INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

APPLE VALLEY COMMERCIAL PROJECT
TOWN OF APPLE VALLEY, SAN BERNARDINO COUNTY, CALIFORNIA

Town of Apple Valley

Prepared for:

Town of Apple Valley
Development Services Department, Planning Division
14955 Dale Evans Parkway
Apple Valley, California 92307
(760) 240-7000
Contact: Daniel Alcayaga, AICP, Planning Manager

Prepared by:

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LSA Project No. LBB2001

LSA

October 2021

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ACRONYMS AND ABBREVIATIONS

AAQS	Ambient Air Quality Standards
ADA	Americans with Disabilities Act
ADT	Average Daily Trips
ALUCP	Airport Land Use Compatibility Plan
APN	Assessor's Parcel Number
AQMP	Air Quality Management Plan
Bcf	Billion Cubic Feet
BMP	Best Management Practice
CalEEMod	California Emission Estimator Model
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Code
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CIP	Capital Improvement Program
CNEL	Community Noise Equivalent Level
CO_2e	Carbon Dioxide Equivalent
CWA	Federal Clean Water Act
dBA	A-weighted decibel
DCV	Design Capture Volume
DR	Design Review
DTSC	California Department of Toxic Substances Control
EIR	Environmental Impact Report
EPA	United States Environmental Protection Agency
ESA	Environmental Site Assessment
EV	Electric Vehicle
FMMP	Farmland Mapping and Monitoring Program

GHG	Greenhouse Gas
HCP	Habitat Conservation Plan
HMBEP	Hazardous Materials Business Emergency Plan
HMMA	Hazardous Materials Management Act
HVAC	Heating, Ventilation and Air Conditioning
IS	Initial Study
ITE	Institute of Transportation Engineers
kBTU	Thousand British Thermal Units
L_{eq}	Equivalent Continuous Sound Level
LID	Low Impact Development
L_{max}	Maximum Measured Sound Level
LOS	Level of Service
LRA	Local Responsibility Area
LST	Localized Significance Threshold
MGD	Million Gallons per Day
MMRP	Mitigation Monitoring and Reporting Program
MND	Mitigated Negative Declaration
mpg	miles per gallon
MRF	Materials Recycling Facility
MT	Metric Ton
NCCP	Natural Community Conservation Plan
ND	Negative Declaration
NHTSA	National Highway Traffic and Safety Administration
NPDES	National Pollutant Discharge Elimination System
POTWs	Publicly Owned Treatment Works
PRC	Public Resources Code
REC	Recognized Environmental Condition
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SBCTA	San Bernardino County Transportation Authority
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SMBMI	San Manuel Band of Mission Indians
SO_2	Sulfur Dioxide
STC	Sound Transmission Class
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
Town	Town of Apple Valley
USACE	United States Army Corps of Engineers
USGS	U.S. Geological Survey
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled
VOC	Volatile Organic Compounds
WDR	Waste Discharge Requirement
WQMP	Water Quality Management Plan

1.0 INTRODUCTION AND PURPOSE OF THE INITIAL STUDY

1.1 INTRODUCTION

Section 1.0 of this Initial Study (IS) describes the purpose, environmental authorization, the intended uses of the IS, documents incorporated by reference, and the processes and procedures governing the preparation of the environmental document. Pursuant to Section 15367 of the State of California *Guidelines for Implementation of the California Environmental Quality Act* (*CEQA Guidelines*), the Town of Apple Valley (Apple Valley) is the Lead Agency under the California Environmental Quality Act (CEQA). Apple Valley has primary responsibility for compliance with CEQA and consideration of the Apple Valley Commercial Project (Project or proposed Project).

The Initial Study is organized as follows:

Section 1.0 *Introduction and Purpose* provides a discussion of the Initial Study's purpose, focus, legal requirements.

Section 2.0 *Project Description* provides a detailed description of the proposed Project.

Section 3.0 *Environmental Checklist* includes a checklist and accompanying analyses of the Project's effect on the environment. For each environmental issue, the analysis identifies the level of Project's environmental impact.

Section 4.0 *References* details the references cited throughout the document.

Appendices Include the technical material prepared to support the analyses contained in the IS.

1.2 PURPOSE

CEQA requires that the proposed Project be reviewed to determine the environmental effects that would result if the Project were approved and implemented. Apple Valley is the Lead Agency and has the responsibility for preparing and adopting the associated environmental document prior to consideration of the proposed Project. Apple Valley has the authority to make decisions regarding discretionary actions relating to implementation of the proposed Project.

This IS has been prepared in accordance with the relevant provisions of CEQA (California Public Resources Code Section 21000 et seq.); the *CEQA Guidelines,*[1] and the rules, regulations, and procedures for implementing CEQA as adopted by Apple Valley. The objective of the Initial Study is to inform Apple Valley's decision-makers, representatives of other affected/responsible agencies, the public, and interested parties of the potential environmental effects of the Project.

As established in *CEQA Guidelines* Section 15063(c), the purposes of an IS are to:

- Provide the Lead Agency (Town of Apple Valley) with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR), Negative Declaration (ND), or Mitigated Negative Declaration (MND);

[1] California Code of Regulations. Title 14, Chapter 3, Sections 15000 through 15387.

- Enable an applicant or Lead Agency to modify a Project, thus mitigating significant impacts before an EIR is prepared, and thereby enabling the Project to qualify for an ND or MND;
- Assist in the preparation of an EIR, if one is required;
- Facilitate environmental assessment early in the design of a Project;
- Provide a factual basis for finding in an ND or MND that a Project will not have a significant effect on the environment;
- Eliminate unnecessary EIRs; and
- Determine if a previous EIR could be used to consider the environmental effects of the Project.

1.3 INTENDED USE OF THIS INITIAL STUDY

Apple Valley formally initiated the environmental process for the proposed Project with the preparation of this Initial Study (IS). The IS screens out those impacts that would be less than significant and do not warrant mitigation, while identifying those issues that require mitigation to reduce impacts to less than significant levels. As identified in the following analyses, Project impacts related to various environmental issues either do not occur, are less than significant (when measured against established significance thresholds), or have been rendered less than significant through implementation of mitigation measures. Based on these analytical conclusions, this IS supports adoption of an MND for the proposed Project.

CEQA[2] permits the incorporation by reference of all or portions of other documents that are generally available to the public. The IS has been prepared utilizing information from Apple Valley's planning and environmental documents, technical studies prepared specifically for the Project, and other publicly available data. The documents utilized in the IS are identified in Section 4.0 and are hereby incorporated by reference. These documents are available for review at Apple Valley's Community Development Department, Planning Division.

1.4 PUBLIC REVIEW OF THE INITIAL STUDY

The IS and a Notice of Intent (NOI) to adopt an MND will be distributed to responsible and trustee agencies, other affected agencies, and other parties for a 20-day public review period. Written comments regarding this IS should be addressed to:

Daniel Alcayaga, AICP, Planning Manager
Town of Apple Valley
Community Development Department, Planning Division
14955 Dale Evans Parkway
Apple Valley, California 92307
(760) 240-7000 / dalcayaga@applevalley.org

After the 20-day public review period, consideration of comments raised during the public review period will be taken into account and addressed prior to adoption of the MND by Apple Valley.

[2] *CEQA Guidelines* Section 15150.

2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION AND SETTING

The Project is located in the southwest portion of the Town of Apple Valley, in southwestern San Bernardino County, California. The Project site is located in Section 31 of Township 5 North, Range 3 West of the San Bernardino Baseline and Meridian, as depicted on the U.S. Geological Survey (USGS) 7.5-minute series *Apple Valley South, California* quadrangle (1980). Specifically, the center of the Project site is at latitude 34°28'22.42" N and longitude -117°14'18.71" W at an elevation of approximately 2,875 feet above mean sea level and consists of two parcels (Assessor's Parcel Number [APN] 0308-717-11-6-000 and 0308-717-11-5-000).

The Project site is approximately 6.8 acres located approximately 230 feet north of Bear Valley Road and 900 feet east of Apple Valley Road. Commercial/retail uses are located adjacent to the south and to the west of the site, and undeveloped vacant land is located adjacent to the north and to the east of the site. The adjacent commercial/retail uses include drive-through/drive-in restaurants, a bank, and a large home-improvement store.

The nearest sensitive receptors in proximity to the Project site are a medical office building approximately 700 feet southwest of the site along Bear Valley Road and single-family homes located approximately 940 feet southeast of the site along Bear Valley Road. Figure 1: Regional and Project Location and Figure 2: Existing Setting depict the location of the Project site on a regional and local scale.

The Project site consists of disturbed desert scrub vegetation. Orthophotography reveals the site and vicinity were relatively undisturbed desert habitat in the 1950s, but the site was used for row crop agriculture during the 1960s and likely the 1970s. By the 1990s, the site and vicinity were used for off-highway vehicle activities, and the adjacent commercial uses were developed to the west and south in the mid- and late 2000s, respectively. Figures 3a through 3c include photographs of the project site and surrounding land uses.

2.2 LAND USE

The Project is located on land zoned Regional Commercial (C-R) with a Regional Commercial (C-R) land use designation in the Town's General Plan. The C-R land use category allows restaurants and retail services, but the minimum size for development within the C-R land use designation is 10 acres. Development of the Project site with commercial/retail uses would constitute a continuation of commercial uses of the Apple Valley Town Centre property to the west and restaurant properties to the south, so the Project does not require amendments to the Apple Valley General Plan or Zoning of the site. Table 2.2.A summarizes the Project site and surrounding land uses, General Plan designations, and zoning designations.

Table 2.2.A: Existing and Proposed Land Uses

Direction	Existing Land Use	General Plan Designation	Zoning Designation
Project Site	Vacant/Undeveloped	Regional Commercial (C-R)	Regional Commercial (C-R)
North	Vacant/Undeveloped	Regional Commercial (C-R)	Regional Commercial (C-R)
East	Vacant/Undeveloped	Regional Commercial (C-R)	Regional Commercial (C-R)
South	Commercial (Restaurants)	Regional Commercial (C-R)	Regional Commercial (C-R)
West	Commercial (Retail, Professional, Restaurant)	Regional Commercial (C-R)	Regional Commercial (C-R)

Sources: Town of Apple Valley. *General Plan Land Use Map.* Exhibit II-2. Adopted September 11, 2009, last Amended October 27, 2015. Town of Apple Valley. *Zoning Map.* Adopted April 27, 2010, last Amended September 24, 2019.

Apple Valley's *Community Development* General Plan Element indicates the Regional Commercial land use category "allows retail uses that serve not only the residents and businesses of Apple Valley, but also of the surrounding region. Permitted uses in this designation include auto malls, regional malls, business parks, factory stores and outlets, entertainment commercial, hotels and motels, restaurants, institutional and public uses."[3] Pursuant to Chapter 9.35 (Commercial and Office Districts), Section 9.35.020 of Apple Valley's Development Code, the Regional Commercial District (R-C) "is intended for the development of a full range of retail stores, offices, and personal and business services on a scale to serve the needs of the Town and the surrounding region, to be located in proximity to interstate and state highways and arterial roadways. This district implements the Regional Commercial (C-R) land use designation of the General Plan."[4] Development of the proposed Project would be subject to conditions of approval in order to ensure consistency with the existing Regional Commercial (C-R) land use designation and zone.

2.3 PROJECT DESCRIPTION

The Project includes development of a 43,000 square-foot grocery store and 6,995 square-feet of retail businesses (total 49,995 square feet). A total of 406 parking spaces, including 8 Americans with Disabilities Act (ADA) stalls, will be included onsite. The conceptual site plan is presented as Figure 4.

2.3.1 Construction

Construction activities include removal of existing onsite vegetation, excavation, grading, paving, construction of the commercial buildings and parking areas, and the installation of lighting, landscaping, and utility connections. During grading, on-site soils would be excavated and recompacted in accordance with the 2019 California Building Code (CBC) to accommodate the proposed commercial buildings and parking areas.

Construction parking and staging areas will occur onsite. Construction hours will conform to Apple Valley Development Code standards specified in Section 9.73.060(F)(1) and be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday. During Project construction, it is possible there would be temporary construction equipment and material staging along Westmont Drive, which is a shared access driveway into the adjacent commercial uses, specifically north of the driveway entrance along the

[3] Town of Apple Valley. *General Plan Land Use Map.* Page II-5. Adopted August 11, 2009, last Amended October 27, 2015.
[4] Town of Apple Valley. *Development Code 2010.* Chapter 9.35, Commercial and Office Districts. 2010.

Project site's western frontage. Construction of the Project is anticipated to commence in early 2022 and be completed within 19 months of commencement.

2.3.2 Site Access

Proposed vehicle and pedestrian access to the Project site would be provided by three ingress/egress driveways along Westmont Drive, which is a shared access driveway off Bear Valley Road into the adjacent commercial uses and proceeds north along the Project site's western frontage. Four additional shared driveways would connect the project site to the existing drive aisles and parking lots serving the two restaurants adjacent to the south of the site (Figure 4). The Project includes frontage improvements along the western and southern site boundaries that would include sidewalks, street trees, and lighting.

Loading docks for the proposed grocery store would be located on the north side of the building, and trash enclosures are proposed in this northern portion of the site. Accordingly, the northernmost project driveway off Westmont Drive is a minimum 30 feet wide and would be reserved for freight delivery trucks, trash trucks, and emergency response vehicles. Passenger vehicles would enter and exit at the southern driveway along Westmont Drive and via the four shared driveways along the southern site frontage. Onsite drive aisles connecting all perimeter driveways would facilitate internal access to parking areas and the proposed buildings and ensure adequate access throughout the site for first responders to an emergency.

Entrances and exits to and from parking and loading facilities would be marked with appropriate directional signage, and all site access points and driveway aprons are designed and would be constructed to adequate widths for public safety pursuant to Apple Valley's Development Code Chapter 9.72 (Off-Street Parking and Loading Regulations).

2.3.3 Parking

Parking at the Project site will comply the Apple Valley's minimum parking requirements as codified in Chapter 9.72 (Off-Street Parking and Loading Regulations) of the Town's Development Code. The Project site (refer to Figure 4) would include 406 parking spaces, including 8 ADA stalls. Additionally, the Project site would include two dock doors in the northern portion of the site.

2.3.4 Pedestrian and Bicycle Connectivity

The Project site is accessible from a nearby public bus stop near the Bear Valley Road/Apple Valley Road intersection approximately 550 feet southwest of the site, as well as via other amenities such as Class 2 bicycle lanes and Class 3 bicycle routes along nearby major corridors. Pedestrian access to the Project site would occur via curb and sidewalks to be constructed and/or improved along the Project frontage of Westmont Drive.

2.3.5 Facility and Site Design

The Project would consist of two modern commercial buildings up to approximately 34 feet in height at its tallest parapet (Figure 5 details the building elevations). The commercial buildings would be attached and feature stucco façades with stone veneer accents and clay tile roofs and parapets which would provide visual relief and varied massing. The grocery storefront would feature a metal canopy

with aluminum accents and glass entryway, and the retail storefront would feature aluminum accents and glass entryways along each suite (up to five suites). D

Light poles would be installed throughout the surface parking lot and along on-site pedestrian pathways. The commercial buildings will have security lighting located on the building façades. Additionally, streetlights will be installed along the Project frontage of Westmont Drive. All lighting on the Project site will comply with Section 9.37.090 (Lighting) of Chapter 9.37 (Commercial and Office District Design Standards) of the Apple Valley Development Code, which requires light shielding, functional and aesthetic design, and compatibility with surrounding uses.

2.3.6 Landscaping

The Project would incorporate landscape through a combination of accent plantings/groundcovers, hedges, and trees along the site perimeter and include additional trees throughout the parking area and along the internal drive aisles in accordance with Section 9.37.050 (Landscaping) of Chapter 9.37 (Commercial and Office District Design Standards) of the Apple Valley Development Code. The site would include a planting system of adequate size and scale to screen and soften the effect of a new building until the plantings mature. Proposed landscaping would be drought-tolerant and complement existing natural and manmade features, including the dominant landscaping of surrounding areas.

2.3.7 Drainage

The project site is located within the jurisdiction of the Lahontan Regional Water Quality Control Board (RWQCB), which is part of the Upper Mojave Hydrologic Area. The Lahontan RWQCB designates beneficial uses for waters in the Mojave Watershed, which are identified in the Water Quality Control Plan for the Lahontan Region (Basin Plan).[5]

The majority of the Project site consists of pervious surface area. Currently, storm water generally sheet flows in a northwesterly direction and drains offsite onto the adjacent vacant property or onto Westmont Drive where it is conveyed through a series of underground storm drain pipes and enters the municipal storm drain system along Apple Valley Road. The proposed Project is expected to maintain the existing drainage pattern. Upon development of the site, all on-site storm water would be captured on site in accordance with San Bernardino, National Pollutant Discharge Elimination System (NPDES) Permit Order Number 2013-0001-DWQ for the discharge of storm water to ensure Best Management Practices (BMPs) such as vegetated swales, buffers, and/or infiltration areas are incorporated into the Project to maintain water quality.

The runoff from the site would drain to multiple onsite catch basins and be pretreated with inlet filters and grate before draining to an underground stormwater management chamber proposed in the southwest portion of the site. Discharged storm water would be conveyed offsite onto Westmont Drive at volumes that do not exceed the existing, pre-developed condition and continue through a

[5] State of California Regional Water Quality Control Board. *Water Quality Control Plan for the Lahontan Region*. Chapter 2: Present and Potential Beneficial Uses. Pages 2-1 to 2-53. As amended through January 14, 2016.

series of underground storm drain pipes into the municipal storm drain system along Apple Valley Road.

2.3.8 Infrastructure and Off-site Improvements

The Project would include installation of curb, gutter, sidewalk, landscaping, streetlights, and trees along the Project site frontage of Westmont Drive. The Project also would interconnect to existing sewer, water, gas, and telecommunications utilities within the Westmont Drive roadway or the adjacent developed properties to the south.

2.4 METHODOLOGY

The environmental analysis in this IS/MND provides an environmental review of the Project pursuant to CEQA. The details of this proposed Project, off-site improvements, and associated actions have been characterized in this section and are also addressed in detail throughout Section 3.0 of this IS/MND. If the Project is approved, the proposed development would be allowed without further discretionary approval, so long as the development complies with Apple Valley's regulations and project-specific mitigation measures (which also will be imposed as Conditions of Approval) and other Conditions of Approval.

