any unstable geologic unit or soil that would become unstable as a result of the project. Therefore, with the implementation of the storm water capture, infiltration and clarification, implementation of the required Local, State and Federal requirements there would be a less than significant impact .

FINDINGS: [**Less Than Signficant With Mitigation Incorporated**] The Landmark Geotechnical Report did not report any unstable geologic unit or soil that would become unstable as a result of the project. Offsite tributary flows do not traverse the site. Given that the proposed project will be designed in accordance with engineering design standard that require infiltration, erosion control and compliance with typical NPDES Permit requirements and a SWPPP, there would be a ***Less Than Significant Impact***.

c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

STUDY: The Landmark Geotechnical Report did not report any unstable geologic unit or soil that would become unstable as a result of the project. The subsurface soils encountered during the field exploration consist of dominantly dense to very dense interbedded silty sands and sands to the maximum depth of exploration of 36 feet. Caliche horizons were encountered in the subsurface soils during the field exploration as well. The near surface soils were reported as non-expansive. The site is at an elevation of approximately 3160 to 3190 feet above sea level in the Apple Valley region of the High Desert. No landslides were reported onsite nor as shown on geologic maps of the region. Liquefaction is unlikely to be a potential hazard since the depth to groundwater is believed to be deeper than 50 feet. Settlements are not expected to occur.

FINDINGS: [**Less Than Significant Impact**] Based on the Findings and Conclusions of the Landmark Geotechnical Report that the site is not located on a geologic unit or unstable soil, or that would become unstable as a result of the project, nor would it potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction or collapse, and settlement is not expected to occur***, there is no impact***.

d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?**

STUDY: The field exploration performed by Landmark Geotechnical Consulting did not encounter groundwater in their borings and concluded that groundwater is anticipated to be first encountered deeper than 100 feet below ground surface (bgs). The near surface soils at the project site consist of silty sands and silty sands/sands which are non-expansive. The near surface soils at the project site consist of silty sands and silty sands/sands which are non-expansive.

FINDINGS: [**No Impact**]The proposed Project Site is located on non-expansive soil. As such the proposed Project will not create a substantial direct or indirect risk to life or property. ***Therefore, there is no impact***.

e) **Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

STUDY: The GPEIR included extension of existing sewer mains to service the Specific Plan Area. As demonstrated and analyzed in Section X. herein, a Sewer Supply Analysis was prepared for the proposed Project that concludes the Project will result in the construction of expanded

sewer distribution in accordance with the Town of Apple Valley General Plan, as analyzed in the GPEIR, and as planned for in the Sewer System Master Plan (SSMP).

Based on the fact that the proposed Project will use only 42.51% of the GPEIR Project Pro-Rata Sewer Demand Allocation at 10.56 AFY, it is consistent with the GPEIR and SSMP Demand for the NAVISP area, there is no significant environmental impact and therefore no mitigation measures are warranted.

Sufficient regional wastewater treatment capacity is available to serve the project now and in the future such that the regional wastewater authority will not require additional capacity to serve the project's projected demand in addition to the provider's existing commitments. ***Therefore, there is no impact environmental impact.*** The Project would be required to extend sewer mains to service the Project. Use of private septic systems is not being proposed for the Project nor is it required.

FINDINGS: [**No Impact**] Based on the foregoing analysis, the project will be served by a public sewer system. While the Project site does not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water, it is immaterial, given that a septic system or alternative wastewater disposal will not be used. Consequently, there is ***no impact***.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

STUDY: The GPEIR evaluated impacts to paleontological resources as discussed in the previous section V. Cultural Resources. The Project Area has a moderate potential for buried pre-contact archaeological sites. Mitigation Measures CUL-2 and CUL-3 shall be implemented to reduce potential impacts to paleontological resources to less than significant with mitigation incorporated .

FINDINGS: [**Less Than Signficant With Mitigation Incorporated**] Mitigation Measures CUL-2 and CUL-3 as described in the Cultural Resources Section herein shall be implemented to reduce potential impacts to paleontological resources as described in each mitigation measure. In addition, GPEIR includes Mitigation Measures (GPEIR, MM3, MM9, MM10, MM 15, MM18 through MM23, and MMRP GEO A through D) shall be incorporated herein. Therefore, potential impacts to paleontological resources would be ***less than significant with mitigation incorporated***.

GPEIR SECTION III. F. GEOLOGY AND SOILS 3. MITIGATION MEASURES
(GPEIR §III-Existing Conditions, Impacts and mitigation Measures, pp. III-106 through III-108.)

GPEIR GEO-MM3. Proper structural engineering, which takes into account the forces that will be applied to structures by anticipated ground motions, shall provide mitigation for ground adopted editions of the Uniform Building Code and the seismic design parameters of the Structural Engineers' Association of California.

GPEIR GEO-MM9. Retaining walls shall be constructed to adopted building code standards, include an adequate sub-drain system at the base to prevent excessive hydrostatic pressure, and be evaluated by the Building Inspector.

GPEIR GEO-MM10. All existing vegetation and debris shall be removed from areas that are to receive compacted fill. Removal of trees shall include a minimum of 95% of the root systems. Excavation to depths ranging from 2 to 4 feet or more below the existing site grade may be required.

GPEIR GEO-MM15. All grading permit requests shall include a soil erosion prevention plan. Blowing dust and sand during grading operation shall be mitigated by maintaining moist surface soils, limiting the area of dry exposed soils, planting stabilizing vegetation, establishing windbreaks with non-invasive vegetation or perimeter block walls, applying chemical soil stabilizers, and adequately watering construction sites prior to and during grading and site disturbance. (Also see Air Quality in Section III-C)

GPEIR GEO-MM18. Imported and onsite fill soils for future development shall be approved by the project's soils engineer. Prior to placement as compaction fill the soils engineer shall assure that all fill materials are free of vegetation, organic material, cobbles and boulders greater than 6 inches in diameter, and other debris. Approved soil shall be placed in horizontal lifts or appropriate thickness as prescribed by the soils engineer and watered or aerated as necessary to obtain near-optimum moisture-content.

GPEIR GEO-MM19. Fill materials shall be uniformly compacted to no less than 90% of the laboratory maximum density, by either over-filling and cutting back to expose a compacted core or by approved mechanical methods, as determined by American Society for Testing and Materials (ASTM) test method D-1557-78. The project soils engineer shall observe the placement of fill and take sufficient tests to verify the moisture content, uniformity, and degree of compaction obtained. In-place soil density measurements should be determined by the sand-cone method, in

accordance with ASTM Test Method D-1556-64 (74), or equivalent test method acceptable to the Town's Building and Safety Department.

GPEIR GEO-MM20. In general, finish cut slopes shall not be inclined steeper than 2:1 (horizontal to vertical). Attempts to excavate near-vertical temporary cuts for retaining walls or utility installations in excess of 5 feet may result in failure of the slope, which has the potential to damage equipment and injure workers. All cut slopes must be inspected by the project engineer during grading to provide additional recommendations for safe construction.

GPEIR GEO-MM21. Foundation systems that utilize continuous and spread footings are recommended for the support of one and two-story structures. Foundations for higher structures must be evaluated based on structure design and on-site soil conditions.

GPEIR GEO-MM22. Positive site drainage shall be established during finished grading. Finish lot grading shall include a minimum positive gradient of 2% away from structures for a minimum distance of three (3) feet and a minimum gradient of 1% to the street or other approved drainage course.

GPEIR GEO-MM23. Utility trench excavations in slope areas or within the zone of influence of structures should be properly backfilled in accordance with the following recommendations:

(a) Pipes shall be bedded with a minimum of 6 inches of pea gravel or approved granular soil. Similar material shall be used to provide a cover of at least 1 foot over the pipe. This backfill shall then be uniformly compacted by mechanical means or jetted to a firm and unyielding condition.
(b) Remaining backfill may be fine-grained soils. It shall be placed in lifts not exceeding 6 inches in thickness or as determined appropriate, watered or aerated to near optimum moisture content, and mechanically compacted to a minimum of 90% of the laboratory maximum density.

(c) Pipes in trenches within 5 feet of the top of slopes or no the face of slopes shall be bedded and backfilled with pea gravel or approved granular soils as described above. The remainder of the trench backfill shall comprise typical on-site fill soil mechanically compacted as described in the previous paragraph.

GPEIR MITIGATION MONITORING AND REPORTING PROGRAM
(GPEIR, §III-Existing Conditions, Impacts and mitigation Measures pp. III-108 through III-109.)

MMRP GEO-A During any project site preparation, the Town Engineer and/or Building and Safety Department staff shall visit the site to ensure compliance with applicable Town ordinances, conditions of approval, and erosion control plans.

Responsible Parties: Town Engineer, Building Division, developer, and grading contractor.

MMRP GEO-B Prior to grading and construction, but subsequent to preparation of final development plans and specifications, the Geotechnical Consultant and/or the Town Engineer shall review foundation plans to verify compatibility with site-specific geotechnical conditions and conformance with the recommendations contained herein. The need for additional subsurface exploration shall be determined on a project-by-project basis.

Responsible Parties: Town Engineer, and Geotechnical Consultant.

MMRP GEO-C As appropriate, rough grading shall be performed under geological and/or engineering observation by the Geotechnical Consultant and the Town Engineer, accordingly.

Responsible Parties: Town Engineer, and Geotechnical Consultant.

MMRP GEO-D As determined appropriate, the Town Engineer and/or Geotechnical Consultant shall monitor the following onsite grading activities, and as necessary verify or modify conclusions and recommendations set forth in the project's geotechnical report:

1. Observation of all grading operations;
2. Geologic observation of all cut slopes;
3. Observation of all key cuts and fill benching;
4. Observation of all retaining wall back cuts, during and following completion or excavation;
5. Observation of all surface and subsurface drainage systems;
6. Observation of all backfill wedges and sub-drains for retaining walls;
7. Observation of pre-moistening of sub-grade soils and placement of sand cush ion and vapor barrier beneath the slab;
8. Observation of all foundation excavations for the structure or retaining walls prior to placing forms and reinforcing steel; and
9. Observation of compaction of all utility trench backfill.

Responsible Parties: Town Engineer and/or Geotechnical Consultant.

VIII. Greenhouse Gas Emissions

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

References: Town of Apple Valley General Plan Environmental Impact Report titled, "***ENVIRONMENTAL IMPACT REPORT (SCH# 2008091077) APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", certified August 11, 2009; ***GREENHOUSE GAS ASSESSMENT*** *by Urban Crossroads, dated August 21,2024*

STUDY/FINDINGS

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

STUDY: A Greenhouse Gas Assessment (GHGA) was conducted by Urban Crossroads dated August 2024. The assessment set forth the establishment of Significance Thresholds for determining impacts with respect to Greenhouse Gas. The assessment set forth that the Town of Apple Valley has not adopted its own numeric threshold of significance for determining impacts with respect to greenhouse (GHG) emissions, thus the MDAQMD threshold of 90,718.5 MTCO2e per year will be utilized. If Project-related GHG emissions do not exceed the 90,718.5 MTCO2e per year threshold, then Project-related GHG emissions would clearly have a less-than-significant impact pursuant to Threshold GHG-1. On the other hand, if Project related GHG emissions exceed 90,718.5 MTCO2e per year, the Project would be considered a substantial source of GHG emissions. The proposed Project's land use is consistent with the GPEIR adopted designated land use of Industrial.

The estimated GHG emissions from the Project Pro-Rata share of adopted Industrial land use for the subject sites considered in the GPEIR are summarized in Table 8.0 - ***TABLE 8.0 – GHGA TABLE 8: ADOPTED NAVISP GHG EMISSIONS***. Both Construction and Operational are included in the estimated GHG emissions. The GPEIR assumed all of the Specific Plan area would be developed at the same time. Therefore, the Detailed ***Construction Model Outputs*** for the Pro-Rata share of adopted Industrial land use for the subject Cordova Project Site and compared with those considered in the 2009 EIR are presented in AQA Attachment A. Detailed ***Operation Model Outputs*** for the Pro-Rata share of adopted Industrial land use for the subject sites considered in the 2009 EIR are presented in AQA Attachment B.:

TABLE 8.0 – PROJECT PRO-RATA SHARE OF 2009 GENERAL PLAN EIR GHG EMISSIONS (PROJECT PRO RATA EMISSIONS ALLOCATION)

Emission Source	Total CO_2E
GPEIR Pro Rata Allocation Cordova Project Site Total Emissions	**6,869.00**

PROJECT GHG EMISSIONS

The estimated GHG emissions for the Project use were estimated by Urban Crossroads and summarized in the following ***TABLE 8.1 – GHGA TABLE 9: TOTAL PROJECT GHG EMISSIONS.*** Emissions included in the GHG emissions estimate are from Carbon Dioxide (CO_2), Methane (CH_4), Nitrous Oxide (N_2O), and Refrigerants (R).

TABLE 8.1 – GHGA TABLE 9: TOTAL PROJECT GHG EMISSIONS

Emission Source	Total CO_2E
Proposed Cordova Site Total Emissions	**5,198.14**

TABLE 8.2 - PROJECT NET NEW GHG EMISSIONS – COMPARISON TO THE GPEIR PROJECT PRO-RATA SHARE OF 2009 GENERAL PLAN EIR ASSIGNED TO THE PROJECT SITE (PROJECT PRO RATA ALLOCATION)

Emission Source	**Total CO_2E**
Proposed Site Total Emissions	5,1,98.14
GPEIR Pro Rata Allocation Cordova Project Site Total Emissions	6,869.00
Net Emissions	**-1,670.85**

FINDINGS: [**Less Than Significant Impact**] The comparative analysis showed that the Project would generate a total of approximately 5,198.14 $MTCO_2e$ per year compared to the 6,869.00 MTCO2e GPEIR Project Pro-Rata Allocation Site Total emissions. As previously shown in Table 10, the AQA concluded that the Project will result in an approximate net decrease of -1,670.85 MTCO2e

per year; the proposed Project would not exceed the screening threshold of 90,718.5 MTCO2e per year. This would be considered a ***less than significant impact***.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

STUDY: The GHGA analyzed whether there would be a conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases setting forth the premise that pursuant to CEQA Guidelines 15604.4, that a lead agency may rely on qualitative analysis or performance-based standards to determine the significance of impacts from GHG emissions. The California 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan) lays out a path to achieve targets for carbon neutrality and reduce anthropogenic greenhouse gas (GHG) emissions by 85 percent below 1990 levels no later than 2045, as directed by Assembly Bill 1279. The actions and outcomes in the plan will achieve significant reductions in fossil fuel combustion by deploying clean technologies and fuels, further reductions in short-lived climate pollutants, support for sustainable development, increased action on natural and working lands to reduce emissions and sequester carbon, and the capture and storage of carbon (32 Finally, the Project is consistent with the general plan land use designation, density, building intensity, and applicable policies specified for the Project area in SCAG's Sustainable Community Strategy/ Regional Transportation Plan, which pursuant to SB 375 calls for the integration of transportation, land-use and housing policies to plan for achievement of the GHG-emissions target for the region as discussed in Section I. Introduction and the Land Use Section herein. Thus, a less than significant impact related to GHG emissions from Project construction and operation would occur and no mitigation is required.

FINDINGS: [**Less Than Significant Impact**] The Project is consistent with the GPEIR land use designation, density, building intensity, and applicable policies specified for the Project area in SCAG's Sustainable Community Strategy/ Regional Transportation Plan, which pursuant to SB 375 calls for the integration of transportation, land-use and housing policies to plan for achievement of the GHG-emissions target for the region. Thus, a less than significant impact related to GHG emissions from Project construction and operation would occur and no mitigation is required. Therefore, the proposed Project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases, thus there would be a ***less than significant impact***.

IX. Hazards and Hazardous Materials

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☒	☐	☐

References: Town of Apple Valley General Plan Environmental Impact Report titled, "***ENVIRONMENTAL IMPACT REPORT (SCH# 2008091077) APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", certified August 11, 2009; ***Phase I Environmental Site Assessment*** prepared by AdvancedGeo dated September 23, 2021.

STUDY/FINDINGS

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

STUDY a) & b): The GPEIR Section III. Existing Conditions, Impacts, and Mitigation Measures subsection G. Hazards and Hazardous Materials thoroughly analyzed the Study Area in accordance with Thresholds of Significance/Criteria for Determining Significance from a variety of sources and CEQA Guidelines Appendix G. Environmental Checklist Form. The Hazardous or toxic materials transported in association with construction of the Proposed Project may include items such as oils, paints, and fuels. All materials required during construction would be kept in compliance with State and local regulations. Transport of such materials would be in accordance with State and Federal regulations. Operation activities would continue to include standard maintenance (i.e., landscape upkeep, exterior painting and similar activities) involving the use of commercially available products (e.g., pesticides, herbicides, gas, oil, paint, etc.) the use of which would not create a significant hazard to the public or the environment through reasonably foreseeable

upset and accidental release of hazardous materials into the environment.

FINDINGS a) & b): [**Less Than Significant Impact**] Pursuant to the Federal Clean Water The and as enforced by the State of California State Water Resources Control Board's local Regional Water Quality Control Board (RWQCB), the project will be required to file a National Pollutant Discharge Elimination System (NPDES) Notification with the RWQCB. The Project will need to prepare a Storm Water Pollution Prevention Plan (SWPPP) that includes certain Pre and Post Construction Best Management Practices to be implemented before, during and after construction to protect against environmental impacts due to the release of hazardous materials. With implementation of Best Management Practices (BMPs) as required under National Pollutant Discharge Elimination System Permit (NPDES) NPDES Permit and compliance with all applicable state and local regulations, potential impacts from the use of hazardous materials would be ***less than significant***. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

STUDY: The nearest schools to the site are Vanguard Preparatory School 3.0 miles to the northwest, Apple Valley High School located approximately 3.25 miles to the west. No hazardous materials would be emitted as a result of the construction and operation of the Proposed Project. Therefore, no impacts associated with emission of hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of a school are anticipated. No impacts or anticipated and no mitigation measures are required.

FINDINGS: [**No Impact**] No impacts or anticipated and no mitigation measures are required.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

STUDY: The Phase I Environmental Site Assessment prepared by AdvancedGeo concluded that no recognized environmental conditions (REC's) were identified on the subject Property and had no recommendations for additional investigations. AGI reviewed historical topographic maps of the subject property and surrounding area for the years 1932, 1934, 1957, 1970, 1978, 1993, and 1912 which did not reveal any items of environmental concern in connection with the property. AGI reported it did not identify adjacent or nearby sites (e.g. within ¼-mile radius) listed on the regulatory database report that were judged topresent a potential environmental risk to the subject property with the exception of CEMEX Construction Materials facility Quarry Plant. The site was reported "*as a small quantity generator of hazardous waste. The site did nave a spill of 170 gallons of non-PCB*

mineral oil from a vandalized transformer onto the soils in 2015. An outside contractor cleaned up the release." However as of this writing it was verified the State of California Department of Toxic Substance Control EnviroStor Database lists the CEMEX Plant as a Permitted Site, Closed and non-operating. The Project Site was not found on the list of hazardous materials sites complied pursuant to Government Code Section 65962.5 by the California Department of Toxic Substances Control's EnviroStor data management system. EnviroStor tracks cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known or suspected contamination issues. No hazardous materials sites are located within or in the vicinity of the Project Site. EnviroStor lists one site located approximately 1.04 miles to the southwest of the site as Victorville Precision Bombing Range (PBR) No. N1 FUDS Project No J09CA067201, an inactive and historical former range. EnviroStor lists one other site identified located south of PBR N1 and approximately 3 miles to the southwest of the site as Victorville Precision Bombing Range (PBR) No. 1 FUDS Project No J09CA067501, an inactive and historical former range. FIGURE 9.0 – EnviroStor Database shows the proposed Project Site marker at the intersection of Central Road and Johnson Road in relationship to the CEMEX Site and the PRB Range No. 1 and PRB Range No. N1:

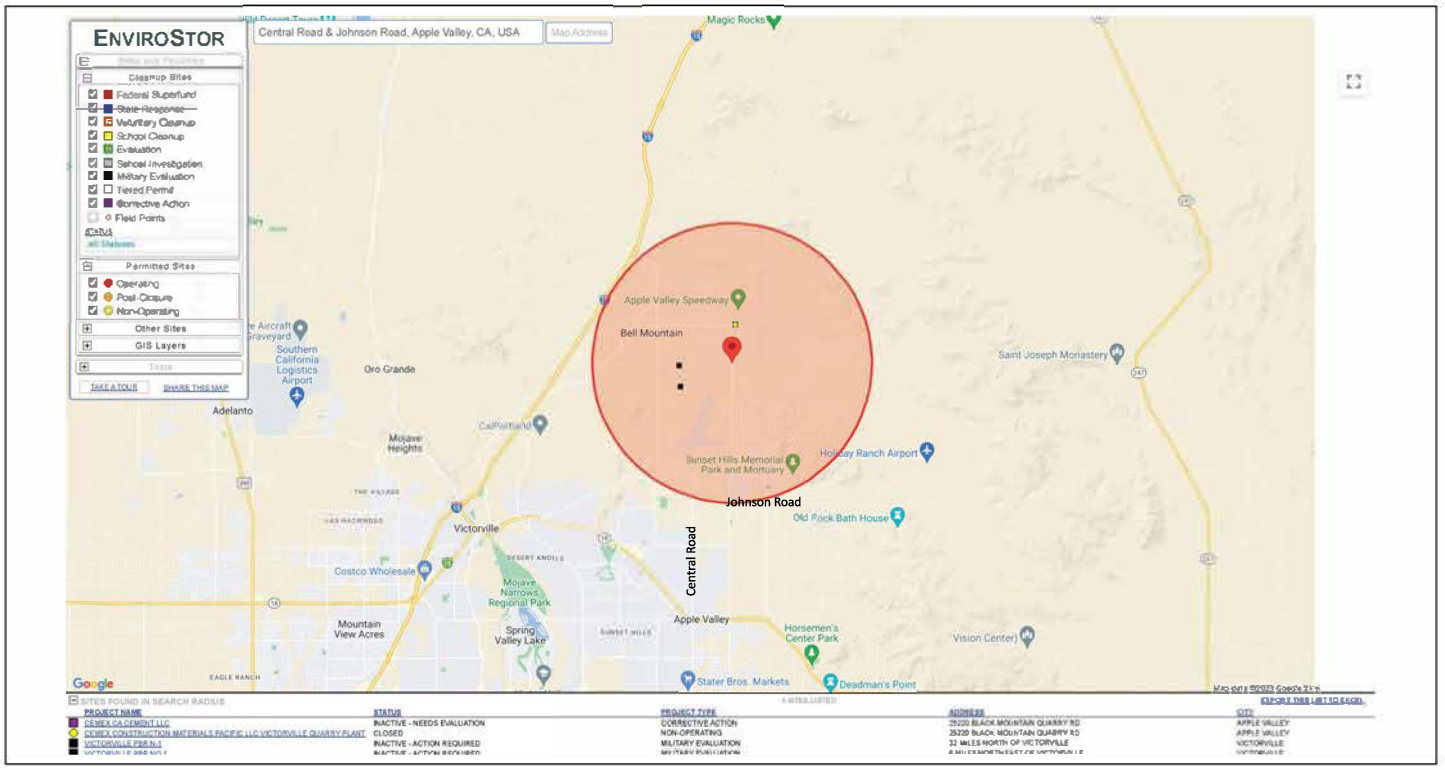


FIGURE 9.0 – EnviroStor Database Map

The following ***FIGURE 9.1 VICTORVILLE PBR LOCATION EXHIBIT*** shows the proposed Project location approximately 1.04 miles from PBR #1 and over 3 miles from PRB #N1:

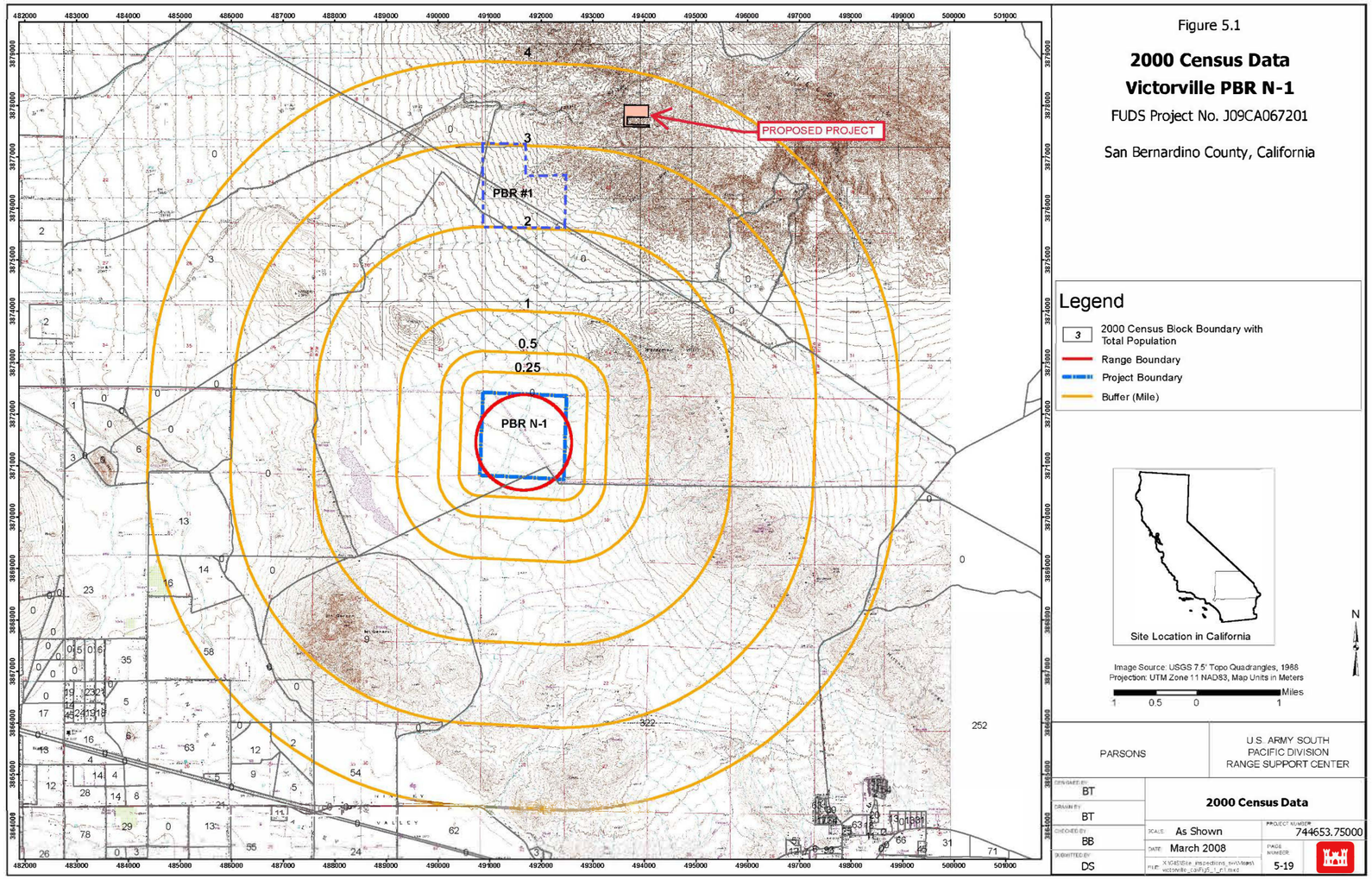
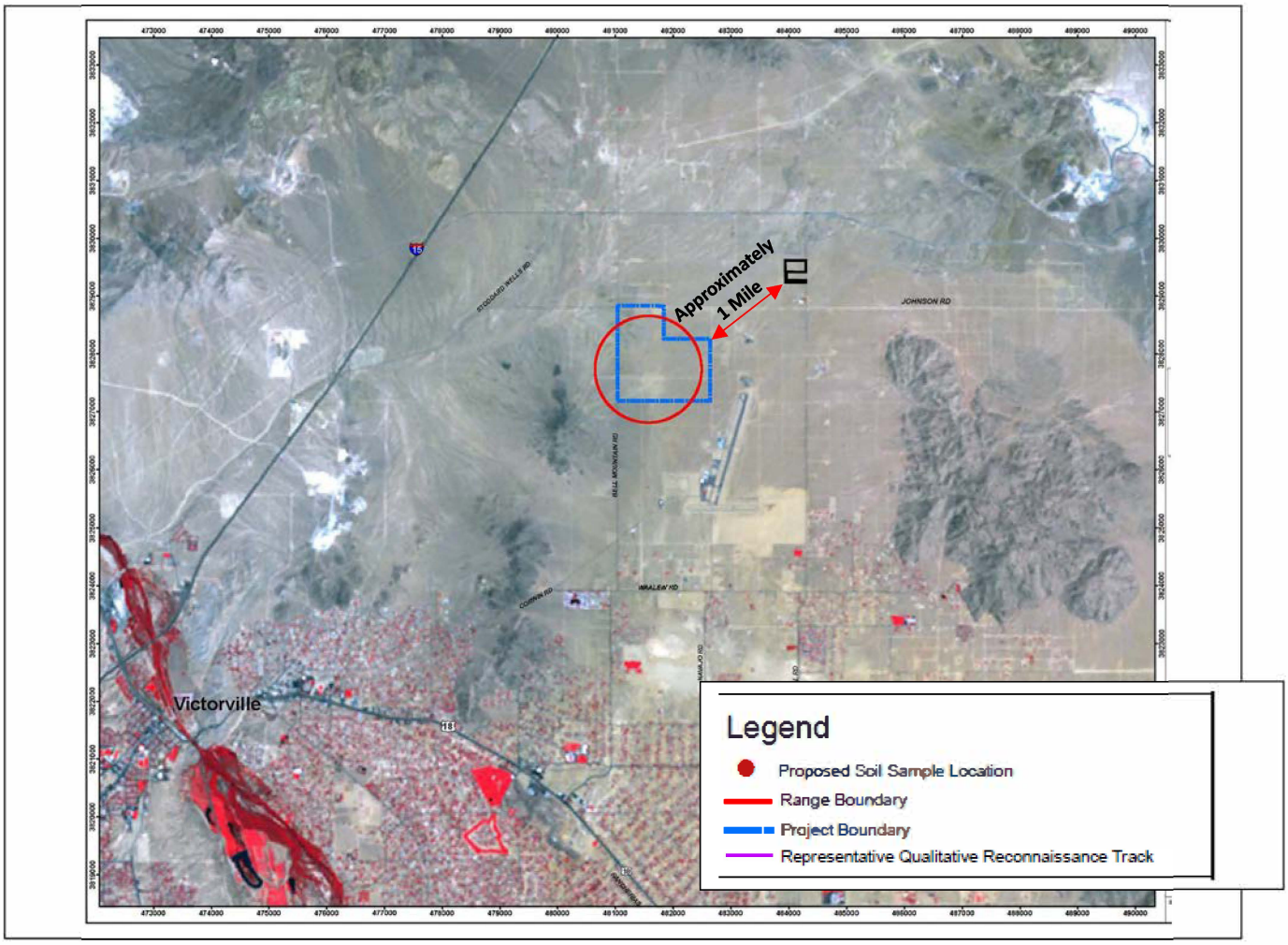


FIGURE 9.1 VICTORVILLE PBR LOCATION EXHIBIT

The United States Army Corps of Engineers engaged Parsons Infrastructure & Technology Group, Inc. to prepare a Final Site Inspection Report for this range. The Final Site Inspection Report Former Victorville Precision Bombing Range No. 1 San Bernardino County, California FUDS Project No J09CA067501 is dated March 2087 (FSIR).

According to the FSIR the PBR No.1 encompasses 649 acres that served as a practice bombing range conducted from the Victorville Army AirField in the early 1940s." FSIR Figure 2 Qualitative Reconnaissance and Sample Locations Map Victorville PBR #1 FUDS Project No. J09CA067501 depicts the Range Boundary in red and the Project Boundary in blue. The Proposed Project Site has been plotted on this Figure and the Proposed Project Site is not located within either the Range Boundary nor within the FSIR Project Boundary.

FIGURE 9.2 – FINAL SI 2 Qualitative Reconnaissance and Sample Locations Map
Victorville PBR #1 FUDS Project No. J09CA067501



The GPEIR addressed the Country's long history of military training grounds located within the County, which states the following:

> *"Approximately 560 acres within the NAVISP were previously used as a practice bombing range by the U.S. Army Air Force during World War II. This portion of the planning area, formerly referred to as Victorville Pre Bomb Range N-1, contained no building structures. The concentric rings and the transecting strips remain visible (in aerial photographs) south of the Wal-Mart Distribution Center. Potential hazards exist due to the presence of known or suspected military munitions and explosives of concern.*

That said, the subject property is not within the boundary nor within the SS-WP Project Boundary. As such the Proposed Project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment. Therefore, there is no impact from the Project Site.

Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

FINDINGS: [**No Impact**] In accordance with the GPEIR Section G. Hazards and Hazardous Materials Sub Section 2. Project Impacts Annexation 2008-002 which states the following, "*As described in the General Plan Land Use Element, Annexation 2008-002 has the potential to result in 7,676,379 square feet of industrial space at build out, which in turn could result in greater quantities of industrial hazardous waste being generated, stored, and transported. As with Annexation 2008-001, although Annexation 2008-002 is currently undeveloped land, site specific studies will be required to determine areas of soil or groundwater contamination. Project proponents for future development within Annexation 2008-002 will, as is the case with the entire planning area, be required to comply with applicable federal state, and local requirements concerning hazardous materials"* A Phase I Environmental Site Assessment was performed on the proposed Site. No mitigation measures are recommended. In addition it is relevant to note that the Walmart and BigLots shopping centers are existing within the general boundary of the two PBR sites. Therefore ,there is ***no impact***.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

STUDY: The project is located within the NAVISP (as Amended 2012) which includes a designated Airport Industrial (I-A) Land Use as depicted on the NAVISP Section II North Apple Valley Industrial Specific Plan Land Use Plan Exhibit II-2. See the following ***FIGURE 9.2 Airport Overlay Districts A-1*** The project is located outside of the Apple Valley Airport

Overlay District A-1 and A-2, and therefore is not located within a designated I-A land use area as it is in a General Industrial I-G land use (LU). area and The proposed land use of warehouse and distribution is also consistent with the NAVISP designated allowable land use.

The NAVISP *(as Amended*) Appendix A General Plan Consistency demonstrated that the Specific Plan was consistent with the applicable goals and policies of the General Plan. The specific GP Policies pertaining to the airport are GP Policy LU-4.5, LU-4.6, LU-4.7 which are restated as follows:

> *"**Policy LU-4.5:** The Town will encourage utilization of the Apple Valley Airport to enhance light industrial development and provide support for commercial development. The Town will consider establishment of a Specific Plan for this area.*
>
> ***Policy LU-4.6:** Commercial and industrial activities will be clustered in areas adjacent to major roads and in the vicinity of the Apple Valley County Airport.*
>
> ***Policy LU-4.7:** Development proposed within the Airport Influence Area will be subject to findings by the Town Planning Department to ensure compatibility with airport operations.*
>
> *The Specific Plan was created to implement this goal and these policies. The lands included in the Specific Plan Area surround the airport property, and take advantage of its location. The standards for the safety zones required around the airport will be applied to all project located in these zones."* The Project is outside of the Airport Influence area. Therefore, the Project would not result in a safety hazard for people residing or working in the project area. Therefore, there is ***no impact***.

Apple Valley Comprehensive Airport Land Use Plan

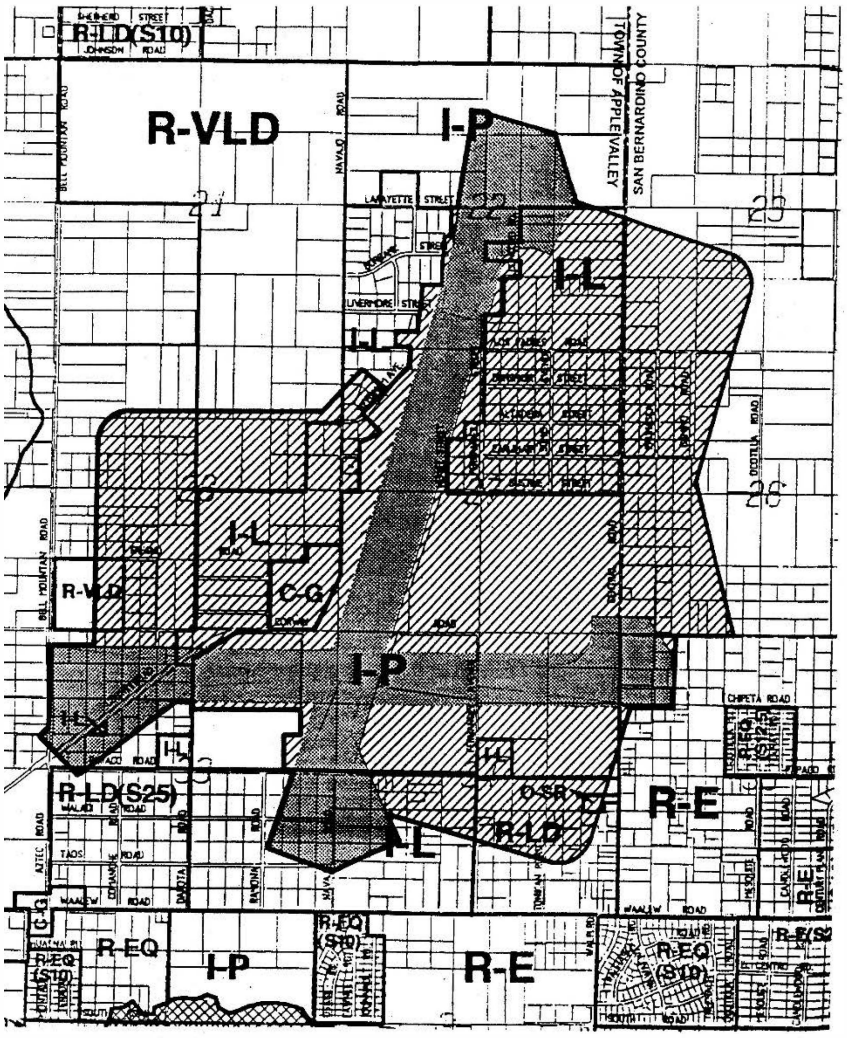


FIGURE A-1

Airport Overlay Districts

Airport (A-1) Overlay District

Airport (A-2) Overlay District

db:clupfig& clup2.doc 20

FIGURE 9.3 –Apple Valley Comprehensive Airport Land Use Compatibility Plan Figure A-1

FINDINGS: [**No Impact**] The proposed Project's land use and existing airport designated land use are both consistent with the NAVISP designated land uses and the NAVISP has demonstrated consistency with the Goals and Policies of the General Plan specific to the Airport and surrounding land uses. Therefore, the Project would not result in a safety hazard for people residing or working in the project area and thus would have ***no impact***.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

STUDY: The GPEIR analyzed Emergency Response under Section III 1. Existing Conditions. Emergency Response. This section provides the background stemming from the U.S. Environmental Protection Agency (USEPA) and the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) which was authorized by Title III of the Superfund Amendments and Reauthorization Act. The EPCRA is to help communities plan for chemical emergencies. According to the EPA summary, "*It requires industry to report on the storage, use, and releases of certain chemicals to federal, state, tribal, territorial, and/or local governments. It also requires these reports to be used to prepare for and protect their communities from potential risks.*" The State of California Office of Emergency Services administers the states Emergency Response Plan coordinating with other agencies including Cal EPA, CDFW, Regional Water Quality Control Board and locally the Apple Valley Fire Protection District and San Bernardino County Environmental Health Services.

In accordance with the California Emergencies Services Act which requires each city to *"prepare and maintain an Emergency Plan for natural, manmade, or war-caused emergencies that result in conditions of disaster or in extreme peril to life*[21]*"*, the Town of Apple Valley has the Apple Valley Emergency Operations Plan 2014 and the Apple Valley Local Hazard Mitigation Plan 2017. The Emergency Operations Plan (EOP) provides guidance for the Town's response to extraordinary emergency situations associated with natural, human-made and technological disasters. The proposed project will be improving Central and Cordova Roads and extending certain infrastructure including water and sewer. Central Road is a planned Major Road in the General Plan and was analyzed under the GPEIR. The proposed Project is consistent with the designated land use analyzed under the GPEIR. The building will be required to have fire sprinkler systems within the buildings. The project will be conditioned to comply with all applicable codes standards and adopted Plans. Therefore, the proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and would have no significant impact .

FINDINGS: [**No Impact**] The proposed Project is consistent with the adopted NAVISP which is consistent with the Goals and objectives and policies of the General Plan as

21 *Reference: General Plan and Annexations 2008-001 & 2008-002/Environmental Impact Report*

analyzed under the GPEIR. The project will be conditioned to comply with all applicable codes standards and adopted Plans. Therefore, the proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and would have ***no impact***,

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

STUDY: As described in the Geotechnical Report prepared by Landmark, "*The project site is The site consists of approximately 30 acres covered with scattered desert vegetation. A dry wash is located north of the project site. The site is bounded by Central Road, a paved two-lane road, to the east and Cordova Road, an unpaved road, to the north. The project site lies at an elevation of approximately 3150 to 3175 feet above mean sea level in the Apple Valley region of the California high desert.*"

The Town of Apple Valley Local Hazard Mitigation Plan Figure 4.3 Wildfire Hazard Severity Zone depicts the project in a Moderate Zone. The Countywide Policy Plan Policy Map HZ-5 Fire Hazard Severity Zones depicts the project as within the Moderate Zone. The Project area is not within a mapped Very High Fire Hazard Severity Zone.

The LHMP Section 4.3 Hazards Profiles lists 4. High winds as a low to medium hazard by the planning team, "*High Winds initially ranked as a low to medium hazard by the planning team. Although high winds and gusts are common to Apple Valley, the planning team did not include it on the Risk Factor Worksheet because the disruption of services and spatial extent to our community is extremely minimal. When it has occurred the impacts are isolated with only infrequent reports of personal property damage due to property not being secured properly. If disruption of services occur, services are normally restored within a few hours.*"

The project is located with the NAVISP and is consistent with the designated land industrial use with permitted uses of warehouse and distribution. All permanent structures will have internal sprinkler systems per California sprinkler system codes. Hydrants will be located per the requirements of the Apple Valley Fire Protection District. Therefore, there are no slope factors, nor prevailing or other factors, to exacerbate wildfire risks, or thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Therefore, there is ***no impact***.