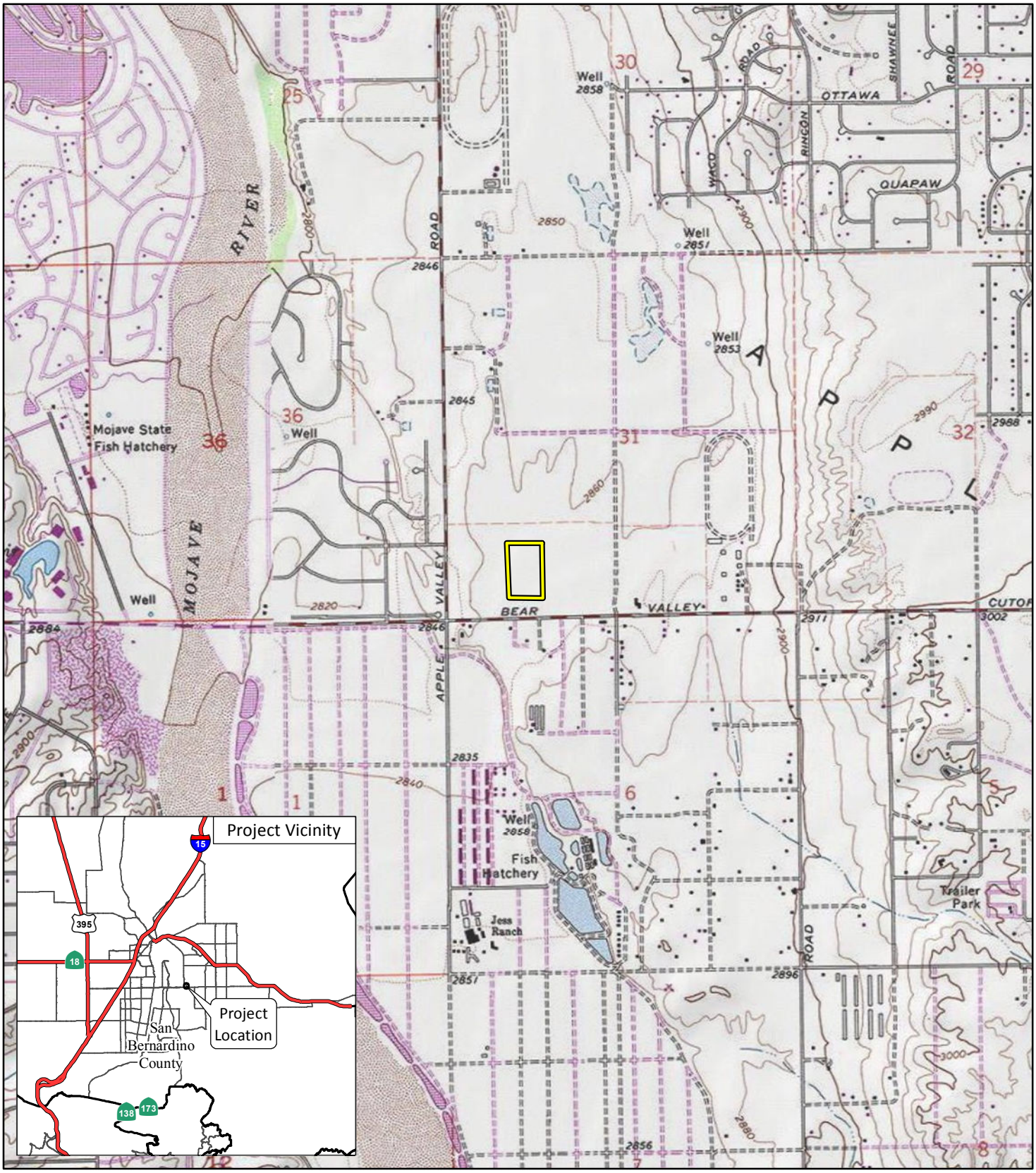
2.5 PROJECT APPROVALS

The Town of Apple Valley is the Lead Agency as set forth in *CEQA Guidelines* Section 21067 and is expected to use this IS/MND in consideration of the proposed Apple Valley Commercial Project and associated actions. These actions may include, but are not limited to, the following:

- Development Permit DP. No. 2021-014.

The Project may require approvals from other regulatory agencies and are listed as follows:

- State Water Resources Control Board: Applicant must submit a Notice of Intent to comply with the General Construction Activity National Pollutant Discharge Elimination (NPDES) Permit;
- Lahontan Regional Water Quality Control Board: Applicant must submit a Storm Water Pollution Prevention Plan (SWPPP); and
- Utility Providers: Connection permits.



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LEGEND

Project Location

FIGURE 1

N

0 1000 2000

FEET

Apple Valley Commercial Project

Regional and Project Location

SOURCE: USGS 7.5' Quad - *Apple Valley South* (1980), *Hesperia* (1980), CA

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LEGEND

Project Location

FIGURE 2

N

0 190 380

FEET

SOURCE: Google (2020)

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Apple Valley Commercial Project

Existing Setting

Photo 1 - Southern project site boundary, facing southeast.

Photo 2 - Southern project site boundary, facing south.

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FIGURE 3a

Apple Valley Commercial Retail Project

Site Photographs

Photo 3 - Southern project site boundary, facing soutwest.

Photo 4 - Western project site boundary, facing west.

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FIGURE 3b

Apple Valley Commercial Retail Project

Site Photographs

Photo 5 - Western and northern project site boundaries, facing north.

Photo 6 - Eastern project site boundary, facing east.

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FIGURE 3c

Apple Valley Commercial Retail Project

Site Photographs

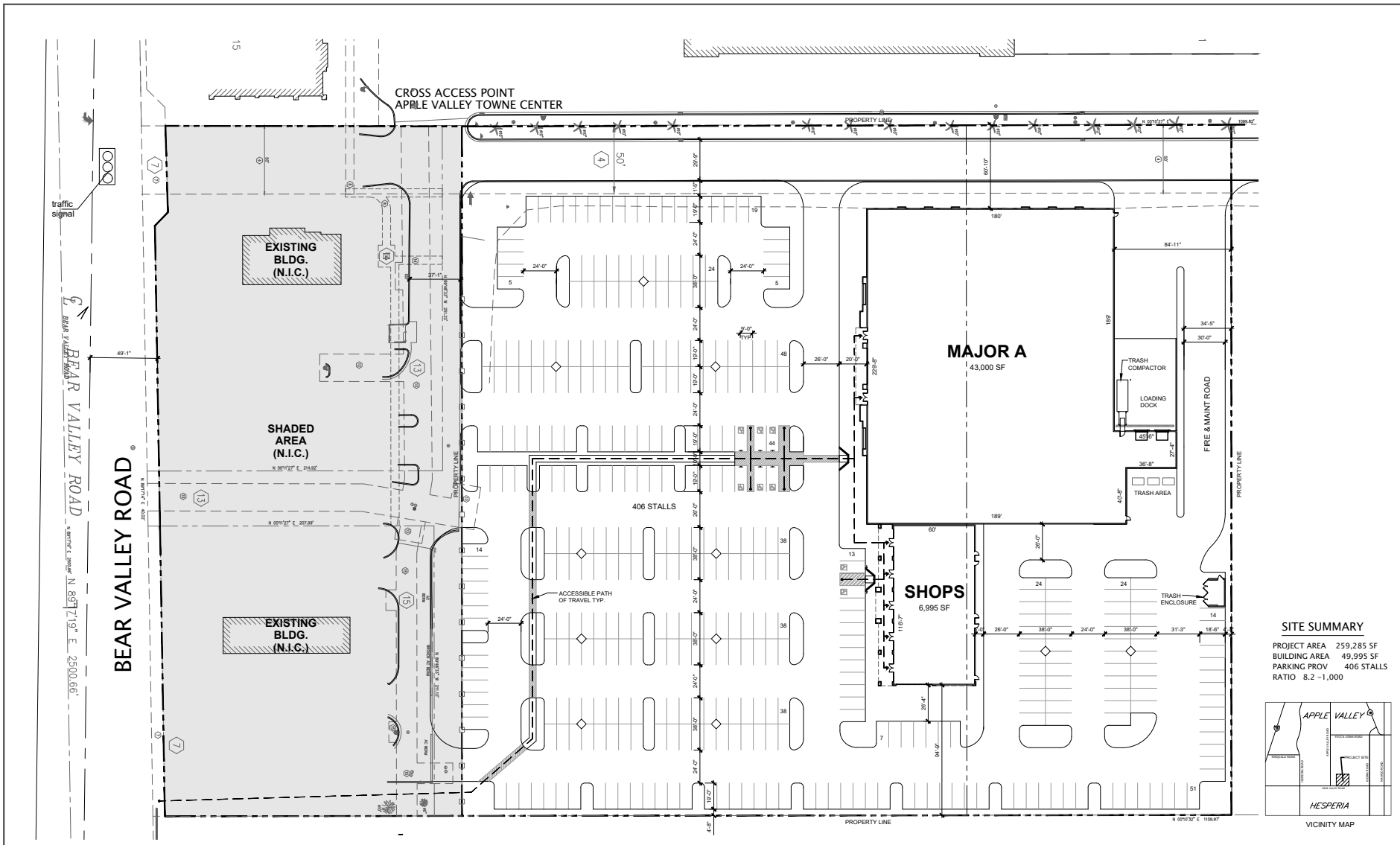

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FIGURE 4

0 20 105
FEET

SOURCE: Cuaso Design Studios

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Apple Valley Commercial Retail Project

Conceptual Site Plan

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FIGURE 5

N

0 20 105
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SOURCE: Cuaso Design Studios

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Apple Valley Commercial Retail Project

Architectural Renderings

3.0 INITIAL STUDY CHECKLIST

1. **Project Title:**
   Apple Valley Commercial Project

2. **Lead Agency Name and Address:**
   Town of Apple Valley
   Community Development Department, Planning Division
   14955 Dale Evans Parkway
   Apple Valley, California 92307

3. **Contact Person and Phone Number:**
   Daniel Alcayaga, AICP, Planning Manager
   (760) 240-7000
   dalcayaga@applevalley.org

4. **Project Location:**
   The Project is located in the southwest portion of the Town of Apple Valley, in southwestern San Bernardino County, California. The Project site is located in Section 31 of Township 5 North, Range 3 West of the San Bernardino Baseline and Meridian, as depicted on the U.S. Geological Survey (USGS) 7.5-minute series *Apple Valley South, California* quadrangle (1980). Specifically, the center of the Project site is at latitude 34°28'22.42" N and longitude -117°14'18.71" W at an elevation of approximately 2,875 feet above mean sea level and consists of two parcels (Assessor's Parcel Number [APN] 0308-717-11-6-000 and 0308-717-11-5-000). Figure 1: Regional and Project Location and Figure 2: Existing Setting depict the location of the Project site on a regional and local scale.

5. **Project Sponsor's Name and Address:**
   Rich Development Company
   600 N. Tustin Avenue, Suite 150
   Santa Ana, California 92705

6. **General Plan Designation:**
   (C-R) Regional Commercial

7. **Zoning:**
   (C-R) Regional Commercial

8. **Description of Property:**
   The Project site is approximately 6.8 acres located approximately 230 feet north of Bear Valley Road and 900 feet east of Apple Valley Road. The Project site consists of disturbed desert scrub vegetation. Orthophotography reveals the site and vicinity were relatively undisturbed desert habitat in the 1950s, but the site was used for row crop agriculture during the 1960s and likely the 1970s. By the 1990s, the site and vicinity were used for off-highway vehicle activities, and the adjacent commercial uses were developed to the west and south in the mid- and late 2000s,

respectively. Figures 3a through 3c include photographs of the project site and surrounding land uses.

9. **Surrounding Land Uses and Setting:**
Commercial/retail uses are located adjacent to the south and to the west of the site, and undeveloped vacant land is located adjacent to the north and to the east of the site. The adjacent commercial/retail uses include drive-through/drive-in restaurants, a bank, and a large home-improvement store. The nearest sensitive receptors in proximity to the Project site are a medical office building approximately 700 feet southwest of the site along Bear Valley Road and single-family homes located approximately 940 feet southeast of the site along Bear Valley Road. Refer to Figure 2 for the existing setting of the site and surroundings.

10. **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, has consultation begun?** Yes. Please refer to Checklist Section 3.18.
Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code Section 21083.3.2.) Information may also be available from the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code Section 21082.3(c) contains provisions specific to confidentiality.

Chapter 532, Statutes of 2014 (i.e., Assembly Bill 52), requires Lead Agencies evaluate a project's potential to affect "tribal cultural resources." Such resources include "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources." Assembly Bill (AB) 52 also gives Lead Agencies the discretion to determine, supported by substantial evidence, whether a resource qualifies as a "tribal cultural resource."

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would 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	☐ Agricultural 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 (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of the initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will 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 will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that 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.

☐ I find that 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.

☐ I find that the amended project has previously been analyzed as part of an earlier CEQA document. Minor additions and/or clarifications are needed to make the previous documentation adequate to cover the project which are documented in this ADDENDUM to the earlier CEQA document (CEQA § 15164.)

Signature:_____ Date: 10-26-21

Daniel Alcayaga, AICP, Planning Manager

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 will 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 on-site, 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 Environmental Impact Report (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 (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
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 Analysis 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 Incorporated," describe the mitigation measures that 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.

3.1 AESTHETICS

Except as provided in Public Resources Code Section 21099, 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 that would adversely affect daytime or nighttime views in the area?	☐	☐	☒	☐

Threshold A: Would the Project have a substantial adverse effect on a scenic vista?

Less than Significant Impact

Discussion of Effects: According to the *Land Use Element* of the Apple Valley General Plan, "Apple Valley's quality of life is tied to its rural character, and that this character is to be preserved and protected for the long term health of the community. In Apple Valley "rural" means space -- unscarred mountains and vistas of desert valleys, neighborhoods of large lots where keeping horses is allowed, an extensive multi-use trail system, and landscaping consistent with the desert environment."[6]

The project site is adjacent to vacant, undeveloped land adjacent to the north and east. This land has been disked for vegetation abatement and does not provide any scenic vistas or view sheds for the public. Additionally, the existing commercial uses to the west and south of the project site already obstruct views of distant mountain ranges to the west and south, respectively.

Views of nearby mountains, such as Catholic Hill to the north and Deadman's Point to the east, could potentially be obstructed by the proposed project. However, pursuant to Section 9.37.080, the proposed onsite buildings would be constructed up to approximately 34 feet in height at their tallest parapet (Figure 5 details the building elevations). The proposed buildings would be developed to a size and scale commensurate with the existing developed uses surrounding the site and be setback approximately 300 feet from the southern site boundary to improve the horizontal line of site and reduce visual obstructions in the area (refer to Figure 4). In addition, existing visual obstructions, such

[6] Apple Valley General Plan. *Community Development Element.* Page II-3. August 11, 2009.

as the adjacent commercial uses to the east and south, parking lot trees on these adjacent properties, and street trees along Bear Valley Road already obstruct views to the north and east from the nearest public view sheds south and west of the site (refer to Figures 3a through 3c for site photographs).

Development of the proposed Project in accordance with applicable zoning regulations, including building height and setbacks detailed above, would ensure scenic vistas would not be adversely affected. Therefore, the Project would have a **less than significant impact** on scenic vistas, and mitigation is not required.

Threshold B: Would the Project substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway?

No Impact

Discussion of Effects: The proposed Project is not located along a State scenic highway and there, are no State scenic highways located within the Project vicinity or within view shed of the Project site.[7] Therefore, the Project would not affect any scenic resources within a State scenic highway. **No impact** would occur, and no mitigation is required.

Threshold C: In non-urbanized areas, would the Project 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 it conflict with applicable zoning and other regulations governing scenic quality?

Less than Significant Impact

Discussion of Effects: As of July 1, 2019, the United States Census Bureau estimated Apple Valley's population to be 73,453 persons and the Town's land area to be approximately 73.19 square miles.[8] The Project is located in an area with at least 1,000 persons per square mile and therefore meets the definition of *Urbanized Area* under Section 15387 of the *CEQA Guidelines*.

During construction, the presence of construction vehicles and equipment could temporarily degrade the visual quality of the Project site by removal of vegetation, heavy equipment use, and storage, excavation, and the presence of other visible general construction activity. In the existing condition, the Project property consists of vacant land containing ruderal vegetation as a result of seasonal weed abatement activities and other on-site disturbances. The presence of construction equipment and vehicles would be temporary and would cease once construction is complete, and they would not interfere with views or visual character of the surrounding area because of the limited height of typical construction equipment. Due to the temporary nature of construction activities and existing visual character of the site, impacts to visual character of the site and its surroundings would be **less than significant** during construction.

[7] California Department of Transportation. *California State Scenic Highway System Map.* https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. (Accessed July 14, 2021).

[8] United States Census Bureau. *QuickFacts, Apple Valley Town, California.* https://www.census.gov/quickfacts/fact/table/applevalleytowncalifornia,US/PST045219. (Accessed July 14, 2021).

The Project includes landscape treatments through a combination of accent plantings/groundcovers, hedges, and trees along the site perimeter and include additional trees throughout the parking area and along the internal drive aisles in accordance with Section 9.37.050 (Landscaping) of Chapter 9.37 (Commercial and Office District Design Standards) of the Apple Valley Development Code. The site would include a planting system of adequate size and scale to screen and soften the effect of a new building in relation to surrounding undeveloped land until the plantings mature. The Project would incorporate landscaping through a combination of larger hedges and tall street trees along the site perimeter and include additional trees, shrubs, accents, and groundcover and additional trees throughout the parking area and along the internal drive aisles to balance the landscape design. The perimeter landscape treatments would include the Westmont Drive frontage and project driveways, as well as along the northern and eastern site boundaries. Proposed landscaping shall be drought-tolerant and complement existing natural and manmade features, including the dominant landscaping of surrounding areas.

Development of the Project would result in a high quality, consistent, and integrated site and streetscape through the development of modern commercial buildings in accordance with Section 9.37.080 (Architecture) of Chapter 9.37 (Commercial and Office District Design Standards) of the Apple Valley Development Code. The proposed buildings would reach up to 34 feet in height at the tallest parapet and integrate uniformly with the size and scale of surrounding commercial developments. The parapets would shield heating, ventilation, air conditioning (HVAC), and other rooftop equipment from view. The proposed buildings would feature 360-degree articulation, including stucco façades with stone veneer accents and clay tile roofs and parapets, which would provide visual relief and varied massing. The grocery storefront would feature a metal canopy with aluminum accents and glass entryway, and the retail storefront would feature aluminum accents and glass entryways along each suite (up to five suites).

Light poles would be installed throughout the surface parking lot and along on-site pedestrian pathways. The commercial buildings will have security lighting located on the building façades. Additionally, streetlights will be installed along the Project frontage of Westmont Drive. All lighting on the Project site will comply with Section 9.37.090 (Lighting) of Chapter 9.37 (Commercial and Office District Design Standards) of the Apple Valley Development Code, which requires light shielding, functional and aesthetic design, and compatibility with surrounding uses.

The proposed Project would be designed and constructed in conformance with the requirements of Apple Valley to ensure a high-quality development compatible with the surrounding community in accordance with the (C-R) Regional Commercial land use designation and zone and Chapter 9.37 (Commercial and Office District Design Standards) of the Apple Valley Development Code. Therefore, the Project would not conflict with applicable zoning and other regulations governing scenic quality. Impacts would be **less than significant,** and mitigation is not required.

Threshold D: Would the Project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

Less than Significant Impact

Discussion of Effects: Currently, there are no sources of light and glare on the Project site. Sources of light and glare in the Project area include street lighting and vehicle lighting on adjacent commercial

properties and roadways. Bear Valley Road to the south and the adjacent commercial uses to the south and west are heavily lit and well-traveled by vehicles. Because the Project is a commercial use proposed adjacent to existing commercial uses, there are no light-sensitive uses proximal to the Project site.

Development of the Project site would introduce new sources of light into the Project area. Light poles would be installed throughout the surface parking lot and along on-site pedestrian pathways, and streetlights will be installed along the Project frontage of Westmont Drive. The commercial buildings would have security lighting located on the building façades and functional lighting at the loading docks, which face north toward vacant, undeveloped land and away from any sensitive developed uses. Freight trucks would include head, tail, and auxiliary lights during nighttime operations, but the loading docks would be screened from the adjacent undeveloped land to the north via a concrete tilt-up screen wall pursuant to Section 9.37.060 of the Apple Valley Development Code.

Any street lighting associated with the proposed Project would be consistent with Apple Valley standards. All lighting on the Project site would comply with Section 9.37.090 (Lighting) of Chapter 9.37 (Commercial and Office District Design Standards) of the Apple Valley Development Code, which requires light shielding, functional and aesthetic design, and compatibility with surrounding uses. The purpose of these lighting standards is to minimize light pollution, glare, and spillover, conserve energy resources, and curtail the degradation of the nighttime visual environment. Additionally, the Town's Design Review process includes consideration of material composition and colors to reduce potential for substantial glare from the proposed commercial buildings. Therefore, through compliance with Section 9.37.090 (Lighting) of Chapter 9.37 (Commercial and Office District Design Standards), Project impacts from light and glare would be **less than significant.** Mitigation is not required.

3.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. 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, Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the	☐	☐	☐	☒

Issues:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	☐	☐	☐	☒

Threshold A: Would the Project convert Prime Farmland, Unique Farmland, 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?

No Impact

Discussion of Effects: The Farmland Mapping and Monitoring Program (FMMP)[9] designates the project site as "Grazing Land" (land on which the existing vegetation is suited to the grazing of livestock)." Neither the site nor adjacent properties are designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, **no impact** to farmland would occur, and no mitigation is required.

Threshold B: Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact

Discussion of Effects: The project site is located in "Non-Enrolled Land" (land not enrolled in a Williamson Act contract and not mapped by FMMP as Urban and Built-Up Land or Water) and therefore is not subject to a Williamson Act Conservation Contract.[10] The proposed project would not conflict with a Williamson Act contract. **No impact** would occur, and no mitigation is required.

[9] California Department of Conservation. *California Important Farmland Finder.* https://maps.conservation.ca.gov/DLRP/CIFF/. (Accessed July 16, 2021).

[10] *San Bernardino County Williamson Act FY 2015/2016 (Sheet 2 of 2*). State of California Department of Conservation, California Important Farmland Finder. ftp://ftp.consrv.ca.gov/pub/dlrp/wa/ (Accessed July 16, 2021).