The Town receives fire protection services from the Apple Valley Fire Protection District (AVFPD). The proposed Project is not located in an Apple Valley Fire Safety (FS) Overlay District nor County Hazard Overlay Map. The GPEIR Section III Existing Environmental Conditions, Project Impacts and Mitigation Measures Fire Protection states that the AVFPD and the Town are considering construction of an eighth fire station on approximately 12 acres at the northwest corner of Johnson Road and Navajo Road in north Apple Valley.

This site is located approximately The NAVISP Section IV. Infrastructure Subsection B. Public Utilities (*Amended Ord. 428 Annexation Areas)*, Paragraph 8. Fire Prevention Addressed fire protection as follows, *"The Apple Valley Fire Protection District (AVFPD) is an independent jurisdiction that has legally separate status from both San Bernardino County and from the Town of Apple Valley, and its western boundary is the Mojave River."...."As the Specific Plan Area builds out, it is likely that a new fire station may need to be built inside the Specific Plan area, or somewhere in the northern portion of the service area of the Apple Valley Fire Protection District. Fire District personnel have indicated that it is possible that a new fire station north of the airport would be built and financed through a Mello-Roos Community Facilities District. This could potentially be a special district or fire district that is separate from the existing Apple Valley Fire Protection District. A new and separate fire district could potentially narrow the group of businesses and taxpayers*

supporting this district from all of those within the existing 206 square mile area, to only those within the Specific Plan Area. The Police and Fire Protection Element of the Town of Apple Valley General Plan indicates the potential to construct an eighth fire station on approximately twelve (12) acres at the southwest corner of Johnson and Navajo Roads." ***FIGURE 9.3 NEW FIRE STATION LOCATION*** depicts the proximity of the new Fire Station to the Project at approximately 1.5 miles.

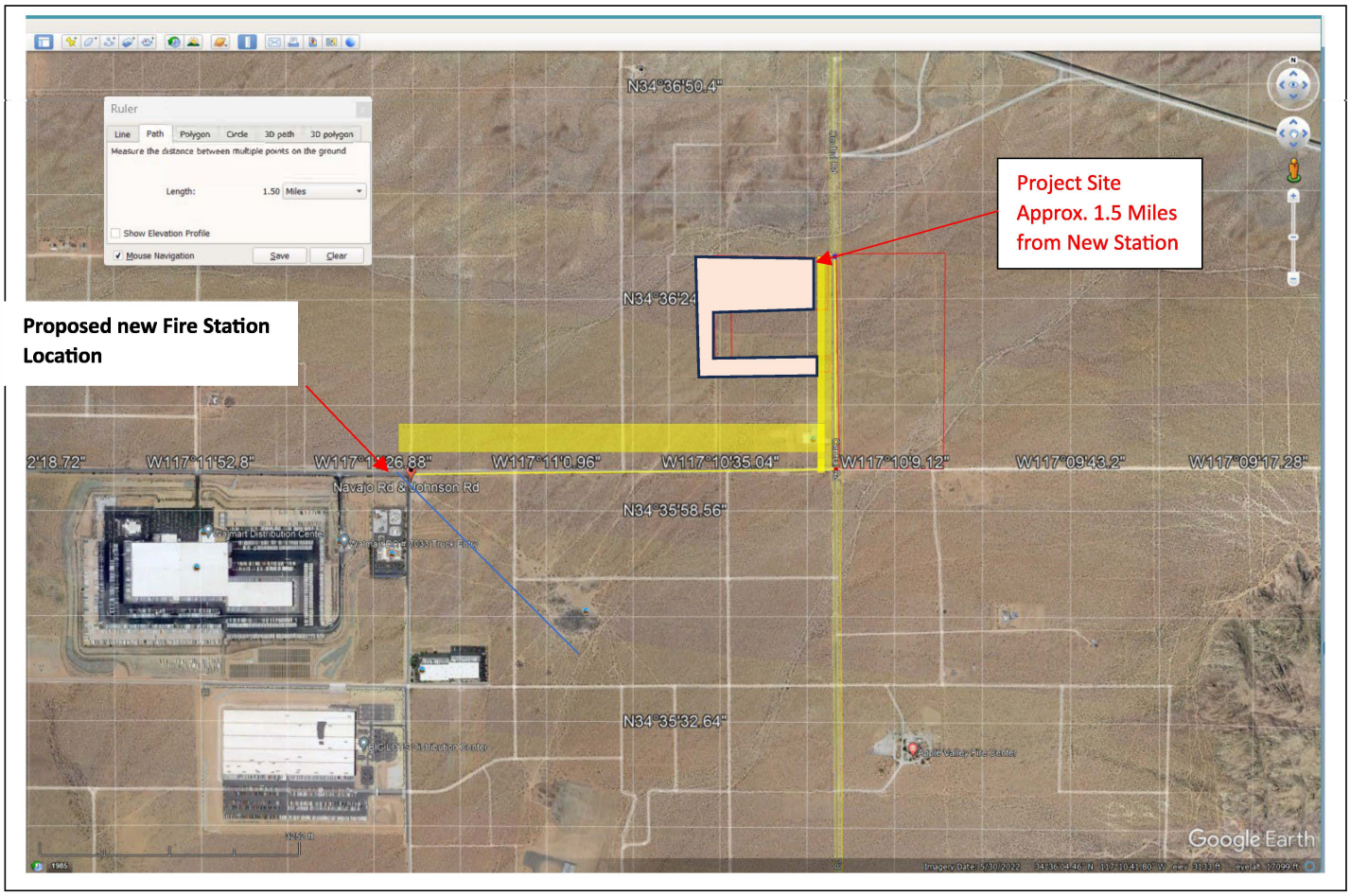


FIGURE 9.3 NEW FIRE STATION LOCATION

The Project will be extending water mains within Central and Johnson Roads to service the Project inclusive of adequate Fire Flows. GPEIR Wildfires under Section III 1. Existing Conditions. The Project is surrounded by vacant land and within the NAVISP.

FINDINGS: [**Less Than Signficant With Mitigation Incorporated**] The project is located on a site that is relatively flat. The Town of Apple Valley Local Hazard Mitigation Plan Figure 4.3 Wildfire Hazard Severity Zone depicts the project in a Moderate Zone. The Countywide Policy Plan Policy Map HZ-5 Fire Hazard Severity Zones depicts the project as within the Moderate Zone. The Project area is not within a mapped Very High Fire Hazard Severity Zone.

The LHMP Section 4.3 Hazards Profiles lists 4. High winds as a low to medium hazard by the planning team. The project is located with the NAVISP and is consistent with the designated land industrial use with permitted uses of warehouse and distribution. All permanent structures will have internal sprinkler systems per California sprinkler system

codes. Hydrants will be located per the requirements of the Apple Valley Fire Protection District. Therefore, there are no slope factors, nor prevailing or other factors, to exacerbate wildfire risks, or thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Therefore, there is no impact.

The GPEIR and NAVISP both address Fire Protection in the impact analysis and determined a new fire station would be needed with the build-out of the Specific Plan. The GPEIR set forth the following mitigation measures to reduce impacts associated with provision of fire protection services to less than significant levels: Fire MM-2, 3, 4 and Fire MMRP A. In addition, and as reflected in the WSA, the proposed Project will include a Sprinkler System, and adequate Fire Hydrants and Fire Flow. Further, pursuant to GPEIR FIRE MM-1 "*The Town shall continue to coordinate closely with the Apple Valley Fire Protection District to assure the timely expansion of facilities and services.*" Therefore, impacts would be less than significant with mitigation incorporated. Therefore, there ***is less than significant impact with mitigation incorporated.***

The following are the GPEIR Mitigation Measures that are incorporated herein.

GPEIR MITIGATION MEASURES
(GPEIR, §III-Existing Conditions, Impacts and mitigation Measures pp. III-121 through III-122, p III-229.)

The following mitigation measures will reduce the number and severity of hazardous materials incidents within the Town of Apple Valley and its Sphere of Influence, and help to ensure the protection of future residents, visitors and lands from exposure to such materials. Impacts will be less than significant.

Fire MM-2, 3, 4 and Fire MMRP A noted herein are incorporated as mitigation for Hazards.

GPEIR HAZ-5. Future development within the General Plan area shall be required to comply with all applicable federal, state, and regional permitting requirements for hazardous and toxic materials generation and handling, including but not limited to the following:

a. If it is determined that hazardous wastes are, or will be, generated by any proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If so, the proposed

facility shall obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942.

b. If hazardous wastes are (a) stored in tanks or containers for more than ninety days, (b) treated onsite, or (c) disposed of onsite, then a permit from the Department of Toxic Substances Control (DTSC) may be required. If so, the proposed facility shall contact DTSC at (818) 551-2171 to initiate pre-application discussions and determine the permitting process applicable to the facility.

GPEIR HAZ-6. Developers shall submit for approval a detailed description of any hazardous materials use, as well as detailed plans for location of any hazardous materials storage and management facilities to the Apple Valley Fire Protection District.

GPEIR HAZ-7. The Town shall thoroughly evaluate development proposals for lands directly adjacent to sites known to be contaminated with hazardous or toxic materials or sites that use or contain potentially hazardous or toxic materials.

GPEIR HAZ-8. During project construction and implementation, the handling, storage, transport, and disposal of all chemicals, including herbicides and pesticides, runoff, hazardous materials and waste used on, or at, the project site, shall be in accordance with a project's BMP/Integrated Pest Management Plan, other relevant regulatory plans, and applicable County, state, and federal regulations.

GPEIR HAZ-9. The Town shall require all businesses that use, store, or produce hazardous material to comply with the County's Business Plan in addition to all Town regulations.

GPEIR HAZ-10.The Town shall annually update the SEMS Multi-hazard Functional Plan to ensure that emergency shelters and emergency evacuation routes are responsive to changing community needs.

GPEIR HAZ-11.The Town shall maintain documentation of known hazards to public health and safety and shall make this information available to government officials and organizations, emergency response personnel, and the general public.

GPEIR MM FIRE-3. Industrial facilities that involve the storage of hazardous, flammable or explosive materials shall be sited so as to ensure the highest level of safety in strict conformance with Uniform Fire Code and other applicable codes and regulations.

GPEIR Mitigation Monitoring and Reporting Program
(GPEIR, §III-Existing Conditions, Impacts and mitigation Measures pp. III-122.)

GPEIR MMRP HAZ-A. Development plans and permits for uses, which may include or involve the production, storage, dispensing, or disposal of hazardous or toxic materials shall be concurrently submitted, reviewed, and properly conditioned or regulated.

Responsible Parties: Apple Valley Fire Protection District, Planning Division,

X. Hydrology/Water Quality

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
i) result in a substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
iv) impede or redirect flood flows?	☐	☐	☒	☐

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

References: Town of Apple Valley General Plan Environmental Impact Report titled, "***ENVIRONMENTAL IMPACT REPORT (SCH# 2008091077) APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", certified August 11, 2009; ***OFFSITE WATERSHED HYDROLOGY STUDY*** prepared by RED BRICK Consulting dated August 30, 2023***; WATER, SEWER AND SOLID WASTE SUPPLY ASSESSMENT*** prepared by RED BRICK Consulting dated March 19, 2024

STUDY/FINDINGS

Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

STUDY: The GPEIR Section III – Existing Conditions, Impacts and Mitigation Measures analyzed the Thresholds of significance/Criteria for Determining Significance in accordance with CEQA Guidelines Appendix G. which included Water Quality Regulations and how the water quality control efforts are regulated by a variety of federal, state laws and regulations. The San Bernardino Flood Control District ("Flood Control District") implements broad management functions, including flood control planning, construction of drainage improvements for regional flood control facilities, and watershed and watercourse protection related to those facilities. The Town of Apple Valley though has the direct responsibility for management of local drainage as set forth in the GPEIR restated below:

> *"Although the County Flood Control District holds the primary responsibility for managing regional drainage in the planning area, the Town retains direct responsibility for local drainage management. Areas rich in vegetation and cover or constrained by topography, such as alluvial plains and drainage channels, provide a valuable means of reducing runoff, preserving the capacity of downstream facilities, as well as managing local drainage and open space. The integration of planned on-site stormwater detention facilities significantly reduces the needed size of downstream facilities, creates opportunities for groundwater recharge, and provides for enhanced open space and/or recreation areas. Although the County Flood Control District holds the primary responsibility for managing regional drainage in the planning area, the Town retains direct responsibility for local drainage management. Areas rich in vegetation and cover or constrained by topography, such as alluvial plains and drainage channels, provide a valuable*

means of reducing runoff, preserving the capacity of downstream facilities, as well as managing local drainage and open space. The integration of planned on-site stormwater detention facilities significantly reduces the needed size of downstream facilities, creates opportunities for groundwater recharge, and provides for enhanced open space and/or recreation areas".

The GPEIR states that the drainage within the Town of Apple Valley is defined by the Apple Valley Master Plan of Drainage and the Apple Valley West/Desert Knolls Master Plan of Drainage which divides the Town into subareas based on localized hydrologic features, including topography, soils, and drainage facilities. The subareas include the North Community, the South Community, and the East Community. In addition to the County and Town design criteria under which the Project is designed, the Project is also subject to Federal and State regulatory requirements: the National Pollutant Discharge Elimination System (NPDES), the Clean Water Act (CWA), and regulated by the State Regional Water Quality Control Board. The GPEIR recommended that,

"Hydrologic studies should be conducted as new developments are considered within the Town to measure the impact that increased development may have on existing development slope, and should assess the effects of increased runoff and alterations to natural stream courses. In keeping with CEQA guidelines, *the project proponent of each development must demonstrate that any potential design deficiencies identified in the project-specific hydrologic study can be rectified, and significant impacts mitigated to acceptable levels prior to project construction. Mitigation measures may include the provision of flood control devices such as catch basins, storm drain pipelines, culverts, detention basins, desilting basins, velocity reducers, as well as debris basins for protection from mud and debris flows."*

In accordance with the GPEIR, a Hydrology Study (HS) for the proposed Project was prepared by Red Brick Consulting Engineers and Architects LLC dated August 30, 2023. The offsite storm flows from the north side of the project along Cordova bypass the project site. The storm flows from the northeast that drain onto the southeast corner of the site is within the jurisdictional area that will remain undisturbed area. The significant impact from development would be from onsite untreated post development stormflows. Onsite storm flows over paved area is captured via an onsite drainage improvements that drain into an onsite clarifier where the storm flows go through clarifying infiltration wells recharging the groundwater. The HS analyzed the Pre and Post Development Hydrology, post-developed Hydraulics and determined infiltration requirements in accordance with the Town of Apple Valley based on the 100-year 24-hour storm event. The Project will convey excess flows through and around the Project and released within their associated natural, historic watershed conveyances to the Apple Valley Dry Lake. The Project is required to mitigate the Post-developed increase in storm water runoff to below the pre-developed storm water volume (ΔV) in order to ensure no increase in storm water volume is received into the Apple Valley Dry Lake. The differential of the Post-developed volume less the Pre-developed Volume being the "delta" volume (△V). The HS determined that

the △V required to be retained and infiltrated onsite is 1.59 acre feet. In accordance with the County and Town's Water Quality Management Plan (WQMP) requirements the HS determined the "Design Capture Volume"(Dcv). The HS concluded that to meet the infiltration requirements the Project has been designed to include above ground retention basins totaling 1.59 Acre Feet of retention.

In addition to the mandatory compliance with the NPDES Storm Water Pollution Prevention Plan (SWPPP) and WQMP the Project includes Contech CDS System Clarifiers to protect off-site flows from on-site contaminated flows. These will treat the 1st flush flows prior to exiting the Project Site. The Project Infiltration System also includes a Maxwell Plus infiltration system consisting of Maxwell-infiltration chambers to treat the 1.59 ac/ft of storm water within 48 hours. This 1.59 ac/ft has a factor of safety of 1.24 times greater that the 1.28 acre foot △V requirement and will govern the requirement for retention.

The HS concluded that with the implementation of the constructed storm water collection and clarification systems the project will actually have less than a significant impact than the natural undeveloped site prior to development. The developed site will improve the hydrology and water quality because it will reduce the storm flows to below pre-developed levels, treat contaminants and remove debris prior to releasing the retained flows into the aquifer, releasing excess flows to the downstream dry lake bed naturally to the north and will not increase up or down stream flood elevations.

FINDINGS: [**Less Than Significant Impact**] The Project has been designed in accordance with the applicable County and Town of Apple Valley requirements and provides treatment of stormwater that exceeds the requirement by 1.24 times the volume. Therefore, the Project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Based on the GPEIR and the current Hydrology Study prepared for the proposed Project, once the drainage collection and clarification systems are constructed as designed the natural storm flows will be collected and treated onsite thus improving the natural hydrology and water quality. Therefore, there is a ***less than significant impact*** due to development of the site.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

STUDY: The GPEIR analyzed the impacts to groundwater supplies relative to the future water demand for the entire General Plan Area including the Annexation Areas which is shown in the following ***TABLE 10.0 – GPEIR TABLE III-34 Estimated Future Water Service Demands at General Plan Build Out*** which is restated from the GPEIR:

Estimated water demands for proposed General Plan build out land uses are shown in Table III-34, below.

Table III-34
Estimated Future Water Service Demands at General Plan Build Out

Land Use	Units No. of Persons	Demand Factor [1, 2, 3, 4] Gallons Per Capita Per Day (GPCPD)	Demand Ac-ft/Yr
Residential	194,931	208.00	45,396.2
	AC	**Ac-Ft/Ac/Year**	**Ac-ft/Yr**
Commercial (Incl. SP-Industrial Area)	11,914	1.98	25,590.3
Industrial	2,258	1.61	3,636.0
Other Uses	8,117	2.88	23,377.3
		Non-Residential Subtotal	**50,603.6**
		TOTAL GP BUILDOUT	**95,999.8**

[1] Residential factor from AVRWC based on historical consumption for residential uses.
[2] Commercial factors based on CVWD (2004) factor for Retail Shopping Areas, assuming 35% return flow. Commercial acreage includes Mixed Use and SP/Commercial.
[3] Industrial factor based on CVWD (2004) factor for Commercial and Industrial parks, based on 35% return flow. Industrial acreage does not include SP/Industrial since that is counted under SP/Commercial, above.
[4] Other uses factor based on CVWD (2004) average of factors for Golf course developments, public schools, self-storage facilities assuming 5% return flow.
Source: Terra Nova staff estimates based on historical consumption factors for residential uses from AVRWC UWMP 2005; industrial, commercial and other uses factors from Water System Backup Facilities Charge Study, prepared by Engineering Dept, Coachella Valley Water District, Sept 2004.

The estimates for future water service demand shown in Table III-34 account for build out of the entire General Plan area, including the proposed annexation lands. Residential development associated with implementation of the proposed General Plan and the annexations is estimated to result in water demand of 45,396.2 acre-feet per year at build out. Commercial, industrial and other land uses are expected to result in water demand of 50,603.6 acre-feet per year at build out. All land uses within the Town limits and annexation areas are expected to result in total water demand of 95,999.8 acre-feet per year at build out.

TABLE 10.0 – GPEIR TABLE III-34 Estimated Future Water Service Demands at General Plan Buildout

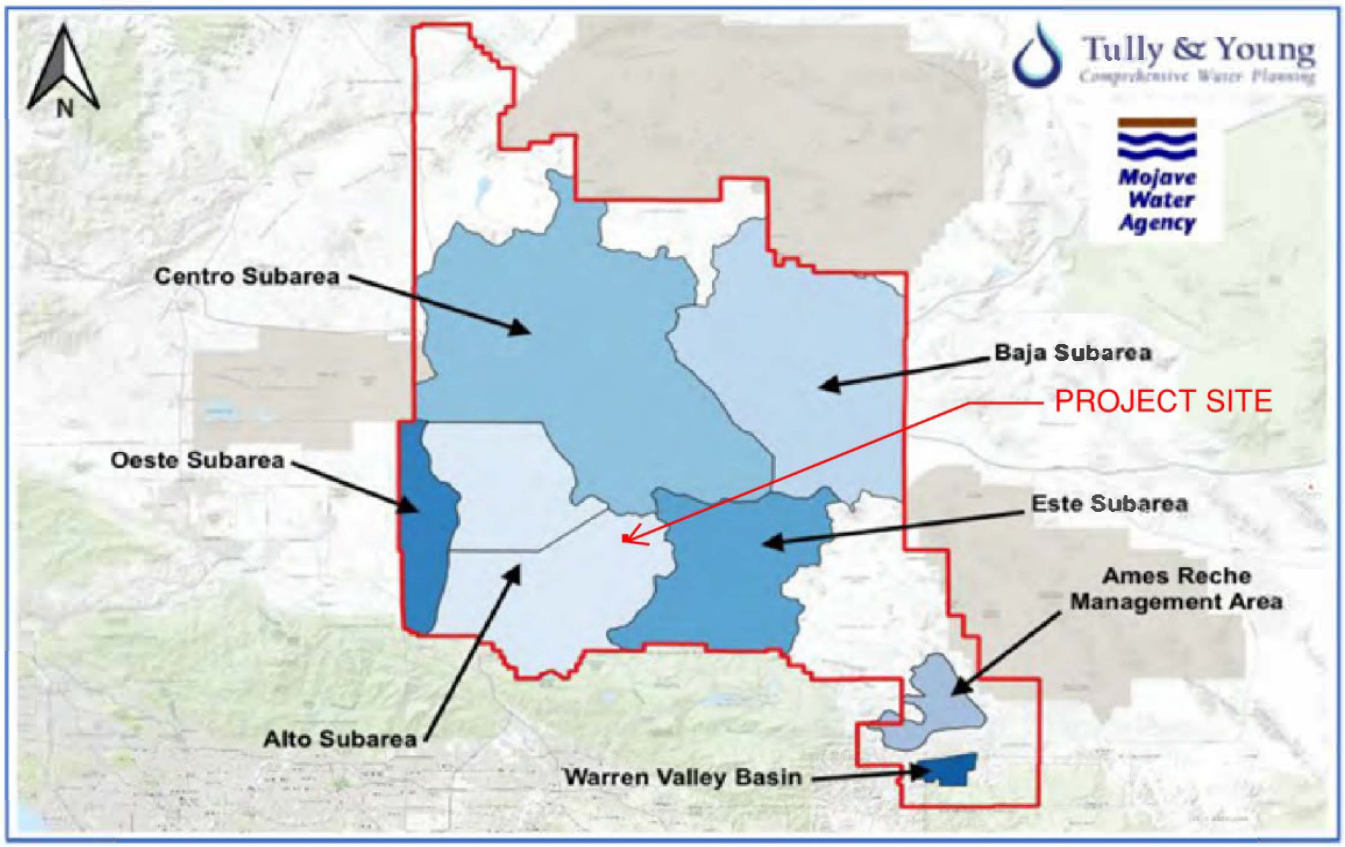
The GPEIR estimated future water service demand accounts for the buildout of the entire General Plan Area including the proposed Annexation lands. The total demand for Industrial is 25,590.33Ac-ft/Yr and the GPEIR demand for the North Apple Valley Industrial Specific Plan Area is 1.98 Af/ac/yr. The land use where the Project is located Area is designated as General-Industrial (I-G).

In compliance with the August 11, 2009 Town of Apple Valley Environmental Impact Report (SCH#2008091077) Apple Valley General Plan and Annexations 2008-001 & 2008-002 (GPEIR) Section III.I.3.6 Existing Environment Conditions, Project Impacts and Mitigation Measures, Water Resources/Quality, Mitigation Measures: 6. Which states, "*The Town shall require that future development in the General Plan area has an adopted Water Supply Assessment in compliance with AB [sic SB] 610 and 221 prior to approval of development plans.*" Red Brick Consulting Engineers and Architects has prepared this Water and Sewer Supply Assessment. Red Brick Consulting's Water Supply Assessment has been prepared in accordance with the "***State Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001***"(Guidebook). The Water Supply Assessment is included herewith as APPENDIX 10. According to the WSA. "Per SB 610 in 2005 Apple Valley Ranchos Water Company (AVRWC) prepared an Urban Water Management Plan (UWMP) that states "*there is sufficient water supply for its service area through year 2025. In January 2016 Liberty Utilities acquired AVRWC and prepared the 2020 UWMP up to 2045. Liberty Utilities incorporated the Town of Apple Valleys 2009 General Plan in their UWMP. In section 4.2.3 of the Liberty Utilities UWMP it states that Liberty Utilities is able to provide sufficient water supplies to meet the projected water demands of its customers including the five consecutive year drought (CY2011 to CY2015). In Section ES-2 MWA Water reliability section, "MWA has extended the planning horizon considered in this (their) 2020 UWMP from the statutory required 20-year timeline to a much longer 45-year period through 2065.*

As described in the Mojave Water Agency's (MWA) 2020 Urban Water Management Plan (UWMP), "the MWA service area encompasses approximately 4,900 square miles of eastern San Bernardino County. Its service area is divided into seven Subareas, each one affiliated with a groundwater management area. MWA) is a State Water Project (SWP) contractor, Watermaster for the Mojave Basin Area Adjudication, administrator for the Warren Valley Basin Judgment, and wholesale supplier to numerous retail water suppliers, some of which are preparing their own UWMPs. There are numerous smaller retail suppliers in the MWA service area which do not meet the Urban Water Management Planning Act's minimum threshold statutory criteria as well as numerous individual water users that serve smaller private parcels. MWA's goals include sound fiscal and organizational policies, effectively managing water resources in conjunction with the SWP, maintaining water quality, and promoting efficient use of the regions resources through regional conservation programs and public awareness."

The following is MWA UWMP's Figure ES-1: MWA Water Service Boundary with Adjudicated and Managed Groundwater Areas.

Figure ES-1: MWA Water Service Boundary with Adjudicated and Managed Groundwater Areas



The Red Brick WSA Section I. Introduction C. Methodology provides the following background information relative to the long adjudication history and groundwater supply with regard to the Mojave Water Agency:

"The MWA UWMP Chapter 2 – Water Service and System Description states that "the water supply for MWA's service area is sourced almost entirely from pumped groundwater from the various basins, subbasins, and aquifers in the area. Groundwater is recharged by natural storm water flows, infiltration of the Mojave river and tributaries…"

The MWA service area has a long adjudication history that was initiated in the 1960's. After full adjudication of the Mojave Basin Area in 2002. With complaints filed against upstream water users by the City of Barstow and Southern California Water Company a Stipulated Judgement in January 1996 that formed a class of producers which used 10 acre-feet or less

per year that were dismissed from litigation and offered an equitable solution for the remaining water producers that use over 10 acre-feet per year. The Riverside Superior Court appointed MWA as Watermaster for the area as part of the Judgment. Appeals by non-stipulated parties continued over the next several years with the California Supreme Court finally ruling on the case in August 2000. Most of the appealing parties have stipulated to the Judgment since the 1996 ruling.

"This judgment helps maintain proper water balances between the Mojave Basin Area's five distinct, but interrelated, subareas (Este, Oeste, Alto, Centro, Baja). The Alto Transition Zone was also defined as a sub-management unit to better understand the water flow from Alto to Centro. Some subareas were found to historically receive natural water flow from upstream subareas; to maintain that relationship, annual obligations are set according to average annual natural flow baselines defined in the Judgment at Base Annual Production (BAP). The Judgment established a Free Production Allowance (FPA) allocation to Producers based on each Producer's percentage share of the BAP which is set each year by the Watermaster. FPA is reduced over time until it comes within 5% of the Production Safe Yield (PSY) defined by the Judgment. All water produced in excess of any Producer's share of the FPA must be replaced by the Producer, either by payment to the Watermaster of funds sufficient to purchase Replacement Water, or by transfer of unused FPA from another Producer."

The MWA has many large, medium, and small urban retail water purveyor that provide water service to residents and businesses within the service area from local groundwater supplies. In addition to these urban retail suppliers, water users in the MWA Service Area also include irrigated agriculture, small public water systems, rural domestic residential users and a handful of industrial users. Among the local retail water purveyors is Liberty Utilities - Apple Valley.

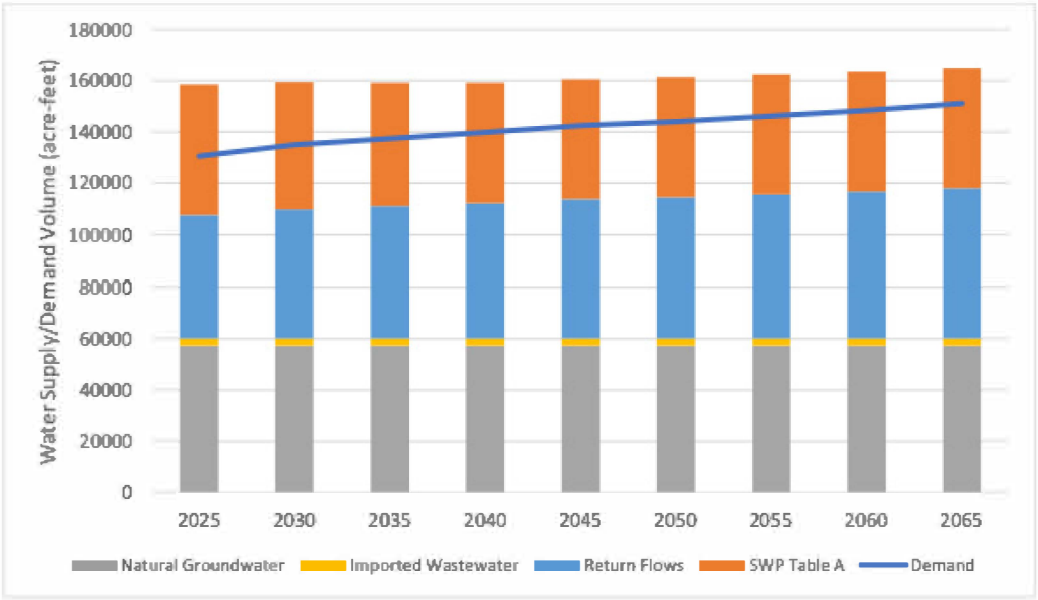
In Section ES-2 MWA Water reliability section, "MWA has extended the planning horizon considered in this (their) 2020 UWMP from the statutory required 20-year timeline to a much longer 45-year period through 2065.

The purpose of this Water and Sewer Supply Assessment is to assess the proposed Project's anticipated water and sewer industrial land use demands during construction and operations, perform a comparative analysis of the Project's Water and Sewer Demand with the Water and Sewer Demand Analyzes and Planned for in the GPEIR and the MWAs' UWMP, Liberty Utilities' UWMP and the Town of Apple Valley Sewer System Master Plan. The comparison then determines if the Project would:

1. *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities the construction or relocation of which could cause significant environmental effects?*
2. *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*
3. *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*
4. *Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*
5. *Comply with federal, state and local management and reduction statutes and regulations related to solid waste?"*

The WSA concluded that, "Based on updates to the Urban Water Management Plan the Mojave Water Agency has evaluated and forecasted its water surface sustainability, which is determined by comparing existing and forecast demands with existing and forecast water supply availability. Water surfaces stainability is confirmed when the available supplies exceed the demand. Figure 3 demonstrates the projection of MWA's water service availability through 2065. Although demand is forecast to increase and water available supply is expected to decrease, sufficient supplies are forecast to meet demands, exhibiting forecasted water service sustainability." The following is MWA UWMP Figure Mojave Water Agency Water Supply Reliability through 2065:

Figure 3. Mojave Water Agency Water Supply Reliability through 2065



As explained in Section 1.2.3, the Red Brick Consulting Water, Sewer and Solid Waste Supply Assessment (WSA) for the Proposed Project uses the same methodology as the GPEIR by determining the Project's Pro-Rata GPEIR Percentage of the total GPEIR Industrial Land Use Category Area. Detailed demand analyses for the Project Pro-Rata share of adopted Industrial land use for the subject sites considered in the GPEIR are presented in the WSA. The WSA is included herewith as APPENDIX 10 Water and Sewer Supply Assessment.

The total GPEIR PROJECT PRO-RATA DEMAND ALLOCATION for the proposed project was calculated in the Water, Sewer and Solid Waste Supply Assessment (WSA) prepared by Red Brick Consulting dated Sept 2023 as follows:

GPEIR PROJECT PRO-RATA ALLOCATION	
Net Project Acreage =	27.39 AC
NAVISP Demand Factor =	1.98 AF/AC/Y
TOTAL PROJECT PRO-RATA ALLOCATION =	**54.23 AF/YR**

The WSA calculated the "Total Estimated Water Consumption By The Project". The total Project Industrial Demand is the sum of the total for the three components of Domestic + Fire Flow + Landscape water demands. The following is the resultant summary of the Total Project Water Demand from the WSA:

TOTAL PROJECT WATER DEMAND:

As stated previously, the Total Project Demand is the sum of Domestic + Fire Flow + Landscape Demands.

TOTAL WD	FF@8,000GPM	FF@4,000GPM
Total Domestic Demand =	12.32 AFY	12.32 AFY
Total Fire Flow Demand =	5.89 AFY	2.95 AFY
Total Landscape Demand =	7.10 AFY	7.10 AFY
TOTAL PROJECT WATER DEMAND	**25.31 AFY**	**22.37 AFY**

Based on the Project Water Demand Calculations the total Project Water Demand at a worst-case scenario with a fire flow at 8,000GPM is estimated at 25.31 AFY. The Project Water Demand at a fire flow at 4,000GPM (allowable reduction for fully sprinklered building) is estimated at 22.37 AFY. The WSA then performed a comparative consistency analysis between the GPEIR PROJECT PRO-RATA ALLOCATION and the TOTAL PROJECT WATER DEMAND. The following is the comparison:

GPEIR PROJECT PRO-RATA ALLOCATION CONSISTENCY		
GPEIR PROJECT WATER DEMAND PRO-RATA ALLOCATION	54.23 AFY	54.23 AFY
TOTAL PROJECT WATER DEMAND	-25.31 AFY	-22.37 AFY
NET GPEIR PROJECT PRO-RATA ALLOCATION HAS A SURPLUS	**28.92AFY**	**31.86AFY**
PROJECT PERCENTAGE OF PRO-RATA ALLOCATION	**46.7%**	**41.25%**

Based on the GPEIR Industrial Demand Factor of 1.98 afy (Acre Feet/yr) the site having 27.39 net acres x 1.98afy = 54.23afy allocation of the Total Estimated Industrial Demand at Buildout projected in the GPEIR. The WSA conservatively estimated the Project water demand using the State mandated factor of 55gpd/capita for Residential for a maximum of 55gpd/employee. Based on a conservative consumption rate for 200 employees (two shifts) the total daily demand would be 11,000 gal/day or 4,015,000 gpy/7.481/43560 = 12.32 afy.

The WSA calculated the Total Fire Flow System Demand including Fire Hydrants and Building Fire Sprinklers. The WSA concluded that Landscape water demands, taking into account evapotranspiration, the estimated water demand for landscaping would be 7.10afy.

Water Demand Net Effect

The WSA reported that water is supplied by Liberty Utilities. The WSA concluded that the proposed Project will result in the construction of expanded water distribution in accordance with the General Plan as analyzed in the GPEIR. Based on the WSA results that the proposed Project will use at a worst-case scenario only 46.70% of the GPEIR Project Pro-Rata Allocation of 54.23 AFY leaving a surplus of water demand.

The WSA concluded that the project will not result in significant relocation or construction of new or expanded water, wastewater treatment or storm water drainage facilities. Sufficient water supplies are available to serve the project now and in the future during normal, dry and multiple dry years through 2065. ***Therefore, there is no impact***.

FINDINGS: [**No Impact**] The estimates for future water service demand shown in Table III-34 account for build out of the entire General Plan area, including the proposed annexation lands.

The project will result in the construction of expanded water distribution in accordance with the General Plan as analyzed in the GPEIR. Based on the fact that the proposed Project will use at a worst-case scenario only 46.70% of the GPEIR Project Pro-Rata Allocation of 54.23 AFY, there is no significant effect on the GPEIR Water Demand for the NAVISP area and therefore no mitigation measures are warranted.

Sufficient water supplies are available to serve the General Plan Area inclusive of the Specific Plan areas as analyzed by the MWA through 2065, inclusive of the project, now and in the future during normal, dry and multiple dry years; Therefore, there is no significant impact.

Therefore, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin and ***would have no impact***.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?

i) result in a substantial erosion or siltation on- or off-site;
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
iv) impede or redirect flood flows?

STUDY: i) **through iv)** A Hydrology Study, dated August 30, 2023 was prepared for the Project Site by Red Brick Consulting Engineers & Architects LLC, and included herewith as APPENDIX 7 and available for review at the Town of Apple Valley and summarized herein.

Hydrology

There are two separate tributary watersheds consisting of on and off-site flows as they cross the project. The first encompasses the northern 50.5 acres of the project and an additional 331.15 acres of off-site storm flows for a total of 381.65 acres and is identified as DA1. The second watershed designated as DA2 passes through 24.73 acres of the southeast corner of the project and has an additional 2,787.6 acres of off-site flows. The two separate watersheds are depicted in ***FIGURE 10.0 – TRIBUTARY WATERSHEDS*** below:

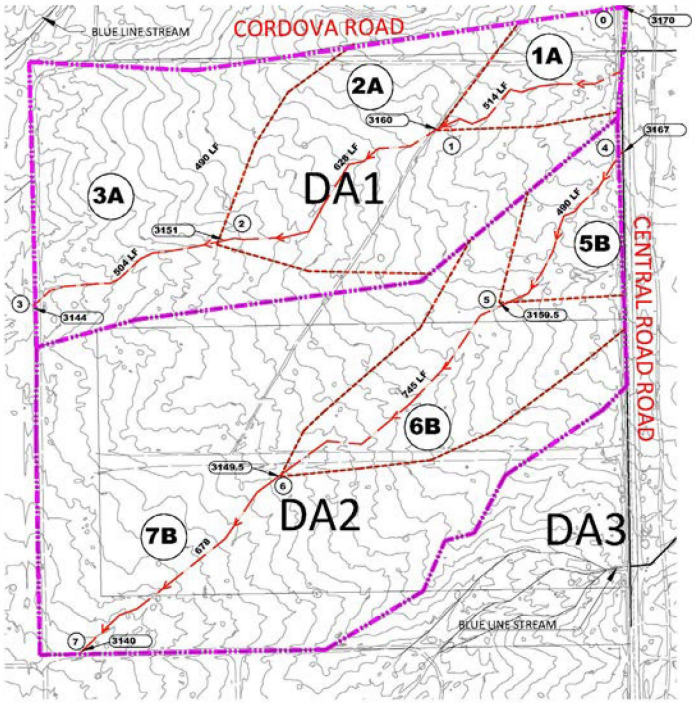


FIGURE 10.0 – TRIBUTARY WATERSHEDS

Pre-developed Drainage Description – DA1, DA-2 & DA-3

The predeveloped project watershed consists of two areas, the 29.79 acres of the project site and the remaining off-site 20.2 acres (separated into 8 parcels) that is surrounded by the project site on three sides, with Central Road on the east. The total of 49.99 acres will be used to determine the predeveloped volume of the area. Due to the unusual configuration of the project, area averaging will be used to determine the volume specific to our site.

The area generally slopes from the northeast to the southwest at an average of 1.36% from corner to corner, is undeveloped, barren land with poor cover of annual grasses and blue sage. The soil consists of 55% group A and 45% group C soil. The CN values are taken from the San Bernardino Hydrology Manual, Sec C, natural cover classification as Open Brush, poor quality of cover, with corresponding CN values of 62 and 84 respectively. (See Exhibit C). A Blue Line stream indicated on the USGS map lies north of the site and travels southwest around the west side of the site and crosses Cordova Road 140 feet to the west of the site.
Another USGS Blue Line stream coming from the northeast crosses Central Road on to the "not a part" 20.2 acre properties surround by the site and continues traveling southwest where it crosses the on-site tip of southeasterly narrow strip of the parcel. The area where this Blue Stream crosses the tip of the narrow strip of the project will remain undeveloped and is labeled DA3. (See Exhibit E). DA3 covers an on and off-site tributary area of 5.64 acres with 1.87 of those acres being on-site. The 5.64 acres was subtracted from the total acres (49.99 – 5.64 = 44.35) and 1.87 acres was deducted from the site. (29.79-1.87= 27.92).

Pre-Developed Hydrology

The remaining area was divided into 2 Drainage Areas (DAs). DA1 and DA2 as shown below in TABLE 10.1:

TABLE 10.1 – RB HYD TABLE 1

TABLE 1		
Drainage Area #	**Volume AMCIII AF**	**Volume AMCII AF**
DA 1 =	5.01	4.98
DA-2 =	6.98	3.59
DA-3	NA	NA
Total of	**11.99**	**8.57**
		29%

RBC used area averaging to determine the volume that should be assigned to the project site yields: (27.92/44.35 = 63%) 63% of 8.57 acre feet = 5.40 acre feet. The remaining 37%

(3.17 af) were assigned to off-site flows that will need to pass through the site and continue on to the Dry Lakebed.

Post Developed Drainage Description

The developed site was divided into 3 drainage areas. Total area covered by the 3 DA s equals 26.22 acres. DA1 covers the north parking along Cordova Road, the associated landscaping, and the north half of the roof. DA2 includes the parking area immediately west of the building, the south half of the roof, landscaping along Central Road, and the truck wells on the south side. DA3 covers the remaining dog leg shaped truck parking on the west and south property lines. The parking lots and drive isles generally slope at 0.5% to the west and or south.

Post-Developed Hydrology

A new Unit Hydrograph was run with this new distribution of CN Values resulting in a Post Development total volume of 6.9858 acre feet. From our analysis, it was determined that predeveloped volume is 5.40 acre feet and the post developed volume of 6.99 yields a ΔV of (6.99 – 5.40 = 1.59) 1.59 acre feet to be retained and infiltrated on site. Retention volumes should include a factor of safety and retain more than this ΔV which is required in the WQMP Dcv. In order to comply with the County's requirements to prepare a Water Quality Management Plan (WQMP) within the Dry Lakebed watershed, the Town of Apple Valley has developed a preliminary WQMP form and checklist to obtain the required "Design Capture Volume". The PWQMP is presented in Appendix C that has determined that the Dcv requirement is 1.28 – acre feet which is less than the 1.59 acre foot requirement above. The 1.59 is a factor Safety of 1.24.