Threshold C: Would the Project 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))?

No Impact

Discussion of Effects: As detailed in Table 2.2.A, neither the Project site nor adjacent lands are zoned for forest land or Timberland Production. Therefore, there is no potential for the Project to conflict with existing zoning for forest land or land zoned for Timberland Production. **No impact** would occur, and no mitigation is required.

Threshold D: Would the Project result in the loss of forest land or conversion of forest land to non-forest use?

No Impact

Discussion of Effects: The Project site and adjacent land are not occupied by forest resources. Implementation of the proposed Project would not result in the loss or conversion of forest land to non-forest land. **No impact** would occur to forest land, and no mitigation is required.

Threshold E: Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

No Impact

Discussion of Effects: Although the Project site was previously utilized for row crop agriculture during the 1960s and likely the 1970s, agriculture activity ceased by the 1990s, at which point in time the site and vicinity were used for off-highway vehicle activities.[11] No farmland or forest land occur on site or on adjacent land. Therefore, implementation of the proposed Project would not involve other changes in the existing environment, which could result in the conversion of farmland to non-agricultural use, or conversion of forest land to non-forest use. **No impact** would occur, and no mitigation is required.

3.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. 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	☐	☐	☒	☐

[11] Nationwide Environmental Title Research, LLC. *Historic Aerials.* https://historicaerials.com/viewer. Aerial photograph dated 1994. (Accessed July 16, 2021).

Issues:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	☐	☐	☒	☐

Threshold A: Would the Project conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact

Discussion of Effects: The Project site is in the Mojave Desert Air Basin, which is managed by the Mojave Desert Air Quality Management District (MDAQMD). The Mojave Desert Air Basin is designated nonattainment for ozone (O_3) and coarse inhalable particulate matter less than 10 microns in size (PM_{10}) under the California and National Ambient Air Quality Standards (CAAQS and NAAQS, respectively) and nonattainment for fine inhalable particulate matter less than 2.5 microns in size ($PM_{2.5}$) under the CAAQS. The MDAQMD and Southern California Association of Governments (SCAG) are responsible for formulating and implementing the Air Quality Attainment Plan (AQAP) for the Mojave Desert Air Basin. The applicable AQAP is the 2017 MDAQMD Federal 75 ppb (parts per billion) Ozone Attainment Plan (Western Mojave Desert Nonattainment Area).[12] Consistency with the AQAP would be achieved if the Project complies with all applicable MDAQMD rules and regulations and is consistent with the growth forecasts in the applicable plan. Consistency with growth forecasts can be established by demonstrating that the project is consistent with the land use plan that was used to generate the growth forecast.

The proposed Project is a 49,995 square-foot commercial retail development and is below the 250,000-square foot threshold for regionally significant commercial projects under CEQA; therefore, it does not meet SCAG's Intergovernmental Review criteria for regional significance. Additionally, the regional emissions generated by construction and operation phases of the Project would be less than the MDAQMD emissions thresholds (refer to Section 3.3 (b) below), so the Project would not be a substantial source of air pollutant emissions that would have the potential to affect the attainment designations in the air basin. Furthermore, the proposed Regional Commercial (C-R) land use designation of the Project is consistent with the land use assumptions of the Town's General Plan, upon which the AQAP emissions projections were predicated. Therefore, the Project would not affect the regional emissions inventory or conflict with strategies in the AQAP. **No impact** would occur, and no mitigation is required.

[12] Mojave Desert Air Quality Management District. *MDAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area).* Adopted February 27, 2017.

Threshold B: Would the Project 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?

and

Threshold C: Would the Project expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact

The following analysis is based on the Project-specific *Air Quality and Greenhouse Gas Assessment* prepared by Salem Engineering Group, Inc. in May 2021 (Appendix A).

Discussion of Effects: A project could have a significant impact where project-related emissions would exceed federal, State, or regional standards or thresholds, or where project-related emissions would substantially contribute to an existing or projected air quality violation. As required by the Federal Clean Air Act (FCAA), NAAQS have been established for seven major air pollutants: ozone (O_3), carbon monoxide (CO), coarse inhalable particulate matter less than 10 microns in size (PM_{10}), fine inhalable particulate matter less than 2.5 microns in size ($PM_{2.5}$), sulfur dioxide (SO_2), nitrogen dioxide (NO_2), and lead (Pb). The FCAA requires the United States Environmental Protection Agency (EPA) to designate areas as attainment, nonattainment, or maintenance for each criteria pollutant based on whether the NAAQS have been achieved. The EPA has classified the Mojave Desert Air Basin as nonattainment for O_3 and PM_{10}.

In addition to being subject to the requirements of FCAA, air quality in California is also governed by regulations under the California Clean Air Act (CCAA). The California Air Resources Board (CARB) is responsible for administering the CCAA and establishing the CAAQS. The CCAA requires the CARB to designate areas within California as either attainment or non-attainment for each criteria pollutant based on whether the CAAQS have been achieved. Under the CCAA, areas are designated as non-attainment for a pollutant if air quality shows that a State standard for the pollutant was violated at least once during the previous three calendar years. Exceedances that are affected by highly irregular or infrequent events are not considered violations of a State standard and are not used as a basis for designating areas as non-attainment. Under the CCAA, the Mojave Desert Air Basin is designated as a non-attainment area for O_3, $PM_{2.5}$, and PM_{10}.

The MDAQMD is responsible for monitoring air quality, as well as planning, implementing, and enforcing programs designed to attain and maintain CAAQS and NAAQS in the Mojave Desert Air Basin. All areas designated as non-attainment under the CCAA are required to prepare plans showing how they will meet the air quality standards. The MDAQMD prepared the AQAP to address FCAA and CCAA requirements

The Project would generate short-term and long-term emissions of air pollutants, respectively, during construction and operation of the proposed commercial uses. These emissions are summarized below based on the California Emissions Estimator Model, Version 2016.3.2 (CalEEMod) runs prepared for the Project-specific Air Quality and Greenhouse Gas Assessment (Appendix A).

***Short-term Emissions*:** Short-term emissions would result from construction-related activities such as excavation and grading, machinery and equipment emissions, vehicle emissions from construction

workers reporting to work, etc. Emissions during grading and construction activities would vary as construction activity levels change. Air pollutant emission sources during project construction would include:

- Exhaust gas and particulate emissions generated by construction equipment engines;
- Fugitive dust from soil disturbance during site preparation, grading, and excavation activities; and
- Volatile organic compounds that evaporate during site paving and architectural coating (e.g., painting of new structures).

The construction analysis includes estimating the construction equipment that would be used during each construction phase, the hours of use for that construction equipment, the quantities of earth and debris to be moved, and on-road vehicle trips (worker, soil hauling, and vendor trips).

The duration of construction activity and associated construction equipment was based on the CalEEMod Version 2016.3.2 defaults for phasing. Construction of the Project is anticipated to commence in early 2022 and be completed within 19 months of commencement. However, the construction emissions reflect a compressed construction schedule, assuming all construction phases would occur and be completed within a 12-month period.

Table 3.3.A identifies the maximum daily emissions associated with construction activities and indicates no criteria pollutant emission thresholds would be exceeded from construction of the proposed Project.

Table 3.3.A: Short-Term Regional Construction Emissions

	Total Regional Pollutant Emissions, lbs/day					
	ROG	**NOx**	**CO**	**SOx**	**PM_{10}**	**$PM_{2.5}$**
Peak Daily Construction Emissions	75.1468	40.5483	22.0603	0.0400	20.2595	11.8516
MDAQMD Thresholds	**137**	**137**	**548**	**137**	**82**	**54**
Emissions Exceed Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Source: Table 4. Salem Engineering Group, Inc. *Air Quality and Greenhouse Gas Assessment.* May 2021. (Appendix A).
Note: These estimates reflect control of fugitive dust required by MDAQMD Rule 403.

CO = carbon monoxide
lbs/day = pounds per day
NOx = nitrogen oxides
PM_{10} = particulate matter less than 10 microns in size
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
MDAQMD = Mojave Desert Air Quality Management District
SOx = sulfur oxides
ROG = Reactive organic gasses

As detailed in Table 3.3.A, emissions generated during Project construction would not exceed MDAQMD thresholds for regional construction emissions. Furthermore, because emissions would not exceed MDAQMD daily emission thresholds, the project would not expose sensitive receptors to substantial pollutant concentrations during construction.

Long-term Emissions: The proposed Project would result in an incremental increase in the generation of regional air pollution during operation of the proposed commercial uses. Long-term air pollutant emission impacts are those associated with area sources, stationary sources, and mobile sources involving any project-related changes. Area sources include architectural coatings, consumer

products, hearths, and landscaping. Stationary sources include natural gas and electricity consumption for heating and lighting. Mobile-sources consist of vehicle trips associated with a Project.

The proposed Project would result in net increases in area-, stationary-, and mobile-source emissions. The area- and stationary-source emissions would come from many sources, including the use of consumer products, landscape equipment, general energy, and solid waste. Calculation of emissions from these sources is based primarily on CalEEMod defaults and assumes compliance with Title 24/2019 California Building Code (CBC). Mobile source emissions are based on emission factors from the EMFAC2014 model and are assumed to be comprised of a mixture of light-duty automobiles, and trucks, as well as medium-duty and heavy-duty vehicles used to make deliveries to the project site in accordance with CalEEMod default outputs for traffic. Emission factors representing the vehicle mix for 2022 were used to estimate mobile emissions and assume emissions would decrease in subsequent years due to phase-out of older, higher polluting vehicles and implementation of increasingly stringent emission standards.

Long-term operational emissions associated with the Project were calculated using the CalEEMod (Version 2016.3.2) and are summarized in Table 3.3.B.

Table 3.3.B: Long Term Regional Operational Emissions

Source	Pollutant Emissions, lbs/day					
	ROG	NOx	CO	SOx	PM_{10}	$PM_{2.5}$
Peak Daily Operational Emissions	17.2625	116.5006	96.9892	0.4292	20.5612	5.6623
MDAQMD Threshold	**137**	**137**	**548**	**137**	**82**	**54**
Emissions Exceed Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Source: Table 5. Salem Engineering Group, Inc. *Air Quality and Greenhouse Gas Assessment.* May 2021. (Appendix A).

CO = carbon monoxide
lbs/day = pounds per day
NOx = nitrogen oxides
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
PM_{10} = particulate matter less than 10 microns in size
MDAQMD = Mojave Desert Air Quality Management District
SOx = sulfur oxides
ROG = Reactive organic gasses

As shown in Table 3.3.B, operation of the proposed warehouse would not exceed the MDAQMD daily emission thresholds for any criteria pollutant. Furthermore, because emissions would not exceed MDAQMD daily emission thresholds, the project would not expose sensitive receptors to substantial pollutant concentrations during operation.

Vehicular trips associated with the proposed Project would contribute to congestion at intersections and along roadway segments in the project vicinity. Localized air quality impacts could occur when emissions from vehicular traffic increase as a result of the proposed Project. The primary mobile-source pollutant of local concern is CO, a direct function of vehicle idling time and, thus, of traffic flow conditions. CO transport is extremely limited; under normal meteorological conditions, it disperses rapidly with distance from the source. However, under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels, affecting local sensitive receptors (e.g., residents, schoolchildren, the elderly, and hospital patients). Typically, high CO concentrations are associated with roadways or intersections operating with extremely high traffic volumes at unacceptable levels of service.

The highest CO concentrations would normally occur during peak traffic hours, so CO measured under peak traffic conditions represents the worst-case scenario. Based on the existing density of development in the vicinity and anticipated trip generation of the proposed Project, the roadways and intersections surrounding the Project site are expected to operate at acceptable levels of service with the Project, and CO hotspots would not occur.[13]

The cumulative impacts analysis is based on projections in the regional AQMP. As detailed in Section 3.3 (a), the proposed Project is consistent with growth projections of the General Plan and would not conflict with or obstruct implementation of the regional AQMP. Furthermore, Table 3.3.B indicates long-term emissions expected to be generated through operation of the proposed Project would not exceed the established MDAQMD daily emission thresholds for any criteria pollutants.

No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions would contribute to existing cumulatively significant impacts to air quality. The MDAQMD developed the operational thresholds of significance based on the level above which a project's individual emissions would result in a cumulatively considerable contribution to the Basin's existing air quality conditions. Therefore, a project that exceeds the MDAQMD operational thresholds would also have a cumulatively considerable contribution to a significant air quality impact. Since the proposed Project would not exceed any air quality emissions thresholds, the Project would not result in a cumulatively considerable contribution to significant air quality impacts. Short-term and long-term cumulative air quality impacts would be **less than significant.** Mitigation is not required.

Threshold D: Would the Project result in other emissions (such as those leading to odors adversely affecting a substantial number of people?

Less than Significant Impact

Discussion of Effects: Project construction would generate limited odors over the short term, mainly from fumes emanating from gasoline and diesel powered construction equipment and architectural coating, asphalt laying, and paving activities. These odors would be temporary and are expected to be isolated to the immediate vicinity of the construction site.

MDAQMD Rule 402 regarding nuisances states: "A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property." Pursuant to MDAQMD Rule 403, fugitive dust must be controlled so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. Additionally, Title 13, Section 2449(d)(D) of the California Code of Regulations requires operators of off-road vehicles (i.e., self-propelled diesel-fueled vehicles 25 horsepower and up that were not designed to be driven on road) to limit vehicle idling to five minutes or less.

[13] Salem Engineering Group, Inc. *Air Quality and Greenhouse Gas Assessment.* Page 5. May 2021. (Appendix B).

MDAQMD Rules 402 and 403, and Title 13, Section 2449(d)(D) of the California Code of Regulations require the Project Applicant to implement standard control measures to limit fugitive dust and construction equipment emissions. These temporary emissions are expected to be isolated to the immediate vicinity of the construction site. Therefore, operation of fueled equipment during construction would not adversely affect a substantial number of people.

The painting of buildings and structures or the installation of asphalt surfaces may also create odors. MDAQMD Rule 1113 outlines standards for paint applications, while Rule 1103 identifies standards regarding the application of asphalt. Adherence to the standards identified in these MDAQMD rules is required for all construction projects in Apple Valley to reduce emissions and objectionable odors.

Land uses generally associated with long-term objectionable odors include agricultural uses, wastewater treatment plants, food-processing plants, chemical plants, composting operations, refineries, landfills, dairies, and fiberglass molding facilities. The Project is a proposed commercial development that does not include uses that would generate long-term objectionable odors.

During Project operation, freight trucks entering/exiting and loading/unloading at the site, as well as temporary storage of typical solid waste (refuse) associated with occupation and operation of the site could generate potential odors. As a matter of State policy, medium and heavy-duty freight vehicles accessing the Project site must comply with the MDAQMD's and CARB's regulations pertaining to particulate filter requirements, idle time limits, smoke opacity, greenhouse gas emissions, and NOx emissions standards.[14] Furthermore, Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with Apple Valley's solid waste regulations.

Compliance with mandated regulatory policies designed to reduce emissions from construction equipment and materials and medium and heavy-duty freight vehicles, in conjunction with removal of solid waste (refuse) at regular intervals, would ensure the Project would not involve short-term or long-term emissions or sources of odors that could affect a substantial number of people. Impacts would be **less than significant**. Mitigation is not required.

3.4 BIOLOGICAL RESOURCES

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, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	☐	☒	☐	☐

[14] Mojave Desert Air Quality Management District. *Rules & Regulations.* https://www.mdaqmd.ca.gov/rules/overview (Accessed July 16, 2021).

Issues:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Threshold A: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

Less than Significant with Mitigation Incorporated

Discussion of Effects: The Project site consists of disturbed desert scrub vegetation. Orthophotography reveals the site and vicinity were relatively undisturbed desert habitat in the 1950s, but the site was used for row crop agriculture during the 1960s and likely the 1970s. By the 1990s, the site and vicinity were used for off-highway vehicle activities, and the adjacent commercial uses were developed to the west and south in the mid- and late 2000s, respectively. Commercial/retail uses are located adjacent to the south and to the west of the site, and undeveloped vacant land is located adjacent to the north and to the east of the site. Figure 1: Regional Location and Figure 2: Existing Setting depict the location of the Project site on a regional and local scale. Figures 3a through 3c include photographs of the project site and surrounding land uses.

The Project-specific biology study included a desktop review of the California Natural Diversity Database (CNDDB) and focused field surveys for burrowing owl (*Athene cunicularia),* desert tortoise (*Gopherus agassizii),* and Mohave Ground Squirrel (*Xerospermophilus mohavensis*) to determine the

existence or potential occurrence of threatened, endangered, or candidate plant and animal species and critical habitats on or in the vicinity of the site (Appendix B). The results of the focused surveys indicate the Project site does not contain burrowing owls or their sign,[15] desert tortoise or their sign,[16] or Mohave ground squirrel or their sign.[17]

The project site is comprised of disturbed desert shrub habitat with rubber rabbitbrush vegetation (*Ericameria nauseosa*) as the primary plant species observed.[18] Numerous small burrows were observed during the focused surveys; however, these burrows are occupied by Antelope ground squirrels (*Ammospermophilus leucurus*), California ground squirrels (*Spermophilus beecheyi*), Kangaroo rat (*Dipodomys sp.*), and Deer mouse (*Peromyscus sp.*) based on the results of small mammal trapping and camera bait reconnaissance conducted during the spring and summer of 2021.[19] These species are common, non-listed species; therefore, the Project site does not contain threatened, endangered, or candidate plant and animal species.

Although the Project site does not contain burrowing owl, the presence of ground squirrel burrows indicates there is potential for this species to emigrate onto the site to nest, and mitigation is required.[20]

Mitigation Measure BIO-1: Prior to the issuance of a grading permit, a pre-construction burrowing owl clearance survey must be conducted by a qualified biologist within 14 days prior to the beginning of project construction to determine if the project site contains suitable burrowing owl habitat and to avoid any potential impacts to the species. The survey shall include 100 percent coverage of the project site, plus 150-meter buffer to ensure no owls have emigrated onto the site. If the burrowing owl survey reveals no burrowing owls are present, no additional actions related to this measure are required. If occupied burrows are found within the development footprint during the pre-construction clearance survey, **Mitigation Measure BIO-2** shall apply.

Mitigation Measure BIO-2: If occupied burrows are found within the development footprint during the pre-construction burrowing owl survey, site-specific buffer zones shall be established by the qualified biologist through consultation with the California Department of Fish and Wildlife (CDFW). The buffer zones may vary depending on burrow location and burrowing owl sensitivity to human activity, and no construction activity shall occur within a buffer zone(s) until appropriate avoidance and minimization measures are determined through consultation with the CDFW

15 Phoenix Biological Consulting. *Focused Burrowing Owl, Mohave Ground Squirrel, and Desert Tortoise Surveys for Apple Valley Town Center Phase 2*. Pages 6, July 2021.
16 *Ibid.* Page 8.
17 *Ibid.* Page 10.
18 *Ibid.* Page 4.
19 *Ibid.* Pages 9 and 10.
20 *Ibid.* Page 11.

As part of the consultation process, the CDFW may require some or all of the following avoidance and minimization measures:

- Preparation of a burrowing owl relocation/translocation plan describing the methodology for passive and active relocation of burrowing owls from the project site, a monitoring strategy, and long-term conservation of relocated owls for submittal to the CDFW for approval prior to ground-disturbing activities.
- Replacement of burrowing owl habitat acreage in accordance with the guidelines provided in Appendix A of the *Staff Report on Burrowing Owl Mitigation, State of California Natural Resource Agency, Department of Fish and Game, May 7, 2012.*
- Establishment of permanent conservation lands comprised of similar vegetation communities to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area. Such conservation lands must be of sufficiently large acreage and be occupied by fossorial mammals. Conservation lands may require habitat enhancements including enhancement or expansion of burrows for breeding, shelter and dispersal opportunity, and removal or control of population stressors as determined by the CDFW. If the conservation lands are located adjacent to the impacted burrow site, the nearest neighbor artificial or natural burrow clusters must be at least within 210 meters of the impacted burrow site.
- Development and implementation of a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls.
- Funding of maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.
- Restoration of any temporarily disturbed areas to the pre-project condition, including decompacting soil and revegetating.

This measure shall be implemented to the satisfaction of the Town of Apple Valley Planning Division and the CDFW.

Thorough implementation of **Mitigation Measures BIO-1** and **BIO-2**, impacts to species identified as a candidate, sensitive, or special-status and their habitats would be reduced to **less than significant levels with mitigation incorporated.**

Threshold B: Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact

Discussion of Effects: The Project site features sparse patches of rubber rabbitbrush with no trees, and no riparian or sensitive natural community is present.[21] Therefore, **no impact** to riparian habitat or other sensitive natural community would occur. Mitigation is not required.

Threshold C: Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact

Discussion of Effects: The Project site does not include any federally protected wetlands or any drainage features, ponded areas, wetlands, or riparian habitat subject to jurisdiction by the California Department of Fish and Wildlife (CDFW), U.S. Army Corps of Engineers (USACE), and/or Regional Water Quality Control Board (RWQCB).[22] Therefore, neither Clean Water Act (CWA) Sections 404 and 401 permits nor a CDFW streambed alteration agreement are required for the Project. **No impact** on federally protected wetlands would occur, and no mitigation is required.

Threshold D: Would the Project 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?

Less than Significant with Mitigation Incorporated

Discussion of Effects: The Project would not affect wildlife movement or nursery sites because the site is located adjacent to commercial uses to the south and east and would not bisect or physically divide natural open space. The Project site is located approximately 0.7 mile east of the Mojave River, and is separated from this natural wildlife corridor by residential and commercial development.

The Project site is devoid of trees, but desert shrubs and burrows that provide suitable nesting habitat for common bird species and burrowing owl, respectively, are located on the site and adjacent to the north and east. Potential impacts to burrowing owl are mitigated through implementation of **Mitigation Measures BIO-1** and **BIO-2**. Because the Project site may contain other nesting birds in the sparse patches of rubber rabbitbrush observed onsite, **Mitigation Measure BIO-3** is prescribed to ensure a qualified biologist conducts a pre-construction survey for nesting birds if construction activities occur during nesting bird season in accordance with Sections 3503–3801 of the California Fish and Game Code and the Migratory Bird Treaty Act (MBTA).

Mitigation Measure BIO-3: If grubbing and/or ground disturbance is proposed during nesting bird season (February through August), a pre-construction nesting survey shall be conducted by a qualified biologist (Project Biologist)

[21] *Ibid.* Pages 4 through 11.
[22] *Ibid.*

within 14 days prior to start of work. If the survey indicates nesting birds are present, an appropriate buffer to be established by the Project Biologist shall be marked off around the nest(s), and no grubbing or ground disturbance shall occur in that area during nesting activities. Grubbing and/or ground disturbance may resume within the established buffer when the Project Biologist determines the nest is no longer occupied and all juveniles have left the nest. This measure shall be implemented to the satisfaction of the Apple Valley Planning Division or designee.

With implementation of **Mitigation Measures BIO-1** through **BIO-3,** impacts to native resident or migratory fish or wildlife species, established native resident or migratory wildlife corridors, and native wildlife nursery sites would be reduced to **less than significant with mitigation incorporated.**

Threshold E: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact

Discussion of Effects: Chapter 9.76 (Plant Protection and Management) of the Apple Valley Development Code provides for the management of plant resources within Apple Valley. According to the Project-specific biology study,[23] the Project site features sparse patches of rubber rabbitbrush with no trees and no riparian or sensitive natural community. None of the regulated desert native plans listed under Section 9.76.020(E)(1)(a) of the Apple Valley Development Code or the California Desert Native Plant Act (Food and Agricultural Code 80001, et. seq.) are present on the Project site. Therefore, the Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. **No impact** would occur, and no mitigation is required.

Threshold F: Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?

No Impact

Discussion of Effects: The Project site does not lie within an area covered by any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Although the Town of Apple Valley is in the process of developing the Apple Valley Multiple Species Habitat Conservation Plan (MSHCP), the MSHCP has yet to be adopted.[24] **No impact** would occur, and no mitigation is required.

[23] *Ibid.* Pages 4 and 5.

[24] Town of Apple Valley. *Environmental Impact Report (SCH# 2008091077) for the Apple Valley General Plan and Annexations 2008-001 & 2008-002*. Pages III-61 and III-62. Certified August 11, 2009.

3.5 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 formal cemeteries?	☐	☒	☐	☐

Threshold A: Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

and

Threshold B: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less than Significant with Mitigation Incorporated

Discussion of Effects: The Project site was subject to a cultural resources investigation comprising archival research, review of records search data at the South Central Coastal Information Center (SCCIC) and an intensive pedestrian survey of the Project site (Appendix C).

Records search data indicated the Project site was not previously surveyed for cultural resources, and no cultural resources were previously recorded on the Project site.[25] Four historic-era archaeological sites and have documented within a one-mile radius of the site: The first comprises a portion of the Mojave Trail (CA-SBR-3033H) than ran along the west side of the Mojave River in prehistoric times eventually becoming the Mojave Road/Government Road during the 19th century. The second site, CA-SBR-6981H, is characterized as a late 19th to mid-20th Century buried trash deposit containing plate fragments, bottles and bottle fragments located approximately 0.6 mile to the northwest. The third site, CA-SBR-7061H, is described as a portion of the Big Bear Cutoff or Bear Valley Road that dates to before 1940. Presently configured as a major arterial roadway, the highway lies just south of the southern Project boundary. The fourth site comprises a portion of the Mojave Trail/Mojave Road/Government Road (CA-SBR- 3033H) that once ran along the western side of the Mojave River 0.8 mile west of the Project site. No prehistoric archaeological sites have been recorded within the one-mile search radius of the Project Site.[26]

[25] Archaeological Associates. *A Phase I Cultural Resources Assessment of 6.83 Acres of Vacant Land Located North of Bear Valley Road and East of Apple Valley Road, Town of Apple Valley, San Bernardino County*. Page 16. September 2021. (Appendix C).

[26] *Ibid.*

An intensive pedestrian survey of the Project site conducted on June 26, 2021 indicated surface visibility was excellent at 100 percent and no cultural resources were identified on the Project site.[27] Due to the negative records search and survey results, the likelihood of buried cultural resources occurring on the Project site is low. In accordance with State law, the Project would be required to comply with Title 14, California Code of Regulations (CCR) § 15064.5 and [California] Public Resources Code (PRC) § 21083.2 *California Environmental Quality Act-Archeological Resources,* which enable Apple Valley to require the Project Applicant to make reasonable effort to preserve or mitigate impacts to any affected significant or unique archaeological resource. Penal Code § 622 *Destruction of Sites,* establishes as a misdemeanor the willful injury, disfiguration, defacement, or destruction of any object or thing of archaeological or historical interest or value, whether situated on private or public lands. California Administrative Code, Title 14, Section 4307 states that no person shall remove, injure, deface or destroy any object of paleontological, archaeological, or historical interest or value. Furthermore, California Code of Regulations Section 1427 recognizes that California's archaeological resources need to be preserved and that every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archaeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.

As discussed above, the Project site does not contain cultural resources as defined in *CEQA Guidelines* Section 15064.5(a). Nevertheless, the proposed Project must comply with all applicable regulations protecting cultural resources and would be conditioned through **Mitigation Measures CUL-1** and **CUL-2** to cease excavation or construction activities if cultural resources are identified during Project execution.

Mitigation Measure CUL-1: In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and 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 Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era 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.

Mitigation Measure CUL-2: If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

[27] *Ibid.* Page 19.

Upon implementation of **Mitigation Measures CUL-1** and **CUL-2**, the proposed Project would be conditioned to cease excavation or construction activities if cultural resources are identified during Project execution pursuant to applicable regulatory policies. Therefore, impacts to cultural resources pursuant to §15064.5 would be **less than significant with mitigation incorporated.**

Threshold C: Would the Project disturb any human remains, including those interred outside of formal cemeteries?

Less than Significant with Mitigation Incorporated

Discussion of Effects: Considering the extensive ground disturbances that have occurred on the Project site (refer to Section 2.1), the likelihood of encountering human remains is minimal. In the event that human remains (or remains that may be human) are discovered at the Project site, no further disturbance shall occur within 100 feet of the find, and the Project Applicant shall notify the San Bernardino County Coroner and the Apple Valley Community Planning Manager or designee. The County Coroner shall make a determination of origin and disposition.[28] Section 7050.5 of the California Health and Safety Code requires that excavation be stopped in the vicinity of the discovered human remains while the coroner determines whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the Project Applicant shall comply with State regulations relating to the disposition of Native American burials that fall within the jurisdiction of the Native American Heritage Commission (NAHC) (PRC Section 5097). The coroner shall contact the NAHC to determine the most likely descendant(s) (MLDs). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The MLD shall oversee disposition of the remains to determine the most appropriate means of treating the human remains and any associated grave artifacts. To ensure compliance with these regulations, **Mitigation Measure CUL-3** is prescribed as follows:

Mitigation Measure CUL-3: If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

The specific locations of Native American burials and reburials shall be proprietary and not disclosed to the general public. The County Coroner shall notify the NAHC in accordance with California Public Resources Code 5097.98. Additionally, Section 7052 of the California Health and Safety Code states that disturbance of Native American cemeteries is a felony. Implementation of **Mitigation Measure CUL-3** would ensure adherence to State regulations required for all development. Therefore, impacts associated with the inadvertent discovery of human remains would be **less than significant with mitigation incorporated**.

3.6 ENERGY

Would the Project:

[28] California Health and Safety Code. *Division 7, Dead Bodies;* Chapter 2, *General Provisions*, § 7050.5.

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?	☐	☐	☒	☐

Threshold A: Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Threshold B: Would the Project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

Less than Significant Impact

Discussion of Effects: The Project's consumption of energy during construction and operation is calculated via CalEEMod (version 2016.3.2), as detailed in Appendix A. For a conservative analysis, the CalEEMod output for energy consumption is based on default parameters that assume applicable regulations for fuel and energy efficiency from the year 2016 or prior. Construction fleet mixes are continuously updated and older equipment retired, and building energy requirements become increasingly more stringent with every iteration of Title 24. Accordingly, the energy demand during construction is expected to be overestimated below, and the commercial uses would become increasingly more efficient through the life of the project.

Construction. Construction of the Project is anticipated to commence in early 2022 and be completed within 19 months of commencement. However, the energy demand during construction reflects a compressed construction schedule, assuming all construction phases would occur and be completed within a 12-month period. Construction would require energy for the manufacture and transport of building materials, preparation of the site for grading activities, utility installation, paving, and building construction and architectural coating. Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for these activities. However, energy usage on the Project site during construction would be temporary.

CalEEMod output for energy consumption during construction is based on default parameters but does not incorporate the latest MDAQMD rules for fuel efficiency or sulfur content for diesel engines. Nor does it include project compliance with Title 13-Section 2449 of the California Code of Regulations (CCR) and California Department of Resources Recycling and Recovery (CalRecycle) Sustainable (Green) Building Program regulations, which include implementation of standard control measures for equipment emissions and materials recycling. Adherence to these regulations, including the

implementation of Best Available Control Measures (BACM), is a standard requirement for any construction or ground disturbance activity occurring within the jurisdiction of the MDAQMD.

BACMs include, but are not limited to, requirements that the project proponent utilize only low-sulfur fuel having a sulfur content of 15 parts per million by weight or less; ensure off-road vehicles (i.e., self-propelled diesel-fueled vehicles 25 horsepower and above that were not designed to be driven on road) limit vehicle idling to five minutes or less; register and label vehicles in accordance with the California Air Resources Board (CARB) Diesel Off-Road Online Reporting System; restrict the inclusion of older vehicles into fleets; and retire, replace, or repower older engines or install Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). Additionally, the construction contractor would recycle/reuse at least 65 percent of the construction material and use "Green Building Materials," such as those materials that are rapidly renewable or resource efficient and recycled and manufactured in an environmentally friendly way, for at least 10 percent of the Project in accordance with Part 11 of the Title 24 Building Energy Efficiency Standards (also referred to as the California Green Building Standards Code, or CALGreen). Through compliance with Title 13-Section 2449 of the CCR, and the CalGreen Program as a matter of regulatory policy, construction of the Project would demand only the energy required, and impacts from wasteful, inefficient, or unnecessary energy consumption would be **less than significant**.

Operation. During Project operation, electricity would be the main form of energy consumed on the site. Electricity would be used for building heating, cooling, and lighting, and natural gas would be used for building and water heating. Table 3.6.A presents the estimated annual energy use from operation of the proposed Project.

Table 3.6.A: Estimated Annual Energy Use from Project Operation

Land Use	Electricity Use (kWh/year)	Natural Gas (kBTU/year)	Fuel (gallons per year)
Parking Lot	36,960	0	0
Strip Mall	151,560	26,640	30,119[a]
Supermarket	1,592,290	828,180	239,985[b]
TOTAL	**1,780,810**	**854,820**	**270,104**

Source: CalEEMod Outputs. Salem Engineering Group, Inc. *Air Quality and Greenhouse Gas Assessment.* May 2021. (Appendix A).
kWh = kilowatt hours
kBTU = thousand British thermal units
[a] Based on 749,961 annual vehicle miles traveled and average 24.9 miles per gallon
[b] Based on 5,975,623 annual vehicle miles traveled and average 24.9 miles per gallon

As identified in Table 3.6.A, proposed uses on the site would demand a total of 1,780,810 kWh of electricity and 854,820 kBTU of natural gas on an annual basis. In addition, the Project would result in energy usage associated with consumption of motor vehicle fuel for project-related trips. Using the 2019 fuel economy average of 24.9 miles per gallon (mpg),[29] the proposed Project would result in the consumption of approximately 270,104 gallons of fuel per year.

The State of California provides a minimum standard for building design and construction standards through Title 24 of the CCR, known as the California Building Code (CBC). The CBC is updated every

[29] United States Environmental Protection Agency. *The 2020 EPA Automotive Trends Report.* Page 12. January 2021.

three years, and the current 2019 CBC went into effect in January 2020. Compliance with Title 24 is mandatory at the time new building permits are issued by local governments. The California Building Standards Commission adopted Part 11 of the Title 24 Building Energy Efficiency Standards (also referred to as the California Green Building Standards Code, or CALGreen) in 2010 as part of the State's efforts to reduce GHG emissions and energy consumption from residential and nonresidential buildings. CALGreen code covers the following five categories: (1) planning and design, (2) energy efficiency, (3) water efficiency and conservation, (4) material conservation and resource efficiency, and (5) indoor environmental quality. Apple Valley has incorporated both the CBC and CALGreen Code throughout Title 8 (Buildings and Construction) and Title 9 (Development Code) of the Town's Code of Ordinances pertaining to energy conservation standards in effect at the time of construction. Accordingly, the Project would comply with the current 2019 CALGreen Code requirements and Title 24 efficiency standards, which would further improve energy efficiency during operation.

Electricity is provided in the State through a complex grid of power plants and transmission lines. In 2019, California's in-state electric generation totaled 200,475 gigawatt-hours (GWh); the State's total system electric generation, which includes imported electricity, totaled 277,704 GWh.[30] Population growth is the primary source of increased energy consumption in the State; population projections show annual electricity use is anticipated to increase by approximately 1 percent per year through 2027.[31] The Project's net electricity usage would total approximately 0.000888 percent[32] of electricity generated in the State in 2019, which would not represent a substantial demand on available electricity resources.

California's receipt capacity[33] of natural gas per day totals approximately 9.8 billion cubic feet (Bcf), and the State's average consumption is approximately 5.8 Bcf per day.[34] With a surplus receipt capacity of approximately 4 Bcf of natural gas per day, the proposed Project would demand approximately 0.021 percent of the State's natural gas surplus receipt capacity,[35] which would not represent a substantial demand on available natural gas resources.

The United States Environmental Protection Agency (EPA) and National Highway Traffic Safety Administration (NHTSA) indicate the average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States in 2019 is 24.9 mpg.[36]

As stated previously, implementation of the proposed Project would increase the project-related annual fuel demand by approximately 270,104 gallons fuel. However, progressive improvements to motor vehicles (e.g., more efficient engines and improvements to aerodynamic features) purchased and operated by patrons and employees driving to and from the Project site would be subject to fuel economy and efficiency standards applied throughout the State. As such, the fuel efficiency of vehicles associated with Project operation would increase throughout the life of the Project as fuel efficiency

30 California Energy Commission. *2019 Total System Electric Generation*. https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2019-total-system-electric-generation. (Accessed March 10, 2021).
31 California Energy Commission. *California Energy Demand 2018–2030 Revised Forecast.* Table ES-1. https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2017-integrated-energy-policy-report. (Accessed May 26, 2020).
32 1.78 GWh (proposed Project) ÷ 200,475 GWh (generated in State in 2019) = 0.000888 percent.
33 The amount of pipeline capacity that can take natural gas supplies from interstate pipelines.
34 California Energy Commission. *Final 2017 Integrated Energy Policy Report*. Page 228. April 2018.
35 854,820 kBtu = 0.000854 Bcf ÷ 4 Bcf = 0.021 percent of surplus receipt capacity.
36 United States Environmental Protection Agency. *The 2020 EPA Automotive Trends Report.* Page 12. January 2021.

of vehicles continues to improve in order to meet the State's 2030 GHG emission reduction goals pursuant to Senate Bill 32 and beyond. In addition, purchase and use of electric passenger vehicles is expected to increase as the price and efficiency of electric passenger vehicles improve, reducing the number and use of fossil fuel-dependent vehicles on the road. Employees of the proposed Project could also benefit from improved transportation to the site, as potential improvements to public transportation would result in an expanded network of municipal buses, bicycle infrastructure, and rideshare programs. The long-term operation of the Project would see a decrease in fuel consumption per mile due to continuous improvements to vehicles and transportation infrastructure, which would demand less energy consumption through the life of the Project.

Increasingly stringent electricity, natural gas, and fuel efficiency standards combined with compliance with the CBC and CALGreen Code as part of Title 8 (Buildings and Construction) and Title 9 (Development Code) of the Town's Code of Ordinances pertaining to energy conservation standards and improved alternative transportation infrastructure throughout the region would ensure operation of the Project would demand only the energy required, and impacts from wasteful, inefficient, or unnecessary energy consumption would be **less than significant.**

Construction and operation of the proposed Project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources. Impacts would be **less than significant,** and mitigation is not required.

3.7 GEOLOGY AND 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? 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 as a result of the project, and potentially result in on- or off-site landslide,	☐	☒	☐	☐

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

Threshold A: Would the Project 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?***
- ***ii. Strong seismic ground shaking?***
- ***iii. Seismic-related ground failure, including liquefaction?***
- ***iv. Landslides?***

Less than Significant with Mitigation Incorporated

Discussion of Effects:

i. The Project site is not located within an Earthquake Fault Zone as defined by the State of California in the Alquist-Priolo Earthquake Fault Zone Act of 1972.[37] In addition, there is no evidence of any faults or faulting activity on the Project site. The risk of ground rupture due to fault displacement beneath the site is low. Impacts would be **less than significant.** Mitigation is not required.

ii. The Project site is located within a seismically active region, with a number of faults traversing or in proximity to the region. The nearest active faults in proximity to the Project site are the North Frontal (West) Fault 4.6 miles from the site, Helendale-So Lockhart Fault 10.9 miles from the site, and Cleghorn Fault 13.2 miles from the site.[38]

Due to the presence of active and inferred faults in proximity to the Project site, the Project site is expected to experience occasionally moderate to severe ground-shaking, as well as

[37] Salem Engineering Group, Inc. *Geotechnical Engineering Investigation, Proposed Commercial Development, Bear Valley Road near Apple Valley Road, Apple Valley, California.* Page 3. June 2021. (Appendix E).

[38] *Ibid.* Table 7.1.

some background shaking from other seismically active areas of the Southern California region. Post-liquefaction settlement of subsurface sands could cause damage to the proposed development during seismic shaking.[39] The extent of ground-shaking associated with an earthquake is dependent upon the size of the earthquake and the geologic material of the underlying area. Construction and development of the Project would be required to comply with applicable provisions of the California Building Code (CBC). State law requires the design and construction of new structures comply with current CBC requirements, which address general geologic, seismic (including ground shaking), and soil constraints for new buildings. Accordingly, design and construction of the proposed Project would be required to adhere to 2019 CBC requirements to reduce any potential impacts from seismic related activity.

Title 8 (Buildings and Construction) and Title 9 (Development Code) of the Town's Code of Ordinances incorporate design and construction standards of the 2019 edition of the CBC. Prior to the issuance of a grading permit, the Project Applicant would be required to submit detailed grading plans and a site-specific geotechnical investigation of the Project prepared in conformance the current CBC and applicable Apple Valley standards (**Mitigation Measure GEO-1**).