FINDINGS: [**Less Than Significant Impact**] Based on the existing topography of the tributary areas and inclusion of retention basins, infiltration systems and compliance with all required local, state and federal requirements, and that the flows exiting the site will be returned to their natural and historical flows as determined via the Hydrology Study performed for the proposed Project, and as discussed above in Section X.a., the Project will retain the Design Capture Volume at 1.24 times greater that the required amount of retention. As stated herein in Section VII. Geotechnical, "The proposed project will develop the entire site inclusive of parking lots, landscaping and onsite infiltration and clarification systems to capture tributary onsite flows. Offsite tributary flows do not enter the site. The onsite flows have been designed to direct and capture storm flows and treat and infiltrate the storm. The natural topsoils will be graded and the site improved with paving, landscaping and onsite drainage improvements that will eliminate loss of topsoil that occurs naturally. The project will be subject to Post Construction Best Management Practices (BMPs) in accordance with Local, State and Federal requirements. The grading plan will include an erosion control plan to be implemented during grading and

construction operations. In addition, the Project will be subject to GPEIR Mitigation Measures and the GPEIR Mitigation Monitoring & Reporting Plan as listed herein. The site picks up the natural flows and treats them and they are infiltrated as described above. Therefore, with the implementation of the development of the designed storm water capture, infiltration and clarification, implementation of the erosion control plan, BMPs as described herein and incorporated, there would be a ***Less Than Significant Impact.***

Therefore, the Project would not result in a substantial erosion or siltation on- or off-site; nor substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; nor create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; nor impede or redirect flood flows.

Therefore, the Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

STUDY: Tsunamis are large waves generated in open bodies of water by fault displacement due to major ground movement. Due to the Project Site's distance from the Pacific Ocean, tsunamis are not potential hazards in the vicinity of the Project Site. As shown on the San Bernardino County Hazard Overlays Map FH31 B, the Project Site do not occur within any of the Flood Plain Safety (FP) Overlay District areas. Additionally, as shown on the FEMA Flood Map 06071C5835H, the Project Site is located outside of the 0.2% annual chance floodplain.[22] According to the County's Policy Map Hazard FHO31 B the Project Site is not located within a dam inundation area (Town of Apple Valley). Therefore, the risk of release of pollutants of by flood, seiche, or tsunami is considered low. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

The proposed project is located in the Town of Apple Valley in the North Desert Region which is not subject to tsunamis and is not in a mapped tsunamis nor seiche zone. The Project is located in a FEMA FIRM Zone D, which is not a special flood hazard zone. The project has been designed to handle the 100yr storm event. All storm water will be treated prior to leaving the site as required by State Regional Water Quality Control Board and Federal Clean Water Act, NPDES to ensure no pollutants are released due to project inundation.

22 https://msc.fema.gov/portal/search. Accessed August 6, 2023

FINDINGS: [**No Impact**] All storm water will be treated prior to leaving the site as required by State Regional Water Quality Control Board and Federal Clean Water Act, NPDES to ensure no pollutants are released due to project inundation. The site is not subject to pollutants by Flood, Seiche, nor tsunami therefore, ***there is no environmental impact***.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

STUDY: As discussed in a) and b) herein with implementation of the proposed Project's designed storm water capture, infiltration and clarification systems , and BMPs under the WQMP and implementation of the requirements by the UWMP the Project would not conflict with or obstruct the implementation of the WQMP as stated in the Hydrology Study.

FINDINGS: [**Less Than Significant Impact**] The project is not subject to a sustainable groundwater management plan and therefore the project will not conflict with nor obstruct implementation of a water quality control plan or groundwater management plan. Therefore, ***there would be a less than significant impact***.

XI. Land Use and Planning

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purposes of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

References: Town of Apple Valley General Plan Environmental Impact Report titled, "***ENVIRONMENTAL IMPACT REPORT (SCH# 2008091077) APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", certified August 11, 2009; ***North Apple Valley Industrial Specific Plan (NAVISP)*** *(amended Ord. 351, 428)*

STUDY/FINDINGS

Would the project:

a) Physically divide an established community?

STUDY: The Applicant is requesting Site Plan Approval for a Warehouse and Distribution Center on an approximately 30Acre site. The Project includes the construction and operation of approximately 494,000 square feet of Building Area as an industrial warehouse/distribution land use space on approximately 30 acres of vacant land located on the southeast quadrant of Central Road and Cordova Road. The Project site will include onsite detention basins, landscaping, electric vehicle , Clean Air/Vanpool/Carpool Stalls, Compact Parking, ADA parking, trailer parking and long- and short-term bicycle parking. The building is designed with ground and mezzanine office space for both executive offices and shipping offices, includes 3 outdoor employee eating areas, and dock loading facilities.

The Site is located on vacant land within the NAVISP area with a designated land use of I-G General Industrial. The Specific Plan includes a one map approach meaning that the General Plan and Zoning Designations and concurrent maps, are identical. Warehouse and distribution land uses are permitted uses under the NAVISP. The surrounding land is vacant land that have Industrial land use designations that also permit the same land uses

as the proposed Project. The GPEIR Section III. Land Use Summary of Impacts stated the following:

> *"The proposed General Plan includes 34,576.6 acres of residentially designated lands within the existing Town limits, and 1,091.6 acres in the annexation areas. This represents a decrease of 4,213.6 acres in residential lands, or 10.6%. The proposed General Plan will result in 63,749 dwelling units, an increase of 21.4% over the current General Plan. These changes will also result in an increase in build out population from 160,517 to 194,931 at build out of both the General Plan and the two annexation areas. The total commercial acreage will be 4,484.2 acres, an increase of 2,186.2 acres (95%). In total, commercial square footage will increase by 81% over the existing General Plan designations. Industrial land use designations total 2,258.4 acres under the proposed General Plan and annexation areas, as compared to 418.7 under the current General Plan."*

Therefore, the proposed project will not physically divide an established community as the buildout of the NAVISP is intended to have consistent industrial land uses in the Specific Plan area of the Town.

FINDINGS: [**No Impact**.] Based on the foregoing the proposed project will not physically divide an established community.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

STUDY: The proposed land uses of warehouse/distribution are consistent with the designated land use of General Industrial I-G and are *"permitted uses"* under the NAVISP. As such, the proposed Project is not in conflict with any land use plan.

In accordance with CEQA Guidelines the Project tiers off of the adopted General Plan Update including the Annexation Areas 2008-001 & 2008-002 Environmental Impact Report (GPEIR) and the technical analyses conducted in conjunction with the GPEIR. In accordance with the Mitigation Measures of the GPEIR additional technical studies have been conducted for the proposed Project. The proposed Project has been designed in accordance with the NAVISP Development Standards and Guidelines. Therefore, the proposed Project is not in conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Recommended mitigation measures for mitigating potential and identified environmental impacts in both the GPEIR and the updated Technical Studies are incorporated herein. The Technical Studies are included herewith in their entirety as APPENDICES to this Initial Study.

FINDINGS: [**No Impact**]. Since the proposed Project will not cause a significant impact due to a conflict with any land use plan, or regulation adopted for the purpose of avoiding or mitigating an environmental effect ***there is no impact relative to land use and planning.***

XII. Mineral Resources

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

References: Town of Apple Valley General Plan Environmental Impact Report titled, "***ENVIRONMENTAL IMPACT REPORT (SCH# 2008091077) APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", certified August 11, 2009;

STUDY/FINDINGS

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

STUDY a) & b): The GPEIR addressed mineral resources in Section III – Existing Conditions, Impacts, and Mitigation Measures Subsection K. Mineral Resources. Specifically, Paragraph 2. Project Impacts discussed the mineral resources as designated in the Town of Apple Valley:

> "*The Town of Apple Valley has designated 452.5 acres as mineral resources land use. Of this, approximately 111.56 acres are developed for mining and processing of aggregate materials, and an additional 340.95 acres are designated for the use and production of mineral resources. Mining activities may be incompatible with surrounding land uses, as for example, dust, noise, and heavy*

truck traffic may create conflicts with residential and commercial uses. The designation of mineral resources land use therefore has some impact on the potential uses of adjacent lands and development proposals could be submitted to the Town that may generate land use conflicts with aggregate and limestone quarries. However, thoughtful application of the Town's land use policies will reduce potential impacts from adjacent conflicting land uses to less than significant levels.

CEMEX Incorporated owns a mineral extraction operation in the planning area and was granted a permit in December 2005 to build a 4.5 million metric ton per year aggregate processing plant. Several quarries within the Black and White Mountains, and the Alvic, and Piercy quarries are also mined for limestone. According to the California Air Resources Board 2007 Almanac (Appendix A), the Cemex Black Mountain Quarry emits 4,754 tons of Oxides of Nitrogen (NOx), 277 tons of Particulate Matter PM10, and 183 tons of Particulate matter PM2.5 per year. In addition to generating noise and light impacts, mineral resource operations in or near the planning area may therefore impact the air quality of the Town and the two annexation areas. Application of the Town's Development Standards for lighting and noise will limit other impacts to less than significant levels.

The GPEIR includes certain mitigation measures to reduce the impacts resulting from mineral resource extraction to acceptable levels. The CEMEX mineral extraction operation is located north or the proposed Project. According to the State of California EnviroStor Database the CEMEX Operation is "Closed".

According to the GPEIR Mineral Resources Zones Nor/Mines and Prospects Apple Valley, California Map, the proposed Project is not within a designated Mineral Resource Zone. Therefore, the proposed Project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state not will the proposed Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

FINDINGS a) & b): [**No Impact**] Based on the foregoing, the proposed Project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state nor will the proposed Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. Consequently, the proposed Project will not have an impact on Mineral Resources. ***Therefore, there is no impact***.

XIII. Noise

Would the project result in:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

References: Town of Apple Valley General Plan Environmental Impact Report titled, "***ENVIRONMENTAL IMPACT REPORT (SCH# 2008091077) APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", certified August 11, 2009; ***NOISE AND VIBRATION ANALYSIS*** (NVA) prepared by Urban Crossroads dated August 22, 2024

STUDY/FINDINGS

Would the project:

a) **Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

STUDY: The GPEIR analyzed existing conditions in the planning area noise environment and the potential impacts of the various potential sources of noise associated with build out of

the proposed General Plan and annexations. An acoustical analysis, "*Town of Apple Valley Noise Element Update, Technical Study*" had been prepared in conjunction with the General Plan by Urban Crossroads, Inc., and the results were used to prepare the analysis of noise impacts presented in the Noise Section of the GPEIR. The Noise Section also sets forth noise-related mitigation measures that will effectively reduce construction, operational and traffic noise impacts to acceptable levels.

The **GPEIR TABLE III-45 Land Use Compatibility for Community Noise Environments** includes the following range of Noise Levels for the Industrial Land Use:

TABLE 13 – GPEIR TABLE III-45 Land Use Compatibility for Community Noise Environments

Land Uses	CNEL (dBA)						
	50	55	60	65	70	75	80
Industrial, Manufacturing, Utilities, Agriculture	A						
					B		
						D	

A Normally Acceptable: With no special noise reduction requirements assuming standard construction.

B Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirement is made and needed noise insulation features included in the design.

C Normally Unacceptable: New construction is discouraged. If new construction does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

D Clearly Unacceptable: New construction or development should generally not be undertaken.

The Significance Level of Noise impacts were analyzed by Urban Crossroads for Off-site Traffic, Operational and Construction to determine if any of these criteria would generate potentially significant incremental noise levels. In addition, their analysis compares the proposed Project to the use evaluated previously to determine if the proposed Project falls within the overall envelope of analysis included in the Environmental Impact Report (EIR) (SCH No. 2008091077) for the Apple Valley General Plan and Annexations 2008-001 & 2008-002 (certified August 11, 2009, referred to as 2009 EIR). ***TABLE 13.0-NVA TABLE 4-1: SIGNIFICANCE CRITERIA SUMMARY*** as follows summarizes the various levels of criteria used for the analysis:

TABLE 13.0-NVA TABLE 4-1: SIGNIFICANCE CRITERIA SUMMARY

Analysis	Receiving Land Use	Conditions(s)	Significance Criteria	
			Daytime	Nighttime
Off-Site Traffic	Non-Sensitive[1]	If ambient is < 60 dBA CNEL	≥ 5 dBA CNEL Project increase	
		If ambient is 60 - 65 dBA CNEL	≥ 3 dBA CNEL Project increase	
		If ambient is > 65 dBA CNEL	≥ 1.5 dBA CNEL Project increase ≥ 1.5 dBA CNEL Project increase	
	Non-Noise Sensitive[2]	If ambient is > 75 dBA CNEL	≥ 3 dBA CNEL Project increase	
Operational	Noise-Sensitive	Exterior Noise Level Standards[3]	50 dBA L_{eq}	40 dBA L_{eq}
		If ambient is < 60 dBA L_{eq}[1]	≥ 5 dBA L_{eq} Project increase	
		If ambient is 60 - 65 dBA L_{eq}[1]	≥ 3 dBA L_{eq} Project increase	
		If ambient is > 65 dBA L_{eq}[1]	≥ 1.5 dBA L_{eq} Project increase	
Construction	Noise-Sensitive	Noise Level Threshold[4]	75 dBA L_{eq}	60 dBA L_{eq}
		Vibration Level Threshold[5]	0.04 PPV (in/sec)	

1 FICON, 1992.
2 Town of Apple Valley General Plan Noise Element Table IV-4 (See Exhibit 3-A)
3 Town of Apple Valley Municipal Code, Table 9.73.050-A, Single-Family Residential (Table 3-1, Appendix 3.1)
4 Town of Apple Valley Municipal Code Section 9.73.060[F][2], (Appendix 3.1)
5 Town of Apple Valley Municipal Code 9.73.020[34], (Appendix 3.1)
Operational: "Daytime" = 7:00 a.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m. (Table 9.73.050-A)
Construction: "Daytime" = 7:00 a.m. to 7:00 p.m.; "Nighttime" = 7:00 p.m. to 7:00 a.m. (Section 9.73.060[F][2])

Table III-45 of the GPEIR shows noise levels ranging between 50 – 70 CNEL dBA "A" "**Normally Acceptable:** With no special noise reduction requirements assuming standard construction". The GPEIR included thirty noise level measurements to describe the baseline conditions. Three of these baseline noise level measurements (L6, L7 and L8) presented on Table III-48 of the GPEIR are located near the Project site. NVA Exhibit 5-A provides the boundaries of the Project study area, and the nearby GPEIR noise level measurement locations. Site 6 is located 50 feet from Central Road near residential developments. Site 7 is located approximately 100 feet from Dale Evans Parkway south of Johnson. Site 8 is located 50 feet from Quarry Road centerline east of Dale Evans Pkwy. The GPEIR noise level measurements indicate that the primary source of noise in the study area is associated with vehicle traffic. Existing traffic volumes are generally low and traffic speed in the study area roads typically range usually between 45 and 55 miles per hour with a higher-than-average percentage of heavy truck traffic. The existing noise environment is somewhat different than the typical freeway and arterial roadway noise. The noise levels identified within the project study area can be characterized by both high and low traffic noise levels that depend on the number and type of vehicle passing by in each period. Noise Measurement locations are shown on the following ***FIGURE 12.0 -NVA Exhibit 5-1: Noise Measurement Locations***:

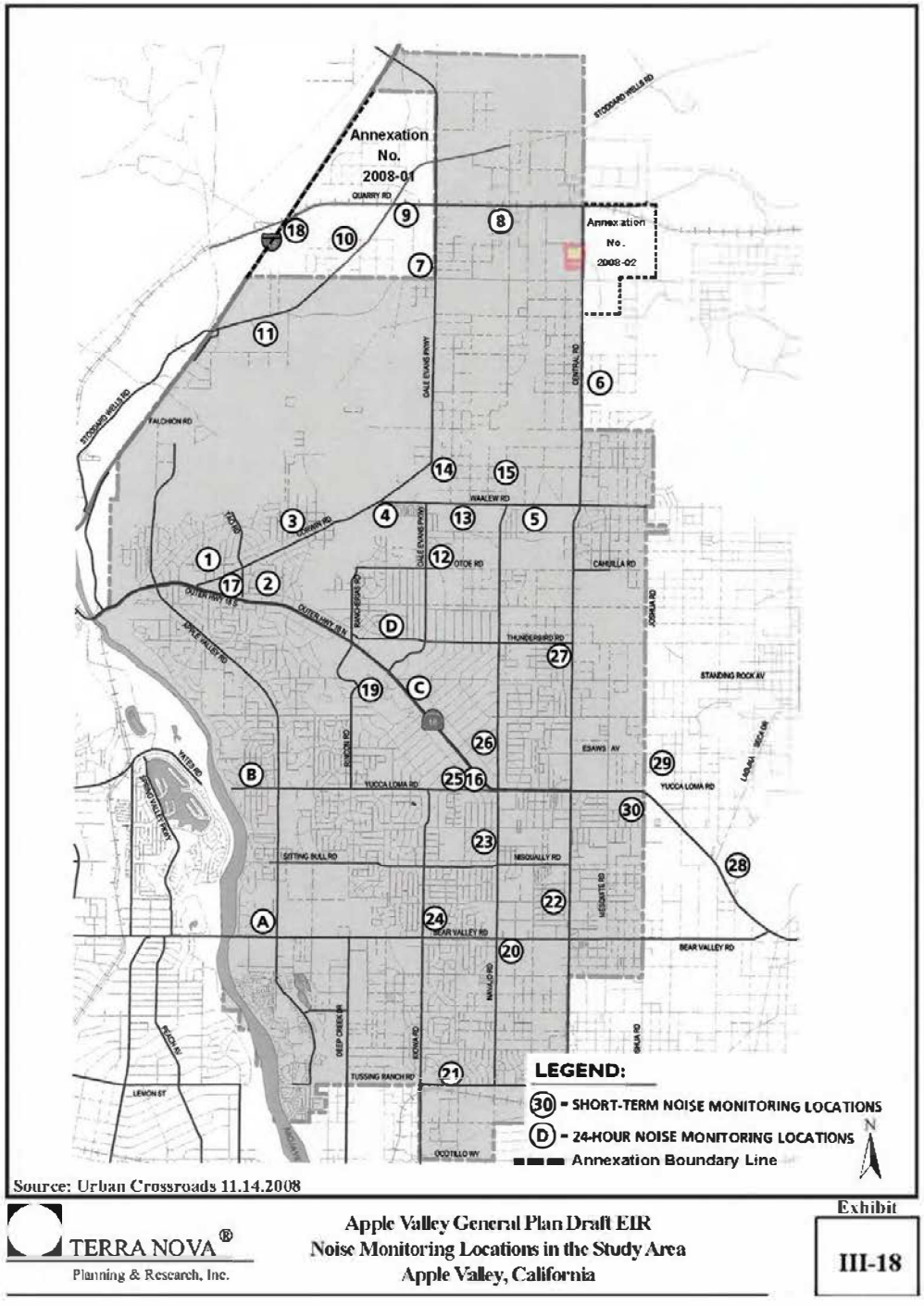


FIGURE 13.0 -NVA Exhibit 5-1: Noise Measurement Locations

The results of the noise level measurements are presented **in *TABLE 13.1 – NVA TABLE 5-1: NOISE LEVEL MEASUREMENTS*** which are all within the **GPEIR TABLE III-45 Land Use Compatibility for Community Noise Environments** Yellow Range A – Normally Acceptable 50-70 dBA L_{eq} :

TABLE 13.1 – NVA TABLE 5-1: EXISTING AMBIENT NOISE LEVEL MEASUREMENTS

Location	Description	Measured Noise Level (dBA L_{eq})[2]	Canceled CNEL[2]
L6	Located 50 feet from Central Road near residential developments.	62.5	63.1
L7	Located approximately 100 feet from Dale Evans Parkway south of Johnson.	59.4	60.0
L8	Located 50 feet from Quarry Road centerline east of Dale Evans Pkwy.	62.1	62.6

[1] See Exhibit 5-A for the noise level measurement locations.
[2] 2009 General Plan Update & Annexation Areas 2008-001 & 2008-002 Environmental Impact Report Table III-48 Existing (Ambient) Noise Level Measurements
"Daytime" = 7:00 a.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

The noise levels identified within the project study area can be characterized by both high and low traffic noise levels that depend on the number and type of vehicle passing by in a given period. Aircraft noise from the Apple Valley Airport is limited to general aviation aircraft and was perceived as barely perceptible throughout most of the study area.

OFF-SITE TRAFFIC NOISE ANALYSIS

The NVA concluded that Traffic generated by the operation of the proposed Project will influence the traffic noise levels in surrounding off-site areas and at the Project site. According to the August 22, 2024 Cordova Business Center Traffic Generation Assessment (TGA) prepared by Urban Crossroads, Inc., the Project is anticipated to generate 9 fewer two-way trip ends per day as compared to the currently adopted GPEIR TGA General Plan land use.
Therefore, since the Project represents a net reduction in trips from the approved GPEIR Assessment, the off-site traffic noise levels generated by the Project are considered less than significant and no further analysis is required. Based on a comparison to the GPEIR Noise Analysis, the development of the proposed Project is anticipated to result in a net reduction in trips from the approved General Plan/NAVISP land use.

Therefore, since the Project represents a net reduction in trips from the approved GPEIR the off-site traffic noise levels generated by the Project are considered less than significant and no further analysis is required.

SENSITIVE RECEIVER LOCATONS

The NVA identified sensitive receiver locations to assess the potential for long-term stationary operational and short-term construction noise impacts. Sensitive receivers are generally defined as single family residential or where presence of unwanted sound could otherwise adversely affect the use of the land. Noise-sensitive land uses are generally considered to include schools, hospitals, single-family dwellings, mobile home parks, churches, libraries, and recreation areas. Moderately noise-sensitive land uses typically include multi-family dwellings, hotels, motels, dormitories, out-patient clinics, cemeteries, golf courses, country clubs, athletic/tennis clubs, and equestrian clubs. Land uses that are considered relatively insensitive to noise include business, commercial, and professional developments. Land uses that are typically not affected by noise include: industrial, manufacturing, utilities, agriculture, undeveloped land, parking lots, warehousing, liquid and solid waste facilities, salvage yards, and transit terminals.

To describe the potential off-site Project noise levels, six receiver locations in the vicinity of the Project site were identified. The selection of receiver locations is based on FHWA guidelines and is consistent with additional guidance provided by Caltrans and the FTA. Other sensitive land uses in the Project study area that are located at greater distances than those identified in this noise study will experience lower noise levels than those presented in this report due to the additional attenuation from distance and the shielding of intervening structures. Distance is measured in a straight line from the project boundary to each receiver location.

R1: Location R1 represents the existing noise sensitive residence at 22673 Stoddard Wells Road, approximately 7,954 feet north of the Project site.
R2: Location R2 represents the existing noise sensitive residence at 22952 Leaping Lizard Lane, approximately 8,215 feet north of the Project site.
R3: Location R3 represents the existing noise sensitive residence at 19019 Llanto Road approximately 3,493 feet southeast of the Project site.
R4: Location R4 represents the Apple Valley Fire Center at 18809 Central Road, approximately 4,621 feet south of the Project site.
R5: Location R5 represents the existing noise sensitive residence at 19493 Dachshund Avenue approximately 6,368 feet west of the Project site.
R6: Location R6 represents the existing noise sensitive residence at 20374 Flint Road, approximately 4,697 feet north of the Project site.

The sensitive receiver locations are shown on the following: ***FIGURE 13.1- NVA EXHIBIT 7-A: RECEIVER LOCATIONS***:

EXHIBIT 7-A: RECEIVER LOCATIONS

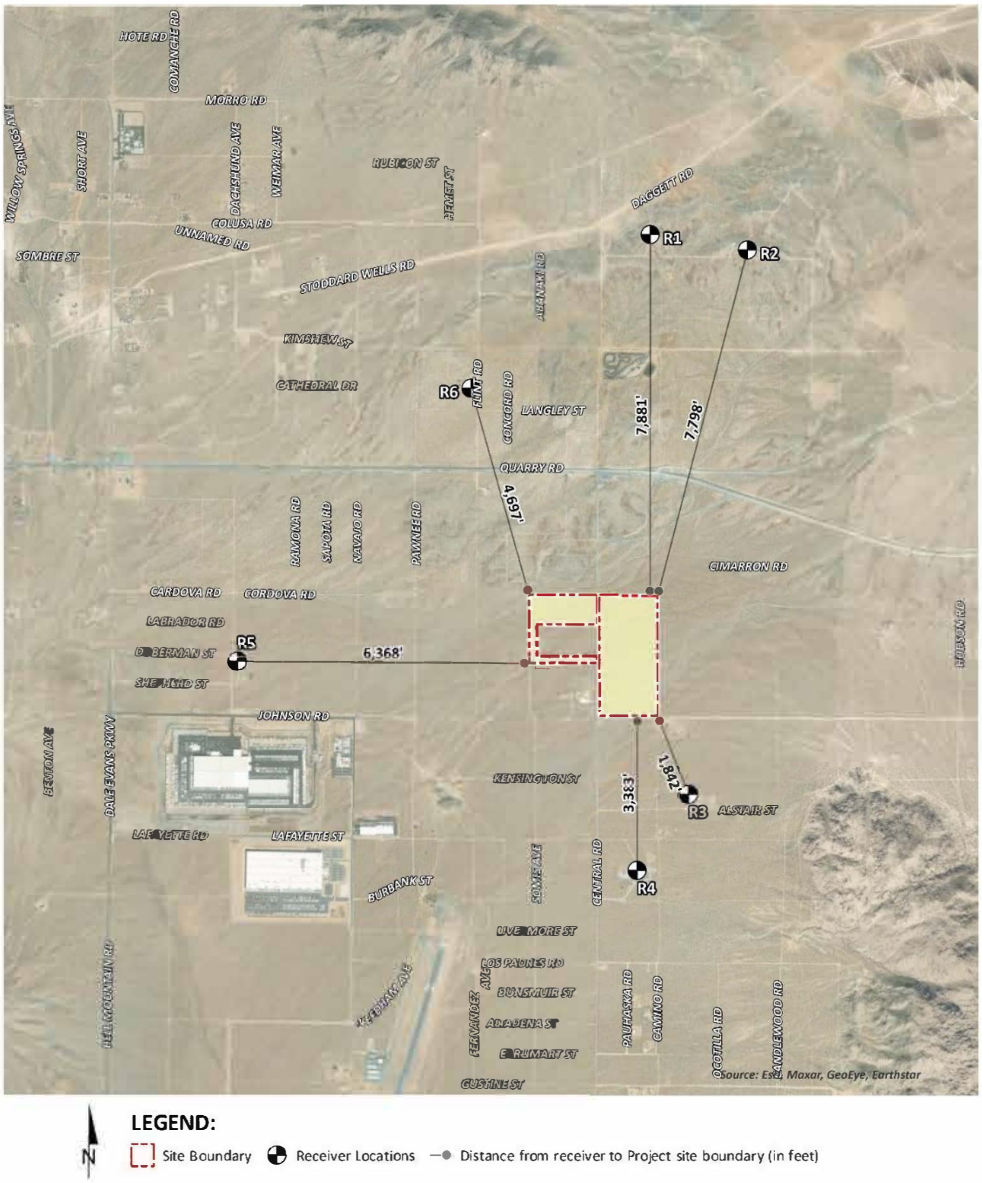


FIGURE 13.1- NVA EXHIBIT 7-A: RECEIVER LOCATIONS

The NVA analyzes Operational Noise Levels of Reference Noise Sources for Loading Dock Activity, Parking Lot Vehicle Movements, Roof-Top Air Conditioning units, Trash Enclosure Activity and Truck Movements. The following ***TABLE 13.2 – NVA TABLE 8-1: REFERENCE NOISE LEVEL MEASUREMENTS*** summarizes the results of the Reference Noise Level Measurements:

TABLE 13. 2- NVA TABLE 8-1: REFERENCE NOISE LEVEL MEASUREMENTS

Reference Noise Source	Noise Source Height (feet)	Min./Hour[1]		Reference Noise Level (dBA L_{eq}) @50 Feet	Sound Power Level (dBA)[2]
		Day	Night		
Loading Dock Activity	8′	60	60	62.8	103.4
Parking Lot Vehicle Movements	5′	60	60	52.6	81.1
Roof-Top Air Conditioning Units	5′	39	28	57.2	88.9
Trash Enclosure Activity	5′	60	30	57.3	89.0
Truck Movements	8′	60	60	59.8	93.2

[1] Anticipated duration (minutes within the hour) of noise activity during typical hourly conditions expected at the Project site. "Daytime" = 7:00 a.m. - 10:00 p.m.; "Nighttime" = 10:00 p.m. - 7:00 a.m.

[2] Sound power level represents the total amount of acoustical energy (noise level) produced by a sound source independent of distance or surroundings. Sound power levels calculated using the CadnaA noise model at the reference distance to the noise source. Numbers may vary due to size differences between point and area noise sources.

PROJECT OPERATIONAL NOISE LEVELS

Using the reference noise levels to represent the proposed Project operations that include loading dock activity, parking lot vehicle activities, roof-top air conditioning units, trash enclosure activity, and truck movements, Urban Crossroads, Inc. calculated the operational source noise levels that are expected to be generated at the Project site and the Project-related noise level increases that would be experienced at each of the sensitive receiver locations. The NVA Table 8-2 shows the Project operational noise levels during the daytime hours of 7:00 a.m. to 10:00 p.m. The daytime hourly noise levels at the off-site receiver locations are expected to range from 17.7 to 31.9 dBA Leq. The following is **TABLE 13.3 – NAV TABLE 8-2: DAYTIME PROJECT OPERATIONAL NOISE LEVELS:**

TABLE 13.3 – NAV TABLE 8-2: DAYTIME PROJECT OPERATIONAL NOISE LEVELS

Noise Source[1]	Operational Noise Levels by Receiver Location (dBA Leq)					
	R1	R2	R3	R4	R5	R6
Loading Dock Activity	16.4	15.8	31.7	29.8	26.9	26.2
Parking Lot Vehicle Movements	11.3	10.5	5.8	1.8	10.7	17.8
Roof-Top Air Conditioning Units	7.5	6.8	9.7	6.7	8.2	13.4
Trash Enclosure Activity	0.0	4.4	14.4	12.0	11.4	11.1
Truck Movements	2.6	2.4	16.7	14.7	11.8	10.2
Total (All Noise Sources)	**18.2**	**17.7**	**31.9**	**30.0**	**27.3**	**27.2**

The NAV TABLE 8-3 summarizes the Project operational noise levels during the nighttime hours of 10:00 p.m. to 7:00 a.m. The nighttime hourly noise levels at the off-site receiver locations are expected to range from 17.4 to 31.9 dBA Leq. The differences between the daytime and nighttime noise levels are largely related to the estimated duration of noise activity as outlined in Table 8-1 and Appendix 8.1. The following is ***TABLE 13.4 – NAV TABLE 8-3: NIGHTTIME PROJECT OPERATIONAL NOISE LEVELS***:

TABLE 13.4 – NAV TABLE 8-3: NIGHTTIME PROJECT OPERATIONAL NOISE LEVELS

Noise Source[1]	Operational Noise Levels by Receiver Location (dBA Leq)					
	R1	R2	R3	R4	R5	R6
Loading Dock Activity	16.4	15.8	31.7	29.8	26.9	26.2
Parking Lot Vehicle Movements	11.3	10.5	5.8	1.8	10.7	17.8
Roof-Top Air Conditioning Units	5.1	4.4	7.3	4.3	5.8	11.0
Trash Enclosure Activity	0.0	0.5	10.4	8.0	7.4	7.2
Truck Movements	2.6	2.4	16.7	14.7	11.8	10.2
Total (All Noise Sources)	**18.0**	**17.4**	**31.9**	**30.0**	**27.2**	**27.0**

PROJECT OPERATIONAL NOISE LEVEL COMPLIANCE

The Project-only operational noise levels were evaluated against exterior noise level thresholds based on the Town of Apple Valley exterior noise level standards at the existing nearby noise-sensitive receiver locations in compliance with local noise regulations. Project Operational Noise Levels for both daytime and nighttime were compared to the exterior noise level standards to determine if the standards would be exceeded. The comparative analysis is shown below in ***TABLE 13.5 – NAV TABLE 8-4: OPERATIONAL NOISE LEVEL COMPLIANCE:***

TABLE 13.5 – NAV TABLE 8-4: OPERATIONAL NOISE LEVEL COMPLIANCE

Receiver Location[1]	Project Operational Noise Levels (dBA L_{eq})[2]		Noise Level Standards (dBA L_{eq})[2]		Noise Level Standards Exceeded?[4]	
	Daytime	Nighttime	Daytime	Nighttime	Daytime	Nighttime
R1	18.2	18.0	50	40	No	No
R2	17.7	17.4	50	40	No	No
R3	31.9	31.9	50	40	No	No
R4	30.0	30.0	50	40	No	No
R5	27.3	27.2	50	40	No	No
R6	27.2	27.0	50	40	No	No

1 See Exhibit 7-A for the receiver locations.
2 Proposed Project operational noise levels as shown on Tables 8-2 and 8-3.
3 Exterior noise level standards, as shown on Table 4-1.
4 Do the estimated Project operational noise source activities exceed the noise level standards?
"Daytime" = 7:00 a.m. - 10:00 p.m.; "Nighttime" = 10:00 p.m. - 7:00 a.m.

PROJECT OPERATIONAL NOISE LEVELS

Project operational noise levels were combined with the NAVISP EIR noise level measurements for the nearby receiver locations potentially impacted by Project operational noise sources to describe the Project operational noise level increases. The NVA calculated the combined Project -operational and existing ambient noise levels. The NVA described the difference between the combined Project and ambient noise levels as the Project noise level increases to the existing ambient environment. These comparative analyses are shown in following ***TABLE 13.6 – NVA TABLE 8.5: DAYTIME PROJECT OPERATIONAL NOISE LEVEL INCREASE*** and ***TABLE 13.7 – NVA TABLE 8.5: NIGHTTIME PROJECT OPERATIONAL NOISE LEVEL INCREASES***:

TABLE 13.6 – NVA TABLE 8.5: DAYTIME PROJECT OPERATIONAL NOISE LEVEL INCREASES

Receiver Location[1]	Total Project Operational Noise Level[2]	Measurement Location[3]	Reference Ambient Noise Levels[4]	Combined Project and Ambient[5]	Project Increase[6]	Increase Criteria[7]	Increase Criteria Exceeded?
R1	18.2	L8	62.1	62.1	0.00	5.0	No
R2	17.7	L8	62.1	62.1	0.00	5.0	No
R3	31.9	L6	62.5	62.5	0.00	5.0	No
R4	30.0	L6	62.5	62.5	0.00	5.0	No
R5	27.3	L7	59.4	59.4	0.00	5.0	No
R6	27.2	L8	62.1	62.1	0.00	5.0	No

TABLE 13.7 – NVA TABLE 8.5: NIGHTTIME PROJECT OPERATIONAL NOISE LEVEL INCREASES

Receiver Location[1]	Total Project Operational Noise Level[2]	Measurement Location[3]	Reference Ambient Noise Levels[4]	Combined Project and Ambient[5]	Project Increase[6]	Increase Criteria[7]	Increase Criteria Exceeded?
R1	18.0	L8	62.6	62.1	0.00	5.0	No
R2	17.4	L8	62.6	62.1	0.00	5.0	No
R3	31.9	L6	63.1	62.5	0.00	5.0	No
R4	30.0	L6	63.1	62.5	0.00	5.0	No
R5	27.2	L7	60.0	59.4	0.00	5.0	No
R6	27.0	L8	62.6	62.1	0.00	5.0	No

[1] See Exhibit 7-A for the receiver locations.
[2] Total Project daytime operational noise levels as shown on Table 8-2.
[3] Reference noise level measurement locations as shown on Exhibit 5-A.
[4] Observed daytime ambient noise levels as shown on Table 5-1.
[5] Represents the combined ambient conditions plus the Project activities.
[6] The noise level increase expected with the addition of the proposed Project activities.
[7] Significance increase criteria as shown on Table 4-1.

As indicated in the preceding TABLES 13.6 AND 13.7, the Project is not expected to generate a measurable daytime or nighttime operational noise level increase at the nearest receiver locations. Project-related operational noise level increases will not exceed the operational noise level increase significance criteria, and, therefore, the increases at the sensitive receiver locations will be *less than significant*.

PROJECT CONSTRUCTION NOISE LEVELS
The Urban Crossroads NA Section 3.4 Construction Noise Standards addresses the Town of Apple Valley's set restrictions to control noise impacts associated with the construction of the proposed Project, "*Section 9.73.060[F][1], Construction/Demolition indicates that operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work between weekday hours of 7 p.m. and 7 a.m., or at any time on weekends or holidays, such that the sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work of public service utilities or by variance issued by the Town.*

In addition, Municipal Code Section 9.73.060[F][2] requires construction activities to be conducted in such a manner that the noise levels at affected residential properties will not exceed the daytime (7:00 a.m. to 7:00 p.m.) mobile exterior noise level limit of 75 dBA Leq and 60 dBA Leq during the nighttime hours of 7:00 p.m. to 7:00 a.m. Construction projects involve various stages, and activities frequently shift from one location to another. For example, during the initial stages, Cordova Business Center Noise and Vibration Analysis 15428-03 NA 17 noise-generating activities might concentrate in one area, and then move to another section as construction progresses. The mobile construction noise level threshold captures these changes and ensures that noise impacts are assessed accurately throughout the entire Project site." Based on the fact the Town has restrictions in place to control noise impacts associated with the construction of the proposed Project, impacts will not exceed the established noise thresholds and therefore there will be a less that significant impact.

FINDINGS: [**Less Than Significant Impact**] Based on the foregoing, the analysis demonstrates that the Project is not expected to generate a measurable daytime or nighttime operational noise level increase at the nearest receiver locations. Project-related operational noise level increases will not exceed the operational noise level increase significance criteria. The Project will not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Based on the fact the Town has restrictions in place to control noise impacts associated with the construction of the proposed Project, impacts will not exceed the established noise thresholds and therefore there will be a ***less than significant impact***. Therefore, the increases at the sensitive receiver locations will be ***less than significant.***

b) Generation of excessive groundborne vibration or groundborne noise levels?
STUDY: The NVA prepared a Construction Vibration Analysis to determine if the project would generate excessive groundborne vibration or groundborne noise levels":

"Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods employed. The operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Ground vibration levels associated with various types of construction equipment are summarized on Table 9-5. Based on the representative vibration levels presented for various construction equipment types, Urban Crossroads estimated the potential for human response (annoyance) and building damage. The following ***TABLE 13.5 – NVA TABLE 9-5: VIBRATION SOURCE LEVELS FOR CONSTRUCTION EQUIPMENT*** summarizes the vibration source levels represented as "Peak Particle Velocity" (PPV) using the Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual:

TABLE 13.8 – NVA TABLE 9-5: VIBRATION SOURCE LEVELS FOR CONSTRUCTION EQUIPMENT

Equipment	PPV (in/sec) at 25 feet
Small bulldozer	0.003
Jackhammer	0.035
Loaded Trucks	0.076
Large bulldozer	0.089
Vibratory Roller	0.210

The NVA determined the Project Construction Vibration levels at nearby receiver locations at distances ranging from 3,493 to 8,215 feet from the Project construction activities. The vibration velocities were estimated at 0.000 inches per second (in/sec) PPV. ***TABLE 13.9 – NVA TABLE 9-6: CONSTRUCTION VIBRATION LEVELS*** below compares the typical construction vibration levels to the thresholds in PPV at receiver locations R1 through R6:

TABLE 13.9 – NVA TABLE 9-6: CONSTRUCTION VIBRATION LEVELS

Loction[1]	Distance to Const. Activity (Feet)	Typical Construction Vibration Levels PPV (in/sec)[3]						Thresholds PPV (in/sec)	Thresholds Exceeded?[5]
		Small bulldozer	Jackhammer	Loaded Trucks	Large bulldozer	Vibratory Roller	Highest Vibration		
R1	7,954′	0.000	0.000	0.000	0.000	0.000	0.000	0.04	No
R2	8,215′	0.000	0.000	0.000	0.000	0.000	0.000	0.04	No
R3	3,493′	0.000	0.000	0.000	0.000	0.000	0.000	0.04	No
R4	4,621′	0.000	0.000	0.000	0.000	0.000	0.000	0.04	No
R5	6,368′	0.000	0.000	0.000	0.000	0.000	0.000	0.04	No
R6	4,697′	0.000	0.000	0.000	0.000	0.000	0.000	0.04	No

1 Construction noise source and receiver locations are shown on Exhibit 9-A.
2 Distance from receiver building facade to Project construction boundary (Project site boundary).
3 Based on the Vibration Source Levels of Construction Equipment (Table 9-5).
4 Town of Apple Valley Municipal Code 9.73.020[34], (Appendix 3.1)
5 Does the peak vibration exceed the acceptable vibration thresholds?
"PPV" = Peak Particle Velocity

Based on maximum acceptable continuous vibration threshold of 0.04 (in/sec), the analysis demonstrates that the typical Project construction vibration levels at 0.000 would fall below the established vibration thresholds (0.04) at all of the six sensitive receiver locations. The NVA concluded that the Project-related vibration impacts are considered *less than significant* during typical construction activities at the Project site. Operational uses of warehouse and distribution are not expected to generate groundborne vibration.

FINDINGS: [**Less Than Significant Impact**] Based on the foregoing analysis and demonstrated conclusions which resulted in vibration velocity levels at the sensitive receptor locations of 0.000, the proposed Project would not generate excessive groundborne vibration or groundborne noise levels and ***therefore any impacts would be less than significant.***

c) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

STUDY: The closest airport which would require additional noise analysis under CEQA is the Town of Apple Valley Airport (APV) which is located approximately one mile south of the Project Site. APV is owned and operated by the County of San Bernardino and limited to general aviation aircraft. The ***GPEIR Section III – Existing Environmental Conditions, Project Impacts, and Mitigation Measures Aircraft Noise*** states the following,

"Aircraft Noise
Operation of the Apple Valley Airport is currently limited to general aviation aircraft, with noise impacts perceived as "barely perceptible" throughout most of the planning area. The airport houses approximately 119 aircraft, mostly single-engine airplanes. There are currently an average of 103 operations (takeoffs/landings) a day, or 38,000 annually. Of these operations, approximately 67% are associated with local general aviation.