Mitigation Measure GEO-1: Prior to issuance of grading and/or building permits, the Project Applicant shall provide evidence to the Town of Apple Valley (Town) for review and approval that proposed structures, features, and facilities have been designed and would be constructed in conformance with applicable provisions of the 2019 edition of the California Building Code (CBC) or the most current edition of the CBC in effect at the time the Applicant's development application is deemed complete by the Town.

Additionally, the Project Applicant shall submit a site-specific geotechnical investigation of the Project and provide evidence to the Town that the recommendations cited in the geotechnical investigation are incorporated into Project plans and/or implemented as deemed appropriate by the Town. Geotechnical recommendations may include, but are not limited to, removal of existing vegetation, structural foundations, floor slabs, utilities, and any other surface and subsurface improvements that would not remain in place for use with the new development. Remedial earthwork, overexcavation, and ground improvement shall occur to depths specified in the geotechnical investigation to provide a sufficient layer of engineered fill or densified soil beneath the structural footings/foundations, as well as proper surface drainage devices and erosion control. Retaining wall parameters shall be in accordance with the geotechnical investigation to protect against lateral spreading and landslides. Construction of concrete structures in contact with subgrade soils determined to be corrosive shall

[39] *Ibid.* Page 5.

include measures to protect concrete, steel, and other metals. Verification testing must be performed upon completion of ground improvements to confirm that the compressible soils have been sufficiently densified. The structural engineer must determine the ultimate thickness and reinforcement of the building floor slabs based on the imposed slab loading.

As necessary, the Town may require additional engineering protocols to meet its requirements. This measure shall be implemented to the satisfaction of the Director of Building and Safety or designee.

Upon implementation of **Mitigation Measure GEO-1**, post-construction differential movements of shallow foundations designed and constructed in accordance with applicable provisions of the 2019 edition of the CBC and measures identified in the Project-specific geotechnical investigation are expected to occur within the CBC tolerable limits of post-construction static and differential settlements of 1.0 and 0.5 inches, respectively. Impacts from seismic ground-shaking would be reduced to **less than significant with mitigation incorporated.**

iii. Liquefaction occurs when loose, unconsolidated, water-laden soils are subject to shaking, causing the soils to lose cohesion. A relatively shallow groundwater table (within approximately 50 feet below ground surface) or completely saturated soil conditions in conjunction with a source of ground shaking, such as an earthquake, may facilitate soil mass distortion such as liquefaction. Historic groundwater depth is expected to be greater than 50 feet below ground surface, and the liquefaction potential of the site is low.[40] Compliance with **Mitigation Measure GEO-1** would reduce potential impacts from seismic-related ground failure due to seasonal saturation of the near-surface sediments to **less than significant with mitigation incorporated.**

iv. Factors that contribute to slope failure include slope height and steepness, shear strength and orientation of weak layers in the underlying geologic units, and pore water pressures. The Project site is flat with no potential for landslides.[41] Any retaining walls proposed on site shall be designed and constructed pursuant to the recommendations of the Project-specific Geotechnical Investigation (refer to **Mitigation Measure GEO-1**) to protect against lateral spreading and landslides. Additionally, any retaining walls greater than 6 feet tall shall be designed for seismic lateral earth pressures pursuant to applicable provisions of the CBC, as specified in **Mitigation Measure GEO-1**. Accordingly, **Mitigation Measure GEO-1** in conjunction with the flat-lying topography of the Project site would reduce the likelihood of landslides or lateral spreading to **less than significant with mitigation incorporated.**

40 *Ibid.*
41 *Ibid.*

Threshold B: Would the Project result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact

Discussion of Effects: Development on the Project site would convert a majority of existing permeable surfaces to paved surfaces, which would generally reduce the potential for soil erosion from the site. However, earthwork activities as part of the construction process would expose soils to the potential for soil erosion or loss of topsoil. Short-term erosion effects during the construction phase would be prevented through required grading permits and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and incorporation of best management practices (BMPs) intended to reduce soil erosion.[42] Refer to Section 3.10 (Threshold A) for additional information.

Compliance with storm water regulations include minimizing storm water contact with potential pollutants by providing covers and secondary containment for construction materials, designating areas away from storm drain systems for storing equipment and materials, and implementing good housekeeping practices at the construction site. Prior to the issuance of a grading permit, the Project Applicant would be required to prepare and submit site-specific, detailed grading plans to Apple Valley in accordance with Chapter 9.37 (Commercial and Office District Design Standards) of the Apple Valley Development Code to minimize soil erosion, runoff, and water waste.

Operation of the Project would be subject to a Water Quality Management Plan (WQMP), which incorporates measures to capture excess storm water runoff and prevent soil erosion to downstream water courses from the conversion of permeable surfaces to impermeable surfaces pursuant to the Municipal Separate Storm Sewer System Permit, General Construction Activity National Pollutant Discharge Elimination (NPDES) Permit No.CAS000004 (MS4 Permit) issued by the State Water Resources Control Board.

The SWPPP and WQMP would identify BMP measures to treat and/or limit the entry of contaminants into the storm drain system. The WQMP is required to be incorporated by reference or attached to a project's SWPPP as the Post-Construction Management Plan. Adherence to the BMPs contained in the SWPPP and WQMP is a standard regulatory requirement for all projects that create or replace more than 5,000 square feet of impervious surface area in Apple Valley and would ensure that impacts related to soil erosion would remain **less than significant.** No mitigation is required.

Threshold C: Would the Project be located on a geologic unit or soil that is unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Less than Significant with Mitigation Incorporated

Discussion of Effects: The Project site is mostly flat and abutted by urban development to the south and west. There is no evidence of landslides and/or slope instabilities on the Project site. As detailed in Section 3.7 (Threshold A)(iii) and (iv) above, the Project site is not located in an area considered susceptible to liquefaction or landslides. Due to the property's deep groundwater and flat topography, and the planned site development in accordance with **Mitigation Measure GEO-1**, potential impacts

[42] Pursuant to the National Pollutant Discharge Elimination System (NPDES) program and Chapter 9.37, Section 9.37.030 (Grading) of the Apple Valley Municipal Code.

from landslides, slope instabilities, lateral spreading, and/or liquefaction at the Project site would be reduced to **less than significant with mitigation incorporated.**

Based on the Project-specific geotechnical investigation of the site, post-liquefaction settlement of subsurface sands could cause damage to the proposed development during seismic shaking.[43] Shrinkage, bulking, subsidence, and settlement are primarily dependent upon the degree of soil compaction achieved during construction. Variations in the in-situ density of existing soils and the degree to which fill soils are compacted would influence earth volume changes.

Mitigation Measure GEO-1 would ensure overexcavation and establishment of a sufficient layer of engineered fill or densified soil is prepared beneath any proposed structural footings/foundations. Upon implementation of **Mitigation Measure GEO-1**, post-construction differential movements of shallow foundations designed and constructed in accordance with applicable provisions of the 2019 edition of the CBC and measures identified in a project-specific Geotechnical Investigation would be within CBC tolerable limits of post-construction static and differential settlements of 1.0 and 0.5 inches, respectively. Therefore, impacts from settlement, subsidence, and/or collapse would be reduced to **less than significant with mitigation incorporated.**

Threshold D: Would the Project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code, creating substantial direct or indirect risks to life or property?

Less than Significant with Mitigation Incorporated

Discussion of Effects: Expansive soils generally have a substantial amount of clay particles, which can give up water (shrink) or absorb water (swell). The change in the volume exerts stress on buildings and other loads placed on these soils. The amount and types of clay present in the soil influence the extent or range of the shrink/swell. The occurrence of clayey soils is often associated with geologic units having marginal stability. Expansive soils can be widely dispersed, and they can occur along hillside areas as well as low-lying alluvial basins.

Soils on site consist of Bryman loamy fine sand, 2 to 5 percent slopes.[44] Since Bryman loamy fine sand is well drained and has a moderately high capacity of the most limiting layer to transmit water,[45] these soils are considered non-expansive. **Mitigation Measure GEO-1** would ensure overexcavation and establishment of a sufficient layer of engineered fill or densified soil is prepared beneath any proposed structural footings/foundations. With implementation of **Mitigation Measure GEO-1,** the Project would not create substantial direct or indirect risks to life or property from expansive soils. Impacts would be **less than significant with mitigation incorporated**.

[43] Salem Engineering Group, Inc. *Geotechnical Engineering Investigation, Proposed Commercial Development, Bear Valley Road near Apple Valley Road, Apple Valley, California.* Page 5. June 2021. (Appendix E).

[44] United States Department of Agriculture, Natural Resources Conservation Service. *Web Soil Survey.* San Bernardino County Southwestern Part, California (CA677). https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. (Accessed July 26, 2021).

[45] *Ibid.*

Threshold E: Would the Project Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact

Discussion of Effects: The Project would connect to the municipal wastewater collection system and would not use septic systems. There would be **no impact** relative to septic system or alternative wastewater disposal systems. Mitigation is not required.

Threshold F: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant with Mitigation Incorporated

Discussion of Effects: The Project site is underlain by a combination of Holocene-epoch (less than 11,500 years old) sediments and older Pleistocene age (1,808,000 to 11,500 years ago) alluvial sediments of the Mojave River. Generally, Holocene sediments are too young to yield paleontological resources, but the depth of Holocene sediments in Apple Valley is unknown, and Pleistocene sediments with the potential to contain significant paleontological resources are known to occur beneath the Project site.[46]

In accordance with State law, the Project would be required to comply with Penal Code § 622 *Destruction of Sites,* which establishes as a misdemeanor the willful injury, disfiguration, defacement, or destruction of any object or thing of archaeological or historical interest or value, whether situated on private or public lands. California Administrative Code, Title 14, Section 4307 states that no person shall remove, injure, deface or destroy any object of paleontological, archaeological, or historical interest or value. Furthermore, California Code of Regulations Section 1427 recognizes that California's archaeological resources need to be preserved and that every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archaeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.

Disturbance of subsurface sediments from past agricultural and off-highway vehicle activities on the Project site does not preclude the potential for paleontological resources to be encountered if excavation activities reach Pleistocene-age sediments below the ground surface. The proposed Project must comply with all applicable regulations protecting paleontological resources and would be monitored during mass grading activities (**Mitigation Measure GEO-2**) to ensure any paleontological resources identified during excavation are managed in accordance with applicable regulations. Any paleontological resources encountered during excavation activities will be managed as prescribed in **Mitigation Measure GEO-3.**

Mitigation Measure GEO-2: Prior to issuance of a grading permit, the Project Applicant must retain a qualified paleontologist (defined as an individual with an M.S. or Ph.D. in paleontology or geology who is experienced with

[46] Town of Apple Valley. *Environmental Impact Report (SCH# 2008091077) for the Apple Valley General Plan and Annexations 2008-001 & 2008-002*. Pages III-76 and III-79 and Exhibit III-5. Certified August 11, 2009.

paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least one year) to prepare a Paleontological Resource Impact Mitigation Plan (PRIMP) and monitor mass grading activities on the site. Implementation of the PRIMP shall include (but not be limited to) the following:

- Review of Project-specific geotechnical report data, with particular regard to location and depth of earthmoving and the rock unit(s) encountered;
- Development of a formal agreement between the Project Applicant and the San Bernardino County Museum, Natural History Museum of Los Angeles County, Western Science Center, San Diego Natural History Museum, Riverside Municipal Museum, or other accredited museum repository for the final disposition, permanent storage, and maintenance of any fossil collections and associated data;
- The construction schedule, term/schedule of on-site paleontological monitor(s) and the extent of areas and activities to be monitored;
- Authority of paleontological monitor(s) to temporarily redirect construction activity in the vicinity of any paleontological discovery;
- Procedures for the evaluation and option to recover large fossil specimens and for the evaluation, recovery, and processing of small fossil specimens;
- Fossil specimen preparation, identification to the lowest taxonomic level possible, curation, and cataloging; and
- A report of findings.

Monitoring shall occur from the outset of grading activities since the depth of Pleistocene sediments onsite is unknown. However, the qualified paleontologist shall have the discretion of scaling back monitoring to a schedule approved by the Apple Valley Planning Division if, at the discretion of the paleontologist, grading is unlikely to reach depths of Pleistocene sediments or if the sediments encountered on the site have little to no potential to yield paleontological resources.

If paleontological resources are encountered during the course of ground disturbance, work within 60 feet of the find shall be halted, and an exclusionary buffer shall be established. The qualified paleontologist shall assess the find for scientific significance. Construction personnel shall not collect or move any suspected

paleontological materials or further disturb any soils within the exclusionary buffer without the consent of the paleontologist and the Apple Valley Planning Division, but construction activity may continue unimpeded on other portions of the Project site. If the paleontologist determines the find is not a paleontological resource, no further evaluation shall be required within the exclusionary buffer, and construction activity shall be allowed to resume therein. However, if the paleontologist determines the find is a paleontological resource, construction activity shall not resume within the exclusionary buffer, and **Mitigation Measure GEO-3** shall apply. This measure shall be implemented to the satisfaction of the Apple Valley Planning Division.

Mitigation Measure GEO-3: If the qualified paleontologist determines paleontological resources are encountered on the Project site, the paleontologist shall address the resource(s) pursuant to the Paleontological Resource Impact Mitigation Plan (PRIMP) to be implemented during the balance of ground-disturbing activities. The paleontologist shall be equipped to record and salvage fossil resources that may be unearthed during construction and shall temporarily halt or divert construction equipment to allow recording and removal of the unearthed resources. Significant fossils shall be offered for curation at an accredited museum repository in accordance with the PRIMP. A report of findings, including, when appropriate, an itemized inventory of recovered specimens and a discussion of their significance, shall be prepared at the conclusion of paleontological monitoring. The report and inventory, when submitted to and approved by the Apple Valley Planning Division, would signify completion of the program. This measure shall be implemented to the satisfaction of the Apple Valley Planning Division.

With implementation of **Mitigation Measures GEO-2** and **GEO-3,** impacts to paleontological resources would be reduced to **less than significant with mitigation incorporated.**

3.8 GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

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 any applicable plan, policy, or regulation of an agency adopted for the	☐	☐	☒	☐

Issues:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
purpose of reducing the emissions of greenhouse gases?				

Threshold A: Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impact

Discussion of Effects: The MDAQMD prescribes an annual threshold of 100,000 tons and daily threshold of 548,000 pounds of carbon dioxide equivalent (CO2e) greenhouse gases (GHG) to new development projects in the Mojave Desert Air Basin.[47] Therefore, the Project would be considered to have a significant impact on the environment if it would generate 100,000 or more tons of CO2e per year or 548,000 or more pounds of CO2e per day.

The Project would generate GHG emissions during on-site construction activities (e.g., site grading, utility engines, on-site heavy-duty construction vehicles, equipment hauling materials to and from the site, asphalt paving, and motor vehicles transporting the construction crew). Additionally, long-term operation of the Project would generate GHG emissions from area and mobile sources and indirect emissions from stationary sources associated with energy consumption. Mobile-source emissions of GHGs would include project-generated vehicle trips associated with on-site facilities and customer/employee trips to the Project site. Area-source emissions would be associated with activities such as landscaping and maintenance of proposed land uses and other sources. Energy sources include natural gas consumption for space heating, electricity for cooling and lighting, etc. The Project would include indoor low-flow water appliances and outdoor water-efficient irrigation systems in accordance with the 2019 CBC.

Construction of the Project is estimated to generate 471 tons of CO2e, which equates to 15.7 tons of CO2e per year when amortized over 30 years.[48] Operation of the Project is estimated to generate approximately 5,612.7 tons of CO2e per year, which equates to 5,628.4 tons of CO2e per year when including the amortized construction emissions (15.7 tons per year).[49] Since the project would not generate 100,000 or more tons of CO2e per year or 548,000 or more pounds of CO2e per day, the project would not generate GHG at levels that would exceed the significance thresholds established by the MDAQMD. Project-level and cumulative GHG emissions would be **less than significant,** and mitigation is not required.

47 Mojave Desert Air Quality Management District. *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines.* Table 6. February 2020.
48 Salem Engineering Group, Inc. *Air Quality and Greenhouse Gas Assessment.* Page 7. May 2021. (Appendix B).
49 *Ibid.*

Threshold B: Would the Project conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact

Discussion of Effects: Apple Valley is expected to generate approximately 3,226,995.08 metric tons of CO2e per year at buildout of the General Plan, which would represent approximately 0.756 percent of the total California emissions limit established by the California Air Resources Board (CARB).[50] Apple Valley's *Climate Action Plan Update, 2016* includes several goals designed help the Town meet the State's 2030 GHG reduction goal of 40 percent below 1990 levels pursuant to Senate Bill 32.[51] The majority of these goals are designed to be implemented town-wide by Apple Valley, but select goals are applicable to site- and project-specific developments such as the proposed commercial Project. For example, the project would be required to comply with current Title 24 Building Energy Efficiency Standards (also referred to as the California Green Building Standards Code, or CALGreen) for construction equipment and activities and building energy efficiency (refer to Section 3.6 above). CALGreen code covers the following five categories: (1) planning and design, (2) energy efficiency, (3) water efficiency and conservation, (4) material conservation and resource efficiency, and (5) indoor environmental quality.

Apple Valley has incorporated both the CBC and CALGreen Code throughout Title 8 (Buildings and Construction) and Title 9 (Development Code) of the Town's Code of Ordinances pertaining to energy conservation standards in effect at the time of construction. Accordingly, the Project would comply with the current 2019 CALGreen Code requirements and Title 24 efficiency standards in accordance with applicable GHG reduction measures and programs outlined in the Apple Valley *Climate Action Plan Update, 2016.*

Compliance with the latest edition of Title 24/CBC and CALGreen Code for energy and water conservation is required for all development projects as a matter of Apple Valley and State policy. Through implementation of Title 24/CBC and CALGreen Code, the Project would not conflict with site- and project-specific GHG reduction goals administered by the State and Apple Valley. Impacts would be **less than significant,** and mitigation is not required

3.9 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?	☐	☐	☒	☐

[50] Town of Apple Valley. *Environmental Impact Report (SCH# 2008091077) for the Apple Valley General Plan and Annexations 2008-001 & 2008-002*. Pages III-29 and Table III-15. Certified August 11, 2009.

[51] Town of Apple Valley. *Climate Action Plan Update, 2016.* Chapter IV. Adopted April 2018.

Issues:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 material 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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☒	☐

Threshold A: Would the Project create a significant hazard to the public through the routine transport, use, or disposal of hazardous materials?

Less than Significant Impact

Discussion of Effects: Construction of the Project has the potential to create a hazard to the public or environment through the routine transportation, use, and disposal of construction-related hazardous materials such as fuels, oils, solvents, and other materials.

Construction. Potential hazardous materials such as fuel, paint products, lubricants, solvents, and cleaning products may be used and/or stored on site during construction of the proposed Project. These materials are typical of materials delivered to construction sites. Due to the relatively small scale of proposed development (49,995-square feet of commercial uses on 6.8 acres), only limited quantities of these materials are expected to be used during construction, so they are not considered hazardous to the public at large.

The transport, use, and disposal of hazardous materials during construction would be regulated by the Hazardous Materials Division of the San Bernardino County Fire Department and the California Occupational Safety and Health Administration. Additionally, the United States Department of Transportation Office of Hazardous Materials Safety prescribes strict regulations for the safe transportation of hazardous materials by truck and rail on State highways and rail lines, as described in Title 49 of the *Code of Federal Regulations*, and implemented by Title 13 of the CCR.

Operation. Similar to Project construction, the transport, use, and disposal of hazardous materials during Project operation would be regulated by the Hazardous Materials Division of the San Bernardino County Fire Department and the California Occupational Safety and Health Administration. Additionally, transport of hazardous materials by truck and rail on State highways and rail lines would be regulated by the United States Department of Transportation Office of Hazardous Materials Safety as described above.

Pursuant to California Health and Safety Code Section 25507, a business shall establish and implement a Hazardous Materials Business Emergency Plan for emergency response to a release or threatened release of a hazardous material in accordance with the standards prescribed in the regulations adopted pursuant to Section 25503 if the business handles a hazardous material or a mixture containing a hazardous material that has a quantity at any one time above the thresholds described in Section 25507(a) (1) through (8). This requirement is also codified as Program 1.D.1 of the *Hazardous and Toxic Materials Element* of the Apple Valley General Plan.[52]

These regulations inherently safeguard life and property from the hazards of fire/explosion arising from the storage, handling, and disposal of hazardous substances, materials, and devices, as well as hazardous conditions due to the use or occupancy of buildings. Therefore, impacts from the routine transport, use, or disposal of hazardous materials would be **less than significant.** Mitigation is not required.

Threshold B: Would the Project 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?

Less than Significant Impact

Discussion of Effects: The Project site and a one-half-mile radius encompassing the Project site were evaluated via the State Water Resources Control Board (SWRCB) GeoTracker database,[53] the Department of Toxic Substances Control's (DTSC) EnviroStor database,[54] and the Hazardous Waste and Substances Sites (Cortese) List[55] for the purposes of identifying recognized environmental

[52] Town of Apple Valley. *2009 General Plan. Hazardous and Toxic Materials Element.* Page IV-73. Adopted August 11, 2009.

[53] State Water Resources Control Board. *GeoTracker Database*. https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=apple+valley%2C+ca. (Accessed August 10, 2021).

[54] California Department of Toxic Substances Control. *EnviroStor Database.* https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=apple+valley%2C+ca. (Accessed August 10, 2021).

[55] California Department of Toxic Substances Control. *Hazardous Waste and Substances Site List (Cortese).* https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,OPEN,FUDS,CLOSE&status=ACT,BKLG,COM,COLUR&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+(CORTESE). (Accessed August 10, 2021).

conditions (REC), controlled recognized environmental conditions (CREC), and historical recognized environmental conditions (HREC) on the Project site.

An REC means the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. The term is not intended to include *de minimis* conditions that generally do not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be *de minimis* are not RECs. A CREC is defined as a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls. An HREC means an environmental condition that in the past would have been considered an REC, but which may or may not be considered an REC currently. If a past release of any hazardous substances or petroleum products has occurred in connection with the property, with such remediation accepted by the responsible regulatory agency (for example, as evidenced by the issuance of a case closed letter or equivalent), this condition shall be considered an HREC.

No evidence was identified indicating improper storage, disposal, or application of hazardous materials, and a review of available aerial photographs did not show improvements such as hangers, tanks, or large barns that would indicate significant storage, formulation, and handling of hazardous materials. Based on this information, there is no evidence of RECs, CRECs, or HRECs in connection with previous uses at the project site. One property with a HREC is identified within one-half-mile of the project site: Apple Valley Transmission [formerly] located at 19341 Bear Valley Road approximately 900 feet southwest of the Project site is reported to have contained a leaking underground storage tank for which potential contaminants of concern have been remedied pursuant to a closure letter or other formal closure decision document issued for the property.[56] This property is located down gradient of the Project site and was redeveloped as a business office/commercial center between 2006 and 2009. Therefore, this property is unlikely to have adversely affected the Project site.

A review of the Hazardous Waste and Substances Sites (Cortese) List revealed no affected properties on or within five miles of the project site.

As stated previously, California Health and Safety Code Section 25507 requires a business to establish and implement a Hazardous Materials Business Emergency Plan for emergency response to a release or threatened release of a hazardous material in accordance with the standards prescribed in the regulations adopted pursuant to Section 25503 if the business handles a hazardous material or a mixture containing a hazardous material that has a quantity at any one time above the thresholds described in Section 25507(a) (1) through (8). This requirement is also codified as Program 1.D.1 of the *Hazardous and Toxic Materials Element* of the Apple Valley General Plan.[57]

[56] State Water Resources Control Board. *GeoTracker Database.* https://geotracker.waterboards.ca.gov/profile_report?global_id=T0607100840. (Accessed August 10, 2021).

[57] Town of Apple Valley. *2009 General Plan. Hazardous and Toxic Materials Element.* Page IV-73. Adopted August 11, 2009.

None of the properties identified in the GeoTracker database, EnviroStor database, or the Cortese List occurs on the Project site or has any activities or materials that would represent a significant risk to public health or safety (e.g., on-site storage, leaking tanks, approaching groundwater contamination plume) on the Project site. The Project site does not currently contain any RECs, CRECs, or HRECs. Compliance with applicable local, State, and federal laws would ensure impacts from reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment remain **less than significant.** Mitigation is not required.

Threshold C: Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less than Significant Impact

Discussion of Effects: There are no existing or planned schools within a 0.25-mile radius of the Project site.[58] Since no schools are located or proposed within 0.25 mile of the Project site, and any transport of hazardous materials associated with construction of the proposed Project would be in accordance with applicable regulatory policy, impacts related to an accidental release of hazardous materials or emissions of hazardous substances within one-quarter mile of an existing or proposed school would be **less than significant.** Mitigation is not required.

Threshold D: Would the Project be located on a site which is included on a list of hazardous material 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?

No Impact

Discussion of Effects: Hazardous materials sites compiled pursuant to Government Code Section 65962.5 are listed on the "Cortese List" (named after the Legislator who authored the legislation that enacted it), which is maintained by the California DTSC.[59] The Project site is not on any list of hazardous material sites compiled pursuant to Government Code Section 65962.5. Therefore, **no impact** would occur. Mitigation is not required.

Threshold 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?

No Impact

Discussion of Effects: The Project site is located approximately 7 miles southwest of the Apple Valley Airport and 7.5 miles northeast of the Hesperia Airport. The Project site is not within an Airport Safety Review Area of any airport or private airstrip.[60] **No impact** related to airport hazards for people residing or working on the Project site would occur. Mitigation is not required.

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58 Apple Valley Unified School District. *School Directory.* https://www.avusd.org/schools (Accessed August 10, 2021).

59 California Department of Toxic Substances Control. *Hazardous Waste and Substances Site List (Cortese).* https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,OPEN,FUDS,CLOSE&status=ACT,BKLG,COM,COLUR&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+(CORTESE). (Accessed August 10, 2021).

60 San Bernardino County. *Countywide Plan Policy Plan*. Policy Map HZ-9 Airport Safety & Planning. July 6, 2020.

Threshold F: Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact

Discussion of Effects:

Construction. Construction activities that may temporarily restrict vehicular traffic would be required to implement appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures. Typical Apple Valley requirements include prior notification of any lane or road closures with sufficient signage before and during any closures, flag crews with radio communication when necessary to coordinate traffic flow, etc. The Project developer would be required to comply with these requirements, which would maintain emergency access and allow for evacuation if needed during construction activities. Compliance with these requirements would ensure that short-term impacts related to this issue are **less than significant.** Mitigation is not required.

Operation. In accordance with the California Fire Code, the Project Applicant is required to design, construct, and maintain structures, roadways, and facilities to maintain appropriate emergency/ evacuation access to and from the Project site. Proposed vehicle and pedestrian access to the Project site would be provided by three ingress/egress driveways along Westmont Drive, which is a shared access driveway off Bear Valley Road into the adjacent commercial uses and proceeds north along the Project site's western frontage. Four additional shared driveways would connect the project site to the existing drive aisles and parking lots serving the two restaurants adjacent to the south of the site (Figure 4). The Project includes frontage improvements along the western and southern site boundaries that would include sidewalks, street trees, and lighting.

Loading docks for the proposed grocery store would be located on the north side of the building, and trash enclosures are proposed in this northern portion of the site. Accordingly, the northernmost project driveway off Westmont Drive is a minimum 30 feet wide and would be reserved for freight delivery trucks, trash trucks, and emergency response vehicles. Passenger vehicles would enter and exit at the southern driveway along Westmont Drive and via the four shared driveways along the southern site frontage. Onsite drive aisles connecting all perimeter driveways would facilitate internal access to parking areas and the proposed buildings and ensure adequate access throughout the site for first responders to an emergency.

Entrances and exits to and from parking and loading facilities would be marked with appropriate directional signage, and all site access points and driveway aprons are designed and would be constructed to adequate widths for public safety pursuant to Apple Valley's Development Code Chapter 9.72 (Off-Street Parking and Loading Regulations).

These improvements would be subject to compliance with the Apple Valley Development Code and would be reviewed by the Apple Valley Fire Protection District and San Bernardino County Sheriff's Department through the Apple Valley general development review process. Proper site design and compliance with standard and emergency access requirements would allow for evacuation if necessary during ongoing commercial operations. This would ensure that long-term impacts related to this issue are **less than significant.** Mitigation is not required.

Threshold G: Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

Less than Significant Impact

Discussion of Effects: According to the California Department of Forestry and Fire Protection (CALFIRE), the Project site is not located within a wildfire State Responsibility Area, nor is the site classified as a Very High Fire Hazard Severity Zone (VHFHSZ).[176] The nearest VHFHSZ is located approximately 10 miles south of the site. The Project is required to comply with 2019 California Building Code requirements for ignition-resistant construction. In consideration of the Project site's location in an area of Apple Valley away from wildland areas susceptible to fires and compliance with wildland fire safety policies, it is not expected that the Project would expose people or structures to significant loss or injury from wildland fires. Impacts are **less than significant,** and mitigation is not required.

3.10 HYDROLOGY AND 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 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 storm water drainage systems or provide substantial additional sources of polluted runoff; or iv. Impede or redirect flood flows?	☐	☐	☒	☐

Issues:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	☐	☐	☒	☐

Threshold A: Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact

Discussion of Effects:

The proposed project will be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit (Order Number 2013-0001-DWQ) for the discharge of storm water. This permit ensures that Best Management Practices (BMPs) such as vegetated swales, buffers, and/or infiltration areas are incorporated into new development projects to maintain water quality. The project site is located within the jurisdiction of the Lahontan RWQCB, which is part of the Upper Mojave Hydrologic Area. The Lahontan RWQCB designates beneficial uses for waters in the Mojave Watershed, which are identified in the Water Quality Control Plan for the Lahontan Region (Basin Plan).[61]

Short-Term Construction Impacts. It is possible that runoff during grading and construction activities could result in the release of sediment and other urban pollutants into local drainage facilities. Coverage under an NPDES permit includes the submittal of a Notice of Intent (NOI) application to the SWRCB, the receipt of a Waste Discharge Identification Number, and the preparation of a Storm Water Pollution Prevention Plan (SWPPP) for construction discharges. To protect water quality over the short term (i.e., during construction), the project-specific SWPPP will describe the construction contractor's activities to comply with the requirements in the NPDES permit. The SWPPP is intended to facilitate a process whereby the operator evaluates potential pollutant sources at the site and implements BMPs designed to prevent or control the discharge of pollutants in storm water runoff.

Required elements of an SWPPP include (1) site description addressing the elements and characteristics specific to the project site; (2) descriptions of BMPs for erosion and sediment controls; (3) BMPs for construction waste handling and disposal; (4) implementation of approved local plans; and (5) proposed post-construction controls, including a description of local post-construction erosion and sediment control requirements. An NPDES permit would generally specify an acceptable level of a pollutant or pollutant parameter in a discharge (for example, a certain level of bacteria). The permittee may choose which technologies to use to achieve that level. Some permits, however, do contain certain generic BMPs. Table 3.10.A lists BMPs for runoff control, sediment control, erosion control, and housekeeping that may be used during the construction phase of the proposed Project. The construction contractor would be required to operate and maintain such BMP controls

[61] State of California Regional Water Quality Control Board. *Water Quality Control Plan for the Lahontan Region*. Chapter 2: Present and Potential Beneficial Uses. Pages 2-1 to 2-53. As amended through January 14, 2016.

throughout the duration of construction activities to reduce the construction impacts on water quality.

Table 3.10.A: General Best Management Practices

Runoff Control	Sediment Control	Erosion Control	Good Housekeeping
Minimize clearing Preserve natural vegetation Stabilize drainage ways	Install perimeter controls Install sediment trapping devices Inlet protection	Stabilize exposed soils Protect steep slopes Complete construction in phases	Create waste collection area Put lids on containers Clean up spills immediately

Source: United States Environmental Protection Agency. *Measureable Goals Guidance for Phase II Small MS4s*. https://www.epa.gov/sites/production/files/2015-11/documents/measurablegoals_0.pdf. Accessed August 10, 2021.

The implementation of the NPDES permit ensures that the State's mandatory standards for the maintenance of clean water and the federal minimums are met. Through implementation of the BMPs detailed in an SWPPP and periodic inspections by Lahontan RWQCB staff, impacts to water quality during construction would be **less than significant**.

Long-Term Operational Impacts. The majority of the Project site consists of pervious surface area. Currently, storm water generally sheet flows in a northwesterly direction and drains offsite onto the adjacent vacant property or onto Westmont Drive where it is conveyed through a series of underground storm drain pipes and enters the municipal storm drain system along Apple Valley Road. The proposed Project is expected to maintain the existing drainage pattern. Upon development of the site, all on-site storm water would be captured on site in accordance with the San Bernardino, NPDES Permit Order Number 2013-0001-DWQ for the discharge of storm water to ensure BMPs such as vegetated swales, buffers, and/or infiltration areas are incorporated into the Project to maintain water quality.

The runoff from the site would drain to multiple onsite catch basins and be pretreated with inlet filters and grate before draining to an underground stormwater management chamber proposed in the southwest portion of the site. Discharged storm water would be conveyed offsite onto Westmont Drive at volumes that do not exceed the existing, pre-developed condition and continue through a series of underground storm drain pipes into the municipal storm drain system along Apple Valley Road.

The Mojave River is designated the regional receiving water body for the proposed Project. The Mojave River is located approximately 0.7 mile west of the Project site and 50 feet down gradient. The EPA-approved 303(D) List of Water Quality Limited Segments identifies fluoride, sulfates, and total dissolved solids as 303(D) listed impairments for the Mojave River (Upper Narrows to Lower Narrows).[62]

Pursuant to the 2013 Phase 2 Small Municipal Separate Storm Sewer System Permit (Phase 2 MS4 Permit), adopted by the State Water Resources Control Board (SWRCB) and issued Statewide, the Project Applicant is required to prepare a Water Quality Management Plan (WQMP) that addresses

[62] State of California Regional Water Quality Control Board. *Water Quality Control Plan for the Lahontan Region*. Chapter 3: Water Quality Objectives. Table 3-21. As amended through January 14, 2016.

impacts to water quality and quantity in the post-development phase (i.e., project operational phase). Prior to the issuance of a grading permit, the project proponent will be required to prepare a project-specific WQMP that shall incorporate, but not be limited to, site design BMPs, applicable source control BMPs, treatment control BMPs, long-term operation and maintenance requirements, inspection and maintenance checklist, and record a restrictive covenant to ensure operation, maintenance, funding, and transfer of requirements. These are standard regulatory requirements that apply to all development projects and will be included in the conditions of approval for this project.

Standard Conditions: No mitigation is required; however, compliance with the provisions of the NPDES permit and preparation of a project-specific WQMP are regulatory requirements that apply to all development projects. These requirements are detailed below as **Standard Conditions HYD-1** through **HYD-3** to be included in the conditions of approval for this Project.

Standard Condition HYD-1: Prior to the issuance of a grading permit, the Project Applicant shall file and obtain a Notice of Intent (NOI) with the Regional Water Quality Control Board in order to be in compliance with the State National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit for discharge of surface runoff associated with construction activities. Evidence that this has been obtained (i.e., a copy of the Waste Discharger's Identification Number) shall be submitted to Apple Valley for coverage under the NPDES General Construction Permit. The NOI shall address the potential for an extended and discontinuous construction period based on funding availability. This measure shall be implemented to the satisfaction of the Apple Valley Public Works Department and/or Community Development Department, as appropriate.

Standard Condition HYD-2: Prior to the issuance of a grading permit, the Project Applicant shall submit to and receive approval from the Town of Apple Valley a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include a surface water control plan and erosion control plan citing specific measures to control on-site and off-site erosion during the entire grading and construction period. In addition, the SWPPP shall emphasize structural and nonstructural Best Management Practices (BMPs) to control sediment and non-visible discharges from the site. The SWPPP shall include inspection forms for routine monitoring of the site during the construction phases to ensure National Pollutant Discharge Elimination System (NPDES) compliance and that additional BMPs and erosion control measures will be documented in the SWPPP and utilized if necessary. The SWPPP shall address the potential for an extended and discontinuous construction period based on funding availability. The SWPPP shall be kept on site for the entire duration of Project construction and shall be available to the local RWQCB for inspection at any time. BMPs to be implemented may include the following:

- Sediment discharges from the site may be controlled by the following: sandbags, silt fences, straw wattles and temporary basins (if deemed necessary), and other discharge control devices. The construction and condition of the BMPs shall be periodically inspected during construction, and repairs shall be made when necessary as required by the SWPPP.
- Materials that have the potential to contribute to non-visible pollutants to storm water must not be placed in drainage ways and must be contained, elevated, and placed in temporary storage containment areas.
- All loose piles of soil, silt, clay, sand, debris, and other earthen material shall be protected in a reasonable manner to eliminate any discharge from the site. Stockpiles shall be surrounded by silt fences and covered with plastic tarps.
- In addition, the construction contractor shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. Weekly inspections shall be performed on sandbag barriers and other sediment control measures called for in the SWPPP. Monthly reports and inspection logs shall be maintained by the contractor and reviewed by the Town of Apple Valley and the representatives of the State Water Resources Control Board. In the event that it is not feasible to implement specific BMPs, the Town of Apple Valley can make a determination that other BMPs will provide equivalent or superior treatment either on or off site.

This measure shall be implemented to the satisfaction of the Apple Valley Public Works Department and/or Community Development Department, as appropriate.

Standard Condition HYD-3: Prior to issuance of a grading permit, the Project Applicant shall submit a Final Water Quality Management Plan (Final WQMP) to the Town of Apple Valley for review and approval. The Final WQMP shall specify low impact development best management practices to address the Hydromodification Standard and Hydrologic Conditions of Concern for the project site in accordance with the *Mojave River Watershed Technical Guidance Document for Water Quality Management Plans* prepared by the County of San Bernardino, National Pollutant Discharge Elimination System Permit Order Number 2013-0001-DWQ. Specifically, the Final WQMP shall demonstrate that proposed low impact development best management practices shall ensure post-project runoff shall not exceed estimated pre-project flow rate for the 10-year, 24-hour storm (Hydromodification Standard). Furthermore, low impact

development best management practices shall ensure post-development runoff volume, time of concentration, and peak flow velocity for the 2-year frequency storm shall not exceed that of the pre-development condition by more than five percent (Hydrologic Conditions of Concern). The proposed low impact development best management practices specified in the Final WQMP shall be incorporated into the grading and development plans submitted to the Town for review and approval, and periodic maintenance of any such facilities during project occupancy and operation shall be in accordance with the schedule outlined in the Final WQMP. This measure shall be implemented to the satisfaction of the Apple Valley Public Works Department and/or Community Development Department, as appropriate.

The Final WQMP would be reviewed and approved as a routine action during the processing of the project by the Town of Apple Valley; therefore, the required measures and features detailed in the Final WQMP to safeguard water quality would be incorporated into the proposed Project. Adherence to **Standard Conditions HYD-1** through **HYD-3** and the requirements included in the NPDES permit, SWPPP, and Final WQMP would ensure potential water quality impacts remain **less than significant.** Mitigation is not required.