Lands adjacent to the airport are generally vacant and are zoned for airport, industrial and commercial uses. Although overflights may occasionally be audible within the Town, these impacts are not considered significant. As shown on Exhibit III-19, Existing Airport Noise Contours, the noise contours of 65 dBA or greater are contained within the airport's boundaries."

The following ***FIGURE 13.0 – Apple Valley General Plan Draft EIR Existing Airport Noise Contours EXHIBIT III-19*** depicts the noise levels ranging from 60 CNEL TO 75 CNEL at the Airport.

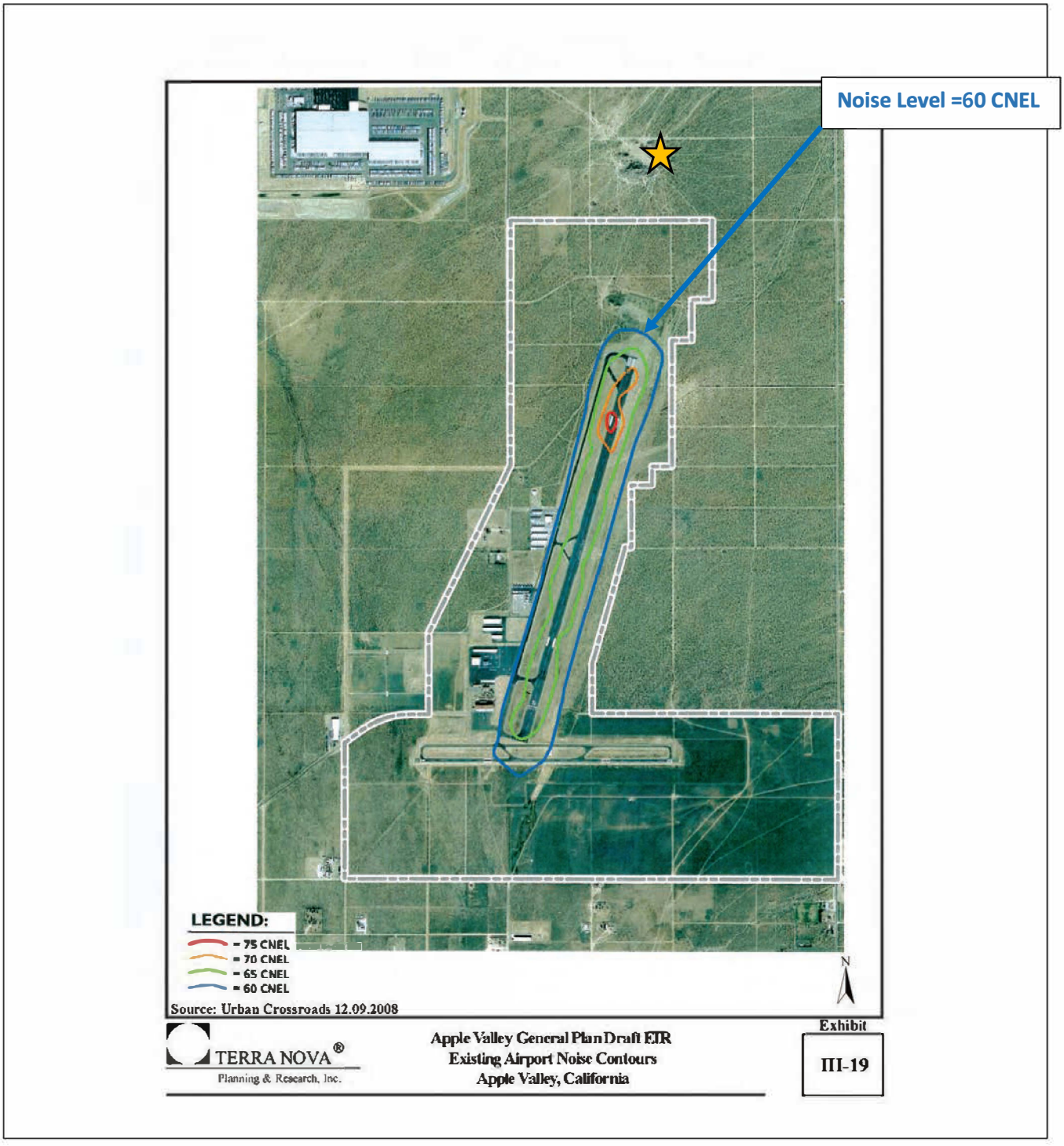


FIGURE 13.0 – Apple Valley General Plan Draft EIR Existing Airport Noise Contours EXHIBIT III-19

Airport generated Noise Levels at the proposed Project Site are outside of the 60 CNEL range. The Town of Apple Valley Development Code Amendment 2009-0065 and Zone Change 2009-003 included Chapter 9.65.040 Airport Overlay Districts and was Adopted October 24, 2000. This Section of the Development Code sets forth the Development Standards for land uses within the Airport Overlay Districts. The Town of Apple Valley Airport Comprehensive Airport Land Use Compatibility Plan dated 1995 includes Figure A-1 Airport Overlay Districts. This Figure depicts two overlay districts, A-1 and A-2 as shown on the following ***FIGURE 13.2 –Apple Valley Comprehensive Airport Land Use Compatibility Plan Figure A-1 Airport Overlay Districts***. The current Town of Apple Valley Zoning Map includes the depiction of Airport Overlay Districts A-1 and A-2 as shown of the following ***FIGURE 13.3 - Town of Apple Valley Zoning Map as Amended 11/13/2012***.

The proposed project is located outside of both Overlay Districts, A-1 and A-2 and therefore the Project is not subject to the Town of Apple Valley Development Code Standards pertaining to Airport Overlay Districts.

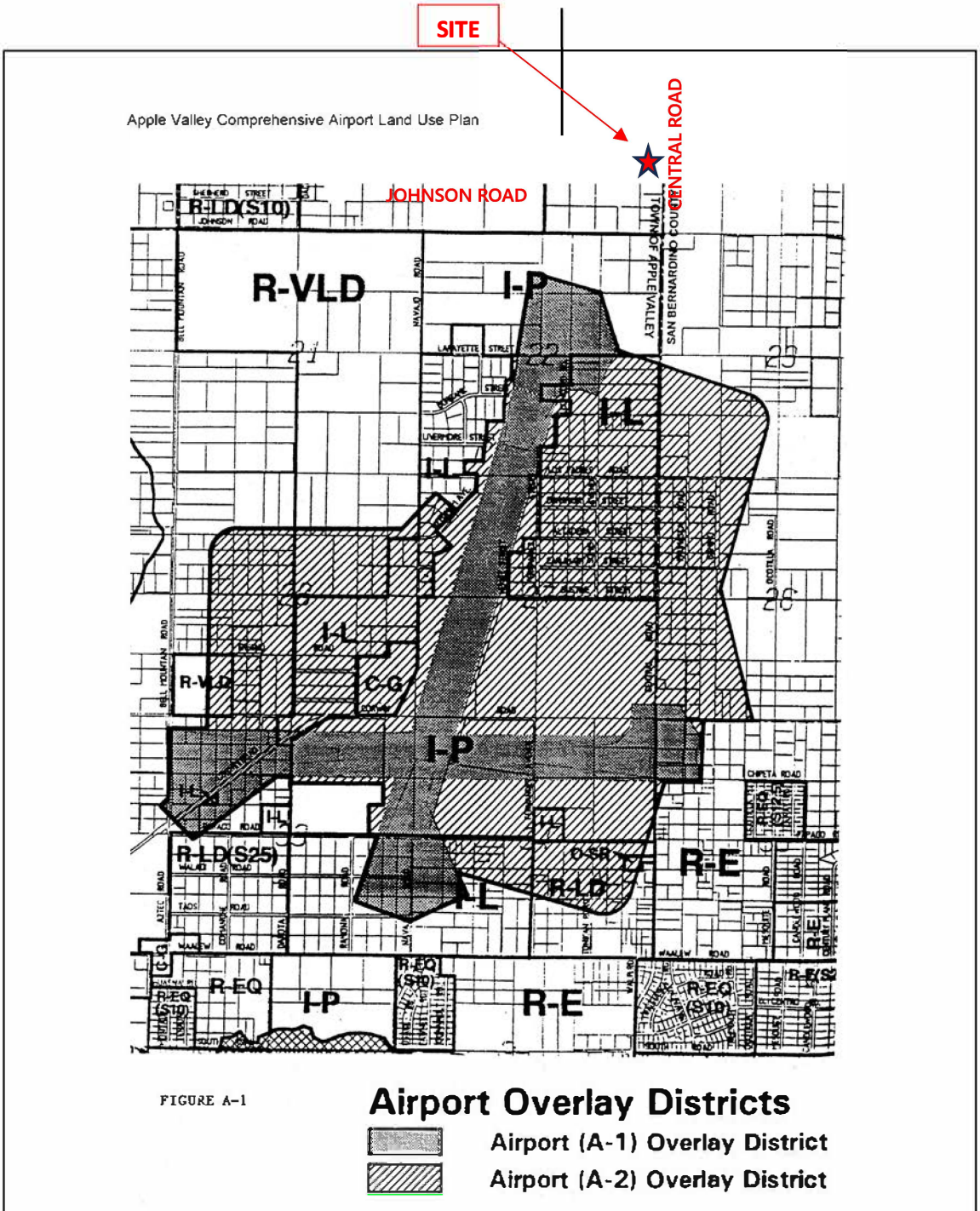
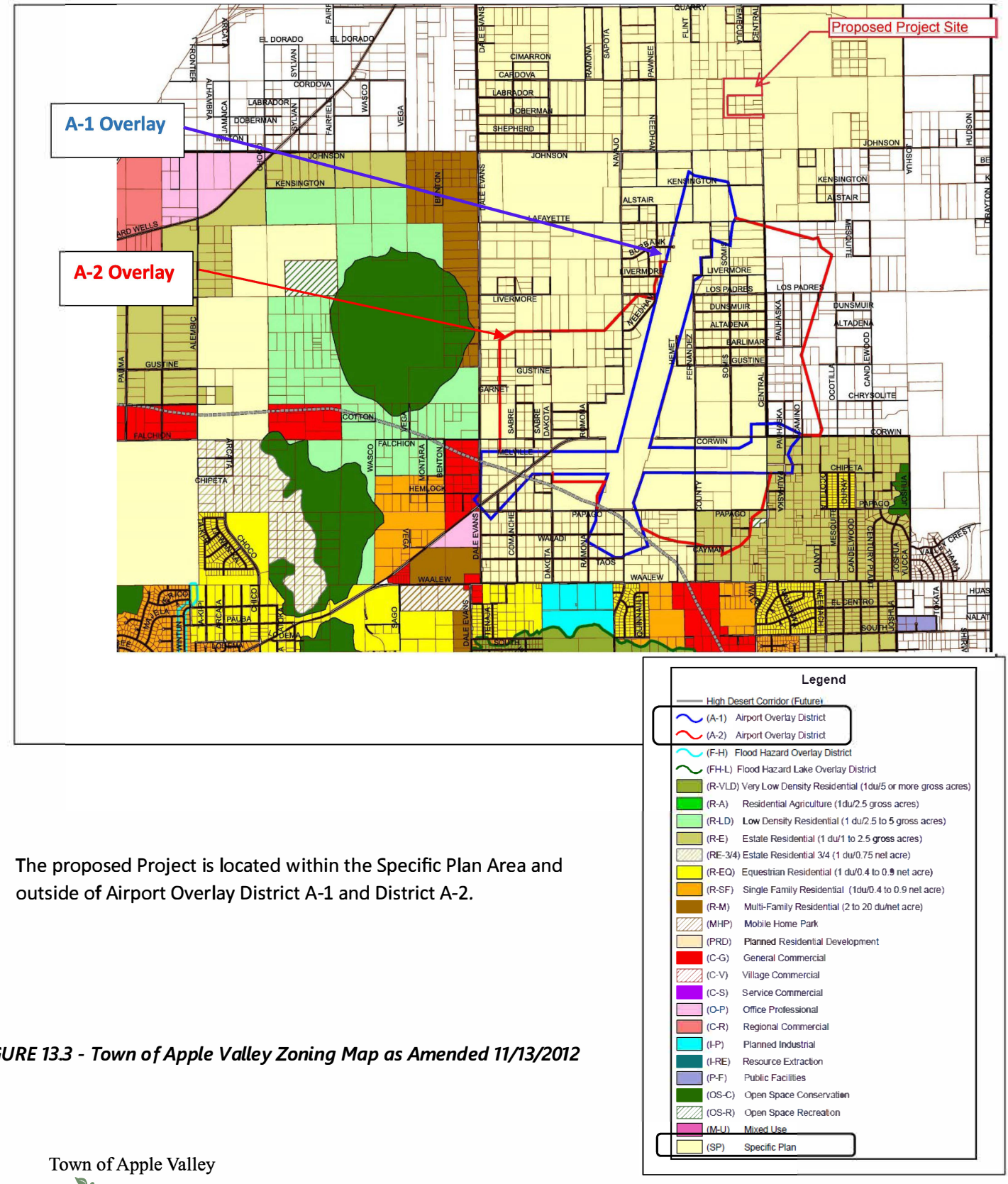


FIGURE 13.2 –Apple Valley Comprehensive Airport Land Use Compatibility Plan Figure A-1



The proposed Project is located within the Specific Plan Area and outside of Airport Overlay District A-1 and District A-2.

FIGURE 13.3 - Town of Apple Valley Zoning Map as Amended 11/13/2012

Town of Apple Valley

As previously indicated in the Noise Analysis Section 3.6, "*the 60 dBA noise contour boundary for the airport has been identified as occurring within the Airport's property, and noise levels on surrounding lands are not significantly affected. While aircraft overflights may be heard within the Town, aircraft noise does not create significant noise impacts outside the immediate area. Aircraft noise from the Apple Valley Airport is limited to general aviation aircraft and was perceived as barely perceptible throughout most of the study area. Therefore, airport noise impacts are considered* ***less than significant****, and no further noise analysis is provided under Guideline C.*"

FINDINGS: [**No Impact**] Based on the foregoing, airport noise impacts are considered less than significant, and no further noise analysis is provided under Guideline C. ***Therefore, there would be no impact.***

XIV. Population/Housing

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☒	☐	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐

References: Town of Apple Valley General Plan Environmental Impact Report titled, "***ENVIRONMENTAL IMPACT REPORT (SCH# 2008091077) APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", certified August 11, 2009;
STUDY/FINDINGS

Would the project:

a) **Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

STUDY: As discussed thoroughly throughout this Initial Study the proposed Project is located within the North Apple Valley Industrial Specific Plan. The designated land use under the NAVISP is General Industrial-Industrial. The proposed land use is not a residential land use and as such is not proposing new homes. The proposed land use of warehouse and distribution is "Permitted" under the NAVISP. The Project projects 200 employees at 100 per shift x 2 shifts. Therefore, the project will not induce substantial population growth either directly nor indirectly. The GPEIR analyzed the impacts associated with the Buildout of the entire General Plan inclusive of the Annexation Areas. The GPEIR analysis is discussed in detail herein in the foregoing ***Section 1.2.1 CEQA***

GUIDELINES, ANALYSIS OF THE GENERAL PLAN. The environmental impacts associated with the build out of the General Plan incorporating the North Apple Valley Specific Plan Area inclusive of the Annexation Areas relative to the population growth in the entire General Plan/Specific Plan area, either directly inclusive of new homes, businesses, and industrial were thoroughly analyzed in accordance with CEQA in the GPEIR which concluded the following, " *The proposed General Plan and annexations will result in an increase in residential units, commercial and industrial square footage. Within the existing Town limits, this increase will be associated with changes in the distribution of land uses, including an increase in Medium Density residential units. The changes in the land use pattern within the Town, however, will not be significant, and will not significantly affect the pattern of development which has already occurred. Lower intensity residential land uses are still proposed in the southern and northwestern areas of Town. The character of these areas will not significantly change. Along the High Desert Corridor, land use intensities will increase somewhat, as the land use map has been modified to reduce the exposure of sensitive receptors, particularly single family homes, to the potential impacts of a high-volume roadway. The changes proposed in the land use plan will not represent a significant impact to land use within the Town limits*".

A Water, Sewer & Solid Waste Supply Assessment (WSA) was prepared by Redbrick Consulting for the proposed Cordova Business Center Project pursuant to MM 6. The Study thoroughly analyzed and performed a comparative analysis of the GPEIR Water and Sewer Supply with the Project's Pro-Rata GPEIR Supply Allocation and concluded the project is well under the Project's Pro-Rata Allocation. Based on the conclusions of the GPEIR above, "*The changes proposed in the land use plan will not represent a significant impact to land use within the Town limits*." and the results of the WSA, that the Water, Sewer and Solid Waste Demand is fewer than the GPEIR Project Pro-Rate Allocations the Project would not induce unplanned population growth through extension of infrastructure.

The GPEIR and NAVISP include certain planned water and sewer infrastructure that will require the proposed project to construct within Central Road and Cordova Road. The GPEIR Circulation Plan Exhibit III-27 depicts Central Road adjacent to the Project as a Major Road with a 104' Right of Way. The GPEIR states, "*To reduce potential impacts to water resources associated with implementation of the proposed General Plan and subject annexations to less than significant levels, the following mitigation measures shall be*

implemented:" The following are the GPEIR Mitigation Measures (MM). Those MMs applicable to the proposed Project are MMs 3 through 7, 9 through 12, and 14. MM.6 has been satisfied as the WSA has been prepared for the Project. Construction workers would likely be a combination of both local and out of town.

GPEIR MITIGATION MEASURES
(GPEIR, §III-Existing Conditions, Impacts and mitigation Measures pp. III-166 through III-168.)

GPEIR MM 3. The Town shall continue to implement its Water Conservation Plan ordinance and comply with State Assembly Bill 325 (AB 325) by limiting turfed areas in new projects and requiring the use of native and other drought-tolerant planting materials, installing efficient irrigation systems and monitoring existing systems to ensure maximum efficiency and conservation.

GPEIR MM 4. The Town shall require that all new developments use water-conserving appliances and fixtures, including low-flush toilets and low-flow showerheads and faucets. The Town shall require the application of water-conserving technologies in conformance with Section 17921.3 of the Health and Safety Code, Title 20, California Administrative Code Section 1601(b), and applicable sections of Title 24 of the State Code.

GPEIR MM 5. The Town shall encourage the use of faucets, showerheads and appliances in new development that exceed Title 20 and Title 24 water efficiency requirements.

GPEIR MM 6. The Town shall require that future development in the General Plan area has an adopted Water Supply Assessment in compliance with AB 610 and 221 prior to approval of development plans.

This MM has been satisfied as the Water, Sewer & Solid Waste Supply Assessment (WSA) was prepared by Redbrick Consulting for the proposed Cordova Business Center Project pursuant to MM 6. The Study thoroughly analyzed and performed a comparative analysis

of the GPEIR Water and Sewer Supply with the Project's Pro-Rata GPEIR Supply Allocation and concluded the project is well under the Project's Pro-Rata Allocation.

GPEIR MM 7. The Town shall actively support and encourage the continuation and expansion of groundwater recharge efforts and shall confer and coordinate with MWA and AVRWC regarding the possible future use of tertiary treated wastewater as a means of reducing demand for groundwater resources. To the greatest extent practicable, the Town shall direct new development to provide irrigation systems that are able to utilize reclaimed water, when available, for use in common area and streetscape landscaping.

GPEIR MM 8. The Town shall consider approaches and mechanisms that facilitate financing and construction of expanded wastewater collection facilities.

GPEIR MM 9. To the greatest extent practicable, the Town shall continue to require new development to connect to the community sewer system. Where sewer service is not available and lots are created of less than one (1) acre in size, the Town shall require the installation of "dry sewers" and the payment of connection fees for future sewer main extensions.

GPEIR MM 10. Consistent with community design standards and local and regional drainage plans, the Town shall provide development standards and guidelines for the construction of on-site storm water retention facilities.

GPEIR MM 11. The Town shall require that the development and maintenance of project-specific on-site stormwater retention/detention basins that implement the NPDES program, enhance groundwater recharge, complement regional flood control facilities, and address applicable community design policies subject to all applicable regulations, standards and guidelines.

GPEIR MM 12. The Town shall evaluate the potential of all proposed land use and development plans to create groundwater contamination hazards from point and non-point sources. The Town shall confer and coordinate as necessary with appropriate water agencies and water purveyors to ensure adequate review.

GPEIR MM 13. The Town shall coordinate with Apple Valley Ranchos Water Company, Golden State Water Company, and other water purveyors that serve the Town and its Sphere of Influence to establish/continue incentive programs to encourage that existing development be retrofitted to utilize water conserving fixtures, and landscaping and irrigation materials and controllers.

GPEIR MM 14. The Town shall restrict the amount of turf planted on all new commercial, industrial, public facilities, multi-family and front yards of single-family residential projects to reduce the amount of water used for irrigation.

GPEIR MM 15. Irrigation design that reduces overspray and uses conservation techniques shall be required for all new commercial, industrial, public facilities and multi-family projects which will reduce the amount of water used and wasted on irrigation.

GPEIR MM 16. The Town shall confer and coordinate with the Victor Valley Wastewater Reclamation Authority to explore the possible future provision of recycled/reclaimed wastewater that can serve new and existing development.

GPEIR MM 17. The Town shall consider incentive programs for the removal of existing turf and replacing the turf with drought tolerant desert landscaping that requires less water.

GPEIR MM 18. The Town shall proceed with the agreement entered into with the City of Hesperia to design two (2) wastewater reclamation plants that will enable reclaimed water to be used to irrigate Town parks and the Apple Valley Country Club Golf Course.

GPEIR Mitigation Monitoring/Reporting Program
(GPEIR §III-Existing Conditions, Impacts and mitigation Measures, p. III-168.)

GPEIR MMRP - A. The Planning Division and the Town Engineer review all development proposals to assess potential adverse impacts on water quality and

quantity, and shall require all development to mitigate any significant adverse impacts.

Responsible Parties: Planning Division, Town Engineer, Mojave Water Agency, Apple Valley Ranchos Water Company, Golden State Water Company, other local water purveyors, project developer

GPEIR MMRP - B. The Town shall coordinate and cooperate with the Mojave Water Agency, Apple Valley Ranchos Water Company, Golden States Water Company and other local water purveyors to ensure that groundwater aquifer is protected from excessive extraction.

Responsible Parties: Planning Division, Town Engineer, Mojave Water Agency, Apple Valley Ranchos Water Company, Golden State Water Company, other local water purveyors.

FINDINGS: [**Less Than Signficant With Mitigation Incorporated**] Based on the Certified and Adopted GPEIR and NAVISP, the proposed Project will not induce substantial unplanned population growth in an area, either directly or indirectly as discussed in the foregoing Study. The GPEIR Mitigation Measures as listed in the foregoing Study and as stated herein are applicable to the proposed Project and shall be incorporated. Therefore, ***the impacts will be less than significant with mitigation incorporated.***

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

STUDY: The proposed Project is located within the NAVISP and designated as SP-Industrial on currently vacant land and the surrounding property is predominantly vacant as well. The Project is consistent with the designated land use.

FINDINGS: [**Less Than Significant Impact**] Due to the fact that the proposed project is not located within a designated residential land use area, will not require a Zone Change from Residential, there are no residential housing existing on the Property, and there are no substantial numbers of existing people or housing, there is no impact to substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

XV. Public Services

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:	☐	☒	☐	☐
Fire protection?	☐	☒	☐	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other Public Facilities?	☐	☒	☐	☐

References: Town of Apple Valley General Plan Environmental Impact Report titled, "***ENVIRONMENTAL IMPACT REPORT (SCH# 2008091077) APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", certified August 11, 2009;
STUDY/FINDINGS

Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

Fire protection?

STUDY: The GPEIR Section III -Existing Environmental Conditions, Project Impacts, and Mitigation Measures, Fire Protection 1. Existing Conditions state that The Town of Apple Valley received Fire Protection from the Apple Valley Fire Protection District (AVFPD). AVFPD is an independent District that serves the Town and unincorporated areas of San Bernardino County. The Town of Apple Valley Fire Protection District Boundary Map shows the Project Site is located within the Town of Apple Valley Fire Protection District and Apple Valley Fire Protection District Sphere of Influence. The Proposed Project would be served by the Apple Valley Fire Protection District (AVFPD). The Operations Division covers an area of 206 square miles and responds to over 12,000 EMS, fire, hazardous materials, rescue and other incidents per year. The District's size, population, and varied landscape combine to present a challenging environment to provide emergency services. The District staff's five fire stations – 24/7 and provide paramedic services. The AVFPD Fire Station 331 on Headquarters Drive is located within Apple Valley approximately 6.78 miles south of the Project Site. Response times in the range of five to eight minutes are considered maximum in the case of structural fires. A longer response time will result in the loss of most of the structural value.

The GPEIR analyzed impacts to Fire Projection. Within the NAVISP area the AVFPD and the Town considered construction of an eighth fire station on approximately 12 acres at the northwest corner of Johnson Road and Navajo Road in North Apple Valley. This Station would be located approximately 1.5 miles from the proposed Project Site. The GPEIR states, "*Without mitigation, buildout of the General Plan will result in significant impacts associated with the provision of fire protection services. Mitigation is set forth below to reduce these impacts to less than significant levels*. GPEIR Section III Fire Protection Mitigation Measures which are incorporated herein and are stated as follows.

The proposed Project will provide the Fire Protection System and infrastructure to meet the requirements set forth by the Apple Valley Fire Protection District which will include Fire Hydrants and Building Fire Sprinkler Systems. The WSA study evaluated Water Supply in Section X. Hydrology that includes Water Demand for Fire Flow for Fire Hydrants and Fire Sprinklers. The WSA determined the Project annual Fire Flow Demand at a worst-case scenario of 5.89 AFY. The Total Water Demand will only use 25.31 AFY which equates to 46.7% of the Total GPEIR Project Pro-Rata Allocation of 54.23 AFY. The WSA also concluded that the MWA UWMP has projected sufficient water supply through 2065.

FINDINGS: [**Less Than Signficant With Mitigation Incorporated**] The GPEIR set forth mitigation measures to reduce impacts associated with provision of fire protection services to less that significant levels. The GPEIR Mitigation Measures are included herein. The Mitigation Measures specific to the proposed Project are GPEIR Fire MM-2, 3, 4 and GPEIR

MMRP FIREA. Therefore, based on the results of the WSA, the proposed Project will include a Sprinkler System, and adequate Fire Hydrants and Fire Flow, and pursuant to GPEIR FIRE MM-1 "*The Town shall continue to coordinate closely with the Apple Valley Fire Protection District to assure the timely expansion of facilities and services.*", which will provide adequate Fire facilities throughout the buildout of the General Plan Area inclusive of the NAVISP area. Thus, the proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, the need to maintain acceptable service ratios, response times, or other performance objectives for any of the fire protection services. The impact to fire protection services is less than significant with mitigation incorporated.

GPEIR MITIGATION MEASURES
(GPEIR, §III-Existing Conditions, Impacts and mitigation Measures p. III-241.):

The following mitigation measures will reduce impacts associated with provision of fire protection services to less than significant levels.

GPEIR FIRE MM-1. The Town shall continue to coordinate closely with the Apple Valley Fire Protection District to assure the timely expansion of facilities and services.

GPEIR FIRE MM-2. The Town and Apple Valley Fire Protection District shall continue to enforce fire codes and other applicable standards and regulations as part of building plan review and conducting building inspections.

GPEIR FIRE MM-3. Industrial facilities that involve the storage of hazardous, flammable or explosive materials shall be sited so as to ensure the highest level of safety in strict conformance with Uniform Fire Code and other applicable codes and regulations.

GPEIR FIRE MM-4. The Apple Valley Fire Protection District shall continue to review new development proposals and evaluate project plans to assure that it can provide adequate fire protection.

GPEIR FIRE MM-5. The Town and Apple Valley Fire Protection District shall coordinate with the Apple Valley Ranchos Water Company, Golden States Water Company, and all other water purveyors serving the General Plan and annexation areas, to ensure adequate water supplies and pressure for existing and proposed development.

GPEIR MITIGATION MONITORING/REPORTING PROGRAM
(GPEIR, §III-Existing Conditions, Impacts and mitigation Measures p. III-241.)

GPEIR MMRP FIRE-A. Apple Valley Fire Protection District shall review all development plans prior to issuance of building permits to ensure that development complies with Town and District standards.
Responsible Parties: Planning Division, Apple Valley Fire Protection District

Police protection?

STUDY: Police services would be provided by the Town of Apple Valley Police Department through a contract with the San Bernardino County Sheriff's Department (SBSD). The nearest station is located at 14931 Dale Evans Parkway Apple Valley approximately three miles west of the Project Site. The Department provides law enforcement services to the unincorporated areas of the San Bernardino County.

The Sheriff's Station consists of 51 officers and 13 general employees. The County of San Bernardino Police Department reviews its needs on a yearly basis and adjusts ser-vice levels as needed to maintain an adequate level of public protection throughout the County. Developer impact fees are collected at the time of building permit issuance. The Proposed Project is not anticipated to significantly increase demand for police protection services. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

The GPEIR impact analysis included the entire General Plan area including the Annexation Area with an expectation of a total build-out population of approximately 194,931 residents. To meet the target ration of 1 deputy per 1500 residents at General Plan build out would require a total of 130 deputies. The conclusion was that the demand for additional police protection services would increase gradually, and Town revenues would increase with General Plan buildout. Actual demand for police protection services would be dependent on future levels of development. The mitigation measures pursuant to the General Plan are included herein below.

FINDINGS: [**Less Than Significant Impact**] Police services would be provided by the Town of Apple Valley Police Department through a contract with the San Bernardino County Sheriff's Department (SBSD). The Proposed Project is not anticipated to significantly increase demand for police protection services. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required. Therefore, there is a **Less Than Significant Impact.**

GPEIR MITIGATION MEASURES

GPEIR POL-1. New development projects shall be reviewed by the Sheriff's Department to ensure the Department's ability to provide adequate police protection. New developments shall comply with established Sheriff's Department standards.

GPEIR POL-2. The Town shall continue to monitor Town population and Sheriff's Department Staffing levels to ensure that sufficient levels of police protection are afforded.

GPEIR MITIGATION MONITORING AND REPORTING PROGRAM (GPEIR, §III-Existing Conditions, Impacts and mitigation Measures p. III-239.)

GPEIR MMRP POL-A. The Sheriff's Department shall monitor calls in the planning area. The Town shall annually review response times and police activity to ensure adequate protection.
Responsible Parties: Sheriff's Department, Town Manager.

Schools?

STUDY: The GPEIR analyzed the impacts on the existing school districts within the General Plan and Annexation Areas. The proposed Project is located within the NAVISP with a land use of Industrial consistent with the NAVISP. As such the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives for any of the school system services. In accordance with State of California Government Code, "The payment or satisfaction of a fee, charge, or other requirement levied or imposed ... are hereby deemed to be full and complete mitigation of the impacts ... on the provision of adequate school facilities." The Project Applicant would be required to pay these development fees in accordance with Government Code §65995 and Education Code §17620. Through payment of development fees, no impacts related to school services would occur. Mitigation is not required.

FINDINGS: [**No Impact**] Based on the analysis wherein the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives for any of the school system services. The Project Applicant would be required to pay these development fees.

Pursuant to State Government Code "*The payment or satisfaction of a fee, charge, or other requirement levied or imposed … are hereby deemed to be full and complete mitigation of the impacts … on the provision of adequate school facilities.*" Therefore, there would be ***no impact***.

Parks?

STUDY: The proposed Project is within the NAVISP consistent with the designated industrial land uses at build out and will have no residential component that would require new parkland.

FINDINGS: [**No Impact**] The proposed Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives for any of the public services. Therefore, there would be ***no impact*** on Parks.

Other public facilities?

STUDY: The GPEIR analyzed impacts to the Town's libraries. There is one library serving Town, the Apple Valley Newton T. Bass Branch Library, part of the San Bernardino County Library System and located adjacent to Town Hall off of Dale Evans Parkway.

[23]Based on provision of library facilities at a standard of 0.45 square feet per capita, as planned for in the County Library Master Facilities Plan, and a General Plan and annexations build out population of 194,931, an approximately 87,719 square foot facility will be needed to serve the build out population. At build-out the proposed annexation areas are expected to have a population of 4,236, all of which will occur within Annexation 2008-001. Based on the standard of 0.45 that is indicated in the County's Master Plan, the build out population of the annexation areas would be adequately served by approximately 1,906 square feet of library facilities. It should be noted that this population is included in the total General Plan buildout population and therefore provision of library services is also accounted for therein. Development facilitated by the General Plan and the proposed annexations is expected to occur gradually and will therefore not result in immediate impacts to County library services. The Project is within the NAVISP with a designated and proposed land use of Industrial. The Project would be subject to applicable Development Impact Fees (DIFs) which may include a fee for Libraries. The current General Government Facilities fee is $0.034/sq. ft.

23 General Plan and Annexations 2008-001 & 2008-002/Environmental Impact Report, Section III – Existing Environmental Conditions, Project Impacts, Mitigation Measures - Libraries

FINDINGS: [**Less Than Signficant With Mitigation Incorporated**] Development facilitated by the General Plan and the proposed annexations is expected to occur gradually and will therefore not result in immediate impacts to County library services. The Project is within the NAVISP with a designated and proposed land use of Industrial. The Project would be subject to applicable Development Impact Fees (DIFs) which may include a fee for Libraries. The current General Government Facilities fee is $0.034/sq. ft. and therefore impacts would be reduced to ***less than significant with mitigation incorporated***.

GPEIR MITIGATION MEASURES (GPEIR, p. III-237.)

The following mitigation measures will ensure that impacts to libraries are reduced to less than significant levels:

GPEIR LIB-1. The Town and the County of San Bernardino shall, by continuing to monitor and evaluate library usage rates and the level of service provided at County libraries in the General Plan area, determine the need for additional services and facilities.

GPEIR LIB-2. In order to determine appropriate mitigation fees necessary to provide adequate library services, the Town shall continue to consult and coordinate with San Bernardino County and consider the addition of library facilities to Developer Impact Fees in the future.

GPEIR MITIGATION MONITORING/REPORTING PROGRAM (GPEIR, §III-Existing Conditions, Impacts and mitigation Measures p. III-238.)

MMRP-A. The Town and County shall regularly monitor utilization of the County library facilities in Apple Valley to determine needs and ensure provision of essential adequate library services to local residents.

Responsible Parties: Town Manager, County Librarian

XVI. Recreation

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

References: Town of Apple Valley General Plan Environmental Impact Report titled, "***ENVIRONMENTAL IMPACT REPORT (SCH# 2008091077) APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", certified August 11, 2009;

STUDY/FINDINGS

Would the project:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

a) & b) STUDY: The proposed Project is within the NAVISP consistent with the designated industrial land uses at build-out and will have no residential component. As a result, this annexation area will not require recreational facilities to accommodate residents.

a) & b) FINDINGS: [**No Impact**] Based on the fact that the project is an industrial land use that does not require recreational facilities the proposed Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the

construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives for any of the public services. Therefore, there would be ***no impact***.

XVII. Transportation

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☒	☐	☐
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☒	☐	☐

References: Town of Apple Valley General Plan Environmental Impact Report titled, "***ENVIRONMENTAL IMPACT REPORT (SCH# 2008091077) APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", certified August 11, 2009***; NORTH APPLE VALLEY INDUSTRIAL SPECIFIC PLAN (amended Ord 351, 428); TRIP GENERATION ASSESSMENT (TGA)*** *dated August 22, 2024 prepared by Urban Crossroads;* ***VEHICLE MILES TRAVELED (VMT) SCREENING EVALUATION*** *dated August 22, 2024 prepared by Urban Crossroads*

STUDY/FINDINGS

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

STUDY: The GPEIR analyzed the impacts to programs, Goals and policies that addressed the circulation system including transit, roadway, bicycle and pedestrian facilities within the Study Area inclusive of the Annexation Areas 2008-001 and 2008-002. In order to document existing traffic conditions, and to evaluate future impacts to circulation in the planning area, a wide range of traffic data were collected and analyzed. A technical analysis (Traffic Study) was conducted by Urban Crossroads, Inc. (GPEIR Appendix F). The modeling

for the GPEIR Traffic Study looked at both construction and operational trips. (Appendix F) The GPEIR Traffic Study utilized data regarding traffic volumes and conditions in the planning area, including mid-block roadway segment counts and intersection turning movements:

> *The GPEIR Traffic Impact Analysis:*
> *"In order to quantify potential traffic impacts associated with buildout of the proposed General Plan and annexations, the traffic study determined the number of trips potentially generated by, or attracted to, the various land uses. Buildout of the proposed Apple Valley General Plan and the annexations will result in the construction of up to 63,749 dwelling units, approximately 51,860,766 square feet of commercial land uses and approximately 58,581,040 square feet of industrial land uses.*
>
> *Buildout Daily Traffic Evaluation*
> *The analysis of average daily traffic (ADT) at buildout of the proposed General Plan is based on projected future daily traffic volumes at the key traffic analysis locations, previously shown in Exhibit III-23. Exhibits III-28 and III-29 show average daily traffic volumes on each of the modeled roadway segments at General Plan build out for the northerly and southerly planning areas, respectively."*

CONSTRUCTION TRIP GENERATION

A Trip Generation Assessment (TGA) was prepared for the Proposed Project to determine whether any traffic operations analysis is required based on the County's Transportation Impact Study Guidelines dated July 9, 2019, referred to as the County Guidelines consistent with the GPEIR transportation analysis. The TGA stated that the Project would result in trips associated witeh construction traffic comprised of workers and ventor trips during the development of the site. It stated that, *"As summarized in the Cordova Business Center (APNs 0463-491-09-000) Air Quality, Greenhouse Gas, and Energy Assessment (Urban Crossroads, Inc., 2024, see Tables 14 and 15), proposed Project is anticipated to generate approximately 276 two-way trip ends per day (in actual vehicles) during peak construction activities (e.g., the building construction phase)."*

The CalEEMod modeling performed for the Project includes both Construction and Operational impacts for AQ, GHG emissions analysis.

TRIP GENERATION COMPARISON

TGA Table 5 shows the trip generation comparison between the land use category currently approved per the City's General Plan and the proposed Project's peak daily construction trips to identify the resulting net change in trips. As shown, the Project is anticipated to generate 579 fewer two-way trip ends per day as compared to the currently adopted General Plan land use. The following is **TABLE XVII- Table 5: GPEIR VS. PROJECT CONSTRUCTION PRO RATA ALLOCATION DAILY TRIP GENERATION COMPARISON:**

TABLE XVII- Table 5: GPEIR VS. PROJECT CONSTRUCTION PRO RATA ALLOCATION DAILY TRIP GENERATION COMPARISON

General Plan Update Pro Rata Allocation	
Total Trips	855
Project Construction	
Total Trips	276
Net Surplus in Trip Allocation of Total GPEIR TAZ Trip Generation	**-579**

The TGA performed the comparative analysis of the TGA in the GPEIR TGA with the Project's Pro-Rata Allocation. The comparative analysis concluded that the Project has less than the GPEIR Project Pro-Rata Allocation. A separate VMT analysis was prepared for the Project which was not required in 2009 when the EIR was certified. . The TGA compared the proposed Project to the industrial uses evaluated previously in the GPEIR as stated in the TGA as follows:

> *"in order to determine if the proposed project falls within the overall envelope of analysis included in the Environmental Impact Report (EIR) (SCH No. 2008091077) for the Apple Valley General Plan and Annexations 2008-001 & 2008-002 (certified August 11, 2009, referred to as 2009 EIR). The 494,000 square foot building is located within Traffic Analysis Zone (TAZ) 1239 of the General Plan Update.*

The TGA General Plan Trip Generation describes the comparative analysis as follows, "*As noted previously, the 494,000 square foot building lies within TAZ of the General Plan Update as evaluated in the 2009 EIR. As shown on Table 1, the site totaling 29.79-acres is designated General Industrial (I-G). The designation allows warehousing and warehousing distribution facilities. The General Plan Update analysis was based on the Apple Valley Traffic Model (AVTM) which utilizes socio-economic data (SED) that is representative of specific land uses within each TAZ. Table 1 summarizes the total acreage the applicable TAZ 1239 and the total daily trips, then the associated site daily trip generation has been calculated based on the site acreage located within each TAZ.*"

As explained in Section 1.2.3, the the Urban Crossroads TGA for the Proposed Project uses the same methodology as the GPEIR by determining the Project's Pro-Rata GPEIR Percentage of the total GPEIR Industrial Land Use Category Area. The **TGA TABLE 1: GENERAL PLAN TRIP GENERATION** summarizes and compares the daily and peak hour trip generation estimates for the proposed Project. The Cordova Project is located in GPEIR TAZ 1239. The following ***TABLE XVII. GPEIR TRIP GENERATION AND PROJECT PRO-RATA SHARE ALLOCATION COMPARISON*** shows the total GPEIR TAZ1239 acreage and the Projects Pro-Rata Allocation of the TAZ 1239.

TABLE XVII-1. GPEIR TRIP GENERATION AND PROJECT PRO-RATA SHARE ALLOCATION COMPARISON

GPEIR[1]			ACREAGE	PROJECT PRO-RATA SHARE	
TAZ[2]	Total TAZ Daily Trips	TAZ Acreage Units [1]	Project Site Acreage Units[1]	Percent Total	Total Site Daily Trips
GPEIR TAZ 1239 Cordova	9,076	316.3 AC	29.8 AC	9.42%	855
TOTAL	**9,076**	**316.3 AC**	**29.8 AC**		**855**

[1] GPEIR = ***APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", -certified August 11, 2009
[2] TAZ = Traffic Analysis Zone
[3] AC = Acreage

The GPEIR trip generation allocation for the Project is based on site acreage as a percentage of the overall GPEIR TAZ acreage. The proposed Project is anticipated to generate 855 two-way trips per day; the GPEIR percentage Project Pro-Rata Allocation of the total GPEIR daily trip generation is 855 per day. The TGA estimated the daily and peak hour trip generations for the proposed Project as shown in the following **TABLE XVII-2 – TGA TABLE 3: PROPOSED PROJECT DAILY TRIP GENERATION SUMMARY**:

TABLE XVII-2 – TGA TABLE 3: PROPOSED PROJECT DAILY TRIP GENERATION SUMMARY

Land Use	Quantity Units[1]	Cordova. Daily Trips	Total Daily Trips
Warehousing	494.000 TSF		
Passenger Cars:		548	2,368
2-axle Trucks:		50	214
3-axle Trucks:		62	266
4+-Axle Trucks:		186	802
Total Truck Trips:		298	1,282
Total Trips[2]		**846**	**3,650**

[1] TSF = thousand square feet
[2] Total Trips = Passenger Cars + Truck Trips

The TGA then performed a Trip Generation Comparison between the General Plan adopted Industrial land use category per the Town's General Plan and the proposed Project permitted land use of warehousing/distribution to identify the resulting net change in trips. The following ***TABLE XVII.-3 – TGA TABLE 4: GPEIR VS. PROJECT PRO RATA ALLOCATION DAILY TRIP GENERATION COMPARISON*** summarizes and compares the results of TABLES 3 & 4:

TABLE XVII.-3 – TGA TABLE 4: GPEIR VS. PROJECT PRO RATA ALLOCATION DAILY TRIP GENERATION COMPARISON

	Site Daily Trips	Total: Daily Trips
GPEIR Project Pro Rata Allocation		
Total Trips	855	855
Proposed Project		
Total Trips	846	846
Net Surplus in Project Trip Allocation of Total GPEIR TAZ Trip Generation	-9	-9

As shown above, the Cordova Project is anticipated to generate -9 fewer two-way trip ends per day as compared to the adopted GPEIR Pro Rata Daily Trip Allocation of 855 daily trips. Since the development of the Project will generate -1.05% less than the planned GPEIR Pro Rata Project Allocation the TGA determined that no further traffic operations analysis is recommended based on the findings of their trip generation assessment.

CEQA Guidelines Article 5. Section 15064.3 Determining the Significance of Transportation Impacts sets forth the specific considerations for evaluating a projects transportation impacts in the following excerpt:

"(a) Purpose.

This section describes specific considerations for evaluating a project's transportation impacts. Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in subdivision (b)(2) below (regarding roadway capacity), a project's effect on automobile delay shall not constitute a significant environmental impact.

(b) Criteria for Analyzing Transportation Impacts.

(1) Land Use Projects. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact."

Based on the foregoing analysis, no further traffic operations analysis is recommended based on the findings of the Trip Generation Assessment. Urban Crossroads prepared a Vehicle Miles Traveled Assessment (VMT) for the proposed Project which is summarized in the following "***b) Study***".

CIRCULATION

Under the GPEIR Central Road from Johnson Road to Cordova Road is designated as a Major Road with a 104' ROW on the GPEIR Circulation Plan. Johnson Road from Central Road west to Stoddard Wells Road is also designated as a Major Road with a 104' ROW on the GPEIR Circulation Plan. Cordova Road from Central Road west to Dale Evans Parkway as a Secondary Road with an 88' ROW. The GPEIR under its Traffic Impact Analysis determined that the buildout of the AVGP inclusive of the annexation areas will result in approximately 58,860,766 square feet of industrial land uses. The GPEIR analyzed the average daily traffic (ADT) at buildout of the proposed General Plan which was based on projected future. The amended NAVISP Section IV. Infrastructure subsection 5. General Plan Roads *(Amended Ord. No. 428)* states that, "*General Plan of Roads Amendments Required to Implement the Specific Plan Implementation of the Specific Plan is not expected to require amendments to the Circulation Element of the Town General Plan. The current Circulation element provides adequate access and roadway capacity for the buildout of the Specific Plan and the Town General Plan and projected regional growth.*" Therefore, the proposed Project would not conflict with a program, plan, ordinance or policy addressing the circulation system.

TRANSIT/ROADWAY FACILITIES

The GPEIR comparative analysis demonstrates that as shown above, the Cordova Project is anticipated to generate -9 fewer trip ends per day as compared to the adopted GPEIR Pro-Rata Daily Trip Allocation of 855 daily trips. Since the development of the Project will generate -27.4% less that the planned GPEIR Pro-Rata Project Allocation the TGA determined that no further traffic operations analysis is recommended based on the findings of their trip generation assessment. The GPEIR analyzed Levels of Service (LOS) through the General Plan area inclusive of the NAVISP Area. All intersections throughout were found to operate at an acceptable LPOS and therefore impacts were reduced to less than significant with mitigation, except for one, which is the intersection at Dale Evans Parkway and Corwin Road, which was shown to operate at LOS E at total buildout of the General Plan Area inclusive of the NAVISP Area. The 2009 GPEIR was certified with this exception under a Statement of Overriding Considerations.

In 2018 the Town of Apple Valley approved an Addendum to the 2009 EIR that reduced the Annexation Area 2008-001 to the General Plan Area but located outside of the NAVISP Area. The Addendum demonstrated that impacts were either the same or reduced.

Relevance of the GPEIR Addendum to this Project

This IS/MND tiers off the GPEIR adopted in 2009. The relevance of the 2018 Addendum to the proposed Project is that the 2009 EIR Traffic Impact Analysis, to which this IS/MND

is compared, is based on the buildout of the entire General Plan Area inclusive of the NAVISP Area. The Addendum to the GPEIR was solely for the purpose of analyzing the reduction in size of the 2008-001 Annexation Area, and thus a resultant reduction in the General Plan Area.

While this TGA comparative analysis is based on the Project's GPEIR Pro-Rata Allocation and not LOS it is necessary to reference the latter Addendum because the reduction in area the LOS at Dale Evans Parkway and Corwin Road will have a 38% reduction in daily trips which would raise the LOS to D. Therefore, this Project with the GPEIR mitigation measures incorporated impacts would be reduced to ***less than significant with mitigation incorporated***, without the exception of the one intersection at Dale Evans Parkway and Corvin Road. Thus, as to this Project, with the GPEIR mitigation measures incorporated impacts would be reduced to less than significant with mitigation incorporated without the one intersection exception.

VMT ANALYSIS – See **b)**

BICYCLE AND PEDESTRIAN FACILITIES

The GPEIR includes expanded and updated bicycle facilities that includes more connectivity to allow bicycle users better access throughout the Town and planning area. According to the GPEIR Apple Valley's bicycle network is a part of the larger regional bikeway system that provides bicycle corridors and transit connections to regional facilities. Cooperation with neighboring cities and the County ensures that the bicycle network is an effective tool in providing greater access to the region's transit network, as well as providing a backbone of commuter bikeways to facilitate greater commuter bicycle travel. Certain changes to the bicycle system that impacts the Project includes installation of a new Class II Bicycle Pathway Central Road from Johnson Road to Cordova Road as shown on the following ***FIGURE 17.0 - GPEIR Exhibit III-3 Apple Valley General Plan Draft EIR.*** The NAVISP as *amended Ord 351, 428* to include the annexation areas Section IV-Infrastructure Paragraph 8. Bike Paths addresses bike paths within the NAVISP relative to the priority of bike paths as being lower than it would be in a residential or open spade area. The NAVISP determined that there are no bike paths within the Specific Plan Areas except for a Class I bike path that runs north and south on Dale Evans Parkway, and another Class I bike path on Waalew Road. Although the NAVISP stated that as the area builds out, planning for bicycle-riding workers on Class II (on road striped lanes) should be incorporated into roadway planning. A Class II striped bike lane would be installed by the Project.

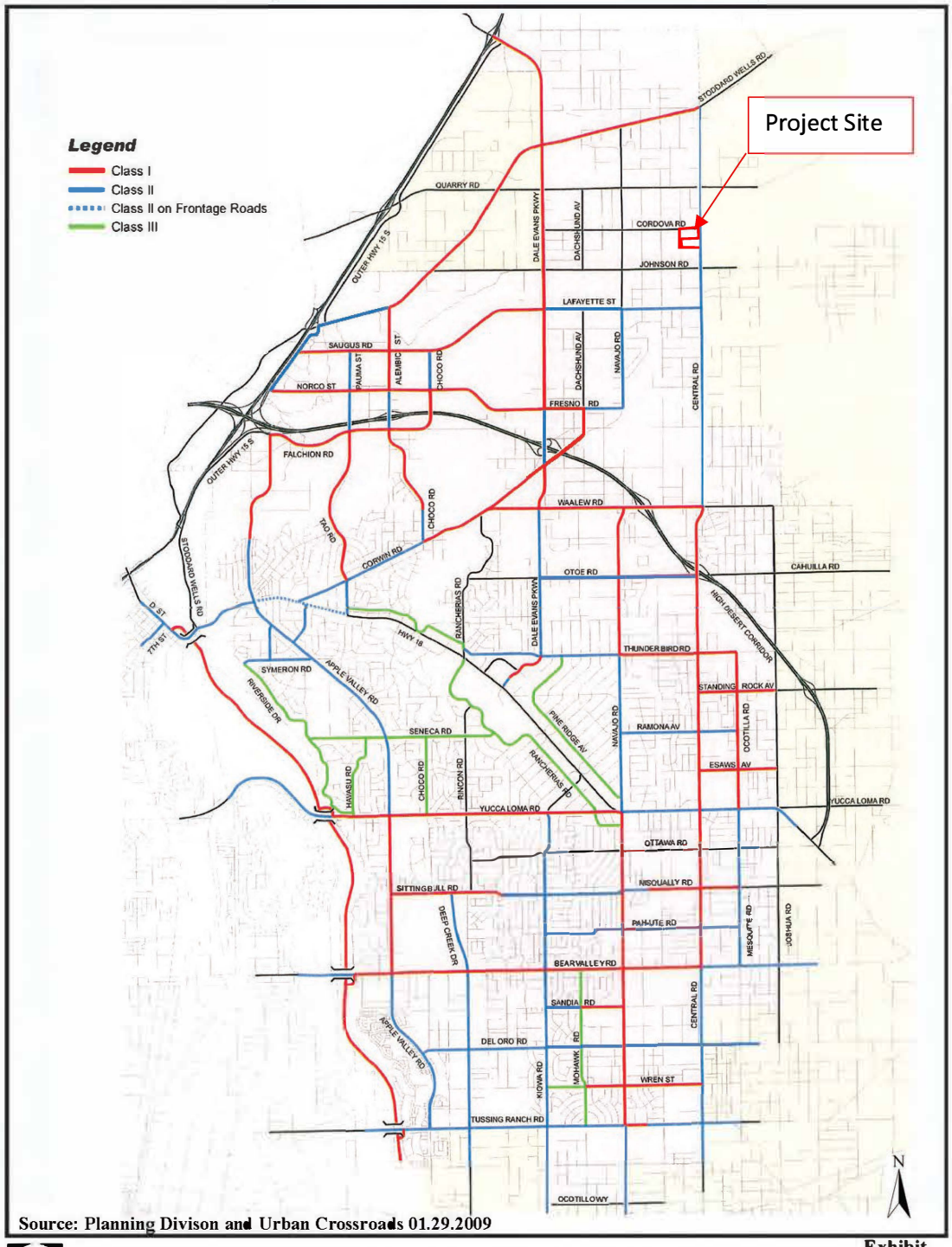


FIGURE 17.0 - GPEIR Exhibit III-3 Apple Valley General Plan Draft EIR

PUBLIC TRANSIT FACILITIES

Section IV Infrastructure Paragraph 7 of the NAVISP as *amended Ord 351, 428* to includes the annexation areas. Mass Transit of the NAVISP addresses mass transit within the NAVISP. The NAVISP identifies the proposed mass transit corridors located on the eastern and northern perimeters of the Specific Plan area along Central Road and Quarry Road. As stated previously Central Road is planned as a major road with a 104' ROW. According to the Circulation Element of the Apple Valley Master Plan, Apple Valley Airport is the site of a mass transit terminal with two planned mass transit routes beginning from that point. One runs westward along Falchion Road to the Town's boundary with Victorville and Hesperia. The other runs along Corwin Road in a southwesterly direction toward the Victorville and Hesperia areas, including connections to St. Mary Desert Hospital, Victor Valley Community Hospital, Route 66, and the Amtrak station in Victorville. The Corvin Road route is further subdivided, joining another proposed mass transit route at Dale Evans Parkway heading southward toward the heavily commercial Bear Valley area and uses such as Victor Valley College, the Quad Cities Center, Kiowa Plaza, Granite Hills High School, and Apple Valley High School.

The following ***FIGURE 17.1 – GPEIR Apple Valley General Plan Draft EIR Existing and Proposed Public Transportation Routes Apple Valley Exhibit III-30*** shows a "Long Range Future On-Road Transit Line along Central Road Northerly to Johnson Road where it turns west at Johnson Road and continues to Stoddard Wells Road. The project would not impact this line.

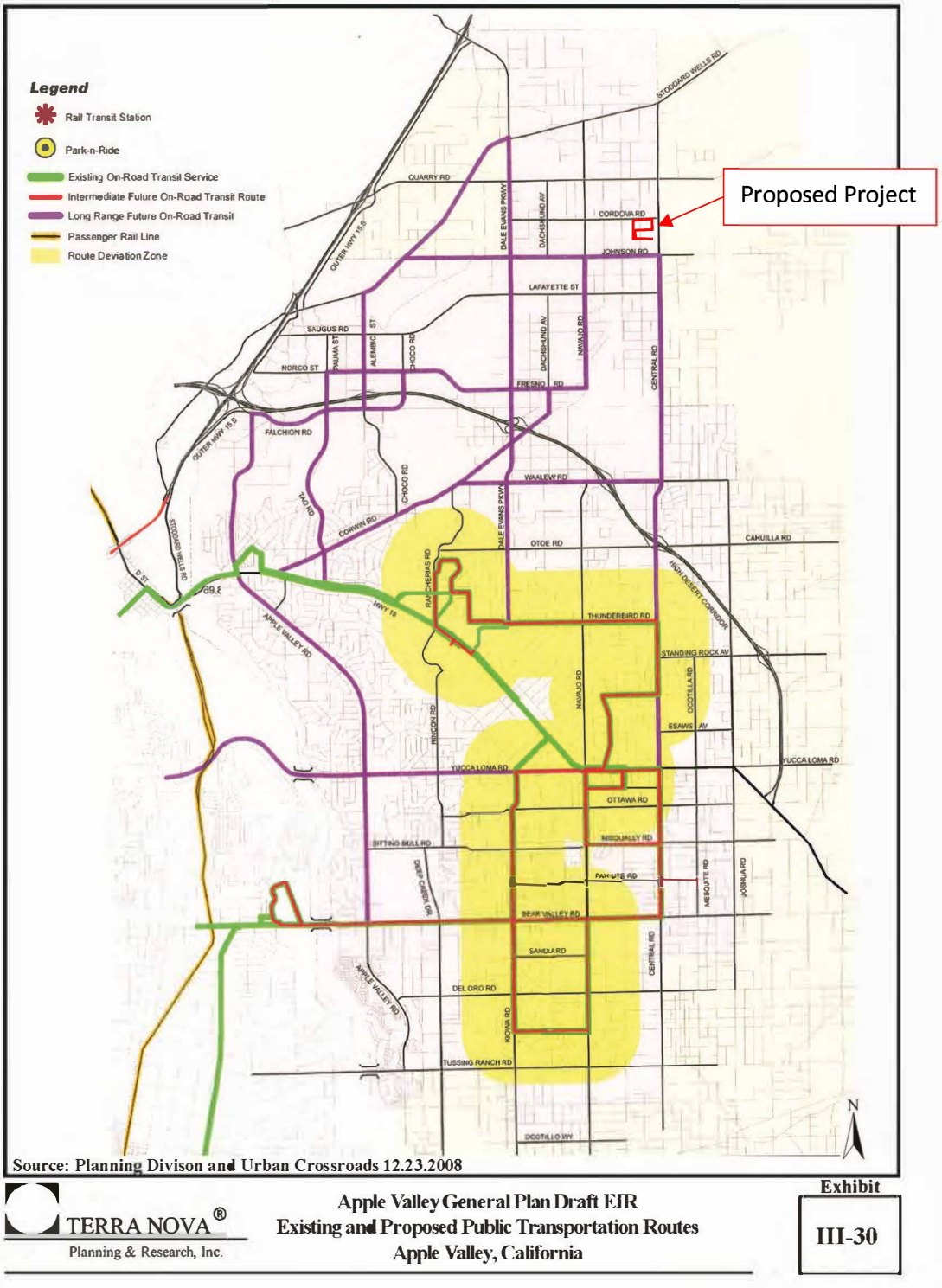


FIGURE 17.1 – GPEIR Apple Valley General Plan Draft EIR Existing and Proposed Public Transportation Routes Apple Valley Exhibit III-30

FINDINGS: [**Less Than Signficant With Mitigation Incorporated**] The GPEIR concluded that the General Plan was prepared in accordance with Town Standards. The TGA concluded that the Project is anticipated to generate -9 fewer two-way trip ends per day as compared to the adopted GPEIR Pro Rata Daily Trip Allocation of 855 daily trips. Since the development of the Project will generate -21.05% less than the planned GPEIR Pro Rata Project Allocation the TGA determined that no further traffic operations analysis is recommended based on the findings of their trip generation assessment.

With the incorporation of the Mitigation Measures MM-TRA-1 for construction of half width improvements to Central Road and Cordova Road in accordance with the GPEIR Circulation Plan, GPEIR MM-TRA-2 for dedication of half width streets along Cordova Road and Central Road frontages as concluded pursuant to the GPEIR Traffic Study as included in the GPEIR, The GPEIR stated that the required levels of service will be maintained at all intersections except Dale Evans Parkway and Corwin Road, which will operate at LOS E. The GPEIR Section III Transportation 3. Mitigation Measures stated, "That intersection's impacts cannot be mitigated to less than significant levels and impacts will remain significant and unavoidable". This intersection is relevant to the Project because it was subsequently reanlyzed resulting in a 38% reduction in daily trips. This intersection (Dale Evans and Corwin Road) is located west of the proposed project, within Annexation Area 2008-001. This Annexation Area was subsequently reanalyzed for a reduction in land area in an Addendum to the GPEIR,"*Apple Valley 2009 General Plan and Annexation 2008-001 dated March 2018*". This Addendum included a new Traffic Impact Analysis prepared by Urban Crossroads on September 2017[24] and revised on October 2017[25] which analyzed the effects of the proposed reduction of acreage for Annexation 2018-001 (*original Annexation 2008-001*) area. The methodology used in the analysis was described as follows in the 2018 Addendum:

> *"In order to reflect current conditions and changes in the standards applied to trip generation, trip generation was developed for both 2008 annexation land use build out and the proposed 2018-001 Annexation using the current 10th Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. This provides an "apples to apples" analysis, rather than comparing 2008 trip generation rates to 2017 trip generation rates."*

The Trip Generation Comparison conclusion in the 2018 GPEIR Addendum stated the following:

24 *REFERENCE: Apple Valley Land Annexation Trip Generation Assessment prepared by Urban Crossroads, September 2017.*

25 *REFERENCE: Apple Valley Land Annexation Trip Generation Assessment prepared by Urban Crossroads, Octoberber 2017.*

*"**Trip Generation Comparison***
As shown in Table 25, compared to Annexation 2008-001, build out of the proposed 2018-001 Annexation is anticipated to generate 117,738 fewer trip-ends per day, including 7,759 fewer morning peak hour trips and 12,683 fewer evening peak hour trips. This represents a reduction of 38% in daily trips."

TABLE XVII-4 – 2018 GPEIR Addendum Table 25 Trip Generation Comparisons

Land Use	AM Peak Hour			PM Peak Hour			Daily
	In	Out	Total	In	Out	Total	
Annexation 2008-001	11,753	5,387	17,140	13,613	19,320	32,933	309,176
2018-001 Annexation	7,051	2,330	9,381	8,082	12,168	20,250	191,438
Variance	**-4,702**	**-3,057**	**-7,759**	**-5,531**	**-7,152**	**-12,683**	**-117,738**

The following is the Summary of Impacts for the reduction in annexation area reanalyzed in the 2018 GPEIR Addendum:

"Summary of Impacts
*The development of the proposed 2018-001 Annexation is anticipated to generate 117,738 fewer trip-ends per day as compared to Annexation 2008-001. Therefore, the impacts projected for the roadways and intersections surrounding the Annexation area would be similar to or less than those considered in the EIR. Based on the reduction in trips identified for the proposed 2018-001 Annexation, the LOS previously projected for the roadways and intersection near the Annexation 2008-001 would remain the same or would improve. To further improve the LOS in the annexation area, the build out of the 2018-001 Annexation will be subject to the same mitigation measures included in the EIR, including the preparation of project-specific traffic impact analyses, and regular monitoring of traffic volumes by the Town. The proposed 2018-001 Annexation will not create new or substantially more adverse impacts to transportation or traffic than those disclosed in the EIR, and **will not require any new mitigation measures.**"*

While this TGA comparative analysis is based on the Project's GPEIR Pro-Rata Allocation and not LOS, it is necessary to reference the latter 2018 Addendum to the GPEIR because the reduction in General Plan Area modified the LOS at Dale Evans Parkway and Corwin Road resulting in a 38% reduction in daily trips which raised the LOS to an "*acceptable LOS D*". Therefore, this Project with the GPEIR mitigation measures incorporated, impacts would be reduced to ***less than significant with mitigation incorporated***, without the exception of the one intersection at Dale Evans Parkway and Corvin Road. Thus, as to this Project, with the GPEIR mitigation measures incorporated impacts would be reduced to less than significant with mitigation incorporated without the one intersection exception.

The relevance of the 2018 Addendum to the Proposed Project is that the Urban Crossroads' TGA Comparative Analysis for the Project was conservative, in that, it analyzed the Project to the GPEIR which concluded that the Project will generate -1.05% less than the planned GPEIR Pro Rata Project Allocation and the TGA determined that no further traffic operations analysis is recommended based on the findings of their trip generation assessment. The Urban Crossroads 2017 TGC shows a further reduction of 38% of the total daily trips for the Annexation area which reduces the overall GPEIR Pro-Rata Project Allocation accordingly.

Urban Crossroads prepared a Fair Share Assessment (FSA) for the proposed Project to calculate the Project's fair share contribution towards impacted off-site intersections consistent with the GPEIR. The FSA calculated the detailed fair share contribution for the 37 site study area aintersections identified in the 2009 EIR. Below is ***TABLE XVII-5 FSA TABLE 3: ROUGH ORDER OF MAGNITURE FAIR SHARE COST ESTIMATE***:

TABLE 3: ROUGH ORDER OF MAGNITUDE FAIR SHARE COST ESTIMATE

#	Intersection	Cost	Fair Share %	Project Fair Share Fee
1	I-15 SB Ramps & Dale Evans Pkwy.			
	- Install a traffic signal	$600,000	0.2%	$1,463
	- Dual SB left turn lanes	$753,300		$1,837
	- Two EB through lanes	$1,230,390		$3,001
	- EB right turn lane	$83,700		$204
	- Three WB left turn lanes	$837,000		$2,041
	- Two WB through lanes	$1,230,390		$3,001
	TOTAL	**$4,734,780**		**$11,548**
2	I-15 NB Ramps & Dale Evans Pkwy.			
	- Install a traffic signal	$600,000	0.1%	$704
	- NB free-right turn lane	$669,600		$785
	- EB left turn lane	$669,600		$785
	- Two EB through lanes	$1,230,390		$1,443
	- Two WB through lanes	$1,230,390		$1,443
	- WB right turn lane	$83,700		$98
	TOTAL	**$4,483,680**		**$5,258**
3	I-15 SB Ramps & Stoddard Wells Rd.			
	- Install a traffic signal	$600,000	0.5%	$3,240
	- Dual NB right turn lane w/ overlap phasing	$765,855		$4,136
	- Dual SB left turn lanes	$167,400		$904
	- Three WB left turn lanes	$837,000		$4,520
	TOTAL	**$2,370,255**		**$12,801**
4	I-15 NB Ramps & Stoddard Wells Rd.			
	- Install a traffic signal	$600,000	0.3%	$2,095
	- Dual NB left turn lanes	$167,400		$585
	- NB free-right turn lane	$133,920		$468
	- Three SB left turn lanes	$837,000		$2,923
	- 2nd SB through lane	$301,320		$1,052
	- Dual SB right turn lanes	$167,400		$585
	- Dual EB left turn lanes	$753,300		$2,630
	- Two EB through lanes	$602,640		$2,104
	- EB right turn lane with overlap phasing	$96,255		$336
	- Dual WB left turn lanes	$167,400		$585
	- Two WB through lanes	$602,640		$2,104
	- WB right turn lane	$83,700		$292
	TOTAL	**$4,512,975**		**$15,758**
	GRAND TOTAL	**$16,101,690**		**$45,365**

The GPEIR Mitigation Measures shall include . The Project shall pay its pro-rata fair share contribution towards all of the off-site improvements identified in the 2009 GPEIR as identified in the Urban Crossroads Cordova Business Center Fair Share Assessment dated September 9,2024 included herein as Mitigation Measure **GPEIR MM-TRA 18.** The GPEIR Mitigation Measures applicable to the Project are incorporated herein and listed after **d) Findings**, The TGA concluded, *"Since the development of the proposed Project is anticipated to result in a net reduction in trips (from both the construction phase and anticipated operational trips for the Project) from the approved General Plan land use, no further traffic operations analysis has been recommended based on the findings of this trip generation assessment.*

Based on the foregoing, impacts would be ***less than significant with mitigation incorporated*** and the project would be consistent with the GPEIR and not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities**.**

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

STUDY: The State of California amended the California Environmental Quality Act (CEQA) Title 14. Natural Resources Division 6. Resource Agency Chapter 3. Guidelines, Section 15064.3 SECTION 15064.3. DETERMINING THE SIGNIFICANCE OF TRANSPORTATION IMPACTS in 2019 pursuant to Senate Bill SB 743. This amendment is as follows:

"(a) Purpose.

This section describes specific considerations for evaluating a project's transportation impacts. Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in subdivision (b)(2) below (regarding roadway capacity), a project's effect on automobile delay shall not constitute a significant environmental impact.

(b) Criteria for Analyzing Transportation Impacts.

(1) Land Use Projects. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.

(2) Transportation Projects. Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate

measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, such as in a regional transportation plan EIR, a lead agency may tier from that analysis as provided in Section 15152.

(3) Qualitative Analysis. If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.

(4) Methodology. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled, and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.

(c) Applicability. The provisions of this section shall apply prospectively as described in section 15007. A lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide.

Because the GPEIR and NAVISP were adopted prior to this CEQA amendment, a current Vehicle Miles Traveled Screening Evaluation (VMT) for the proposed Project was performed by Urban Crossroads dated August 11, 2023. Urban Crossroads used the "***San Bernardino County Transportation Impact Study Guidelines dated July 9, 2019***", hereinafter referred to as (County Guidelines) for the purposes of this screening since the Town of Apple Valley has yet to adopt its own VMT screening criteria. The VMT analysis was performed on the proposed Project site.. The County Guidelines are categorized as follows:

- *Local Serving Screening*
- *Less Than 110 Daily Vehicle Trips Screening*
- *Transit Priority Area (TPA) Screening*
- *Low VMT Area Screening*

LOCAL SERVING SCREENING

Because the proposed Project does not intend to develop any local serving uses, the Local Serving Screening Criteria of local retail serving of less than 50,000 square feet and other local serving essential services (e.g., local parks, day care centers, public schools, medical/dental office buildings, etc.) are not met. This criteria is presumed to have a less

than significant effect absent substantial evidence to the contrary.

LESS THAN 110 DAILY VEHICLE TRIPS SCREENING

The VMT analysis performed a comparison between the proposed Project and the use evaluated previously in order to determine if the proposed Project falls within the overall envelope of analysis included in the ***Environmental Impact Report (EIR) (SCH No. 2008091077) for the Apple Valley General Plan and Annexations 2008-001 & 2008-002 (certified August 11, 2009***, referred to as 2009 EIR) and in the ***North Apple Valley Specific Plan CMP Traffic Impact Analysis*** (Revised) (dated April 3, 2007, referred to as 2007 Traffic Study). The proposed Project is located within the General Plan Update Study area inclusive of Annexation Area 2008-002 as evaluated in the 2009 GPEIR with the Traffic Analysis Zone (TAZ) 1 1239. The Cordova Site is consistent with the respective designated land use of GI-General Industrial with permitted land uses of warehouse and distribution facilities.

The VMT analysis performed trip generation modeling and compared the results to the currently adopted GPEIR Trip Generation for Specific Plan Industrial/General Industrial land use as summarized herein in the following tables ***TABLE 17.1 – VMT TABLE 1: NAVISP TRIP GENERATION SUMMARY (CURRENTLY ADOPTED, TABLE 17.2 – VMT TABLE 2: ITE TRIP GENERATION RATES,*** and ***TABLE 17.3 – VMT TABLE 3: PROPOSED PROJECT TRIP GENERATION SUMMARY***:

TABLE 17.1 – VMT TABLE1: GPEIR TRIP GENERATION SUMMARY

GPEIR[1]			ACREAGE	PROJECT PRO-RATA SHARE	
TAZ[2]	Total TAZ Daily Trips	TAZ Acreage Units [1]	Project Site Acreage Units[1]	Percent Total	Total Site Daily Trips
GPEIR TAZ 1239 Cordova	9,076	316.3 AC	29.8 AC	9.42%	855
TOTAL	**44,857**	**967.9 AC**	**105.8 AC**		**5,028**

[1] GPEIR = ***APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", -certified August 11, 2009

[2] TAZ = Traffic Analysis Zone

[3] AC = Acreage

TABLE 17.2 – VMT TABLE 2: ITE TRIP GENERATION RATES

Land Use[1]	Units[1] TSF	ITE LU Code	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total	Daily
Actual Vehicle trip Generation Rates									
Warehousing[3]	TSF	150	0.131	0.039	0.170	0.050	0.130	0.180	1.710
Passenger Cars (AM=88.2%, PM=83.3%, Daily=64.9%)			0.120	0.030	0.150	0.034	0.116	0.150	1.110
2-Axle Trucks (AM=1.97%, PM=2.79%, Daily=5.86%)			0.002	0.001	0.003	0.003	0.002	0.005	0.100
3-Axle Trucks (AM=2.44%, PM=3.46%, Daily=7.27%)			0.002	0.002	0.004	0.003	0.003	0.006	0.124
4+Axle Trucks (AM=7.39%, PM=10.45%, Daily=21.97%)			0.007	0.006	0.013	0.010	0.009	0.009	0.376

[1] Trip Generation & Vehicle Mix Source: Institute of Transportation Engineers (ITE), Trip Generation Manual, Eleventh Edition (2021).
[2] TSF = thousand square feet
[3] Truck Mix: South Coast Air Quality Management District's (SCAQMD) recommended truck mix, by axle type. Normalized % - Without Cold Storage: 16.7% 2-Axle trucks, 20.7% 3-Axle trucks, 62.6% 4-Axle trucks.

TABLE 17.3 – VMT TABLE 3: PROPOSED PROJECT TRIP GENERATION SUMMARY

Land Use	Quantity Units[1]	Project Daily
Actual Vehicles:	494.000 TSF	
Passenger Cars:		548
2-axle Trucks:		50
3-axle Trucks:		62
4-axle Trucks:		186
Total Truck Trips (Actual Vehicles):		298
Total Trips (Actual Vehicles)[2]		**846**

[1] TSF = thousand square feet
[2] Total Trips = Passenger Cars +Truck Trips.

The Trip Generation Comparison between the land use category currently approved for the City's General Plan inclusive of the NAVISP Area for the Project's designated Industrial General (I-G) and the Proposed land use of Warehousing/distribution to identify the resulting net change is shown in the following ***TABLE 17.4 – VMT TABLE 4: TRIP GENERATION COMPARISON***:

TABLE 17.4 – VMT TABLE 4: GPEIR VS. PROJECT PRO-RATA ALLOCATION DAILY TRIP COMPARISON

	Site Daily Trips	Total: Daily Trips
GPEIR Project Pro Rata Allocation		
Total Trips	855	5,028
Proposed Project		
Total Trips	846	3,650
Net Surplus in Project Trip Allocation of Total GPEIR TAZ Trip Generation	-9	-1,378

As shown in Table 4, the proposed Project is anticipated to generate a net reduction of -9 two-way trips, far below the 110 daily vehicle trip threshold and the "Less Than 110 Daily Vehicle Trips Screening" criteria is met and therefore the proposed Project will have a **less than significant impact**.

TRANSIT PRIORITY AREA (TPA) SCREENING

The County Guidelines state that projects located within a Transit Priority Area (TPA) (i.e., within ½ mile of an existing "major transit stop"2) or an existing stop along a "high-quality transit corridor", 3) may be presumed to have a less than significant impact absent substantial evidence to the contrary.

The additional County screening tools state that the presumption may not be appropriate if a project:

- *Has a Floor Area Ratio (FAR) of less than 0.75;*
- *Includes more parking for use by residents, customers, or employees of the project than required by the jurisdiction (if the jurisdiction requires the project to supply parking);*
- *Is inconsistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Metropolitan Planning Organization); or*
- *Replaces affordable residential units with a smaller number of moderate- or high-income residential units.*

The VMT analysis concluded that based on the Screening Tool results, the proposed Project is not located in a TPA and that TPA screening criteria is not met.

LOW VMT AREA SCREENING

The VMT analysis concluded that County Guidelines state that "development in efficient areas of the County will reduce VMT per person/employee and is beneficial to the region"[4]. For employment generating projects, County Guidelines identify low VMT generating

traffic analysis zones as those that generate a VMT per employee lower than 4% below the existing VMT per employee for the unincorporated county.

The San Bernardino Transportation Analysis Model (SBTAM) is used to measure VMT performance in individual TAZs within the region. The Project's physical location was identified in SBTAM to determine the TAZ in which the Project is located. Project TAZ 53965303 was found to have a VMT per worker of 21.1 and when compared to 4% below the unincorporated County Average VMT per worker or 19.12 shows the Project is not in a low VMT generating TAZ. Low VMT Area Screening is not met. As the Project was found to meet the Less Than 110 Daily Vehicle Trips Screening criteria it is presumed to have a ***less than significant VMT impact.***

FINDINGS: [**Less Than Significant Impact**] The results of the current VMT comparative Analysis prepared by Urban Crossroads demonstrated that the proposed Project is not in conflict with or inconsistent with CEQA Guidelines section 15064.3, subdivision (b) and will have *a* ***less than significant VMT impact***.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

STUDY: The proposed Project is within the NAVISP with a proposed land use of warehouse and distribution which is "permitted" under the designated land use of SP-Industrial and therefore is consistent with the NAVISP. The Project is designed in accordance with the NAVISP Section III - Development Standards and Guidelines B. Land Use Districts for Industrial land use designations. There are no sharp curves nor dangerous intersections as the surrounding street alignments are designated on the Circulation Element of the GPEIR.

FINDINGS: [**Less Than Significant Impact**] Based on the Project's consistency with the General Plan and NAVISP designated land use, designed in accordance with the applicable NAVISP Development Standards and Guidelines, consistent with the GPEIR and NAVISP EIR (*as amended Ord. 428 and 351*) Circulation Element, the proposed project will not increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) and has compatible uses. Therefore, the ***impacts are less than significant.***

d) Result in inadequate emergency access?

STUDY: The proposed Project Site is located adjacent to Central Road and Johnson Road which are designated as Major Roads in the Town's Circulation Plan and provide adequate emergency access as required under the General Plan and NAVISP. The project will be required to extend half width improvements for Central and Cordova Roads to the Property boundaries. Therefore, the Project will not result in inadequate access.

FINDINGS: [**Less Than Signficant With Mitigation Incorporated**] The project will be required to extend half width improvement for Central and Cordova Roads to the Property boundaries. Therefore, with mitigation incorporated the Project will not result in inadequate access and ***less than significant*** with mitigation incorporated.

The following GPEIR Mitigation Measures are incorporated herein and applicable to the Project. The project specific GPEIR MM are MM-1 through 3, 6 & 7, 11, 14, 15, 18 through 21:

MM TRA-1 The project shall extend half width improvements for Central and Cordova Roads to the Property boundaries.

MM TRA-2 The Proposed Project shall pay its pro-rata fair share contribution of improvements in accordance with the Urban Crossroads Fair Shair Assessment dated September 9, 2024.

GPEIR MITIGATION MEASURES
(GPEIR, §III-Existing Conditions, Impacts and mitigation Measures pp. III-314 through III-316.)

GPEIR MM-TRA 1. The Town shall establish and maintain a master plan of roadways that sets forth detailed improvement plans and priority schedules for implementation. The plan shall ensure that roadway segments and intersections generally operate at level of Service C or better, wherever feasible, and that all intersections maintain a Level of Service D or better during both morning and evening peak hours.

GPEIR MM-TRA 2. Street rights-of-way shall be provided as follows:
- 142 feet for a Major Divided Parkway
- 128 feet for Major Divided Arterials
- 104 feet for Major Roadways
- 88 feet for Secondary Roadways
- 60 to 66 feet for Collector Streets
- 66 feet for Industrial and Commercial Local Streets
- 60 feet for Local Streets
- 50 feet for Rural Streets and Cul-de-Sacs

GPEIR MM-TRA 3. All Town streets shall be designed to have a minimum lane width of 12 feet.

GPEIR MM-TRA 4. To minimize the number and length of vehicle trips travelled within the planning area, the General Plan Land Use Plan shall provide for a balance and mix of employment and housing opportunities.

GPEIR MM-TRA 5. The Town shall encourage the use of mass/public transit, and collaborate with the Victor Valley Transit Authority (VVTA) to ensure the ongoing operation and expansion of fixed route bus and demand responsive systems.

GPEIR MM-TRA 6. The Town shall require that new development projects on arterial roadways incorporate bus pullouts, to allow buses to leave the flow of traffic and reduce congestion.

GPEIR MM-TRA 7. The Town shall encourage the use of multi-occupant modes of transportation, and shall encourage employers to utilize telecommuting opportunities, home-based employment, and part-time or non-peak hour work schedules.

GPEIR MM-TRA 8. The Town shall develop a program to retrofit bus pullouts on built-out streets, wherever possible, and shall implement them through the Capital Improvement Program.

GPEIR MM-TRA 9. The Town shall enhance and expand its comprehensive Master Plan of continuous, convenient multi-use trails and bicycle routes that connect residential, commercial, schools, parks and other community activity centers.

GPEIR MM-TRA 10. The Town shall consult and coordinate with the County of San Bernardino and the California Department of Transportation to ensure the provision of adequate all-weather crossings along critical roadways.

GPEIR MM-TRA 11. The Town shall ensure that sidewalks are provided on all roadways that are 88 feet wide or wider. In Rural Residential land use areas, the Town shall ensure that designated pathways are provided.

GPEIR MM-TRA 12. The Town shall confer and coordinate with the Apple Valley Unified School District to develop and implement safe routes to school.

GPEIR MM-TRA 13. The Town shall proactively consult and coordinate with the County of San Bernardino to ensure that the local airport continues to meet the Town's existing and future transportation, commercial and emergency response needs.

GPEIR MM-TRA 14. The Town shall require, as necessary, project-specific and/or phase-specific traffic impact analyses for subdivision and other project approvals. Such analyses may be required to identify build out and opening year traffic impacts and service levels, and may need to exact mitigation measures required on a cumulative and individual project or phase basis.

GPEIR MM-TRA 15. Concurrent with construction, all new development proposals located adjacent to public roadways shall be required to install all improvements to their ultimate General Plan half-width. **GPEIR MM-TRA 16.** The Town shall continue to monitor roadway segments where the daily Volume to Capacity ratio analysis indicates that build out traffic volume will "potentially exceed capacity."

GPEIR MM-TRA 17. The Town shall review traffic volumes resulting from General Plan build out to coordinate, program and if necessary, revise road improvements. This review shall take place every five years.

GPEIR MM-TRA 18. All new development shall be required to pay a "fair share" of improvements to surrounding roadways, bridges and signals that are impacted by and are located within and surrounding the development project.

GPEIR MM-TRA 19. The Town shall ensure that pedestrian access is preserved and enhanced by means of the following: improved sidewalks, pedestrian walkways, lighting and landscaping designs and connections to existing sidewalks and trails.

GPEIR MM-TRA 20. New development proposals shall be required to construct bicycle lanes in conjunction with off-site improvements.

GPEIR MM-TRA 21. New development proposals shall be required to construct recreational trails in conjunction with off-site improvements.

GPEIR MITIGATION MONITORING/REPORTING PROGRAM
(GPEIR, §III-Existing Conditions, Impacts and mitigation Measures pp. III-316 through III-317.)

GPEIR MMRP TRA-A. The Town shall review and update the master roadway plans to identify facilities where capacity is at or near full utilization. The schedule for securing right-of-way and constructing improvements shall be consistent with projected needs and standards as established in the Circulation Element and

this EIR. Necessary improvements will be incorporated into the Town's Capital Improvement Plan.

Responsible Parties: Public Works Division, Town Engineer

GPEIR MMRP TRA-B. The Town shall periodically confer and coordinate with the County of San Bernardino, California Department of Transportation, SCAG, SANBAG and adjoining jurisdictions regarding transportation planning activities, to assure the coordination of planning and construction efforts of major roadway improvements along identified critical roadways, and that Town programs, policies and strategies are provided full consideration in resolving regional transportation issues affect the community.

Responsible Parties: Public Works Division, Planning Division, Town Engineer, County of San Bernardino, California Department of Transportation, SCAG, SANBAG

XVIII. Tribal Cultural Resources

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	☐	☒	☐	☐
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

References: Town of Apple Valley General Plan Environmental Impact Report titled, "***ENVIRONMENTAL IMPACT REPORT (SCH# 2008091077) APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", certified August 11, 2009

STUDY/FINDINGS

Would the project:

a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code 21074?

STUDY a) i) & ii): The California Public Resources Code – PRC DIVISION 13. ENVIRONMENTAL Quality [21000-21189.61] CHAPTER 2.5. Definitions [21060 – 21074] §21074 defines "Tribal Cultural Resources as follows:

*§ **21074.***

(a) "Tribal cultural resources" are either of the following:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

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

(b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision(g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

(Added by Stats. 2014, Ch. 532, Sec. 4. (AB 52) Effective January 1, 2015.)