The Project is located within the Mojave River Groundwater Basin, which is the primary source of domestic groundwater in Apple Valley through several subsurface aquifers, or subareas; the Alto Subarea has the largest water supply in the Mojave River Groundwater Basin.[63] The Mojave River Groundwater Basin, including the Alto Subarea, is in a state of overdraft[64] and therefore subject to adjudication via the Mojave Basin Area and the Warren Valley Adjudications (the Adjudication).[65] The Adjudication limits the amount of groundwater that may be withdrawn without replenishment via imported groundwater.[66] Although current reliance on groundwater recharge is primarily from precipitation and runoff from the San Bernardino and San Gabriel Mountains to the south, the Mojave Water Agency (MWA) has established a groundwater replenishment program to reduce annual and cumulative groundwater overdraft through artificial recharge into the Mojave River Groundwater Basin, including the Alto Subarea.[67]

According to the Apple Valley Ranchos Water Company (AVRWC), which provides domestic water services to most of the Town of Apple Valley, water quality within the Town is very high, and in many instances exceeds U.S. EPA and California Department of Health Services standards.[68] Nevertheless,

63 Town of Apple Valley. *Environmental Impact Report (SCH# 2008091077) for the Apple Valley General Plan and Annexations 2008-001 & 2008-002*. Page II-8. Certified August 11, 2009.
64 Overdraft is a condition in which the demand for groundwater exceeds the amount of recharge into the groundwater basin over a period of time.
65 Town of Apple Valley. *Environmental Impact Report (SCH# 2008091077) for the Apple Valley General Plan and Annexations 2008-001 & 2008-002*. Page III-149. Certified August 11, 2009.
66 *Ibid.*
67 *Ibid.* Page III-153.
68 *Ibid.* Page III-157.

total dissolved solids (TDS) and nitrates affect groundwater in the Alto Subarea of the Mojave River Groundwater Basin.[69]

The State Maximum Contaminant Level (MCL) of TDS is 1,000 milligrams per liter (mg/L), and concentrations of TDL measured in water wells in Apple Valley range from 120 to 960 mg/L, with an average of 248 mg/L.[70] The primary source of TDS in Apple Valley groundwater is from runoff and leaching of natural deposits. The State MCL and Public Health Goal (PHG) or Maximum Contaminant Level Goal (MCLG) of nitrates is 45 parte per million (ppm), and concentrations of nitrates measured in water wells in Apple Valley range from 2.5 and 17 ppm of nitrates as NO_3, with an average of 6.4 ppm.[71] The primary source of nitrates in Apple Valley groundwater is from long-term discharge from on-lot septic systems.

Historic groundwater in the Project vicinity is estimated to be greater than 50 feet below the ground surface.[72] Maximum depths during site development are expected to occur during construction of the subterranean infiltration chamber system, but which would not extend below existing site grades to depths that would reach the water table or impair or alter the direction or rate of flow of groundwater or introduce TDS, nitrates, or other contaminants into the groundwater table. Additionally, the Project would connect to Apple Valley's municipal sewer system. No septic systems are proposed, and no groundwater extraction would occur as part of the Project.

Project implementation of the NPDES permit ensures that the State's mandatory standards for the maintenance of clean water and the federal minimums are met. The Lahontan RWQCB regulates waste discharges to minimize and control their effects on the quality of the region's groundwater and surface waters. The Project-specific SWPPP and Final WQMP would be reviewed and approved as routine actions during the processing of the Project by Apple Valley; therefore, the required measures and features detailed in the SWPPP and WQMP to safeguard surface and groundwater quality would be incorporated into the proposed Project. Water and groundwater quality and waste discharge impacts would remain **less than significant** through implementation of **Standard Conditions HYD-1** through **HYD-3**. Mitigation is not required.

Threshold B: Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?

Less than Significant Impact

Discussion of Effects: As discussed in Section 3.10 (Threshold A), above, the Project is located within the Mojave River Groundwater Basin, which is the primary source of domestic groundwater in Apple Valley through several subsurface aquifers, or subareas; the Alto Subarea has the largest water supply in the Mojave River Groundwater Basin.[73] The Mojave River Groundwater Basin, including the Alto

69 *Ibid.* Page III-158.
70 *Ibid.* Page III-157.
71 *Ibid.* Page III-158.
72 Salem Engineering Group, Inc. *Geotechnical Engineering Investigation, Proposed Commercial Development, Bear Valley Road near Apple Valley Road, Apple Valley, California.* Page 5. June 2021. (Appendix E).
73 Town of Apple Valley. *Environmental Impact Report (SCH# 2008091077) for the Apple Valley General Plan and Annexations 2008-001 & 2008-002*. Page II-8. Certified August 11, 2009.

Subarea, is in a state of overdraft[74] and therefore subject to adjudication via the Mojave Basin Area and the Warren Valley Adjudications (the Adjudication).[75] The Adjudication limits the amount of groundwater that may be withdrawn without replenishment via imported groundwater.[76] Although current reliance on groundwater recharge is primarily from precipitation and runoff from the San Bernardino and San Gabriel Mountains to the south, the MWA has established a groundwater replenishment program to reduce annual and cumulative groundwater overdraft through artificial recharge into the Mojave River Groundwater Basin, including the Alto Subarea.[77]

Water levels in the western portion of Alto Subarea in the Regional Aquifer exhibit declines consistent with heavy pumping and limited local recharge. Continued pumping in depleted areas of the Regional Aquifer may result in long-term local negative impacts such as declining yields and water quality problems. As a whole, the Alto Subarea appears to be in regional balance, although portions of the subarea have shown continued historical declines. However, the Alto Subarea sub-basin of the Mojave River Groundwater Basin is adjudicated, so users are assigned a variable Free Production Allowance (FPA). If any producer pumps more than the assigned FPA, then it incurs Replacement Water Obligations to the Watermaster equal to the cost to purchase the amount of production in excess of the FPA. MWA then purchases and recharges to the groundwater imported water from the State Water Project to satisfy those obligations.

The Project site is not located within a designated groundwater recharge area, nor does it propose direct additions to or withdrawals of groundwater. Furthermore, the proposed construction does not reach depths that would impair or alter the direction or rate of flow of groundwater. Through implementation of **Standard Condition HYD-3**, a Final WQMP shall be developed to specify BMPs designed and implemented to retain the Project site's minimum design capture volume and hydromodification volume. Storm water shall be captured on site and allowed to infiltrate into the ground such that post-development storm water runoff volume or time of concentration will not exceed pre-development storm water runoff. Additional project design features designed to maximize groundwater infiltration, such as roof downspouts draining into pervious, landscaped areas and maintenance of existing surface flows across the project site into infiltration basin(s), would further facilitate groundwater recharge. Periodic maintenance of any required infiltration basin and landscaped areas during project occupancy and operation shall be in accordance with the schedule outlined in the WQMP. Through implementation of **Standard Condition HYD-3**, the amount of water infiltrated on site post-development would not exceed existing conditions, and the project's potential impacts to groundwater availability, quality, or recharge capabilities would be **less than significant**. Mitigation is not required.

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74 Overdraft is a condition in which the demand for groundwater exceeds the amount of recharge into the groundwater basin over a period of time.

75 Town of Apple Valley. *Environmental Impact Report (SCH# 2008091077) for the Apple Valley General Plan and Annexations 2008-001 & 2008-002*. Page III-149. Certified August 11, 2009.

76 *Ibid.*

77 *Ibid.* Page III-153.

Threshold C: Would the Project 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 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 off site;***
- ***iii. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or***
- ***iv. Impede or redirect flood flows?***

Less than Significant with Mitigation Incorporated

Discussion of Effects: The majority of the Project site consists of pervious surface area. Currently, storm water generally sheet flows in a northwesterly direction and drains offsite onto the adjacent vacant property or onto Westmont Drive where it is conveyed through a series of underground storm drain pipes and enters the municipal storm drain system along Apple Valley Road. The proposed Project is expected to maintain the existing drainage pattern. Upon development of the site, all on-site storm water would be captured on site in accordance with County of San Bernardino, NPDES Permit Order Number 2013-0001-DWQ for the discharge of storm water to ensure BMPs such as vegetated swales, buffers, and/or infiltration areas are incorporated into the Project to maintain water quality.

i. The majority of the Project site consists of pervious surface area. Construction activities for the proposed Project would remove the on-site vegetation and would expose surface soils to the potential for wind and water erosion. Pursuant to **Standard Condition HYD-2**, the Project Applicant would submit to Apple Valley a SWPPP that shall include a surface water control plan and erosion control plan citing specific measures to control on-site and off-site erosion during the entire grading and construction period. In addition, the SWPPP shall emphasize structural and nonstructural BMPs to control sediment and non-visible discharges from the site. The SWPPP would include inspection forms for routine monitoring of the site during construction phases to ensure NPDES compliance and that additional BMPs and erosion control measures would be documented in the SWPPP and utilized if necessary. Upon completion of construction and during operation, the Project site would be paved and vegetated, which would prevent erosion and siltation of sediments. Through implementation of **Standard Condition HYD-2,** impacts from substantial erosion or siltation on or off site would remain **less than significant.** Mitigation is not required.

ii. On-site conversion of permeable surfaces to impermeable surfaces could increase storm water runoff rates and/or volume. NPDES regulations require development projects to retain storm water runoff on site at levels that generally do not exceed the existing condition. Pursuant to **Standard Condition HYD-3,** the Project Applicant shall prepare a Final WQMP that details incorporation of self-treating or self-retaining areas such as landscaped areas of permeable surfaces to the greatest extent practicable and streets/sidewalks/parking lots designed to minimum permitted widths to increase permeable areas. The Final WQMP shall verify the site's

minimum design capture volume of runoff and specify appropriate low impact development BMPs to ensure post-development storm water runoff volume or time of concentration does not exceed pre-development storm water runoff by more than five percent of the 2-year peak flow in accordance with the NPDES MS4 Permit. Periodic maintenance of any required BMPs during Project occupancy and operation would be in accordance with the schedule outlined in the Final WQMP.

The Project-specific SWPPP and WQMP would be reviewed and approved as routine actions during the processing of the Project by Apple Valley; therefore, the required measures and features detailed in the SWPPP and WQMP to maintain drainage patterns and control the rate and volume of runoff would be incorporated into the proposed Project. Risks from flooding due to increases in storm water runoff would remain **less than significant** through implementation of **Standard Conditions HYD-2** and **HYD-3**.

iii. The Clean Water Act (CWA) delegates authority to the states to issue NPDES permits for discharges of storm water from construction, industrial, and municipal entities to Waters of the United States. The purpose of the MS4 permit is to meet the SWRCB's requirements to mitigate for the negative impact of increases in storm water runoff caused by new development and redevelopment. The Project storm water discharge rates cannot exceed the pre-development runoff condition for 2-year 24-hour storm total or the 85th percentile 24-hour storm runoff event by more than five percent to be in compliance with the MS4 post-construction and site design requirements.

The Project is over one acre in size and is required to have coverage under the State's General Permit for Construction Activities SWPPP. Pursuant to **Standard Condition HYD-2,** a SWPPP would be prepared and detail BMPs to be implemented during construction to reduce/eliminate adverse water quality impacts resulting from development. All impacts related to runoff during demolition, site preparation, and construction would be addressed through implementation of the SWPPP.

Pursuant to **Standard Condition HYD-3,** the Applicant shall prepare a WQMP to address Section 303(d) listed pollutants and retain the project site's minimum design capture volume. Through implementation of **Standard Condition HYD-3,** BMPs shall be designed and implemented to ensure post-development storm water runoff volume or time of concentration does not exceed pre-development storm water runoff by more than five percent of the 2-year peak flow in accordance with the NPDES MS4 Permit. Additional Project design features, such as roof downspouts draining into pervious, landscaped areas, and maintenance of existing surface flows across the Project site into a subterranean chamber system, would further maintain the site's existing drainage pattern and prevent additional sources of polluted runoff. Periodic maintenance of the chamber system and landscaped areas during Project occupancy and operation shall be in accordance with the schedule outlined in the Final WQMP.

The runoff from the site would drain to multiple onsite catch basins and be pretreated with inlet filters and grate before draining to an underground stormwater management chamber proposed in the southwest portion of the site in accordance with **Standard Condition HYD-3**. Discharged storm water would be conveyed offsite onto Westmont Drive at volumes that do not exceed the

existing, pre-developed condition and continue through a series of underground storm drain pipes into the municipal storm drain system along Apple Valley Road. The Apple Valley Public Works Department would review these proposed storm drain improvements as part of the routine plan check process required by the Town to ensure adequate capacity.

Any sources of storm water pollution would be addressed through adherence to NPDES permit requirements. Implementation of **Standard Conditions HYD-2** and **HYD-3** would ensure polluted runoff during site preparation and construction would be addressed by the SWPPP, and post-development storm water runoff volume or time of concentration would not exceed pre-development conditions by more than five percent of the 2-year peak flow. Therefore, impacts related to the creation or contribution of runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff would remain **less than significant.** Mitigation is not required.

iv. According to the Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) No. 06071C8654H the Project site is located in Zone X, which is defined as an area determined to be outside the 0.2 percent annual chance floodplain.[78] Currently, storm water generally sheet flows in a northwesterly direction and drains offsite onto the adjacent vacant property or onto Westmont Drive where it is conveyed through a series of underground storm drain pipes and enters the municipal storm drain system along Apple Valley Road. The proposed Project is expected to maintain the existing drainage pattern. Upon development of the site, all on-site storm water would be captured on site in accordance with San Bernardino, NPDES Permit Order Number 2013-0001-DWQ for the discharge of storm water to ensure BMPs such as vegetated swales, buffers, and/or infiltration areas are incorporated into the Project to maintain water quality. The site's design capture volume would be achieved so that storm water runoff volume and time of concentration would not exceed pre-development conditions by more than five percent of the 2-year peak flow as it discharges through a series of underground storm drain pipes into the municipal storm drain system along Apple Valley Road. Therefore, the Project would be designed and constructed in accordance with the NPDES MS4 Permit, and impacts would be **less than significant**. Mitigation is not required.

Threshold D: In flood hazard, tsunami, or seiche zones, would the Project risk release of pollutants due to project inundation?

Less than Significant Impact

Discussion of Effects: The Project site is not located in flood hazard or inundation zones,[79] and the site is not located near bodies of water or enclosed water storage features that could result in tsunamis or seiches. The nearest dam to the project site is the Mojave Forks Dam located approximately 8.7 miles south of the project site at an elevation of approximately 2,975 feet amsl. The next nearest dam to the project site is the Lake Silverwood Dam, located approximately 12.2 miles southwest of the project site at an elevation of approximately 3,150 feet above mean sea level (amsl). The project site is located at an elevation of approximately 2,875 feet amsl. Both the Lake Silverwood Dam and the

[78] Federal Emergency Management Agency. *Flood Insurance Rate Map No. 06071C6505J*. https://msc.fema.gov/portal/search?AddressQuery=highland%2C%20california?AddressQuery=highland%2C%20california#searchresultsanchor. (Exported August 13, 2021).

[79] *Ibid.*

Mojave Forks Dam have been engineered and constructed to withstand the projected maximum accelerations that could be produced at the site by seismic events on known faults. As such, a seismically-induced failure of the dams is unlikely. In the remote event of dam failure, it is expected flood waters to follow the general course of the Mojave River, which is approximately 0.7 mile west of the project site and 60 feet below the surface grade of the site. Therefore, the Project site is not within the dam inundation area of either the Lake Silverwood Dam or the Mojave Forks Dam. Finally, the Project site is over 71 miles inland from the Pacific Ocean. Therefore, impacts from risk of release of pollutants due to project inundation from flood hazards, tsunamis, or seiches would be **less than significant.** Mitigation is not required.

Threshold E: Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant with Mitigation Incorporated

Discussion of Effects: Please refer to the discussion presented in Sections 3.10 (Threshold A) and 3.10 (Threshold B). **Standard Conditions HYD-1** through **HYD-3** would ensure the Project would not substantially degrade surface or groundwater quality, inhibit groundwater recharge potential, or substantially deplete groundwater supplies, and the Project would not conflict with any applicable water quality control plan or sustainable groundwater management plan. Impacts would remain **less than significant.** Mitigation is not required.

3.11 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 purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

Threshold A: Would the Project physically divide an established community?

No Impact

Discussion of Effects: The project site is bounded by commercial uses (restaurants) and Bear Valley Road to the south, commercial uses (retail) and Apple Valley Road to the west, and vacant, undeveloped properties to the north and east. Properties across Bear Valley Road to the south are mostly vacant with one single-family residence in the vicinity, while properties across Apple Valley Road to the west are fully developed with commercial, retail, and residential uses.

The project would not divide an already established community. Instead, it would serve as an extension of the adjacent commercial retail uses through development of new commercial uses as in

accordance with the anticipated land use per the General Plan and zoning of the subject property. Because the project site is situated at the northeast corner of Bear Valley Road and Apple Valley Road, which is an existing commercial retail area, these roadways and adjacent commercial uses to the west and south already create physical barriers between the project site and the existing residential uses in the vicinity. Therefore, the project would not physically divide an established community. **No impact** would occur, and no mitigation is required.

Threshold B: Would the Project 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?

No Impact

Discussion of Effects: The project site is located on land zoned Regional Commercial (C-R) with a Regional Commercial (C-R) land use designation in the Town's General Plan. According to Apple Valley's Community Development element of the General Plan, the Regional Commercial land use category "allows retail uses that serve not only the residents and businesses of Apple Valley, but also of the surrounding region. Permitted uses in this designation include auto malls, regional malls, business parks, factory stores and outlets, entertainment commercial, hotels and motels, restaurants, institutional and public uses."[80] The proposed project involves the construction of a 49,995-square feet of commercial retail building which would constitute a continuation of commercial uses of the Apple Valley Town Centre property to the west and restaurant properties to the south. The proposed project is consistent with the types of land uses anticipated in the Town's General Plan and Zoning and Development Code. As detailed throughout this Initial Study, the project is consistent with the 2016 AQMP, and impacts to the environment resulting from the proposed project are subject to local, State, and/or federal regulations that would render the project consistent with the Lahontan RWQCB Basin Plan. Therefore, the project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **No impact** would occur, and no mitigation is required.

3.12 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 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 plans?	☐	☐	☒	☐

[80] Town of Apple Valley. *2009 General Plan. Community Development Element.* Page II-5. Adopted August 11, 2009.

Threshold A: Would the Project 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?

And

Threshold B: Would the 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 plans?

Less than Significant Impact

Discussion of Effects: Mineral resources occur predominantly near the Mojave River as sand, gravel, and stone deposits. The project site is located within the MRZ-3a mineral resource zone. According to California Department of Mines and Geology, MRZ-3a is an "area containing known mineral occurrences of undetermined mineral resource significance."[81] The project site comprises 6.08 acres of land located approximately 230 feet north of Bear Valley Road and 900 feet east of Apple Valley Road with commercial/retail businesses adjacent to the south and to the west of the site, and undeveloped vacant land set adjacent to the north and to the east of the site.

The Project is located on land zoned Regional Commercial (C-R) with a Regional Commercial (C-R) land use designation in the Town's General Plan. Mineral resources mining is not a use compatible with the site's land use or zoning designations or with the surrounding land uses, and the Project site has minimal potential to be mined in the future because of its small size and location surrounded by urban development. Additionally, the Project site and vicinity are not considered a State-designated mineral resource extraction zone.

According to the Apple Valley General Plan, potentially significant mineral resources consist of "aggregate and limestone" for cement manufacturing. These deposits are used by a quarry located in the northwestern edge of the Town, adjacent to North Pointe and Bridle Path Specific Plans. However, these sites are located outside the planning area and the sphere of influence.[82] These deposits and the quarry are well outside of the project site and the vicinity.

Mineral resources extraction would conflict with the purpose and scope of the General Plan and Zoning District in this part of the City. Therefore, impacts from the loss of available mineral resources of value to the State or local jurisdictions would be **less than significant**. Mitigation is not required.

3.13 NOISE

Would the Project:

Issues:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in generation of a substantial temporary or permanent increase in	☐	☐	☒	☐

81 Town of Apple Valley. *Environmental Impact Report (SCH# 2008091077) for the Apple Valley General Plan and Annexations 2008-001 & 2008-002.* Page III-186 and Figure III-17. Certified August 11, 2009.

82 *Ibid.* Page II-22.

Issues:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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) Result in 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?	☐	☐	☒	☐

Threshold A: Would the Project result in 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?

Less than Significant Impact

Discussion of Effects: **Construction:** Noise increases from the proposed Project would be generated on a short-term basis during temporary construction activities. Noise impacts associated with construction activity are a function of the noise generated by the type of equipment used, the location and sensitivity of nearby land uses, and the timing and duration of the noise-generating activities. Section 9.73.060(F) establishes restrictions on noise-generating construction activities such that noise from construction is forbidden between 7 p.m. and 7 a.m., or at any time on weekends or holidays, if such noise creates a disturbance across a residential or commercial real property line, except for emergency work of public service utilities or by variance issued by the Town. Furthermore, construction noise from mobile equipment shall not exceed 85 a-weighted decibels (dBA) between 7 a.m. and 7 p.m. (except Sundays and legal holidays) or 70 dBA between 7 p.m. and 7 a.m. and all day Sunday and legal holidays where technically and economically feasible at an adjacent property line whereat the land use is semi-residential/commercial. Finally, construction noise from stationary equipment shall not exceed 70 dBA between 7 a.m. and 7 p.m. (except Sundays and legal holidays) or 60 dBA between 7 p.m. and 7 a.m. and all day Sunday and legal holidays where technically and economically feasible at an adjacent property line whereat the land use is semi-residential/commercial.