In accordance with Senate Bill (SB) 18 the Town of Apple Valley is required to protect traditional tribal cultural places and in accordance with SB 18 the Town of Apple Valley is required to offer consultation with California Native American Tribes regarding proposed land use planning decisions involving General Plan adoption or amendment. In conjunction with the GPEIR, based on a listing of Native American Tribes provided by the Native American Heritage Commission (NAHC), the Town of Apple Valley offered consultation to regionally active Tribes. Two responses were received, one from the Morongo Band of Mission Indians (MBMI) and two from the Yuhaaviatam of San Manuel/San Manuel Band of Mission Indians.

California Register of Historical Resources/Local Register of Historical Resources

The California Register of Historical Resources is a section of the State of California Office of Historic Preservation. A records search of the website did not produce a listing of any Tribal Cultural Resources on the subject property nor within the Town of Apple Valley, San Bernardino County.

However, grading, utility trenching, and the construction of the water quality basin have the potential to reveal buried deposits below the surface. Therefore, Mitigation Measure MM CUL-1 under Section 4.4, Cultural Resources, shall apply. These measures require that the Yuhaaviatam of San Manuel Nation and Morongo Band of Mission Indians Cultural Resources Department (YSMN/MBMI) be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the discovery, to provide Tribal input with regards to significance and treatment. In addition, if significant pre-contact cultural resources, as defined by CEQA, are discovered, and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN/MBMI for review and comment.

Assembly Bill (AB) 52

The California Legislature added new requirements regarding tribal resources in State Assembly Bill AB 52 that went into effect on July 1, 2015. [26]*The legislature added the new requirements regarding tribal cultural resources in Assembly Bill 52 (Gatto, 2014). By requiring consideration of tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and tribal governments, public agencies, and project proponents would have information available early in the project planning*

26 REFERENCE: State of California Technical Advisory, AB 52 and Tribal Cultural Resources in CEQA, Governor's Office of Planning and Research

process to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflict in the environmental review process. AB 52 § 1 (b)(7). 1

The Town commenced the AB 52 process by sending out consultation invitation letters to the tribes who previously requested notification pursuant to Public Resources Code §21080.3.1.

Under AB 52, the Town consulted with those tribes that have requested to be contacted for consultation. The Town has four such requests on file from the Cabazon Band of Mission Indians, the Morongo Band of Mission Indians, Yuhaaviatam of San Manuel Nation/ San Manuel Band of Mission Indians and the Twenty-nine Palms Band of Mission Indians. Notification/Consultation Letters were sent to all four tribes on the Town's AB52 Notification List, on 4/22/2024. A copy of the Project's Archaeological Resources Inventory and Evaluation Report was also provided to the Tribes. The Town received responses from the Morongo Band of Mission Indians (MBMI), the Yuhaaviatam of San Manuel Nation /San Manuel Band of Indians (YSMB), and the Twenty-nine Palms Band of Mission Indians All threeTribes, MBMI, YSMB and TNPB provided their requested mitigation measures be implemented and the Town will conclude tribal consultation once the final IS/MND is issued and published. These requested Mitigation Measures are identified herein as "Special Tribal Mitigation Measures" with the identifiers of "YSMB", "MBMI" and "TNPB" respectively. There may be overlap between these Mitigation Measures. The following mitigation measures (MM) shall be implemented by the proposed Project:

STANDARD MITIGATION MEASURES

MM TCR 1- Contractor Awareness Training

The lead agency shall ensure that a Contractor Awareness Training Program is delivered to train equipment operators about cultural resources. The program shall be designed to inform construction personnel about: federal and state regulations pertaining to cultural resources and tribal cultural resources; the subsurface indicators of resources that shall require a work stoppage; procedures for notifying the lead agency of any occurrences; project-specific requirements and mitigation measures; and enforcement of penalties and repercussions for non-compliance with the program. The training shall be prepared by a qualified professional archaeologist and may be provided either through a brochure, video, or in-person tailgate meeting, as determined appropriate by the archaeologist.

MM TCR-1. Tribal Monitoring. Due to the heightened cultural sensitivity of the proposed project area, Tribal monitors representing the MBMI shall be present for all

ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of Tribal monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist, as detailed within CUL-1, and submitted to the Lead Agency for dissemination to the MBMI Once all parties review and agree to the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.

MM TCR-2. Treatment of Cultural Resources. If a pre-contact cultural resource is discovered during archaeological presence/absence testing, the discovery shall be properly recorded and then reburied in situ. A research design shall be developed by the archaeologist that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the MBMI, the archaeologist/applicant, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the archaeological significance of the resource, its potential as a Tribal Cultural Resource (TCR), avoidance (or other appropriate treatment) of the discovered resource, and the potential need for construction monitoring during project implementation. Should any significant resource and/or TCR not be a candidate for avoidance or preservation in place, and the removal of the resource(s) is necessary to mitigate impacts, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by MBMI. All plans for analysis shall be reviewed and approved by the applicant and MBMI prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of MBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by MBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all

cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, YBMN and MBMI. All reburials are subject to a reburial agreement that shall be developed between the landowner, YBMN and MBMI outlining the determined reburial process/location, and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis project plans, conservation/preservation easements, etc.).

If avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with YBMN and MBMI to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 California Curation Guidelines. A curation agreement with an appropriately qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.

All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency, YBMN and MBMI for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and MBMI.

MM TCR-3. Inadvertent Discoveries of Human Remains/Funerary Objects. In the event that any human remains are discovered within the project area, ground disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The on-site lead/foreman shall then immediately who shall notify YBMN and MBMI, the applicant/developer, and the Lead Agency. The Lead Agency and the applicant/developer shall then immediately contact the County Coroner regarding the discovery. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code §7050.5(c). The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code §5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead

Agency, and landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of the site visit, as required by California Public Resources Code §5097.98.

Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code §5097.98(a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.

It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption

YSMN SPECIFIC TRIBAL MITIGATION MEASURES

YSMN CUL-1 Monitoring and Treatment Plan
A Monitoring and Treatment Plan that is reflective of the project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist and submitted to the Lead Agency for dissemination to the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN, also known as San Manuel Band of Mission Indians). Once all parties review and approve the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.

YSMN CUL-2 Archaeological Monitoring
Due to the heightened cultural sensitivity of the proposed project area, an archaeological monitor with at least 3 years of regional experience in archaeology shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting,

clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of archaeological monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage.

YSMN TCR-1 Treatment of Cultural Resources During Project Implementation

- If subsurface deposits believed to be cultural in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

- If the professional archaeologist determines that the find does not represent a cultural resource in concurrence with the Yuhaaviatam of San Manuel Nation (YSMN, formerly the San Manuel Band of Mission Indians), work may resume immediately and no agency notifications are required.

- If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the lead agencies as well as YSMN. The agencies and YSMN shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined by CEQA or a historic property under Section 106 NHPA, if applicable. Work may not resume within the no-work radius and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed, until the lead agencies and YSMN, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or a Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction.

Following the completion of evaluation efforts, all parties shall confer regarding the resource's archaeological significance, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by YSMN. All plans for analysis shall

be reviewed and approved by the applicant and YSMN prior to implementation, and all removed material shall be temporarily curated on-site.

It is the preference of YSMN that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by YSMN, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and YSMN. All reburials are subject to a reburial agreement that shall be developed between the landowner and YSMN outlining the determined reburial process/location, and shall include measures and provisions to protect the reburial area from any future impacts.

Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with YSMN to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.

All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and YSMN for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and YSMN.

YSMN TCR-2 Inadvertent Discoveries of Human Remains
If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the San Bernardino County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be

implemented. If the coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius (within a 100-foot buffer of the find) until the lead agencies and YSMN, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

MBMI SPECIAL TRIBAL MITIGATION MEASURES
Cultural Resource Mitigation Measures:

MBMI CR-1: Native American Treatment Agreement Prior to the issuance of grading permits, the applicant shall enter into a Tribal Monitoring Agreement with the Morongo Band of Mission Indians for the project. The Tribal Monitor shall be on-site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources.

MBMI CR-2: Retention of Archaeologist Prior to any ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post replacement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind), and prior to the issuance of grading permits, the Applicant shall retain a qualified archaeologist who meets the U.S. Secretary of the Interior Standards (SOI). The archaeologist shall be present during all ground-disturbing activities to identify any known or suspected archaeological and/or cultural resources. The archaeologist will conduct a Cultural Resource Sensitivity Training, in conjunction with the Tribe[s] Tribal Historic Preservation Officer (THPO), and/or designated Tribal Representative. The training session will focus on the archaeological and tribal cultural resources that may be

encountered during ground-disturbing activities as well as the procedures to be followed in such an event.

MBMI CR-3: Cultural Resource Management Plan Prior to any ground-disturbing activities the project archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. This Plan shall be written in consultation with the consulting Tribe[s] and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the project schedule.

MBMI CR-4: Pre-Grade Meeting The retained qualified archeologist and Consulting Tribe[s] representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.

MBMI CR-5: On-site Monitoring During all ground-disturbing activities the qualified archaeologist and the Native American monitor shall be on-site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and the soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

MBMI CR-6: Inadvertent Discovery of Cultural Resources In the event that previously unidentified cultural resources are unearthed during construction, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert and/or temporarily halt ground-disturbance operations in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.
If a potentially significant cultural resource(s) is discovered, work shall stop within a 60-foot perimeter of the discovery and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find, so that the find can be evaluated by the qualified archaeologist and Tribal Monitor[s]. The archaeologist shall notify the Lead Agency and consulting Tribe[s] of said discovery. The qualified archaeologist, in consultation with the Lead

Agency, the consulting Tribe[s], and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the qualified archaeologist in consultation with the
Tribe[s] and the Native American monitor[s] and be submitted to the Lead Agency for review and approval. Below are the possible treatments and dispositions of significant cultural resources in order of CEQA preference:

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

MBMI CR-7: Inadvertent Discovery of Human Remains The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].

A. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.
B. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.
C. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98

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

MBMI CR-8: **FINAL REPORT**: The final report[s] created as a part of the project AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe[s] for review and comment. After approval of ll parties, the final reports are to be submitted to the Eastern Information Center, and the Consulting Tribe[s].

TNPB SPECIAL TRIBAL MITIGATION MEASURES
Cultural Resource Mitigation Measures:

TNPB CR-1 The Tribe requests that the lead agency follow specific conditions for all cultural resources on any developmental plans or entitlement applications.

FINDINGS: [**Less Than Signficant With Mitigation Incorporated**]
The Town commenced the AB 52 process by sending out consultation invitation letters to the four tribes who previously requested notification pursuant to Public Resources Code §21080.3.1. Requests for consultation and recommendations of Mitigation Measures were received from the Yuhaaviatam of San Manuel Nation/San Manuel Band of Mission Indians and the Morongo Band of Mission Indians. The Town will continue with consultation and will then conclude tribal consultation once the final IS/MND is issued and published. However under the Tribal Mitigation Measures that have been requested to be included certain continuing consultation will continue to occur prior to and through land disturbances. All of the tribal mitigation measures have been incorporated and shall be implemented by the Project.

As stated previously in "Cultural Resources":

ECORP Consulting conducted an Archaeological Resources Inventory and Evaluation Report for the proposed Project that included records search with the California Historical Resources Information System (CHRIS) of the California Office of Historic Preservation, which includes a review of the state archaeological site files, the National Register of Historic Places, and other databases that catalogue significant events and

resources in local, state, or national history. ECORP also contacted the Native American Heritage Commission to request a sacred lands file search to determine whether any sacred sites have been recorded on the property. Additionally, ECORP contacted local historical societies, if any, to seek additional information on the location of the Project Area.

ECORP completed an intensive field survey of the Project Area of approximately 30 acres. ECORP surveyed all accessible portions of the Project Area using pedestrian transect intervals spaced 10 to 15 meters apart, where possible. The Project Area was examined for evidence of cultural resources, including pre-contact and historic-period (i.e., over 50 years of age) cultural deposits and features. Four resources were identified in the Project Area, have been recorded and mapped in accordance with the standards of the California Office of Historic Preservation (OHP. ECORP then evaluated of eligibility of the resources to be included in the California Register of Historical Resources (CRHR) or the National Register of Historic Places (NRHP) based on the level of effort required.

- Refuse deposit residence debris - considered ineligible for inclusion on the NRHP or CRHR under all criteria and is therefore not a Historical Resource as defined by CEQA.
- Privy pit and vault – also known as an **Outdoor Toilet** or Outhouse. The features of this site lack any structural integrity that could be considered a work of a master or represent a specific type or period (NRHP/CRHR Criterion C/3).
- Isolates not not meeting the eligibility criteria for inclusion in the NRHP or CRHR as an individual resource.
- Refuse debris deposit- This site lacks any structural integrity that could be considered a work of a master or represent a specific type or period (NRHP/CRHR C/3).

ECORP found that none of the resources within the Project Area are eligible for listing on the CRHR and NRHP and therefore are not Historical Resources under CEQA or Historic Properties under Section 106 NHPA (if applicable).

Based on the following:

1) ECORP's request of the Sacred Lands File by NAHC produced negative results, in that, according to a search of the Sacred Lands File "*the NAHC confirmed that according to a search of the Sacred Lands File, no sites were recorded within the Planning Area*";

2) The Historic maps from the mid-1850s identified the only evidence of human activities in the vicinity of the Planning Area was the historic

> Mormon Trail, identified in the maps as "Road to Salt Lake City". At the nearest spot, the trail traversed in a north-south direction approximately 3.5 miles west of the north portion of the Planning Area. No man-made features of any kind were observed within or adjacent to the Town and Sphere of Influence at that time;

ECORP concluded the resources identified in the field survey are most likely of a more recent deposition.

A paleontological resources record search was conducted with the Western Science Center (WSC), Hemet, CA. The records search was performed to identify previous studies that have been conducted within a 1-mile radius of the project area and to determine if any paleontological resources have been previously recorded in the vicinity of the project.

Based on the foregoing, the proposed Project will not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and will not impact :

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code 21074.

Therefore, with implementation of the Project Mitigation Measures and Special Tribal Mitigation Measures, impacts would be ***Less Than Significant With Mitigation Incorporated***.

XIX. Utilities/Service Systems

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☒	☐	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☒	☐	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☒	☐	☐

References: Town of Apple Valley General Plan Environmental Impact Report titled, "***ENVIRONMENTAL IMPACT REPORT (SCH# 2008091077) APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", certified August 11, 2009; ***NORTH APPLE VALLEY INDUSTRIAL SPECIFIC PLAN (NAVISP as amended Ord. 351 & 428*** January 2012***; WATER, SEWER & SOLID WASTE SUPPLY ASSESSMENT*** *by Red Brick Consulting dated March 19, 2024.*

STUDY/FINDINGS

Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

STUDY: The GPEIR Section III Existing Conditions, Project Impacts and Mitigation Measures Subsection M Public Services and Facilities. analyzed whether the buildout of the General Plan would require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. As discussed in this Initial Study Section X. Hydrology, a Water, Sewer and Solid Waste Supply Analysis (WSA) was prepared by Red Brick Consulting in accordance with 002 (GPEIR) Section III.I.3.6 Existing Environment Conditions, Project Impacts and Mitigation Measures, Water Resources/Quality, Mitigation Measures: 6. Which states, *"The Town shall require that future development in the General Plan area has an adopted Water Supply Assessment in compliance with AB [sic SB] 610 and 221 prior to approval of development plans."* The WSA has been prepared in accordance with the "***State Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001***"(Guidebook). The WSA performed a comparative analyses of The WSA concluded the following:

According to the WSA, based on the fact that the proposed Project's Water Demand will use at a worst-case scenario only 46.70% of the Total GPEIR Project Pro-Rata Allocation of 54.23 AFY, ***there is no significant effect on the GPEIR Water Demand for the NAVISP area and therefore no mitigation measures are warranted.***

Sufficient water supplies are available to serve the project now and in the future during normal, dry and multiple dry years; Therefore, there is no impact.

The UWMPs prepared by MWA and Liberty Utilities have projections out to the year 2065. This Assessment has determined the following answers to the SB 610 Guidelines Section 3 as follows:

- *"That preparers of the assessment determined that it complies with the requirements of SB610*

- *The assessment determined that sufficient water was available for the project*
- *There has been no change to the project that would result in a substantial increase in demand*
- *There has been no change in the circumstances or conditions which subsequently affect the ability of the water supplier to provide a sufficient supply of water for the project*
- *no new information might affect the assessment has become available*

then no additional assessment is required for this project for which the original assessments have been prepared."

SEWER DEMAND:

As explained in the WSA, the proposed Project's Sewer Demand is consistent with the GPEIR/SSMP, in that, the Project Demand is only 42.51% of the Total GPEIR Project Sewer Demand Pro-Rata Allocation.

Based on the fact that the proposed Project will use only 42.51% of the GPEIR Project Pro-Rata Sewer Demand Allocation at 10.56 AFY, it is consistent with the GPEIR and SSMP Demand for the NAVISP area, there is ***no significant environmental impact and therefore no mitigation measures are warranted.***

Sufficient regional wastewater treatment capacity is available to serve the project now and in the future such that the regional wastewater authority will not require additional capacity to serve the project's projected demand in addition to the provider's existing commitments. ***Therefore, there is no impact .***

SOLID WASTE GENERATION

The project will not generate solid waste more than State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals, and it will comply with federal, state and local management and reduction statutes and regulations related to solid waste.

The WSA concluded relative to whether the project will require or result in the relocation or construction of new or expanded water, or wastewater treatment the construction or relocation of which could cause significant environmental effects, that the The GPEIR analyzed the necessary improvements for water and sewer required through buildout of the General Plan in accordance with the General Plan Land Use Map. The MWA UWMP and Liberty Utilities WMP and the Town of Apple Valley SSMP have been prepared and planned for the Total Water and Sewer Demands through buildout of the General Plan inclusive of all Special Districts including the NAVISP within which the Project is located. This WSA concluded that the Project Water and Sewer Demand is far less than the Project's

Pro-Rata Water and Sewer Demand Allocation of the total GPEIR Water and Sewer Demand at buildout. Therefore, the Project will not require or result in the relocation or construction of new or expanded water, wastewater treatment facilities, the construction or relocation of which could cause significant environmental effects. Thus, there is ***no impact***.

STORMWATER

As discussed previously in Section 7. Hydrology of this IS, a Hydrology Study (HS) for the proposed Project was prepared by Red Brick Consulting Engineers and Architects LLC dated August 30, 2023. The offsite storm flows from the north side of the project along Cordova Road bypass the project site. The storm flows from the northeast that drain onto the southeast corner of the site is within the jurisdictional area that will remain undisturbed area. The significant impact from development would be from onsite untreated post development stormflows. Onsite storm flows over paved area are captured via onsite drainage improvements that drain into an onsite clarifier where the storm flows go through clarifying infiltration wells recharging the groundwater. The HS analyzed the Pre and Post Development Hydrology, post-developed Hydraulics and determined infiltration requirements in accordance with the Town of Apple Valley based on the 100-year 24 hour storm event. The Project will convey excess flows through and around the Project and released within their associated natural, historic watershed conveyances to the Apple Valley Dry Lake. The Project is required to mitigate the Post-developed increase in storm water runoff to below the pre-developed storm water volume (ΔV) in order to ensure no increase in storm water volume is received into the Apple Valley Dry Lake. The differential of the Post-developed volume less the Pre-developed Volume being the "delta" volume (△V). The HS determined that the △V required to be retained and infiltrated onsite is 1.59 acre feet (1.28af required x 1.24 factor of safety). In accordance with the County and Town's Water Quality Management Plan (WQMP) requirements the HS determined the "Design Capture Volume"(Dcv). The HS concluded that to meet the infiltration requirements the Project has been designed to include above ground retention basins totaling 1.59 Acre Feet of retention.

In addition to the mandatory compliance with the NPDES Storm Water Pollution Prevention Plan (SWPPP) and WQMP the Project includes Contech CDS System Clarifiers to protect off-site flows from on-site contaminated flows. These will treat the 1st flush flows prior to exiting the Project Site. The Project Infiltration System also includes a Maxwell Plus infiltration system consisting of Maxwell-infiltration chambers to treat the 1.59 ac/ft of storm water within 48 hours. This 1.59 ac/ft has a factor of safety of 1.24 times greater than the 1.28 acre foot △V requirement and will govern the requirement for retention.

The HS concluded that with the implementation of the constructed storm water collection and clarification systems the project will have ***no impact*** on hydrology and water quality

considering it will reduce the flows to below pre-developed levels, treat contaminants and remove debris prior to releasing the retained flows into the aquifer, releasing excess flows to the downstream dry lake bed and will not increase up or down stream flood elevations.

In accordance with CEQA §15064.7 (d) the threshold of significance for the Project's impact on hydrology and water quality are the established environmental standards, i.e., the rule of general application for treatment of the significant impact from development.

The impacts would potentially be from the onsite untreated post development stormflows; untreated and conveyed excess flows through and around the Project and released within their associated natural, historic watershed conveyances to the Apple Valley Dry Lake; untreated Post-developed increase in storm water runoff to below the pre-developed storm water volume (ΔV) resulting in an increase in storm water volume that would be conveyed into the Apple Valley Dry Lake; and contamination of offsite flows form onsite flows.

As required by local and state construction standards are set forth as follows in accordance with the following established environmental standards pursuant to the Town of Apple Valley Municipal Code, Title 9 Development Code §9.47.020 – Site Planning, State of California Water Resources Control Board Stormwater Program[27]:

- Pre and Post Development Hydrology, post-developed Hydraulics and determined infiltration requirements in accordance with the County of San Bernardino Hydrology Manual based on the 100-year 24 hour storm event
- △V required to be retained and infiltrated onsite is 1.59 acre feet
- mandatory compliance with the State of California General Permit[28] NPDES Storm Water Pollution Prevention Plan (SWPPP) and WQMP
- Contech CDS System Clarifiers to protect off-site flows from on-site contaminated flows to protect off-site flows from on-site contaminated flows. These will treat the 1st flush flows prior to exiting the Project Site.
- A Maxwell Plus infiltration system consisting of Maxwell-infiltration chambers to treat the 1.59 ac/ft of storm water within 48 hours. This 1.59 ac/ft has a factor of safety of 1.24 times greater than the 1.28 acre foot △V requirement and will govern the requirement for retention.

The Applicant shall comply with the following Mitigation Measures:

[27] *REFERENCE: National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities*
[28] *REFERENCE: State Water Board adopted the 2022 Construction Stormwater General Permit, Order 2022-0057-DWQ, on September 8, 2022, effective date September 1, 2023*

UTILITIES MITIGATION MEASURES

UTIL MM-1 Pre and Post Development Hydrology, post-developed Hydraulics and determined infiltration requirements shall be designed in accordance with the County of San Bernardino Hydrology Manual based on the 100-year 24 hour storm event.

UTIL MM-2 △V required to be retained and infiltrated onsite shall be designed in mandatory compliance with the State of California General Permit[29] NPDES Storm Water Pollution Prevention Plan (SWPPP) and WQMP.

UTIL MM-3 Contech CDS System Clarifiers shall be provided onsite to protect off-site flows from on-site contaminated flows to protect off-site flows from on-site contaminated flows. These will treat the 1st flush flows prior to exiting the Project Site.

UTIL MM-4 A Maxwell Plus infiltration system consisting of Maxwell-infiltration chambers shall be provided to treat the calculated volume in accordance with the approved Project Final Hydrology Reportof onsite of storm water within 48 hours

With the implementation of these construction standards the impacts will be ***Less Than Significant***.

[29] *REFERENCE: State Water Board adopted the 2022 Construction Stormwater General Permit, Order 2022-0057-DWQ, on September 8, 2022, effective date September 1, 2023*

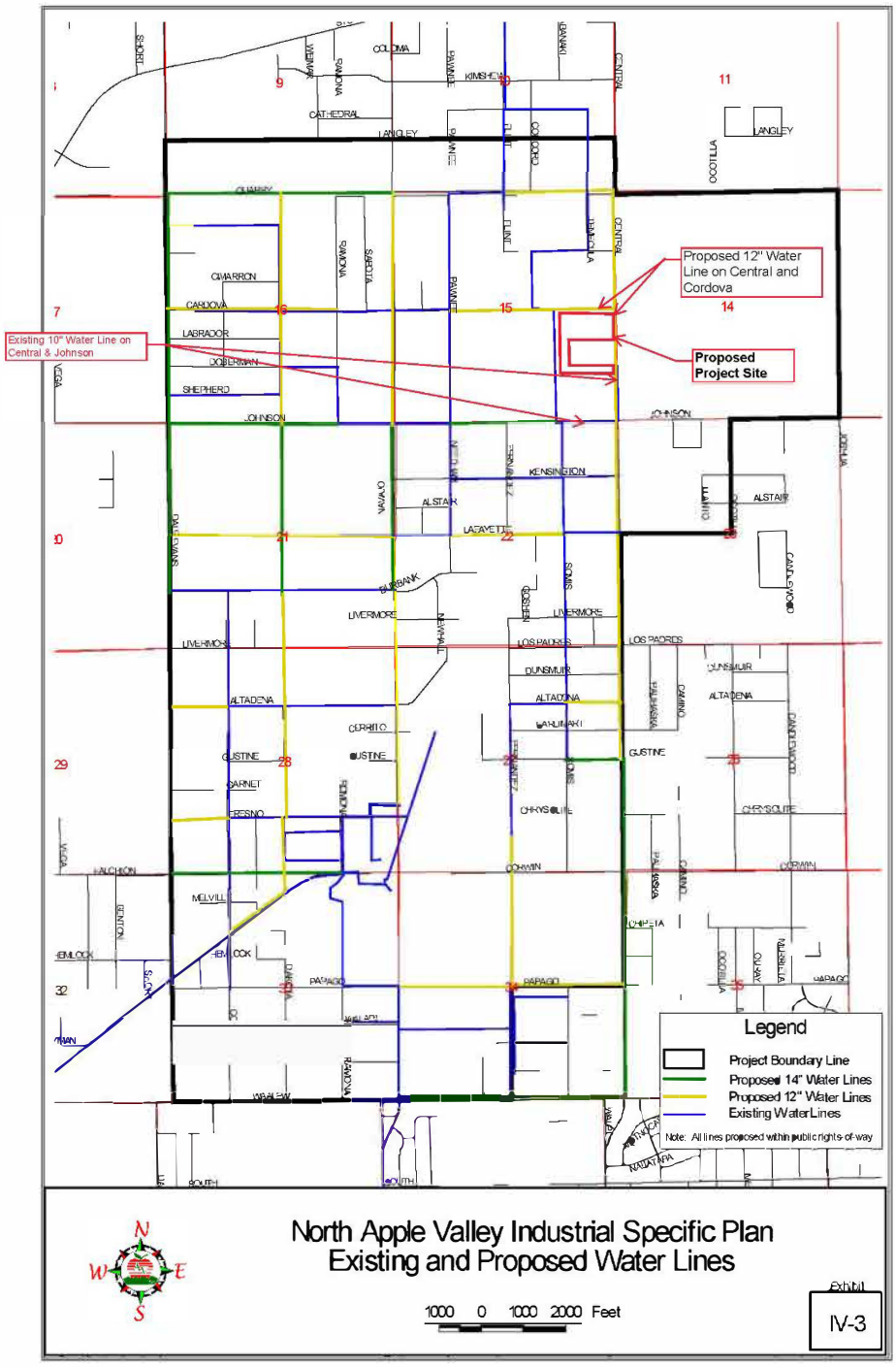


FIGURE 19.0 – NAVISP Exhibit IV.-3 Existing and Proposed Water Lines

Wastewater:

There are several existing connected sewer lines within the adopted Specific Plan Area:

- Twelve-inch running along Navajo Road from Johnson Road to Altadena; this line then cuts westward along Altadena to Dakota Road. The sewer line increases in size to fifteen (15) inches and goes southward along Dachshund Road to Corwin Road. From here an eight (8)-inch collector line extends eastward to Ramona Road. The main line in Corwin Road is twelve (12) inches. This line proceeds south along Comanche Road where it is fifteen (15) inches. The sewer pipe then extends west along Waalew Road, and southward toward the more densely developed center of Town. These lines were sized with the airport industrial park in mind and should be sufficient to serve much of the growth in the North Apple Valley Industrial Specific Plan area for some time.

  New sewer lines will be needed to serve the Specific Plan Area as shown on the following ***FIGURE 19.1 – NAVISP Exhibit IV.-4 Existing and Proposed Sewer Lines***:

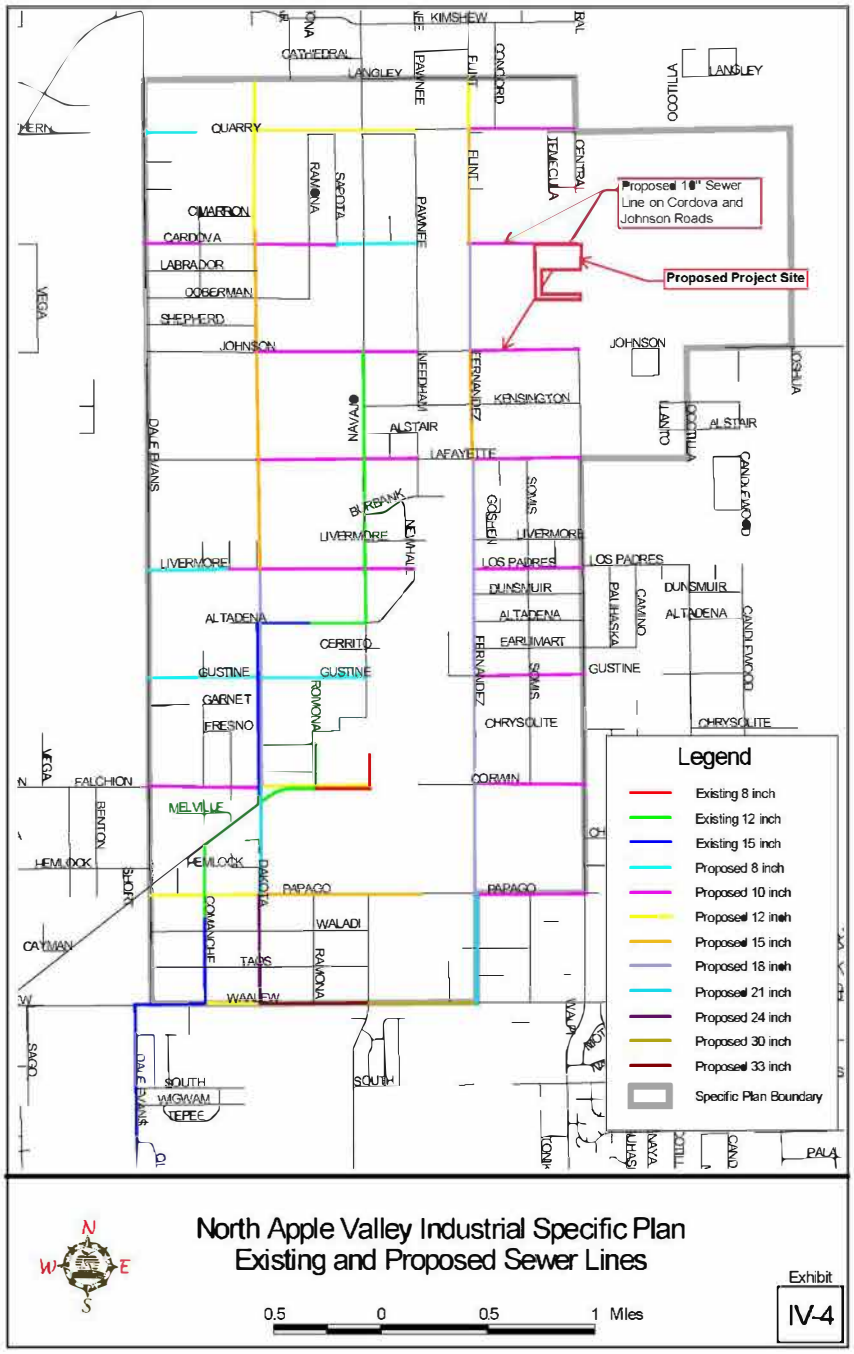


FIGURE 19.1 – NAVISP Exhibit IV.-4 Existing and Proposed Sewer Lines

Electric Power:
According to the NAVISP Southern California Edison is the electric supplier for all of the Town of Apple Valley including the Specific Plan Area. Four major electric transmission corridors, each with 115kV lines cross through the Town and provide power to local businesses, manufacturing plants, institutions, and homes. Solar power is proposed for the new Project and maximized for power generation.

Natural Gas:
According to the NAVISP Southwestern Gas will expand its delivery system throughout the Specific Plan Area to serve the airport industrial park during the build out process. Pipeline extensions will be paid for by individual property owners, and are billed based upon a formula involving customer usage, account type, and the linear footage of pipeline that must be extended to service the incoming business or other account.

The plan of Southwest Gas for the Specific Plan Area is to upgrade all of its distribution lines to polyethanol (PE) pipe, and to carry pressure of 60 psi in all of these lines. Infrastructure improvements will be borne by Southwest Gas and its users. However, the Project is not designed to use Natural Gas.

Section VI. Energy of this IS discussed Electric Power and Natural Gas resources. An Energy Assessment was performed by Urban Crossroads. The conclusions of the Energy Section are applicable to this Section as follows:

The proposed Project land use is consistent with the General Plan/Specific Plans designated land use and zoning. As demonstrated in the preceding EA analyses the proposed Project construction and operations would not result in the inefficient, wasteful, or unnecessary consumption of energy. As shown in TABLE 6.5 – EA TABLE 21: NET ANNUAL OPERATIONAL ENERGY DEMAND SUMMARY & COMPARATIVE ANALYSIS the Project operational energy demands will result in a net surplus of 29,562,936 kBTU of the GPEIR Annual Natural Gas Demand Allocation and net surplus of 2,757,344 kWh of the GPEIR Annual Electricity Demand Allocation compared to the Project Pro-Rata Allocation of the GPEIR adopted Industrial land use Demands for the subject sites considered in the GPEIR. Electrical energy would be available for use during construction from existing power lines and connections, precluding the use of less-efficient generators. The project does not include use of natural gas in its design. Therefore, the Project would not cause or result in the need for additional energy producing or transmission facilities. The Project would not engage in wasteful or inefficient uses of energy and aims to achieve State energy conservation goals. Therefore, based on the preceding analysis, there is ***no impact***.

Telecommunications:
According to the NAVISP Charter Communications supplies cable television, high speed

internet, and telephone services. All Charter lines are aerial, and are on poles, and in all cases Charter is co-located with the lines of Southern California Edison. The existing Charter Lines have the capacity to provide services to six hundred more customers whether they are industrial, commercial or residential uses. Additional lines will be constructed in the NAVISP area once demand is in place to support their infrastructure. It is stated that Charter has plans to install an underground fiber optic line along Dale Evans Parkway, from Waalew Road to Johnson Road. The cost of installation of Cable and internet lines would be at the user's expense.

FINDINGS: [**Less Than Signficant With Mitigation Incorporated**]

The proposed Project will require expanded water, wastewater treatment and onsite storm water drainage, and telecommunications facilities. The construction or relocation of which has been analyzed in the GPEIR and NAVISP Exhibit IV.-3 Existing and Proposed Water Lines and Exhibit IV. 4 Existing and Proposed Sewer Lines. The completion of additional infrastructure is included in the TAV Master Water Plan and TAV Master Sewer Plan, and environmental impacts would have ***no impact*** relative to water, wastewater.

Relative to stormwater the project will collect and infiltrate the onsite storm water drainage flows. In accordance with CEQA §15064.7 (d) the threshold of significance for the Project's impact on hydrology and water quality are the established environmental standards, i.e., the rule of general application for treatment of the significant impact from development.

As set forth in the previous Study, the construction standards are set forth as follows in accordance with the following established environmental standards pursuant to the Town of Apple Valley Municipal Code, Title 9 Development Code §9.47.020 – Site Planning, County of San Bernardino Hydrology Manual and the State of California Water Resources Control Board Stormwater Program[30]:

- Pre and Post Development Hydrology, post-developed Hydraulics and determined infiltration requirements in accordance with the County of San Bernardino Hydrology Manual based on the 100-year 24 hour storm event
- △V required to be retained and infiltrated onsite is 1.59 acre feet
- mandatory compliance with the State of California General Permit[31] NPDES Storm Water Pollution Prevention Plan (SWPPP) and WQMP
- Contech CDS System Clarifiers to protect off-site flows from on-site contaminated flows to protect off-site flows from on-site contaminated flows. These will treat the 1st flush flows prior to exiting the Project Site.

[30] *REFERENCE: National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities*
[31] *REFERENCE: State Water Board adopted the 2022 Construction Stormwater General Permit, Order 2022-0057-DWQ, on September 8, 2022, effective date September 1, 2023*

- A Maxwell Plus infiltration system consisting of Maxwell-infiltration chambers to treat the 1.59 ac/ft of storm water within 48 hours. This 1.59 ac/ft has a factor of safety of 1.24 times greater than the 1.28 acre foot △V requirement and will govern the requirement for retention

These construction standards are included as UTIL MM-1 through UTIL MM-4 above. Therefore, the Project's potential impacts as identified in the foregoing ***Study a)*** with implementation of construction standards and construction in accordance with the following established environmental standards pursuant to the Town of Apple Valley Municipal Code, Title 9 Development Code §9.47.020 – Site Planning, County of San Bernardino Hydrology Manual and the State of California Water Resources Control Board Stormwater Program impacts would be reduced to less than significant the construction standards of the adopted Town of Apple Valley, County of San Bernardino and State of California required environmental standards for hydrology and water quality. The Project's design in and of itself for the onsite drainage collection, infiltration and water quality management systems described herein are in essence the mitigation measures needed. The HS concluded that with the implementation of the constructed storm water collection and clarification systems the project will have ***no impact*** on hydrology and water quality considering it will reduce the flows to below pre-developed levels, treat contaminants and remove debris prior to releasing the retained flows into the aquifer, releasing excess flows to the downstream dry lake bed and will not increase up or down stream flood elevations. Therefore, mitigation of the impacts meet the CEQA §15064.7(d) Thresholds of Significance and would be ***Less Than Significant*** relative to storm drainage.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

STUDY:

The Town of Apple Valley has several privately owned water companies that provide water service to residents and businesses in Apple Valley. Liberty Utilities (LU) (Apple Valley Ranchos Water Company (AVRWC)) is the water supplier whose district includes all of the GPEIR are inclusive of the NAVISP Area. Liberty Utilities most current Urban Water Management Plan is the 2020 UWMP dated July 2021 (UWMP). The UWMP was prepared in coordination with the Town of Apple Valley. The UWMP Section 3.5 Land Uses Within Service Area states that the current and projected uses within its service area and information regarding current and projected land uses is included in the Town of Apple Valley's 2009 "General Plan" (incorporated in this Plan by reference). The current UWMP includes projections to the year 2045.

The Mojave Water Agency (MWA), is a state water agency providing water to seven Subareas within San Bernardino County. According to the MWA 2020 UWMP (MWA UWMP) ES-2 MWA Water Service Reliability:

"*Mojave Water Agency aggregates the regional water supplies and demands in this 2020 Urban Water Management Plan (UWMP) through its roles as a wholesale water purveyor of State Water Project supplies, Watermaster of the Mojave Basin Area Adjudication, and administrator for the Warren Valley Basin Judgment. All of these efforts necessitate examination of water supplies at a region-wide level in order to ensure supply reliability among the numerous regional retail purveyors and others that depend upon the regional water resources.*

MWA has extended the planning horizon considered in this 2020 UWMP from the statutorily required twenty-year timeline to a much longer forty-five-year period through 2065. This extended planning horizon allows MWA and the regional retail water purveyors to address longer-term land use planning, water planning, and infrastructure considerations. Moreover, the extended timeline will assist MWA's Board of Directors in examining historical and long-term trends in water resources conservation, management, and use in order to ground current and future decision-making. Together, these considerations help improve regional coordination and planning.

As shown in Figure ES-2, MWA has reliable water supplies through the 2065 planning horizon. MWA has assessed the available natural supplies through the applicable adjudications and agreements, the long-term availability of imported wastewater, the return flow attributable to water use in the MWA service area, as well as its long-term access to SWP Table A Contract supplies. In addition, MWA stores water both within MWA's service area boundaries and outside its boundaries to manage short-term water shortage conditions. Together, these supplies make up MWA's regional water asset portfolio that is actively managed by MWA and the regional retail agencies to ensure long-term reliability.

Water Resources was analyzed in the GPEIR as described in Section X. herein. Water is provided to the local water purveyors by Mojave Water Agency (MWA)."

The conclusions of the Water Demand Supply prepared in accordance with SB 610 and Comparative Analysis with the GPEIR stated the following:

"The foregoing Comparative Analyses, resulted in the following conclusions:

WATER DEMAND:
The Water Demand analysis described herein in this IS ***Section VII. HYDROLOGY b) Study*** *as performed in the WSA by Red Brick Consulting concluded the following Water Demand Net Effect:*

Water Demand Net Effect
The WSA reported that water is supplied by Liberty Utilities. The WSA concluded that the proposed Project will result in the construction of expanded water distribution in accordance with the General Plan as analyzed in the GPEIR. Based on the WSA results that the proposed Project will use at a worst-case scenario only 46.70% of the GPEIR Project Pro-Rata Allocation of 54.23 AFY leaving a surplus of water demand.

The WSA concluded that the project will not result in significant relocation or construction of new or expanded water, wastewater treatment or storm water drainage facilities. Sufficient water supplies are available to serve the project now and in the future during normal, dry and multiple dry years through 2065. ***Therefore, there is no impact****.*

FINDINGS*:* [**No Impact**] The estimates for future water service demand shown in Table III-34 account for build out of the entire General Plan area, including the proposed annexation lands.

The project will result in the construction of expanded water distribution in accordance with the General Plan as analyzed in the GPEIR. Based on the fact that the proposed Project will use at a worst-case scenario only 46.70% of the GPEIR Project Pro-Rata Allocation of 54.23 AFY, there is no significant effect on the GPEIR Water Demand for the NAVISP area and therefore no mitigation measures are warranted.

Sufficient water supplies are available to serve the General Plan Area inclusive of the Specific Plan areas as analyzed by the MWA through 2065, inclusive of the project, now and in the future during normal, dry and multiple dry years; Therefore, there is no significant impact.

Therefore, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin and **would have no impact**.

Based on the fact that the proposed Project's Water Demand **(see Study c)** will use at a worst-case scenario only 46.70% of the Total GPEIR Project Pro-Rata Allocation of 54.23 AFY, there is no significant effect on the GPEIR Water Demand for the NAVISP area and therefore no mitigation measures are warranted.

Sufficient water supplies are available to serve the project now and in the future during normal, dry and multiple dry years; Therefore, there is no significant impact. The UWMPs prepared by MWA and Liberty Utilities have projections out to the year 2065. This Assessment has determined the following answers to the SB 610 Guidelines Section 3 as follows:

- *That preparers of the assessment determined that it complies with the requirements of SB610*
- *The assessment determined that sufficient water was available for the project*
- *There has been no change to the project that would result in a substantial increase in demand*
- *There has been no change in the circumstances or conditions which subsequently affect the ability of the water supplier to provide a sufficient supply of water for the project*
- *no new information might affect the assessment has become available*

Therefore, no additional assessment is required for this project for which the original assessments have been prepared.

The WSA concluded that, "*The water supplies planned in both the Mojave Water Agency Urban Water Management Plan and the Liberty Utilities Water Management Plan pursuant to SB 610 include the entire GPEIR General Plan Area inclusive of the NAVISP through 2065. This WSA concluded that the Project Water Demand is far less at a worst-case scenario of only 46.70% of the Project's Pro-Rata Water Demand Allocation of the total GPEIR Water Demand at buildout. Both MWA and Liberty Utilities UWMP include normal, dry and multiple dry years. Therefore, the Project will have sufficient water supplies to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.*"

GPEIR PROJECT WATER DEMAND PRO-RATA ALLOCATION-CONSTRUCTION WATER DEMAND COMPARATIVE ANALYSIS

Red Brick Consulting has analyzed the construction water usage and performed a comparative analysis in their "*Cordova Business Center Water Supply Assessment Memorandum – GPEIR Water Project Pro Rata Allocation - Construction Water Demand Comparative Analysis dated 10/7/24*".

Based on grading imperical data for other similar projects in this geographical area, compacted to 95% dry density, the project grading water is estimated at 30 gallons (gal) per cubic yard (CF) of total moved earthwork operations, inclusive of dust control. The project mass grading is 130,371 CY. The estimated Construction Water Demand was estimated as follows:

Estimated Construction Water Demand

Project Grading Operations =	130,370 CY Dirt
Water Truck =	30 Gal/CY Dirt
Total Grading Water =	3,911,100 Gal
Gal to CF Conversion Factor =	7.481
Conversion 3,911,100Gal/7.481 =	522,804.44 CF
Conversion 522,804.44CF/43,560 SF =	12.0 AF

Total Project Construction Water Demand = 12.0 AF
Total Project Pro-Rata Water Demand Allocation = 54.23 AFY
Total Project Construction Demand Percentage of GPEIR Water Demand Allocation is 22.13%

The total Construction Water is only 22.13% of the total annual GPEIR Project Pro-Rata Water Demand Allocation. Construction of new facilities was contemplted in the GPEIR and the amended NAVISP, as shown on the NAVISP Exhibit noted above for existing and proposed water, and based on the foregoing GPEIR Project Water Demand Pro-Rata Allocation Comparative Analysis the total construction water of 12AF would be 22.13% of the total Annual GPEIR Water Demand Pro-Rata Allocation of 54.23 AFY. ***Therefore, there is noimpact from the construction water demand.***

FINDINGS: [**No Impact**] The proposed Project's land use is consistent with the adopted GPEIR and NAVISP that included the water resources analysis for the Specific Plan Area. Based on the foregoing, there will be sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years with mitigation incorporated as planned through the year 2065 in the MWA UWMP. Therefore, there will be sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.
the Project will have ***no impact***.

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

STUDY: The WSA analyzed the proposed Project Sewer demand in a comparative analysis with the GPEIR. The Town of Apple Valley Sewer System Master Plan Update states that it utilized the GPEIR Land Use Map to determine the commercial, industrial and residential flows and the SSMP considers the undeveloped areas of the Town and includes the Special Districts under the General Plan, in particular, it includes the entire NAVISP area, the most relevant to this WSA, according to the land use designation outlined in the 2009 General Plan as described in the SSMP Section 2.2 Background.

The WSA calculated the Project Pro Rata Allocation of the total GPEIR industrial demand for the NAVISP which was specified in the SSMP Table 5-13: Build Out Summary of EDUs for Areas Designated as Specific Plan as 2,141,531. The WSA calculated the total GPEIR Project Pro-Rata Allocation (AFY) as 10.56 AFY.

The WSA then calculated the Operational Annual Project Sewer Demand. per the 2022 California Plumbing Code APPENDIX H TABLE H201.1 (4) Estimated Waste/Sewage Flow Rates for Office Use the sewer flow rate use per employee/day is 20 gpd; this analysis uses

the CPC demand of 20gpd/employee at the estimated number of 200 employees assuming two shifts. Therefore, the project sewer demand would be as calculated follows:

PROJECT DAILY SEWER DEMAND:	
CPC Office Demand Factor =	20 GPD/Employee
Number of Employees =	x 200 Employees
TOTAL PROJECT SEWER DEMAND =	**4,000 GPD**

ANNUAL PROJECT SEWER DEMAND	
Total Project DSD =	4000 GPD
Days Per Year =	X 365 DPY
Total Gallons Per Year =	1,460,000 GPY
Cubic Feet Conversion Factor (Gal/CF) =	7.481 GCF
Conversion to Acre Feet Factor (AF/CF)=	43,560 ACF
TOTAL PROJECT SEWER DEMAND (AFY)	**4.49 AFY**

The WSA Comparison between the GPEIR Total Project Sewer Pro-Rata Allocation and the Total Project Sewer Demand is as follows:

GPEIR PROJECT SEWER PRO-RATA ALLOCATION CONSISTENCY	
GPEIR PROJECT SEWER DEMAND PRO-RATA ALLOCATION =	10.56 AFY
TOTAL PROJECT SEWER DEMAND =	-4.49 AFY
NET GPEIR PROJECT PRO-RATA ALLOCATION HAS A SURPLUS =	**6.07 AFY**
PROJECT PERCENTAGE OF PRO-RATA ALLOCATION	**42.51%**

The WSA Sewer Demand comparative analysis shows that the proposed Project is consistent with the GPEIR/SSMP, in that, the project demand is only 42.51% of the total GPEIR Project Sewer Demand Pro-Rata Allocation of 10.56 AFY. The project will result in the construction of expanded sewer distribution in accordance with the Town of Apple Valley General Plan, as analyzed in the GPEIR, and as planned for in the Sewer System Master Plan (SSMP).

Based on the fact that the proposed Project will use only 42.51% of the GPEIR Project Pro-Rata Sewer Demand Allocation at 10.56 AFY, it is consistent with the GPEIR and SSMP Demand for the NAVISP area, there is no significant environmental impact and therefore no mitigation measures are warranted.

FINDINGS: [**No Impact**]. Sufficient regional wastewater treatment capacity is available to serve the project now and in the future such that the regional wastewater authority will not require additional capacity to serve the project's projected demand in addition to the

provider's existing commitments. Therefore, there is ***no impact***.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

STUDY: The NAVISP Section IV– Infrastructure Section B. Public Services and Utilities, Subsection 3. Solid Waste identified Burrtec Waste Industries of Fontana, California as the contracted provider of solid waste and recycling service in the Town of Apple Valley as described in the GPEIR. The GPEIR determined that implementation and build out of the proposed General Plan and annexations will increase the generation of solid waste and the need additional disposal sites. Burrtec Waste Industries plans on providing service to accommodate future development. Continued and increased recycling within the planning area will help lessen the impacts to regional landfills and assist with the Town's compliance with AB 939.

As shown in the following ***TABLE 19.0 – GPEIR TABLE III-58 ESTIMATED SOLID WASTE GENERATION FOR APPLE VALLEY GENERAL PLAN BUILD OUT***, solid waste generation factors provided by the California Integrated Waste Management Board were used in conjunction with the Apple Valley General Plan Land Use Plan calculations to project future solid waste generation at build out:

TABLE 19.0 – GPEIR TABLE III-58 ESTIMATED SOLID WASTE GENERATION FOR APPLE VALLEY GENERAL PLAN BUILD OUT

Land Use Type	Generation Rate	Unit Type	Units (DU/Sq.Ft.)	Annual Tons of Solid Waste
Single Family	2.0400	Tons/unit/year	36,619	74,702.76
Multi Family	1.1700	Tons/unit/year	27,130	31,742.10
Office/Professional	0.0108	Tons/sf/year	10,372,153	112,019.25
Hotel/Motel	0.0024	Tons/sf/year	2,074,431	4,978.63
Retail/Commercial	0.0024	Tons/sf/year	39,414,182	94,594.04
Industrial	0.0108	Tons/sf/year	58,581,040	632,675.23
Total				**950,712.02**

The GPEIR determined, "*Build out of the General Plan and annexation areas is expected to result in approximately 63,749 dwelling units, which includes both existing and potential residences. Of these, approximately 36,619 will be single-family units, and about 27,130 multi-family units. Build out could also result in up to 51,860,766 square feet of commercial development and 58,581,040 square feet of industrial development. This level of development could generate a total of approximately 950,712 tons of solid waste per year, or 2,603 tons per day (including both existing and future development). This estimate assumes moderate densities at build out, and actual waste generation may vary, depending on future levels of development. None of the land uses proposed within the planning area are expected to create high quantities of solid waste or severe hazardous waste conditions. Nonetheless, the project will increase the volume of solid waste generated, and*

waste management will need to carefully monitor these levels to assure safe and cost-effective disposal of the Town's solid waste."

California's CalRecycle Industrial Sector Generation Rates for Industrial Warehouse use is 13.82 lb/employee/day. Using this Generation Rate for the Proposed Project the WSA calculated the Estimated Solid Waste for the project as follows:

CALCULATION DEFINITIONS & FORMULA METHODOLGY

Industrial Sector Generation Rate = **13.82 lbs/emp/day**
Conversion Rate lbs to Tons: 1 Ton = 2,000lbs
Solid Waste in LBS/YR Formula: Project Estimated Solid Waste (LBS/YR): (Ind. Sector Generation Rate x No. Emp) x 365 = LBS/YR
Project Estimate Solid Waste (TNY): (lbs per yr/Conversion Rate lbs to tons) = Tons per Year (TNY)

The Project Solid Waste in Tons Per Year were then calculated using the above Calculation Definitions & Formula Methodology as follows:

ESTIMATED PROJECT SOLID WASTE CALCULATIONS -

Project Estimated Solid Waste (LBS/DY) = 13.82 lbs x 200 emp = 2,764/DY
Project Estimated Solid Waste (LBS/YR) = 2,764lbs x 365 = 1,008,860lbs/YR
Project Estimated Solid Waste (TNS/YR) = (1,008,860lbs/YR)/x 2,000 = 504.43TNY

The Project's Estimated Solid Waste of 504.43 tons per year based on the calculation above is shown below with the GPEIR Estimated Solid Waste for Industrial Land Use shown in GPEIR TABLE III-58:

TABLE V-1 PROJECT ESTIMATED SOLID WASTE FOR WAREHOUSE

Land Use Type	Generation Rate	Unit Type	Units (DU/Sq.Ft.)	Annual Tons of Solid Waste
Project Estimated Solid Waste for Warehouse	13.82/empl per day	Lb/emp/day x 365/2000lbs/year	200 Employees	504.43

The General Plan Industrial Land Use Solid Waste Generation at General Plan Build Out was estimated at 632,675.23 Tons.

TABLE V-2 GPEIR ESTIMATED SOLID WASTE FOR INDUSTRIAL LAND USE

Land Use Type	Generation Rate	Unit Type	Units (DU/Sq.Ft.)	Annual Tons of Solid Waste
GP Industrial	0.0108	Tons/sf/year	58,581,040	632,675.23
GPEIR Project's Solid Waste Allocation	0.0108	Tons/sf/year	494,000	5,335.2
Project Estimated Solid Waste for Warehouse	13.82/Empl per yr	Lb/emp/day x 365/2000lbs/year	200 Employees	504.43

TOTAL ANNUAL GENERAL PLAN ESTIMATED SOLID WASTE (TNY)	**632,675.23**
TOTAL ANNUAL PROJECT SOLID WASTE ALLOCATION (TNY)	**5,335.2**
TOTAL ANNUAL PROJECT ESTIMATED SOLID WASTE (TNY)	**504.23**
NET GPEIR PROJECT PRO-RATA SOLID WASTE ALLOCATION HAS A SURPLUS (TNY) =	**4,830.97**
PROJECT PERCENTAGE OF PRO-RATA ALLOCATION (TNY)	**9.45%**

This comparative analysis shows that the Proposed Project's Solid Waste is only 9.45% of the TOTAL ANNUAL PROJECT SOLID WASTE ALLOCATION OF THE GENERAL PLAN ESTIMATED SOLID WASTE AT BUILD OUT with a NET ANNUAL GPEIR PROJECT PRO-RATA SOLID WASTE ALLOCATION SURPLUS 4,830.97 TNY or 90.55% TNY surplus.

The WSA analysis concluded the following, "*The Project Site is currently within the refuse collection area of Burrtec Waste Industries. Solid Sanitary Landfill (36-AA-0045), or other active landfills as necessary. Burrtec's operators determine the final disposal location on a case-by-case basis. The project's Planned Industrial Development Site refuse will be disposed of at either the San Bernardino County Victorville Sanitary Landfills that has a maximum throughput waste generation capacity of 3,000 tons per day, an expected operational life through 2047, and a remaining capacity of 81,510,000 cubic yards, or it would be served by a landfill with sufficient permitted capacity to accommodate its solid waste disposal needs. At the total annual estimated Project Solid Waste of 504.23TNY, the project will only generate 1.38TND (tons per day) which is only 0.061% of the total 3,000TND. Therefore, the project will not have a significant impact on the existing and planned solid waste capacity.*

California Assembly Bill 341 has been enacted to reduce greenhouse gas emissions by diverting commercial solid waste from landfills by recycling. It mandates businesses and public entities generating 4-cubic yards or more of trash to establish and maintain recycling services. The Town of Apple Valley Building and Safety Department reviews and approves all new construction projects that require a Building Permit and requires that Building Permit applicants prepare a Waste Management Plan.

The Town of Apple Valley Building and Safety Department's standard Conditions of Approval (COA's) require each project to have a waste management plan in accordance with the Construction Debris Recycling Ordinance, Municipal Code Chapter 8.19 that consists of two parts, 1) proposed projects are required to estimate the amount of tonnage to be disposed and diverted during construction, and the estimated tonnage or pounds of waste to be recycled by the Project, 2) Disposal/diversion receipts or certifications are required as a part of that summary. The mandatory requirement to prepare a Construction and Demolition Solid Waste Management Plan would ensure that impacts related to construction waste would be less than significant. The Proposed Project would comply with all federal, State, and local statutes and regulations related to solid waste. Solid waste produced during the construction phase or operational phase of the Proposed Project would be disposed of in accordance with all applicable statutes and regulations."

FINDINGS: [**Less Than Signficant With Mitigation Incorporated**] The project will not generate solid waste more than State or local standards, or in excess of the capacity of

local infrastructure, or otherwise impair the attainment of solid waste reduction goals, and it will comply with federal, state and local management and reduction statutes and regulations related to solid waste. As stated above the Town of Apple Valley *Construction Debris Recycling Ordinance, Municipal Code Chapter 8.19* mandatory requirement to prepare a Construction and Demolition Solid Waste Management Plan would ensure that impacts related to construction waste would be less than significant. The Proposed Project would comply with all federal, State, and local statutes and regulations related to solid waste. Solid waste produced during the construction phase or operational phase of the Proposed Project would be disposed of in accordance with all applicable statutes and regulations. Therefore, the mandatory Construction Debris Recycling Ordinance requiring the preparation of a construction and demolition Solid Waste Management Plan would reduce impacts to ***Less Than Significant.***.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

STUDY: All development within the Town, including the NAVISP area inclusive of the proposed Project, is required to comply with applicable elements of State Assembly Bill (AB) 1327, Chapter 18 (California Solid Waste Reuse and Recycling Access Act of 1991) and other mandatory local, State, and federal solid waste disposal standards including mandatory refuse collection for generators of certain capacity minimum limits for collection. The NAVISP - North Apple Valley Industrial Specific Plan Section IV– Infrastructure Section B. Public Services and Utilities, Subsection 3. Solid Waste identified Burrtec Waste Industries of Fontana, California as the contracted provider of solid waste and recycling service in the Town of Apple Valley.

FINDINGS: [**Less Than Signficant With Mitigation Incorporated**] All development within the Town, including the NAVISP area inclusive of the proposed Project, is required to comply with applicable elements of State Assembly Bill (AB) 1327, Chapter 18 (California Solid Waste Reuse and Recycling Access Act of 1991) and other mandatory local, State, and federal solid waste disposal standards including mandatory refuse collection for generators of certain capacity minimum limits for collection, which have been incorporated as mitigation measures would reduce levels of impacts to ***less that significant with mitigation incorporated***. The GPEIR Solid Waste Mitigation Measures are incorporated herein. The site-specific GPEIR Mitigation Measures are GPEIR SW MM 2, 4 and 5. GPEIR Mitigation Monitoring & Reporting Program site-specific Mitigation Measure is GPEIR SW MMRP A.

GPEIR SOLID WASTE MITIGATION MEASURES
(GPEIR, §III-Existing Conditions, Impacts and mitigation Measures p. III-257.)

Source reduction of solid waste is the most effective way of lessening the impacts to landfills. The following measures will aid in reducing the amount of waste generated, thereby mitigating the impacts to landfills and promoting the Town's compliance with AB 939.

GPEIR MM SW-1. The Town and its solid waste disposal service provider shall continue to consult and coordinate to maintain and surpass, where possible, the provisions of AB 939 by means of expanded recycling programs to divert resources from the waste stream that can be returned to productive use.

GPEIR MM SW-2. To the greatest extent feasible, the Town shall encourage commercial and industrial establishments to minimize the amount of packaging and potential waste associated with product manufacturing and sales.

GPEIR MM SW-3. Recycling provisions for single-family and multi-family residential dwelling units shall continue to be included in the Town's solid waste disposal contracts.

GPEIR MM SW-4. Recycling provisions for commercial and business establishments should include separate recycling bins. Items to be recycled at commercial establishments may include white paper, computer legal paper, cardboard, glass, and aluminum cans.

GPEIR MM SW-5. As landscaping debris comprises a significant percentage of residential solid waste, developers shall contract for professional landscaping services from companies which compost green waste. Several landscaping companies in the Apple Valley/Victorville area are currently composting for waste disposal. On-site composting and grass recycling (whereby grass clippings are left on the ground) is also encouraged wherever possible.

GPEIR MITIGATION MONITORING/REPORTING PROGRAM
(GPEIR, §III-Existing Conditions, Impacts and mitigation Measures p. III-257.)

GPEIR MMRP-A. The Town Planning Division and Building and Safety Division shall review project development plans and confer and coordinate with project developers to assure the provision and maintenance of recycling containers that correspond with current Town programs and those planned in the future.

Responsible Parties: Planning Division, Building and Safety Division, Burrtec Waste Industries, Inc.

XX. Wildfire

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

References: Town of Apple Valley General Plan Environmental Impact Report titled, "***ENVIRONMENTAL IMPACT REPORT (SCH# 2008091077) APPLE VALLEY GENERAL PLAN AND ANNEXATIONS 2008-001 & 2008-002***", certified August 11, 2009;

STUDY/FINDINGS

Would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

STUDY: The Town of Apple Valley Local Hazard Mitigation Plan 2017 Plan Update is the adopted emergency response plan (LHMP). LHMP Section 3.1 Preparing for the Plan describes the LHMP as follows, "*Hazard Mitigation Planning is a process State, Tribal, and local governments use to identify risks and vulnerabilities associated with natural disasters, and to develop long-term strategies for protecting people and property from future hazard events. Planning creates a way to solicit and consider input from diverse interests. Involving stakeholders is essential to building community-wide support for the plan. In addition to emergency managers, the planning process involves other government agencies (e.g., zoning, floodplain management, public works, community, and economic development, businesses, civic groups, environmental groups, and schools.*"

The LHMP Section 1.7 Development Trends identifies certain project approvals of various industrial and commercial projects and concludes that, "*While all these development trends may not be recognized over the next five years, all future development that will take place is planned to occur in accordance with the General Plan Land Use Zones and will consider all potential hazards identified within this plan. Additionally, all development will be in compliance with all Fire, Flood and Seismic codes of the Town, County and State at the time of development.*" The Town of Apple Valley Fire Protection District Boundary Map shows the Project Site is located within the Town of Apple Valley Fire Protection District and Apple Valley Fire Protection District Sphere of Influence. The Proposed Project would be served by the Apple Valley Fire Protection District (AVFPD). The Operations Division covers an area of 206 square miles and responds to over 12,000 EMS, fire, hazardous materials, rescue and other incidents per year. The District's size, population, and varied landscape combine to present a challenging environment to provide emergency services. The District staff's five fire stations – 24/7 and provide paramedic services. The AVFPD Fire Station 331 on Headquarters Drive is located within Apple Valley approximately 6.78 miles south of the Project Site. Response times in the range of five to eight minutes are considered maximum in the case of structural fires. A longer response time will result in the loss of most of the structural value.

The GPEIR analyzed impacts to Fire Projection. Within the NAVISP area the AVFPD and the Town considered construction of an eighth fire station on approximately 12 acres at the northwest corner of Joshua Road and Navajo Road in North Apple Valley. This Station would be located approximately 1.5 miles from the proposed Project Site.

FINDINGS: [**No Impact**]The GPEIR Section III-3. Fire Protection Mitigation Measures pp. III-241, require the Town to closely coordinate with the Apple Valley Fire Protection District to assure the timely expansion of facilities and services to meet the needs of the buildout of the General Plan inclusive of the two Annexation Areas. The GPEIR set forth the following mitigation measures with the finding that these mitigation measures will reduce impacts associated with provision of fire protection services to less than significant levels:

GPEIR FIRE PROTECTION MITIGATION MEASURES
GPEIR Section III-3. Fire Protection Mitigation Measures pp. III-241

GPEIR FP -1. The Town shall continue to coordinate closely with the Apple Valley Fire Protection District to assure the timely expansion of facilities and services.

GPEIR FP -2. The Town and Apple Valley Fire Protection District shall continue to enforce fire codes and other applicable standards and regulations as part of building plan review and conducting building inspections.

GPEIR FP -3. Industrial facilities that involve the storage of hazardous, flammable or explosive materials shall be sited so as to ensure the highest level of safety in strict conformance with Uniform Fire Code and other applicable codes and regulations.

GPEIR FP -4. The Apple Valley Fire Protection District shall continue to review new development proposals and evaluate project plans to assure that it can provide adequate fire protection.

GPEIR FP -5. The Town and Apple Valley Fire Protection District shall coordinate with the Apple Valley Ranchos Water Company, Golden States Water Company, and all other water purveyors serving the General Plan and annexation areas, to ensure adequate water supplies and pressure for existing and proposed development.

GPEIR MMRP FIRE PROTECTION
GPEIR Section III-3. Fire Protection Mitigation Measures pp. III-241

GPEIR MMRP – A. Apple Valley Fire Protection District shall review all development plans prior to issuance of building permits to ensure that development complies with Town and District standards.
Responsible Parties: Planning Division, Apple Valley Fire Protection District

The WSA has demonstrated the Water Demand of the proposed project at buildout of the project has a net GPEIR Project Pro-Rata Allocation surplus of 28.92 AFY, i.e., 46.7% of the GPEIR water demand Pro-Rata Allocation of 54.23 AFY. The Project will construct half width roads of Central and Cordova Roads in accordance with the GPEIR Circulation Plan which will provide additional emergency access. Therefore, the project will not substantially impair an adopted emergency response plan or emergency evacuation plan and will have ***no environmental impact***.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

STUDY: As described in the Geotechnical Report prepared by Landmark, "*The project site is irregularly shaped in plan view and is relatively flat-lying sloping gently to the southwest. The project site consists of approximately 30 acres covered with scattered desert vegetation. A dry wash is located north of the project site. The site is bounded by Central Road, a paved two-lane road, to the east and Cordova Road, an unpaved road, to the north. The project site lies at an elevation of approximately 3150 to 3175 feet above mean sea level in the Apple Valley region of the California high desert.*"

The Town of Apple Valley Local Hazard Mitigation Plan Figure 4.3 Wildfire Hazard Severity Zone depicts the project in a Moderate Zone. The Countywide Policy Plan Policy Map HZ-5 Fire Hazard Severity Zones depicts the project as within the Moderate Zone. The Project area is not within a mapped Very High Fire Hazard Severity Zone. See APPENDIX 12 – Wildfire for Figure 4.3 and P Policy Plan Map HZ 5. The LHMP Section 4.3 Hazards Profiles lists 4. High winds as a low to medium hazard by the planning team, "*High Winds initially ranked as a low to medium hazard by the planning team. Although high winds and gusts are common to Apple Valley, the planning team did not include it on the Risk Factor Worksheet because the disruption of services and spatial extent to our community is extremely minimal. When it has occurred the impacts are isolated with only infrequent reports of personal property damage due to property not being secured properly. If disruption of services occur, services are normally restored within a few hours.*"

The project is located with the NAVISP and is consistent with the designated land industrial use with permitted uses of warehouse and distribution. All permanent structures will have internal sprinkler systems per California sprinkler system codes. Hydrants will be located per the requirements of the Apple Valley Fire Protection District. Therefore, there are no slope factors, nor prevailing or other factors, to exacerbate wildfire risks, or thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. ***Therefore, there is no impact.***

FINDINGS: [**No Impact**] Due to the lack of wildfire fuel factors within the Project Area and on the Project Site, the risk of wildfire is considered less than significant. The Proposed Project shall comply with applicable standards required by the responsible Fire Authority. The Proposed Project is not anticipated to exacerbate wildfire risks, thereby exposing project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required. Due to the lack of wildfire fuel factors within the Project Area and on the Project Site, the risk of wildfire is considered less than significant. The Proposed Project shall comply with applicable standards required by the responsible Fire Authority. The Proposed Project is not anticipated to exacerbate wildfire risks, thereby exposing project occupants to pollutant concentrations from a wildfire or the uncontrolled spread

of a wildfire. Therefore, ***no impacts are identified or are anticipated, and no mitigation measures are required***.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

STUDY: The proposed Project is within the NAVISP and will require installation of adjacent Central Road. The building will require fire sprinklers. However, none of the required improvements under the GPEIR and NAVISP would result in fire risk, nor impact that have not been evaluated and mitigated for.

FINDINGS: **[Less Than Significant Impact]**

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

STUDY: The proposed Project is within the NAVISP. As discussed in the Geotechnical Report the surrounding area is relatively flat. There are no flooding, landslide risks associated with the project nor for post-fire slope instability. Onsite stormwater drainage is managed via onsite detention basins.

FINDINGS: [**No Impact**] Based on the findings of the Geotechnical Study that the site is relatively flat without existing landslides or geological features that could potentially cause landslides, that there are no slopes thus no slope instability, and that the Hydrology Study for the project did not fing risks of flooding there is ***no impact***.

XXI. Mandatory Findings of Significance

Does the project have the potential to:

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

STUDY/FINDINGS

In accordance with California Environmental Quality Act (CEQA) Article 5. Preliminary Review of Projects and Conduct of Initial Study, §15065 Mandatory Findings of Significance (a) A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur. (a)2 The project has the potential to achieve short-term environmental goals to the detriment of long term goals.

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a

fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?

FINDINGS: [***Less Than Signficant With Mitigation Incorporated***] The UIARMM reviewed the BRA and provided an independent peer review of the BRA assessment of the Special-Status Species assessment for Rare Plant Species, and concluded the following, *"The 2022 BRA conducted a literature search for known occurrences of special-status plants in or near the Project, which resulted in nine species that were assessed for potential to occur on the Project. Of the nine species, only three species, desert cymopterus (Cymopterus deserticola), Mojave monkeyflower (Diplacus mohavensis) and Joshua tree, have a CNPS ranking. ECORP concurs with the assessment within the BRA for these species. The other six species included in the BRA are protected by the San Bernardino Development Code or the Town of Apple Valley only, and do not have a CNPS ranking."*

ECORP concurred with the assessment within the BRA for the nine species that were assessed for potential to occur on the Project. The other six species included in the BRA are protected by the San Bernardino Development Code or the Town of Apple Valley only, and do not have a CNPS ranking. Project-related impacts to these special-status plant species will be reduced to less than significant with implementation of Mitigation Measures BIO-1, BIO-2, and BIO-3. ECORP concluded that *"White pygmy-poppy, Mojave spineflower, Torrey's box-thorn, solitary blazing star, crowned muilla, and Mojave fish-hook cactus have a CRPR rank of 4 (plants of limited distribution) and do not clearly meet CEQA standards and thresholds for impact considerations.* ***Therefore, impacts to these species are not considered significant.****"*

Based on the GPEIR's conclusions, findings and Mitigation Measures, and the recent conclusions, findings and Mitigation Measures by the Biological Resources Assessment (BRA) and Updated Impact Analysis (and Recommended Mitigation Measures (UIARMM) as summarized above and discussed and analyzed in the complete reports included herewith as APPENDIX 2 – Biological Resources, with the incorporation of the recommended mitigation measures the Project will not have the potential to substantially degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, impact a threatened or endangered species, or eliminate a plant or animal community. ***Therefore, the Project will not have a significant impact with mitigation measures incorporated.***

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past

projects, the effects of other current projects, and the effects of probable future projects.)

FINDINGS: [**Less Than Signficant With Mitigation Incorporated**] CEQA Guidelines §15130 Discussion of Cumulative Impacts (b) sets forth the elements necessary to an adequate discussion of significant cumulative as follows:

(1) Either:
(A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or
(B) A summary of projections contained in an adopted local, regional or statewide plan,
or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.

The proposed Project is located within an adopted General Plan Area that has a certified EIR, "***Town of Apple Valley General Plan and Annexation Areas 2008-001 and 2008-002 Environmental Impact Report***" under which is the adopted North Apple Valley Industrial Specific Plan. The Project proposed industrial land uses of warehouse and distribution are consistent with the designated land uses under the NAVISP and (Permitted uses". Both the General Plan EIR and NAVISP (AMENDED Ord. 351 and 428) thoroughly analyzed cumulative impacts which have mitigation measures that render any significant impacts to less than significant with mitigation incorporated. This Initial Study includes supplemental site-specific Environmental Studies and Analyses that also render any significant impacts to less than significant with mitigation incorporated. The NAVISP area surrounding the proposed site are predominantly vacant. Any proposed projects within the NAVISP Area are subject to the Town of Apple Valley NAVISP and Municipal Code requirements, and any required state and federal permits. Therefore, ***there are no cumulative effects identified.***

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDINGS: [**Less Than Significant Impact**] **:** The Phase I Environmental Site Assessment prepared by AdvancedGeo concluded that no recognized environmental conditions (REC's) were identified on the subject Property and had no recommendations for additional investigations. AGI reviewed historical topographic maps of the subject property and surrounding area for the years 1932, 1934, 1957, 1970, 1978, 1993, and 1912 which did not reveal any items of environmental concern in connection with the property. AGI reported it did not identify adjacent or nearby sites (e.g. within ¼-mile radius) listed on the regulatory database report that were judged to present a potential environmental risk to the subject property with the exception of CEMEX Construction Materials facility Quarry Plant. The site was reported "*as a small quantity generator of hazardous waste. The site did nave a spill of 170 gallons of non-PCB mineral oil from a vandalized transformer onto the soils in 2015. An outside contractor cleaned up the release.*" However as of this writing it was verified the State of California Department of Toxic Substance Control EnviroStor Database lists the CEMEX Plant as a Permitted Site, Closed and non-operating. The Project Site was not found on the list of hazardous materials sites compiied pursuant to Government Code Section 65962.5 by the California Department of Toxic Substances Control's EnviroStor data management system. EnviroStor tracks cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known or suspected contamination issues. No hazardous materials sites are located within or in the vicinity of the Project Site. EnviroStor lists one site located approximately 1.04 miles to the southwest of the site as Victorville Precision Bombing Range (PBR) No. N1 FUDS Project No J09CA067201, an inactive and historical former range. EnviroStor lists one other identified site located south of PBR N1 and approximately 3 miles to the southwest of the site as Victorville Precision Bombing Range (PBR) No. 1 FUDS Project No J09CA067501, an inactive and historical former range.

The United States Army Corps of Engineers engaged Parsons Infrastructure & Technology Group, Inc. to prepare a Final Site Inspection Report for this range. The Final Site Inspection Report Former Victorville Precision Bombing Range No. 1 San Bernardino County, California FUDS Project No J09CA067501 is dated March 2087 (FSIR).

The subject property is not within the boundary nor within the SS-WP Project Boundary. As such the Proposed Project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment. Therefore, there is ***no impact*** from the Project Site.

SUMMARY OF MITIGATION MEASURES

As identified in this Initial Study, the Project would require the following mitigation measures to reduce potential impacts to a less than significant level. The mitigation measures are:

BIO-1 – Worker Environmental Awareness Program: Prior to the start of construction, a Worker Environmental Awareness Program (WEAP) will be developed by the Applicant. A qualified biologist with experience with the sensitive biological resources in the region will present the WEAP to all personnel working in the Project area (either temporarily or permanently) prior to the start of Project activities. The WEAP may be videotaped and used to train newly hired workers or those not present for the initial WEAP. The WEAP could include, but will not be limited to: discussions of the sensitive biological and aquatic resources associated with the Project, Project-specific measures to avoid or eliminate impacts to these resources, consequences for not complying with Project permits and agreements, and contact information for the lead biologist. Logs of personnel who have taken the training will be kept on the site at the construction or Project office.

BIO-2 – Biological Monitoring: A qualified biologist (biological monitor) with experience monitoring for and identifying sensitive biological resources known to occur in the area is recommended to be present during all ground-disturbing activities related to the Project. Biological monitoring duties will include, but are not limited to, conducting worker education training, verifying compliance with project permits (if any are required), and ensuring Project activities stay within designated work areas. The biological monitor will have the right to halt all activities in the area affected if a special-status species is identified in a work area and is in danger of injury or mortality. If work is halted in the area affected as determined by the biological monitor, work will proceed only after the hazards to the individual is removed and the animal is no longer at risk, or the individual has been moved from harm's way in accordance with the Project's permits and/or management/translocation plans.

BIO-3 – Pre-construction Rare Plant Survey: It is recommended that a pre-construction survey be conducted for the special-status plant species that have potential to occur on the Project site. Special status plant species with potential to occur should be surveyed within their appropriate blooming period; these species and their respective blooming periods are as follows: Joshua tree (March – June), Clokey's cryptantha (April-June), desert cymopterus (April), purple-nerve cymopterus (March-April), Mojave monkeyflower (April-May), Barstow woolly sunflower (April-May) short-joint beavertail (April-June), Beaver Dam breadroot (April-May), Mojave beardtongue (March-May), and Latimer's woodland-gilia (March- June). The survey

methods should follow the guidelines listed in the CNPS Botanical Survey Guidelines (CNPS 2001). Impacts to all special-status plant species identified on-site, including Joshua tree, should be avoided with an appropriate non-disturbance buffer determined by the Project biologist. If a population of special-status plants is found on the Project site and avoidance is not an option, then coordination may need to occur with CDFW to discuss implementation of additional protection or mitigation measures. Mitigation measures for special-status plant species other than the Joshua tree could include seed collection and/or transplanting. If Project-related impacts to Joshua tree cannot be avoided and the species is fully protected under the California Western Joshua Tree Conservation Act, then the Project will need to obtain an Incidental Take Permit (ITP) from CDFW under Section 2081 of the California ESA to receive authorization for take of the species prior to the start of ground-breaking activities. Additional protection measures specific to Joshua tree would be included in the ITP and may include additional biological monitoring or compensatory mitigation at a 1:1 ratio to result in no net loss.

The project will also be subject to the protection requirements under Section 88.01 the San Bernardino County Development Code and the requirements associated with the Western Joshua Tree Conservation Act (SB 122 signed into effect on July 10, 2023). If regulated desert native plants, as identified by the San Bernardino County Development Code (Section 88.01.060) are observed during the survey, a Tree or Plant Removal Permit must be acquired prior to their removal.

BIO-4 – Surveys for Desert Tortoise: A focused (protocol-level) survey for desert tortoise is recommended for the Project site to determine presence/absence of this species. The survey shall be conducted by qualified biologists with experience surveying for and identifying the species according to the most current survey guidelines available, which is currently Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise (Gopherus agassizii; USFWS 2019). The protocol-level survey will need to be conducted during the appropriate time of year when desert tortoises are most active: April through May or September through October. If individuals or sign of desert tortoise (e.g., burrows, carcasses, scat) are observed on or immediately adjacent to the Project site and impacts to the species are unavoidable, then coordination with USFWS and/or CDFW will need to occur. If unavoidable Project related impacts to desert tortoise will occur, then the appropriate permits will need to be obtained from USFWS (consultation under either Section 7 or Section 10 of the Federal ESA) and CDFW (Incidental Take Permit under Section 2081 of the California ESA) prior to the start of ground-disturbing Project activities. In addition, a pre-construction survey shall be conducted for desert tortoise no more than three (3) days prior to the start of ground disturbing activities (including but not limited to geotechnical testing, vegetation removal, and fencing activities) to identify whether

desert tortoise is occupying the Project site at that time. If no desert tortoises are found and no other desert tortoise protection measures are required from other Project permits, then Project construction may commence. If desert tortoise is observed on the Project site during the pre-construction survey and impacts to the species are unavoidable and the Project does not have desert tortoise "take" authorization in the form of agency issued permits, then the Project would need to stop Project activities and coordinate with USFWS and CDFW to identify additional protection or mitigation measures or to obtain permits authorizing take of the species.

BIO-5 – Pre-construction Surveys for Burrowing Owl and Desert Kit Fox: Pre-construction surveys for burrowing owl and desert kit fox shall be conducted prior to the start of ground-disturbing activities by qualified biologists experienced with surveying for and identifying both species. The surveys should follow the methods described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012). Two surveys should be conducted, with the first survey occurring between 30 and 14 days before the start of ground disturbing activities (including but not limited to fence installation, geotechnical testing, vegetation removal, grading, grubbing, and construction), and second survey being conducted no more than 24 hours prior to the start of ground-disturbing activities. If burrowing owls, desert kit fox, and/or their burrows are identified on the Project site during the survey, and impacts to the species are unavoidable, the Project may need to coordinate with CDFW and develop species protection plans for both species that outline additional protection measures (burrowing owl protection measures shall be in accordance with the CDFW's Staff Report on Burrowing Owl Mitigation [CDFW 2012]) .

BIO-5 – Pre-construction Surveys for Burrowing Owl and Desert Kit Fox: If construction or other Project activities are scheduled to occur during the bird breeding season (February 1 through August 31), a pre-construction nesting bird survey shall be conducted by a qualified biologist experienced with avian surveying and identification to ensure that active bird nests will not be disturbed or destroyed during ground-disturbing activities or Project construction. The survey shall be completed no more than three (3) days prior to initial ground disturbing activities, including but not limited to fence installation, geotechnical testing, and vegetation removal. The nesting bird survey shall include the Project site and adjacent areas where Project activities have the potential to affect active nests, either directly or indirectly, due to construction activity, noise, or ground disturbance. If an active nest is identified, a qualified avian biologist shall establish an appropriate non-disturbance buffer around the nest using flagging or staking and notify the crew of the non-disturbance buffer location. Construction activities shall not occur within any non-disturbance buffer areas until the nest is deemed inactive by the qualified avian

biologist. If no nests are observed during the preconstruction nesting bird survey then Project construction may commence. If onsite Project activities are ceased for more than two (2) weeks during the bird breeding season, then additional pre-construction nesting bird surveys shall be repeated in accordance with the methods described above.

BIO-7 – Potentially Jurisdictional Aquatic Resources: The Project shall avoid and minimize impacts to aquatic resources to the extent feasible. Aquatic resources to be preserved onsite will be designated as Environmentally Sensitive Areas (ESAs). The ESAs shall be clearly demarcated with orange construction fencing or other visible barrier, and no Project-related activities shall be permitted within the delineated area. If Project activities cannot avoid impacts to aquatic resources that are jurisdictional to the U.S. Army Corps of Engineers, CDFW, and/or Regional Water Quality Control Board, then the appropriate permits shall be obtained from the regulatory agencies prior to the start of ground-disturbing activities. Additional protection measures are expected to be included in these permits, such as compensatory mitigation at a 1:1 ratio to ensure no net loss of resources, additional biological monitoring requirements, or restoration. Compensatory mitigation options may include purchase of credits in an agency-approved mitigation bank or creation, restoration, or enhancement of like habitats within the Project site or at a suitable offsite location. Mitigation bank credits are generally the preferred method of compensatory mitigation if credits are available for the appropriate resource type and watershed.

Additional Best Management Practices

The following best management practices are not mitigation measures pursuant to CEQA but shall be implemented to further reduce impacts to species that have potential to occur on the property:

- Confine all work activities to a pre-determined work area.
- To prevent inadvertent entrapment of wildlife during the construction phase of a Project, all excavated, steep-walled holes or trenches more than two feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals.
- Wildlife are often attracted to burrow- or den-like structures such as pipes and may enter stored pipes and become trapped or injured. To prevent wildlife use of these structures, all construction pipes, culverts, or similar structures with a diameter of four inches or greater should be capped while stored onsite.

- All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from the construction or Project site.
- Use of rodenticides and herbicides on the Project site should be restricted. This is necessary to prevent primary or secondary poisoning of wildlife, and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the United States Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to predatory wildlife.

GPEIR SECTION III. D. BIOLOGICAL RESOURCES 3. MITIGATION MEASURES

To ensure that impacts to biological resources are reduced to less than significant levels, the following mitigation measures shall be implemented.

GPEIR BIO-MM1. (a) The Town shall aid the County of San Bernardino and other participating federal, state, and local agencies in the preparation of a private lands counterpart to the West Mojave Habitat Conservation Plan.

(b) The Town shall participate in the provision of biological resources data and/or surveys relevant to open space areas within its jurisdiction and sphere of influence that may have biological resources value, and shall participate in the preparation of a Habitat Conservation Plan that addresses the needs of the Town with regard to regional biological resources.

(c) If a Habitat Conservation Plan is formulated by the participating federal, state, and local agencies that allows for the conservation of biological resources, the Town shall implement it.

GPEIR BIO-MM2. The Town shall complete the preparation of the Apple Valley MSHCP, in conjunction with the California Department of Fish & Game ("CDFG") and the U.S. Fish and Wildlife Service ("USFWS"). Upon the completion of the MSHCP to the satisfaction of all three parties, the Town shall proceed to implement it according to its terms and the authorization for take of special status species granted by CDFG and USFWS.

GPEIR BIO-MM3. (a) The Town shall require that biological resources evaluations be performed prior to development actions, including site-specific surveys utilizing specified survey parameters as required for all special status species in identified habitat areas, and especially within or adjacent to linkage corridors or special survey areas and potential jurisdictional areas.

(b) As required by CEQA, if biological resources are present that would be significantly impacted by a project, mitigation shall be imposed on the project to reduce the impact to a level of less than significant, to the extent feasible.

(c) At the General Plan-level, it is not practical to formulate or list the entire range of specific mitigation measures that can be required for individual projects. Therefore, this identification can only be done at the project-level, based on the Town's judgment of the individual circumstances of the project before it as a lead agency under CEQA. However, it can be generally stated that the Town shall require mitigation pursuant to species- or resource-specific protocols established by CDFG, USFWS, and/or the U.S. Army Corps of Engineers. The Town can also require, as appropriate, transplantation or seed collection programs, trapping and removal of wildlife, preservation of offsite habitat, recreation of habitat, or participation in a mitigation bank.

GPEIR BIO-MM4. The Town shall ensure that land actions require site-specific nest surveys for the presence of migratory birds in accordance with established protocols and requirements of the Migratory Bird Treaty Act, prior to site disturbance. If protected migratory birds and/or raptors are found to be nesting onsite, construction activities will not be allowed within a radius of the nest determined by a qualified biologist, until the young have fledged and left the nest.

GPEIR BIO MM-5. Biological surveys for Burrowing Owls and Prairie Falcons shall be performed for any site proposed for development wherever sufficient open space and suitable habitat is present. Coordination with California Department of Fish and Game is required when survey results are positive.

GPEIR BIO MM-6. Biological surveys for bats shall be performed prior to disturbance on projects involving reconstruction of bridges, demolition of abandoned buildings, and/or have the potential to contain old mines, in order to determine if significant roosts are present. If roosts are present, projects shall comply with applicable protocols of the Department of Fish and Game or US Wildlife Service, and the recommendations of qualified biologists.

GPEIR BIO MM-7. The Town shall utilize land use designations that provide for Open Space in order to protect viable habitat within the Town. On lands not already designated as Open Space where viable habitat occurs, such lands shall be considered for an open space land use designation as appropriate. Open Space lands shall be managed as warranted for the preservation and protection of their biological and natural resources.

GPEIR BIO MM-8. The Town shall retain the Open Space designation along the Mojave River to ensure that important riparian habitat and linkages are conserved.

GPEIR BIO MM-9. To conserve the natural state of existing hillsides and slopes, land greater than 15% slope shall not be built upon and shall be used as open space.

GPEIR BIO MM-10. Open space land shall be protected in perpetuity.

GPEIR BIO MM-11. Development proposals adjacent to open space lands shall provide buffers and linkages to maintain natural resource values.

GPEIR BIO MM-12. Groundwater shall be conserved to reduce overdraft and retain or increase the depth of the water table along the Mojave River, which will help to preserve and restore plant communities within and adjacent to the waterway.

GPEIR BIO MM-13. Development projects proposing to alter or impact major drainages (blueline streams) including ephemeral streams, shall consult with the appropriate state and/or federal regulatory agency. Such alteration may require permits from the U.S. Army Corps of Engineers, Lahonton Regional Water Quality Control Board, and/or the California Department of Fish and Game. Compliance with such permits will ensure that impacts to riparian habitat are mitigated by either restoration or replacement, and that impacts to water quality are avoided by compliance with Section 401 of the Clean Water Act requirements.

GPEIR BIO MM-14. The Town shall promote the use of native vegetation for landscaping to enhance and create viable habitat for local species. The Town shall periodically update a comprehensive list of plant materials that are complementary with the local environment. This list shall include native and non-native, drought tolerant trees, shrubs and groundcover. The Town shall also maintain a list of prohibited plant materials. Both lists shall be made available to developers and residents. The use of native vegetation in project submissions shall be given preference over water-intensive landscaping during project design review.

GPEIR BIO MM-15. The Town shall require developers to recover, preserve, or utilize native vegetation within their project or shall require that viable vegetation is transplanted to other appropriate sites in conformance with its Native Plant

Ordinance. The Town shall make information on salvaging and transplanting native species available to developers.

GPEIR BIO MM-16. The Town shall provide and maintain a comprehensive interconnected recreational trail system suitable for bicycles, equestrians and/or pedestrians. This will encourage the reduction of vehicle miles traveled and also provide corridors for animal migration between habitat areas. The Town shall encourage multiple use corridors through the drainage channels and utility easements, thereby encouraging the connectivity of natural communities.

GPEIR BIO MM-17. The Town shall continue to promote biodiversity by protecting natural communities with high habitat value, protecting habitat linkages to prevent further fragmentation, and encouraging an appreciation for the natural environment and bio resources.

GPEIR MITIGATION MONITORING/REPORTING PROGRAM

GPEIR MMRP BIO-A. Potential impacts to biological resources from development projects shall be evaluated and assessed on a project-by-project basis, through the Initial Study review process. Impacts shall be clearly documented and mitigation measures recommended as necessary.

Responsible Parties: Planning Division, Developer, Consulting Biologist.

GPEIR MMRP BIO-B. Prior to the issuance of building permits, the Town shall assure that all required biological resource mitigation actions, including but not limited to pre-construction surveys, off-site mitigation and/or the payment of appropriate impact fees, have been satisfied.

Responsible Parties: Planning Division, Building Division, Developer, Consulting Biologist.

GPEIR MMRP BIO-C. Town staff shall, on an annual basis, review biological resources reference materials and update records and inventories to ensure that resource databases are maintained on an ongoing basis.

Responsible Parties: Planning Division, Consulting Biologist.

GPEIR MMRP BIO-D. Prior to issuance of grading permits, the Town shall assure that project developers have obtained all required state and federal regulatory permits related to biological resources, including impacts to stream beds and banks, have been obtained.

Responsible Parties: Planning Division, Developer, California Department of Fish and Game, U.S. Army Corps of Engineers.

MMRP BIO-E. The Town shall require that on-site inspections be conducted during development activities, including but not limited to grading and construction, in order to assure conformance with grading limits, and the preservation and integration of native and other appropriate landscape materials in accordance with approved landscape plans. **Responsible Parties:** Planning Division, Developer, Consulting Biologist.

CULTURAL RESOURCES MITIGATION MEASURES

The following GPEIR Mitigation Measures shall be implemented to reduce the potential impacts to cultural resources and paleontological resources:

GPEIR MITIGATION MEASURES

GPEIR MM CUL-1. Cultural resource studies shall be required prior to development for all lands identified as having high potential for historic or archaeological resources, as identified in Exhibit III-4. The studies shall be reviewed and approved by the Town Planning Division prior to the issuance of any ground disturbing permit. The recommendations of the studies shall be made conditions of approval of the ground disturbing permits.

GPEIR MM CUL-2. Paleontological resource studies shall be required prior to development for all lands identified as having high potential for paleontological resources, as identified in Exhibit III-5. The studies shall be reviewed and approved by the Town Planning Division prior to the issuance of any ground disturbing permit. The recommendations of the studies shall be made conditions of approval of the ground disturbing permits.

GPEIR MM CUL-3. The Town shall establish and maintain a confidential inventory of archaeological and historical resources within the Planning area, including those identified in focused cultural resources studies.

GPEIR MM CUL-4. The Town shall protect sensitive archaeological and historic resources from vandalism and illegal collection, to the greatest extent possible.

GPEIR MM CUL-5. In the event cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural R-sources Department (SMBMI) shall be contacted, as detailed within TCR-1, regarding

any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

GPEIR MM CUL-6. If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human re-mains, the County Coroner must be notified immediately. If the human remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine and notify a most likely descendant (MLD). The MLD shall complete the inspection of the site and provide recommendations for treatment to the landowner within 48 hours of being granted access.

All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code § 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the State of California regardless if the remains are modern or archaeological.

GPEIR MITIGATION MONITORING/REPORTING PROGRAM

GPEIR MMRP CUL-A. Site specific historic, pre-historic and paleontological surveys shall be prepared for new development projects in sensitive areas, and their results compiled in an inventory available only to qualified professionals.

Responsible Party: Planning Division; Developer; Consulting Archaeologist/Paleontologist.

GPEIR GEOLOGY MITIGATION MEASURES

GPEIR GEO-MM1. The Town shall establish and maintain an information database containing maps and other information that describes seismic and other geotechnical hazards occurring within the General Plan Area. Consult and coordinate with surrounding communities, the California Division of Mines and Geology, San Bernardino County, other applicable state and federal agencies, and professional engineering geologists to establish, improve, and routinely update the database.

GPEIR GEO-MM2. Future development proposals shall require the preparation of a site-specific soils and/or geotechnical analysis that include an evaluation of seismic

and soil conditions and provide recommendations that mitigate soils and geotechnical hazards or constraints.

GPEIR GEO-MM3. Proper structural engineering, which takes into account the forces that will be applied to structures by anticipated ground motions, shall provide mitigation for ground adopted editions of the Uniform Building Code and the seismic design parameters of the Structural Engineers' Association of California.

GPEIR GEO-MM4. Establish a cooperative agreement with the County Geologist, State Geologist, confirm the adequacy of geotechnical and fault hazard studies prepared within the Town.

GPEIR GEO-MM5. Design elements, such as baffles, shall be required to reduce the potential for seiches in tanks, open reservoirs, and ponds where overflow or structural failure may cause damage to nearby properties. Criteria for seismic design of water tanks shall be in accordance with the American Water Works Association (AWWA) Standards for Design of Steel Water Tanks.

GPEIR GEO-MM6. New development shall not be placed within natural flow paths or result in substantial changes to drainage patterns offsite. (Also see Hydrology Section III-D)

GPEIR GEO-MM7. Development on wind or stream-deposited sediment or young alluvium on the valley floor should include site-specific subsurface geotechnical investigations that address the potential for seismic settlement, collapsible and expansive soils, and liquefaction. These hazards can be mitigated by proper excavation, compaction, backfilling, and foundation design.

GPEIR GE-MM8. Site-specific geotechnical analyses shall be conducted where new development is proposed adjacent to or in close proximity to steep slopes. Analyses shall evaluate the potential for landslides, rock falls, and/or slope failure, and set forth mitigation measures to minimize these hazards such as the use of set backs, retaining walls, and vegetation buffers.

GPEIR GEO-MM9. Retaining walls shall be constructed to adopted building code standards, include an adequate sub-drain system at the base to prevent excessive hydrostatic pressure, and be evaluated by the Building Inspector.

GPEIR GEO-MM10. All existing vegetation and debris shall be removed from areas that are to receive compacted fill. Removal of trees shall include a minimum of 95% of

the root systems. Excavation to depths ranging from 2 to 4 feet or more below the existing site grade may be required.

GPEIR GEO-MM11. Encourage consultation and coordination between the Town of Apple Valley Public Works Division, Apple Valley Ranchos Water Company, Mojave Water Agency, U.S. Geological Survey, and other appropriate agencies in order to routinely monitor groundwater levels and surface elevations in the Town.

GPEIR GEO-MM12. The Town shall actively support and participate in local and regional efforts to conserve water in an effort to mitigate potential ground subsidence resulting from over extraction of groundwater. Preventive measures include the use of water efficient appliances and faucets indoors, desert tolerant landscaping, and increased use of reclaimed water, storm water, or imported water. (Also see Water Resources in Section III-I)

GPEIR GEO-MM13. Maintain working relationships and strategies between the Public Works Division, Apple Valley Fire Protection District, and other appropriate agencies to strengthen or relocate utility or service facilities including the expedient retrofitting of weak or damaged service structures, enforce fire and building codes, and take other appropriate measures to safeguard major utility distribution systems in preparation of a seismic event.

GPEIR GEO-MM14. The Town shall coordinate and cooperate with public and quasi-public agencies to encourage education and earthquake preparedness so that residents can be self-sufficient after a seismic event.

GPGEO-MM15. All grading permit requests shall include a soil erosion prevention plan. Blowing dust and sand during grading operation shall be mitigated by maintaining moist surface soils, limiting the area of dry exposed soils, planting stabilizing vegetation, establishing windbreaks with non-invasive vegetation or perimeter block walls, applying chemical soil stabilizers, and adequately watering construction sites prior to and during grading and site disturbance. (Also see Air Quality in Section III-C)

GPEIR GEO-MM16. Proposed development within a designated Alquist-Priolo Earthquake Fault Zone shall require site-specific geotechnical investigation including fault trenching and other Alquist-Priolo Fault Zoning Act guidelines.

GPEIR GEO-MM17. The Town shall require that development applications include plans indicating the location of leach fields, seepage pits, drainage facilities, and water-dependent landscaping so that staff may evaluate the potential for

ground saturation and assure that structural foundation are located an appropriate distance away to minimize the potential for localized soil collapse.

GPEIR GEO-MM18. Imported and onsite fill soils for future development shall be approved by the project's soils engineer. Prior to placement as compaction fill the soils engineer shall assure that all fill materials are free of vegetation, organic material, cobbles and boulders greater than 6 inches in diameter, and other debris. Approved soil shall be placed in horizontal lifts or appropriate thickness as prescribed by the soils engineer and watered or aerated as necessary to obtain near-optimum moisture-content.

GPEIR GEO-MM19. Fill materials shall be uniformly compacted to no less than 90% of the laboratory maximum density, by either over-filling and cutting back to expose a compacted core or by approved mechanical methods, as determined by American Society for Testing and Materials (ASTM) test method D-1557-78. The project soils engineer shall observe the placement of fill and take sufficient tests to verify the moisture content, uniformity, and degree of compaction obtained. In-place soil density measurements should be determined by the sand-cone method, Terra Nova/Town of Apple Valley General Plan and Annexations 2008-001 & 2008-002/Environmental Impact Report in accordance with ASTM Test Method D-1556-64 (74), or equivalent test method acceptable to the Town's Building and Safety Department.

GPEIR GEO-MM20. In general, finish cut slopes shall not be inclined steeper than 2:1 (horizontal to vertical). Attempts to excavate near-vertical temporary cuts for retaining walls or utility installations in excess of 5 feet may result in failure of the slope, which has the potential to damage equipment and injure workers. All cut slopes must be inspected by the project engineer during grading to provide additional recommendations for safe construction.

GPEIR GEO-MM21. Foundation systems that utilize continuous and spread footings are recommended for the support of one and two-story structures. Foundations for higher structures must be evaluated based on structure design and on-site soil conditions.

GPEIR GEO-MM22. Positive site drainage shall be established during finished grading. Finish lot grading shall include a minimum positive gradient of 2% away from structures for a minimum distance of three (3) feet and a minimum gradient of 1% to the street or other approved drainage course.

GPEIR GEO-MM23. Utility trench excavations in slope areas or within the zone of influence of structures should be properly backfilled in accordance with the following recommendations:

(a) Pipes shall be bedded with a minimum of 6 inches of pea gravel or approved granular soil. Similar material shall be used to provide a cover of at least 1 foot over the pipe. This backfill shall then be uniformly compacted by mechanical means or jetted to a firm and unyielding condition.
(b) Remaining backfill may be fine-grained soils. It shall be placed in lifts not exceeding 6 inches in thickness or as determined appropriate, watered or aerated to near optimum moisture content, and mechanically compacted to a minimum of 90% of the laboratory maximum density.

(c) Pipes in trenches within 5 feet of the top of slopes or no the face of slopes shall be bedded and backfilled with pea gravel or approved granular soils as described above. The remainder of the trench backfill shall comprise typical on-site fill soil mechanically compacted as described in the previous paragraph.

GPEIR MITIGATION MONITORING AND REPORTING PROGRAM (GPEIR, pp. III-108 through III-109.)

MMRP GEO-A During any project site preparation, the Town Engineer and/or Building and Safety Department staff shall visit the site to ensure compliance with applicable Town ordinances, conditions of approval, and erosion control plans.
Responsible Parties: Town Engineer, Building Division, developer, and grading contractor.

MMRP GEO-B Prior to grading and construction, but subsequent to preparation of final development plans and specifications, the Geotechnical Consultant and/or the Town Engineer shall review foundation plans to verify compatibility with site-specific geotechnical conditions and conformance with the recommendations contained herein. The need for additional subsurface exploration shall be determined on a project-by-project basis.
Responsible Parties: Town Engineer, and Geotechnical Consultant.

GEO MMRP-C As appropriate, rough grading shall be performed under geological and/or engineering observation by the Geotechnical Consultant and the Town Engineer, accordingly.
Responsible Parties: Town Engineer, and Geotechnical Consultant.

GEO MMRP-D As determined appropriate, the Town Engineer and/or Geotechnical Consultant shall monitor the following onsite grading activities, and as necessary verify or modify conclusions and recommendations set forth in the project's geotechnical report:

1. Observation of all grading operations;
2. Geologic observation of all cut slopes;
3. Observation of all key cuts and fill benching;
4. Observation of all retaining wall back cuts, during and following completion or excavation;
5. Observation of all surface and subsurface drainage systems;
6. Observation of all backfill wedges and sub-drains for retaining walls;
7. Observation of pre-moistening of sub-grade soils and placement of sand cush ion and vapor barrier beneath the slab;
8. Observation of all foundation excavations for the structure or retaining walls prior to placing forms and reinforcing steel; and
9. Observation of compaction of all utility trench backfill.

Responsible Parties: Town Engineer and/or Geotechnical Consultant.

GPEIR HAZARDS AND HAZARDOUS MATERIALS MITIGATION MEASURES

GPEIR HAZ-1. The Town will cooperate with regulators and encourage the enforcement of laws that require all users, producers, and transporters of hazardous materials and wastes to clearly identify such materials, and notify the appropriate county, state and/or federal agencies as required by law.

GPEIR HAZ-2. The Town shall maintain appropriately managed access routes to facilitate the transport of hazardous and toxic materials.

GPEIR HAZ-3. The Town will work with the County Sheriff's Department, Caltrans, and CHP, to regulate the transport of hazardous materials along local roadways, state highways and routes, and interstates in the Town or the vicinity.

GPEIR HAZ-4. The Town will coordinate with the Apple Valley Fire Protection District and the San Bernardino County Environmental Health Department to assure improved response to, and capability for, handling hazardous materials incidents.

GPEIR HAZ-5. Future development within the General Plan area shall be required to comply with all applicable federal, state, and regional permitting

requirements for hazardous and toxic materials generation and handling, including but not limited to the following:

a. If it is determined that hazardous wastes are, or will be, generated by any proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If so, the proposed facility shall obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942.
b. If hazardous wastes are (a) stored in tanks or containers for more than ninety days, (b) treated onsite, or (c) disposed of onsite, then a permit from the Department of Toxic Substances Control (DTSC) may be required. If so, the proposed facility shall contact DTSC at (818) 551-2171 to initiate pre-application discussions and determine the permitting process applicable to the facility.

GPEIR HAZ-6. Developers shall submit for approval a detailed description of any hazardous materials use, as well as detailed plans for location of any hazardous materials storage and management facilities to the Apple Valley Fire Protection District.

GPEIR HAZ-7. The Town shall thoroughly evaluate development proposals for lands directly adjacent to sites known to be contaminated with hazardous or toxic materials or sites that use or contain potentially hazardous or toxic materials.

GPEIR HAZ-8. During project construction and implementation, the handling, storage, transport, and disposal of all chemicals, including herbicides and pesticides, runoff, hazardous materials and waste used on, or at, the project site, shall be in accordance with a project's BMP/Integrated Pest Management Plan, other relevant regulatory plans, and applicable County, state, and federal regulations.

GPEIR HAZ-9. The Town shall require all business that use, store, or produce hazardous material to comply with the County's Business Plan in addition to all Town regulations.

GPEIR HAZ-10. The Town shall annually update the SEMS Multi-hazard Functional Plan to ensure that emergency shelters and emergency evacuation routes are responsive to changing community needs.

GPEIR HAZ-11. The Town shall maintain documentation of known hazards to public health and safety and shall make this information available to government officials and organizations, emergency response personnel, and the general public.

GPEIR Mitigation Monitoring and Reporting Program (GPEIR, p. III-122.)

GPEIR MMRP HAZ-A. Development plans and permits for uses, which may include or involve the production, storage, dispensing, or disposal of hazardous or toxic materials shall be concurrently submitted, reviewed, and properly conditioned or regulated.

Responsible Parties: Apple Valley Fire Protection District, Planning Division,

GPEIR FIRE MITIGATION MEASURES:

The following mitigation measures will reduce impacts associated with provision of fire protection services to less than significant levels.

GPEIR FIRE MM-1. The Town shall continue to coordinate closely with the Apple Valley Fire Protection District to assure the timely expansion of facilities and services.

GPEIR FIRE MM-2. The Town and Apple Valley Fire Protection District shall continue to enforce fire codes and other applicable standards and regulations as part of building plan review and conducting building inspections.

GPEIR FIRE MM-3. Industrial facilities that involve the storage of hazardous, flammable or explosive materials shall be sited so as to ensure the highest level of safety in strict conformance with Uniform Fire Code and other applicable codes and regulations.

GPEIR FIRE MM-4. The Apple Valley Fire Protection District shall continue to review new development proposals and evaluate project plans to assure that it can provide adequate fire protection.

GPEIR FIRE MM-5. The Town and Apple Valley Fire Protection District shall coordinate with the Apple Valley Ranchos Water Company, Golden States Water Company, and all other water purveyors serving the General Plan and annexation areas, to ensure adequate water supplies and pressure for existing and proposed development.

GPEIR MITIGATION MONITORING/REPORTING PROGRAM (GPEIR, p. III-241.)

GPEIR MMRP FIRE-A. Apple Valley Fire Protection District shall review all development plans prior to issuance of building permits to ensure that development complies with Town and District standards.

Responsible Parties: Planning Division, Apple Valley Fire Protection District

GPEIR POLICE MITIGATION MEASURES

GPEIR POL-1. New development projects shall be reviewed by the Sheriff's Department to ensure the Department's ability to provide adequate police protection. New developments shall comply with established Sheriff's Department standards.

GPEIR POL-2. The Town shall continue to monitor Town population and Sheriff's Department Staffing levels to insure that sufficient levels of police protection are afforded.

GPEIR MITIGATION MONITORING AND REPORTING PROGRAM (GPEIR, p. III-239.)

MM POL-A. The Sheriff's Department shall monitor calls in the planning area. The Town shall annually review response times and police activity to ensure adequate protection.
Responsible Parties: Sheriff's Department, Town Manager.

GPEIR LIBRARY MITIGATION MEASURES

GPEIR LIB-1. The Town and the County of San Bernardino shall, by continuing to monitor and evaluate library usage rates and the level of service provided at County libraries in the General Plan area, determine the need for additional services and facilities.

GPEIR LIB-2. In order to determine appropriate mitigation fees necessary to provide adequate library services, the Town shall continue to consult and coordinate with San Bernardino County, and consider the addition of library facilities to Developer Impact Fees in the future.

GPEIR MITIGATION MONITORING/REPORTING PROGRAM (GPEIR, p. III-238.)

GPEIR LIB MMRP-A. The Town and County shall regularly monitor utilization of the County library facilities in Apple Valley to determine needs and ensure provision of essential adequate library services to local residents.
Responsible Parties: Town Manager, County Librarian

GPEIR MMRP LIB-1. The Town and the County of San Bernardino shall, by continuing to monitor and evaluate library usage rates and the level of service provided at County libraries in the General Plan area, determine the need for additional services and facilities.

GPEIR MMRP LIB-2. In order to determine appropriate mitigation fees necessary to provide adequate library services, the Town shall continue to consult and coordinate with San Bernardino County, and consider the addition of library facilities to Developer Impact Fees in the future.

UTILITIES MITIGATION MEASURES

UTIL MM-1 Pre and Post Development Hydrology, post-developed Hydraulics and determined infiltration requirements shall be designed in accordance with the County of San Bernardino Hydrology Manual based on the 100-year 24 hour storm event.

UTIL MM-2 △V required to be retained and infiltrated onsite shall be designed in mandatory compliance with the State of California General Permit[32] NPDES Storm Water Pollution Prevention Plan (SWPPP) and WQMP.

UTIL MM-3 Contech CDS System Clarifiers shall be provided onsite to protect off-site flows from on-site contaminated flows to protect off-site flows from on-site contaminated flows. These will treat the 1st flush flows prior to exiting the Project Site.

UTIL MM-4 A Maxwell Plus infiltration system consisting of Maxwell-infiltration chambers shall be provided to treat the calculated volume in accordance with the approved Project Final Hydrology Reportof onsite of storm water within 48 hours

TRANSPORTATION MITIGATION MEASURES

MM TRA-1 The project shall extend half width improvements for Central and Cordova Roads to the Property boundaries.

MM TRA-2 The Proposed Project shall pay its pro-rata fair share contribution of improvements in accordance with the Urban Crossroads Fair Shair Assessment dated September 9, 2024.

GPEIR TRANSPORTATION MITIGATION MEASURES (GPEIR, pp. III-314 through III-316.)

GPEIR MM-TRA 1. Street rights-of-way shall be provided for Central Road and Johnson and Road follows:

[32] *REFERENCE: State Water Board adopted the 2022 Construction Stormwater General Permit, Order 2022-0057-DWQ, on September 8, 2022, effective date September 1, 2023*

104 feet for Major Roadways
88 feet for Secondary Roadways

GPEIR MM-TRA 2. The Town shall require that new development projects on arterial roadways incorporate bus pullouts, to allow buses to leave the flow of traffic and reduce congestion.

GPEIR MM-TRA 3. All Town streets shall be designed to have a minimum lane width of 12 feet.

GPEIR MM-TRA 4. To minimize the number and length of vehicle trips travelled within the planning area, the General Plan Land Use Plan shall provide for a balance and mix of employment and housing opportunities.

GPEIR MM-TRA 5. The Town shall encourage the use of mass/public transit, and collaborate with the Victor Valley Transit Authority (VVTA) to ensure the ongoing operation and expansion of fixed route bus and demand responsive systems.

GPEIR MM-TRA 6. The Town shall require that new development projects on arterial roadways incorporate bus pullouts, to allow buses to leave the flow of traffic and reduce congestion.

GPEIR MM-TRA 7. The Town shall encourage the use of multi-occupant modes of transportation, and shall encourage employers to utilize telecommuting opportunities, home-based employment, and part-time or non-peak hour work schedules.

GPEIR MM-TRA 8. The Town shall develop a program to retrofit bus pullouts on built-out streets, wherever possible, and shall implement them through the Capital Improvement Program.

GPEIR MM-TRA 9. The Town shall enhance and expand its comprehensive Master Plan of continuous, convenient multi-use trails and bicycle routes that connect residential, commercial, schools, parks and other community activity centers.

GPEIR MM-TRA 10. The Town shall consult and coordinate with the County of San Bernardino and the California Department of Transportation to ensure the provision of adequate all-weather crossings along critical roadways.

GPEIR MM-TRA 11. The Town shall ensure that sidewalks are provided on all roadways that are 88 feet wide or wider. In Rural Residential land use areas, the Town shall ensure that designated pathways are provided.

GPEIR MM-TRA 12. The Town shall confer and coordinate with the Apple Valley Unified School District to develop and implement safe routes to school.

GPEIR MM-TRA 13. The Town shall proactively consult and coordinate with the County of San Bernardino to ensure that the local airport continues to meet the Town's existing and future transportation, commercial and emergency response needs.

GPEIR MM-TRA 14. The Town shall require, as necessary, project-specific and/or phase-specific traffic impact analyses for subdivision and other project approvals. Such analyses may be required to identify build out and opening year traffic impacts and service levels, and may need to exact mitigation measures required on a cumulative and individual project or phase basis.

GPEIR MM-TRA 15. Concurrent with construction, all new development proposals located adjacent to public roadways shall be required to install all improvements to their ultimate General Plan half-width.

GPEIR MM-TRA 16. The Town shall continue to monitor roadway segments where the daily Volume to Capacity ratio analysis indicates that build out traffic volume will "potentially exceed capacity."

GPEIR MM-TRA 17. The Town shall review traffic volumes resulting from General Plan build out to coordinate, program and if necessary, revise road improvements. This review shall take place every five years.

GPEIR MM-TRA 18. All new development shall be required to pay a "fair share" of improvements to surrounding roadways, bridges and signals that are impacted by and are located within and surrounding the development project.

GPEIR MM-TRA 19. The Town shall ensure that pedestrian access is preserved and enhanced by means of the following: improved sidewalks, pedestrian walkways, lighting and landscaping designs and connections to existing sidewalks and trails.

GPEIR MM-TRA 20. New development proposals shall be required to construct bicycle lanes in conjunction with off-site improvements.

GPEIR MM-TRA 21. New development proposals shall be required to construct recreational trails in conjunction with off-site improvements.

GPEIR MITIGATION MONITORING/REPORTING PROGRAM (GPEIR, pp. III-316 through III-317.)

GPEIR MMRP TRA-A. The Town shall review and update the master roadway plans to identify facilities where capacity is at or near full utilization. The schedule for securing right-of-way and constructing improvements shall be consistent with projected needs and standards as established in the Circulation Element and this EIR. Necessary improvements will be incorporated into the Town's Capital Improvement Plan.

Responsible Parties: Public Works Division, Town Engineer

GPEIR MMRP TRA-B. The Town shall periodically confer and coordinate with the County of San Bernardino, California Department of Transportation, SCAG, SANBAG and adjoining jurisdictions regarding transportation planning activities, to assure the coordination of planning and construction efforts of major roadway improvements along identified critical roadways, and that Town programs, policies and strategies are provided full consideration in resolving regional transportation issues affect the community.

Responsible Parties: Public Works Division, Planning Division, Town Engineer, County of San Bernardino, California Department of Transportation, SCAG, SANBAG

GPEIR SOLID WASTE MITIGATION MEASURES (GPEIR, p. III-257.)

GPEIR MM SW-1. The Town and its solid waste disposal service provider shall continue to consult and coordinate to maintain and surpass, where possible, the provisions of AB 939 by means of expanded recycling programs to divert resources from the waste stream that can be returned to productive use.

GPEIR MM SW-2. To the greatest extent feasible, the Town shall encourage commercial and industrial establishments to minimize the amount of packaging and potential waste associated with product manufacturing and sales.

GPEIR MM SW-3. Recycling provisions for single-family and multi-family residential dwelling units shall continue to be included in the Town's solid waste disposal contracts.

GPEIR MM SW-4. Recycling provisions for commercial and business establishments should include separate recycling bins. Items to be recycled at commercial

establishments may include white paper, computer legal paper, cardboard, glass, and aluminum cans.

GPEIR MM SW-5. As landscaping debris comprises a significant percentage of residential solid waste, developers shall contract for professional landscaping services from companies which compost green waste. Several landscaping companies in the Apple Valley/Victorville area are currently composting for waste disposal. On-site composting and grass recycling (whereby grass clippings are left on the ground) is also encouraged wherever possible.

GPEIR MITIGATION MONITORING/REPORTING PROGRAM (GPEIR, p. III-257.)

GPEIR SW MMRP-A. The Town Planning Division and Building and Safety Division shall review project development plans and confer and coordinate with project developers to assure the provision and maintenance of recycling containers that correspond with current Town programs and those planned in the future.

Responsible Parties: Planning Division, Building and Safety Division, Burrtec Waste Industries, Inc.

TRIBAL CULTURAL RESOURCES MITIGATION MEASURES

STANDARD MITIGATION MEASURES

MM TCR 1- Contractor Awareness Training

The lead agency shall ensure that a Contractor Awareness Training Program is delivered to train equipment operators about cultural resources. The program shall be designed to inform construction personnel about: federal and state regulations pertaining to cultural resources and tribal cultural resources; the subsurface indicators of resources that shall require a work stoppage; procedures for notifying the lead agency of any occurrences; project-specific requirements and mitigation measures; and enforcement of penalties and repercussions for non-compliance with the program. The training shall be prepared by a qualified professional archaeologist and may be provided either through a brochure, video, or in-person tailgate meeting, as determined appropriate by the archaeologist.

MM TCR-1. Tribal Monitoring. Due to the heightened cultural sensitivity of the proposed project area, Tribal monitors representing the MBMI shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of Tribal monitors shall be present each work day to ensure that

simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation ("Cultural Resources" and "Tribal Cultural Resources").

MM TCR-1. Tribal Monitoring. Due to the heightened cultural sensitivity of the proposed project area, Tribal monitors representing the Yuhaaviatam of San Manuel Nation (YSMN and the Morongo Band of Mission Indians (MBMI) shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of Tribal monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist, as detailed within CUL-1, and submitted to the Lead Agency for dissemination to the YSMN & MBMI Once all parties review and agree to the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.

MM TCR-2. Treatment of Cultural Resources. If a pre-contact cultural resource is discovered during archaeological presence/absence testing, the discovery shall be properly recorded and then reburied in situ. A research design shall be developed by the archaeologist that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the YSMN & MBMI, the archaeologist/applicant, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the archaeological significance of the resource, its potential as a Tribal Cultural Resource (TCR), avoidance (or other appropriate treatment) of the discovered resource, and the potential need for construction monitoring during project implementation. Should any significant resource and/or TCR not be a candidate for avoidance or preservation in place, and the removal of the resource(s) is necessary to mitigate impacts, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by YSMN & MBMI. All plans for analysis shall be reviewed and approved by the applicant and YSMN prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of YSMN & MBMI that removed cultural material be reburied as close

to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by YSMN & MBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and YSMN & MBMI. All reburials are subject to a reburial agreement that shall be developed between the landowner and YSMN MBMI outlining the determined reburial process/location, and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis project plans, conservation/preservation easements, etc.).

If avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with YSMN & MBMI to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 California Curation Guidelines. A curation agreement with an appropriately qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.

All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and YSMN & MBMI for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and YSMN & MBMI.

MM TCR-3. Inadvertent Discoveries of Human Remains/Funerary Objects. In the event that any human remains are discovered within the project area, ground disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The on-site lead/foreman shall then immediately who shall notify YBMN and MBMI, the applicant/developer, and the Lead Agency. The Lead Agency and the applicant/developer shall then immediately contact the County Coroner regarding the discovery. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24)

hours of the determination, as required by California Health and Safety Code §7050.5(c). The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code §5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency, and landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of the site visit, as required by California Public Resources Code §5097.98.

Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code §5097.98(a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.
It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption

With implementation of **MM TCR-1** through **MM TCR-3**, impacts would be less than significant. set forth in California Government Code §6254(r).

YSMN SPECIFIC TRIBAL MITIGATION MEASURES

YSMN CUL-1 Monitoring and Treatment Plan
A Monitoring and Treatment Plan that is reflective of the project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist and submitted to the Lead Agency for dissemination to the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN, also known as San Manuel Band of Mission Indians). Once all parties review and approve the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.

YSMN CUL-2 Archaeological Monitoring

Due to the heightened cultural sensitivity of the proposed project area, an archaeological monitor with at least 3 years of regional experience in archaeology shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of archaeological monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage.

YSMN TCR-1 Treatment of Cultural Resources During Project Implementation

- If subsurface deposits believed to be cultural in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

- If the professional archaeologist determines that the find does not represent a cultural resource in concurrence with the Yuhaaviatam of San Manuel Nation (YSMN, formerly the San Manuel Band of Mission Indians), work may resume immediately and no agency notifications are required.

- If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the lead agencies as well as YSMN. The agencies and YSMN shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined by CEQA or a historic property under Section 106 NHPA, if applicable. Work may not resume within the no-work radius and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed, until the lead agencies and YSMN, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or a Historic Property under

Section 106; or 2) that the treatment measures have been completed to their satisfaction.

Following the completion of evaluation efforts, all parties shall confer regarding the resource's archaeological significance, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by YSMN. All plans for analysis shall be reviewed and approved by the applicant and YSMN prior to implementation, and all removed material shall be temporarily curated on-site.

It is the preference of YSMN that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by YSMN, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and YSMN. All reburials are subject to a reburial agreement that shall be developed between the landowner and YSMN outlining the determined reburial process/location, and shall include measures and provisions to protect the reburial area from any future impacts.

Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with YSMN to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.

All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and YSMN for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and YSMN.

YSMN TCR-2 Inadvertent Discoveries of Human Remains
If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the San Bernardino County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius (within a 100-foot buffer of the find) until the lead agencies and YSMN, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

MBMI SPECIAL TRIBAL MITIGATION MEASURES
Cultural Resource Mitigation Measures:

MBMI CR-1: Native American Treatment Agreement Prior to the issuance of grading permits, the applicant shall enter into a Tribal Monitoring Agreement with the Morongo Band of Mission Indians for the project. The Tribal Monitor shall be on-site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources.

MBMI CR-2: Retention of Archaeologist Prior to any ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post replacement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind), and prior to the issuance of grading permits, the Applicant shall retain a qualified archaeologist who meets the U.S. Secretary of the Interior Standards (SOI). The archaeologist shall be

present during all ground-disturbing activities to identify any known or suspected archaeological and/or cultural resources. The archaeologist will conduct a Cultural Resource Sensitivity Training, in conjunction with the Tribe[s] Tribal Historic Preservation Officer (THPO), and/or designated Tribal Representative. The training session will focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event.

MBMI CR-3: Cultural Resource Management Plan Prior to any ground-disturbing activities the project archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. This Plan shall be written in consultation with the consulting Tribe[s] and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the project schedule.

MBMI CR-4: Pre-Grade Meeting The retained qualified archeologist and Consulting Tribe[s] representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.

MBMI CR-5: On-site Monitoring During all ground-disturbing activities the qualified archaeologist and the Native American monitor shall be on-site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and the soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

MBMI CR-6: Inadvertent Discovery of Cultural Resources In the event that previously unidentified cultural resources are unearthed during construction, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert and/or temporarily halt ground-disturbance operations in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.
If a potentially significant cultural resource(s) is discovered, work shall stop within a 60-foot perimeter of the discovery and an Environmentally Sensitive Area (ESA)

physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find, so that the find can be evaluated by the qualified archaeologist and Tribal Monitor[s]. The archaeologist shall notify the Lead Agency and consulting Tribe[s] of said discovery. The qualified archaeologist, in consultation with the Lead Agency, the consulting Tribe[s], and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the qualified archaeologist in consultation with the
Tribe[s] and the Native American monitor[s] and be submitted to the Lead Agency for review and approval. Below are the possible treatments and dispositions of significant cultural resources in order of CEQA preference:

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

MBMI CR-7: Inadvertent Discovery of Human Remains The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].

A. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.
B. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.
C. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The

MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98

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

MBMI CR-8: **FINAL REPORT**: The final report[s] created as a part of the project AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe[s] for review and comment. After approval of ll parties, the final reports are to be submitted to the Eastern Information Center, and the Consulting Tribe[s].

YSMN SPECIFIC TRIBAL MITIGATION MEASURES

Cultural Resources Mitigation Measures

TNPB CR-1: The Tribe requests that the lead agency follow specific conditions for all cultural resources on any developmental plans or entitlement applications.

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GENERAL REFERENCES

California Environmental Quality Act (CEQA) Stature and Guidelines and Federal Conformity Guidelines, as amended in 2022.

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Town of Apple Valley Planning Commission Agenda Matter, Public Hearing and Vote - General Plan Amendment No. 2011-001, Zone Change No. 2011-001, Specific Plan Amendment No. 2005-001 Amendment #5

Town of Apple Valley General Plan Amendment No. 2011-001, Zone Change No. 2011-001, Specific Plan Amendment No. 2005-001 Amendment #5, State Clearinghouse Number 2011078153 NOE – Notice of Exemption posted 7/18/201

Town of Apple Valley Ordinance No. 427 - Amended the General Plan and Zoning maps by adding 1,120 acres of land located between Quarry and Langley Roads and the northeast area (Annexation No. 2008-002).

Town of Apple Valley Ordinance No. 428 - Amended Specific Plan text to reflect increased land use acreage, square footage calculations, exhibits to reflect the new specific plan boundary and amend Exhibit II-2 (Land Use map) to reflect Industrial - Specific Plan (I-SP) for the Amendment
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UCR GHG	Urban Crossroads, Inc., Greenhouse Gas Assessment August 21, 2024
UCR NVA	Urban Crossroads, Inc., Noise and Vibration Analysis August 22 2024
UCR TIA	Urban Crossroads, Inc., Trip Generation Assessment August22, 2024
UCR VMT	Urban Crossroads, Inc., Vehicle Miles Traveled Screening (VMT) Evaluation March 25, 2024

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APPENDIX 1.0 –

Site Plan & Conceptual Architectural Plans

APPENDIX 2.0 –

Conceptual Grading Plans and Utility Plans

APPENDIX 3.0 –

Air Quality Impact Analysis, Greenhouse Gas Analysis and Energy Analysis

APPENDIX 4.0

General Biological Resources Assessment/Aquatic Resources

APPENDIX 5.0

Archaeological Resources Inventory and Evaluation Report

APPENDIX 6.0

Geotechnical and Infiltration Evaluation

APPENDIX 7.0

Hydrology Study/Water Quality Management Plan

APPENDIX 8.0

Noise and Vibration Analysis

(Noise Study)

APPENDIX 9.0

Trip Generation Assessment (TGA)/ VMT Analysis

APPENDIX 10.0

Water and Sewer Supply Assessment

APPENDIX 11.0

Photo Essay

APPENDIX 12.0

Wildfire

APPENDIX 13.0

AB52 Notification