The proposed project is required to comply with the construction hours specified in Section 9.73.060(F) of the Apple Valley Development Code and maintain noise levels pursuant to the Code where technically and economically feasible. Accordingly, the project Applicant and Contractor shall implement the following regulatory conditions to ensure compliance with Section 9.73.060(F) of the Apple Valley Development Code.

Standard Conditions: No mitigation is required; however, compliance with the provisions of Section 9.73.060(F) of the Apple Valley Development Code are regulatory requirements that apply to all

development projects. These requirements are detailed below as **Standard Conditions NOS-1** through **NOS-4** to be included in the conditions of approval for this Project.

Standard Condition NOS-1 **Mufflers.** During all project site excavation and grading, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers consistent with manufacturers' specifications.

Standard Condition NOS-2 **Stationary Equipment.** To the extent feasible, the project contractor shall place all stationary construction equipment the maximum feasible distance and directed away from adjacent property lines to the south and west during all project construction.

Standard Condition NOS-3 **Electrically Powered Tools.** To the extent practicable, electrical power shall be used to run air compressors and similar power tools.

Standard Condition NOS-4 **City Enforcement.** The Building Official of the Town of Apple Valley shall enforce noise-attenuating construction requirements during all project construction:

> *Excavation, grading, and other construction activities related to the project shall comply with Apple Valley's daytime standards for construction activity (no construction between the hours of 7:00 p.m. and 7:00 a.m. Monday through Saturday, or at any time Sundays and legal holidays.*
>
> *The contractor shall inspect construction equipment to ensure that such equipment is in proper operating condition and fitted with standard factory silencing features, such as equipment mufflers, enclosures, and air intake and exhaust silencers.*

None of the land uses adjacent to the project site are considered "noise sensitive" where people reside or where the presence of unwanted sound could adversely affect the use of the land.[83] Although there would be a relatively high single-event noise exposure potential causing intermittent noise nuisance during equipment operation, the overall effect on ambient noise levels would be negligible because the daily construction-related vehicle operations are minor when compared to existing daily traffic volumes on Bear Valley Road, Apple Valley Road, and freight truck loading and unloading activities at the home improvement store adjacent to the west of the project site (across Westmont Drive). Compliance with Section 9.73.060(F) of the Apple Valley Development Code is codified through **Standard Conditions NOS-1** through **NOS-4** to ensure construction-related noise impacts remain **less than significant.** Mitigation is not required.

[83] Occupants of residences, hospitals, schools, guest lodging, libraries, churches, nursing homes, auditoriums, concert halls, amphitheaters, playgrounds and parks are considered noise-sensitive receptors. The nearest noise-sensitive receptor is a single-family residence located 400 feet south of the project site on the opposite side of the fast-food restaurants and Bear Valley Road.

Operation: Section 9.73.050 of Apple Valley's Development Code establishes daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) exterior noise standards of 65 and 60 dBA, respectively for general commercial land uses subject to noise generated by a neighboring property. The project site and surrounding properties in every direction are located within Apple Valley's Regional Commercial land use designation, whereat "permitted uses in this designation include auto malls, regional malls, business parks, factory stores and outlets, entertainment commercial, hotels and motels, restaurants, institutional and public uses."[84]

As stated previously, none of the land uses adjacent to the project site are considered "noise sensitive" where people reside or where the presence of unwanted sound could adversely affect the use of the land.[85] The properties adjacent to the north and east are vacant, unoccupied lands. The properties adjacent to the south are fast-food restaurants with drive-through speaker boxes, and the property adjacent to the west across Westmont Drive is a home-improvement store with the back of the store and its freight loading docks facing the project site. The proposed project consists of a grocery store and small retail shops that collectively is commensurate with the existing commercial uses adjacent to the site and therefore is not expected to generate noise in excess of the existing ambient noise levels in proximity. Operational noise-related impacts would be **less than significant**. Mitigation is not required.

Threshold B: Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact

Discussion of Effects:

Groundborne noise is typically assessed at locations where there is no airborne noise path, or for buildings with substantial sound insulation such as a recording studio. For typical buildings, the interior airborne noise levels are often higher than the groundborne noise levels. Therefore, the main focus of the discussion/analysis is groundborne vibration. A vibration level of 94 vibration velocity decibels (VdB) (0.2 peak particle velocity [PPV] inches per second [in/sec]) is the threshold used to evaluate construction vibration impacts to buildings because this vibration level has the potential to damage residential structures made of non-engineered timber.[86]

Section 9.73.060(G) of Apple Valley's Development Code prohibits operation of any device that creates a vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at one hundred fifty (150) feet (46 meters) from the source if on a public space or public right-of-way. This analysis uses a vibration perception threshold of 85 VdB for commercial uses, which are not as sensitive to vibration as would be residential uses to determine community annoyance.[87] According to the FTA, 85 VdB is tolerable

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84 Town of Apple Valley. *General Plan Land Use Map.* Page II-5. Adopted August 11, 2009.

85 Occupants of residences, hospitals, schools, guest lodging, libraries, churches, nursing homes, auditoriums, concert halls, amphitheaters, playgrounds and parks are considered noise-sensitive receptors. The nearest noise-sensitive receptor is a single-family residence located 400 feet south of the project site on the opposite side of the fast-food restaurants and Bear Valley Road.

86 Federal Transit Administration (FTA). *Transit Noise and Vibration Impact Assessment Manual. FTA Report No. 0123.* September 2018. https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf (accessed September 9, 2021).

87 *Ibid.* Table 5-5.

when the number of events per day are infrequent.[88] Heavy equipment activities along the project site perimeter are expected to be sporadic, as heavy equipment that generates vibration remains mobile. Additionally, roadways and parking lots immediately surround the project site, so it is not expected that individuals in proximity to construction activities at the project site would be exposed to frequent vibration levels at any level or intensity.

Construction Vibration. The greatest levels of vibration are anticipated to occur during the site preparation/grading phases, during which a large bulldozer and loaded trucks would generate groundborne vibration of up to 87 VdB (0.089 PPV [in/sec]) and 86 VdB (0.076 PPV [in/sec] when measured at 25 feet, respectively. All other construction phases are expected to result in lower vibration levels. Table 3.13.A summarizes the reference vibration levels at a distance of 25 feet for each type of standard construction equipment according to the Federal Transit Administration (FTA) *Transit Noise and Vibration Impact Assessment Manual.*[89]

Table 3.13.F: Vibration Source Amplitudes for Construction Equipment

Equipment	Reference PPV/L_V at 25 ft	
	PPV (in/sec)	L_V (VdB)[1]
Pile Driver (Impact), Typical	0.644	104
Pile Driver (Sonic), Typical	0.170	93
Vibratory Roller	0.210	94
Hoe Ram	0.089	87
Large Bulldozer	**0.089**	**87**
Caisson Drilling	0.089	87
Loaded Trucks[2]	**0.076**	**86**
Jackhammer	0.035	79
Small Bulldozer[2]	**0.003**	**58**

Source: Federal Transit Administration. *Transit Noise and Vibration Impact Assessment Manual. FTA Report No. 0123.* September 2018. https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf
Note: Equipment shown in **bold** is expected to be used on site.

1 RMS vibration velocity in decibels (VdB) is 1 µin/sec.
2 Rubber tire equipment.

µin/sec = micro-inches per second
ft = foot/feet
FTA = Federal Transit Administration
in/sec = inches per second
L_V = velocity in decibels
PPV = peak particle velocity
RMS = root-mean-square
VdB = vibration velocity decibels

The distance to the nearest buildings for vibration impact analysis is measured between the nearest off-site buildings and the Project construction limits because vibration impacts normally occur within buildings.[90] The closest structures are commercial buildings (restaurants and dining patios) approximately 70 feet to the south and the back of a commercial building (home improvement store/warehouse building) approximately 70 feet to the west of the expected project construction

88 *Ibid.*
89 Federal Transit Administration. *Transit Noise and Vibration Impact Assessment Manual.* Table 7-4. September 2018. https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf
90 Buildings sensitive to vibration impacts include not only occupied residential structures but any structure such as garages and storage sheds.

boundary. Table 3.13.B lists the projected vibration levels at the nearest structures from the heaviest construction equipment expected to be used on the Project site.

The formulas for vibration transmission are provided below.

- L_vdB (D) = L_vdB (25 ft) – 30 Log (D/25)
- $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$

Accordingly, the buildings closest to the project construction boundary to the south and west would experience vibration levels of up to 74 VdB (0.019 PPV in/sec). These vibration levels would not result in community annoyance because they would exceed FTA's vibration perception threshold of 85 VdB at one hundred fifty (150) feet (46 meters) from the source on a public space or public right-of-way. Furthermore, construction vibration levels would not have the potential to result in building damage because they would not exceed the FTA damage threshold of 94 VdB (0.2 PPV [in/sec]) for buildings made of non-engineered timber. Therefore, vibration generated from project-related construction activities would be **less than significant.** Mitigation is not required.

Long-Term Operational Vibration. Operation of the proposed project would not generate substantial vibration. In addition, vibration generated from project-related traffic on the adjacent roadways (Westmont Drive and paved drive aisles adjacent to the south of the site) is not expected to be substantial for on-road vehicles because rubber tires and suspension systems of on-road vehicles provide vibration isolation. Therefore, vibration generated from project-related operations and traffic on the adjacent roadways would be **less than significant.** Mitigation is not required.

Threshold 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

Less than Significant Impact

Discussion of Effects: The Project site is located approximately 7 miles southwest of the Apple Valley Airport and 7.5 miles northeast of the Hesperia Airport. The Project site is not within an Airport Safety Review Area or noise contour of any airport or private airstrip.[91] Therefore, the Project would not expose people working in the project area to excessive airport-related noise levels. **No impact** would occur, and no mitigation is required.

3.14 POPULATION AND 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 (e.g., new	☐	☐	☒	☐

[91] San Bernardino County. *Countywide Plan Policy Plan*. Policy Map HZ-9 Airport Safety & Planning. July 6, 2020.

Issues:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
homes and businesses) or indirectly (e.g., extension of roads and infrastructure)?				
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Threshold A: Would the Project induce substantial unplanned population growth in an area, either directly (e.g., new homes and businesses) or indirectly (e.g., extension of roads and infrastructure)?

Less than Significant Impact

Discussion of Effects: The proposed Project does not include development of residential uses; therefore, there would be no direct increase in population. Project-generated population estimates are based on anticipated employment generation from development of the proposed Project for retail uses. SCAG anticipates 9.32 employees per acre of development of retail or 1 employee per 702 square feet of retail use in San Bernardino County.[92] Therefore, development of the 6.8-acre project site with 49,995 square feet of commercial uses could generate between 63 employees and 72 employees.[93]

CEQA Guidelines Section 15126.2[d] identifies a project as growth inducing if it fosters economic or population growth, or the construction of additional housing either directly or indirectly in the surrounding environment. New employees from commercial or industrial development and new population from residential development represent direct forms of growth, which have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area.

Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of little significance to the environment. Typically, the growth-inducing potential of a project would be considered substantial if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies (e.g., SCAG).

As detailed in Section 3.11 (Land Use and Planning), the Project is located on land zoned Regional Commercial (C-R) with a Regional Commercial (C-R) land use designation in the Town's General Plan. Development of the Project site with commercial/retail uses would not require amendments to the Apple Valley General Plan or Zoning of the site.

Apple Valley's *Community Development* General Plan Element indicates the Regional Commercial land use category "allows retail uses that serve not only the residents and businesses of Apple Valley, but also of the surrounding region. Permitted uses in this designation include auto malls, regional malls,

92 Southern California Association of Governments. *Employment Density Study Summary Report*. Table 8B. October 31, 2001.

93 6.8 acres of commercial uses x 9.32 employees per acre = 63.38 employees. 49,995 square feet of commercial uses ÷ 702 square feet per employee = 71.22 employees.

business parks, factory stores and outlets, entertainment commercial, hotels and motels, restaurants, institutional and public uses."[94] Pursuant to Chapter 9.35 (Commercial and Office Districts), Section 9.35.020 of Apple Valley's Development Code, the Regional Commercial District (R-C) "is intended for the development of a full range of retail stores, offices, and personal and business services on a scale to serve the needs of the Town and the surrounding region, to be located in proximity to interstate and state highways and arterial roadways. This district implements the Regional Commercial (C-R) land use designation of the General Plan."[95]

Although the potential exists for the proposed Project to result in population growth through employment opportunities, the Project is consistent with the General Plan land use designation and Zoning and Development Code for the site. Therefore, population increase as a result of the proposed Project is not considered substantial or unplanned. The proposed Project would have a **less than significant** impact to the environment from population growth. Mitigation is not required.

Threshold B: Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact

Discussion of Effects: The Project site is vacant, and no people or housing would be displaced from development of the site as proposed. Therefore, **no impact** would occur to existing people or housing, and no mitigation is required.

3.15 PUBLIC SERVICES AND FACILITIES

Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Issues:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Fire protection?	☐	☐	☐	☒
b) Police Protection?	☐	☐	☐	☒
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☒	☐
e) Other Public Facilities, including Libraries?	☐	☐	☐	☒

[94] Town of Apple Valley. *General Plan Land Use Map.* Page II-5. Adopted August 11, 2009.
[95] Town of Apple Valley. *Development Code 2010.* Chapter 9.35, Commercial and Office Districts. 2010.

Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for:

Threshold A: Fire Protection services?

No Impact

Discussion of Effects: The Apple Valley Fire Protection District (AVFPD) provides fire protection and prevention and emergency services to the Town and the Project site. The AVFPD is an independent district which encompasses a total of 206± square miles serving the Town as well as unincorporated areas of San Bernardino County.[96] The AVFPD extends from Mojave River on the western boundary to Lucerne Valley in the east.[97] The District's desired ratio for full-time fire personnel to population is approximately one firefighter for every 1,500 persons within the service area.[98]

Development of the proposed commercial facility may incrementally increase the demand for fire protection services but not to the degree that the existing fire stations could not meet demand because fire hazards are continuously monitored and investigated by AVFPD through their ongoing programs. The fire stations nearest to the Project site are AVFPD Station 334 at 12143 Kiowa Road and Station 337 at 19305 Jess Ranch Parkway. These fire stations have an average response time of six minutes 25 seconds within the Town, ensuring quick access to fire services in emergency.[98] Additionally, the AVFPD maintains a mutual aid agreement with Victorville, San Bernardino County Fire Department, and the Bureau of Land Management which allows nearby fire departments to assist the Town during major emergencies.[98]

Project design features incorporated into the structural design and layout of the proposed development would keep service demand increases to a minimum. For example, the Town and AVFPD will coordinate closely to enforce fire codes and other applicable standards and regulations as part of building plan review and conduct building inspections.[99] The AVFPD will continue to review the development process to identify and mitigate any fire hazards and ensure adequate emergency water flow to the proposed development.

The project would be required to pay Development Impact Fees (DIFs) used to fund capital costs associated with constructing new public safety structures such as fire stations and purchasing equipment for new public safety structures. Since the Project would not require provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, **no impact** would occur, and mitigation is not required.

96 Town of Apple Valley. *Environmental Impact Report (SCH# 2008091077) for the Apple Valley General Plan and Annexations 2008-001 & 2008-002.* Page II-18. Certified August 11, 2009.
97 *Ibid.* Page III-239.
98 *Ibid.* Page III-240.
99 *Ibid.* Page III-241.

Threshold B: Police Protection?

No Impact

Discussion of Effects: The Town of Apple Valley contracts with the San Bernardino County Sheriff's Department for law enforcement services within Town limits. The Apple Valley Police Department is in the Apple Valley Civic Center at 14931 Dale Evans Parkway in Apple Valley.[100] Implementation of the Project would incrementally increase the demand for police services; however, the Project could operate 24 hours per day, which would help reduce the overall potential for crime on the site. The project site would be equipped with formal surveillance through the use of closed-circuit television, electronic monitoring, and potentially security patrols, as well as informal surveillance such as architecture, landscaping, and lighting designed to minimize visual obstacles and eliminate places of concealment for potential assailants.

The Town monitors staffing levels to ensure that adequate police protection and response times continue to be provided as individual development projects are proposed and on an annual basis as part of the Town Council's budgeting process. Currently, the staffing at the Apple Valley Police Department consists of 49 sworn personnel and 14 civilian/general employees, six of whom are qualified to perform non-suspect-involved crimes or calls for service. The Department has set a target ratio of 1 deputy per 1,500 residents.[101] Additionally, the proposed development would be reviewed by the Department to ensure provision of adequate police protection and compliance with established Sheriff's Department standards.[101] The Town would also continue to monitor population levels and Sheriff's Department staffing levels to ensure that sufficient levels of police protection are provided.[101] The continual monitoring of police staffing levels by the Town would ensure the Project would not result in a significant reduction in police response times.

Any future construction of new or expansion of existing police protection facilities would be subject to project-level environmental review and site-specific mitigation as appropriate in order to ensure significant environmental impacts are avoided or mitigated. However, the addition of a 49,995-square feet of commercial building constructed in accordance with local policies would not require new or physically altered police protection facilities, the construction of which could cause significant environmental impacts. Therefore, **no impact** would occur, and no mitigation is required.

Threshold C: Schools?

No Impact

Discussion of Effects: The Project does not include housing; therefore, no increase in the number of school-age students is expected. California Government Code (Section 65995[b]) establishes the base amount of allowable developer fees imposed by school districts. These base amounts are commonly referred to as "Level 1 fees" and are subject to inflation adjustment every two years. School districts are placed into a specific "level" based on school impact fee amounts that are imposed on the development. With the adoption of Senate Bill 50 and Proposition 1A in 1998, schools meeting certain criteria can now adopt Level 2 and 3 developer fees. The amount of fees that can be charged over the Level 1 amount is determined by the district's total facilities needs and the availability of State

100 *Ibid.* Page II-18.
101 *Ibid.* Page III-238.

matching funds. If there is State facility funding available, districts are able to charge fees equal to 50 percent of their total facility costs, termed "Level 2" fees. If, however, there are no State funds available, "Level 3" fees may be imposed for the full cost of their facility needs.[102]

Per 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.

Threshold D: Parks?

Less than Significant Impact

Discussion of Effects: Please refer to Section 3.16 below.

Threshold E: Other Public Facilities, including Libraries?

No Impact

Discussion of Effects: The type of use of the proposed Project (i.e., grocery store and small-scale retail stores) does not generate new population because employees and patrons are expected to reside in Apple Valley and vicinity. Also, the project is consistent with the Town's Land Use and Zoning designations, so the proposed development would not cause an unanticipated increase in population that would require access to public facilities, including Town's libraries (Newton T. Bass Apple Valley Library located adjacent to Town Hall off of Dale Evans Parkway).[103] Even if employees of the proposed Project (up to 72 employees) would require access to public facilities, the projected increase in population (through employment generation) would be consistent with planned population growth in Town, as detailed in Section 3.11 (Land Use and Planning) and Section 3.14 (Population and Housing) above and is not expected to require construction or expansion of any public facilities, including libraries. Payment of required fees, taxes, and other DIFs by the Project Applicant would sufficiently offset any incremental increase in demand for governmental services. **No impact** would occur, and no mitigation is not required.

3.16 RECREATION

Would the Project:

Issues:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational	☐	☐	☒	☐

[102] California State Legislature, Legislative Analyst's Office. *An Evaluation of the School Facility Fee Affordable Housing Assistance Programs*, January 2001. http://www.lao.ca.gov/2001/011701_school_facility_fee.html (accessed May 26, 2020).

[103] Town of Apple Valley. *Environmental Impact Report (SCH# 2008091077) for the Apple Valley General Plan and Annexations 2008-001 & 2008-002.* Page II-19. Certified August 11, 2009.

Issues:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	☐	☐	☒	☐

Threshold 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?

Less than Significant Impact

Discussion of Effects: The proposed Project does not include development of residential units; therefore, there would be no direct increase in population or corresponding demand for park facilities or programs. Project-generated population estimates are based on anticipated employment generation from development of the proposed Project for regional commercial uses. The SCAG forecasts approximately 9.32 employees per acre of development of regional retail or 1 employee per 702 square feet of retail use in San Bernardino County.[104] Therefore, development of the 6.8-acre project site with 49,995 square feet of commercial uses could generate up to 72 employees.[105] These individuals may use the existing park facilities.

According to the Apple Valley General Plan, the Town maintains 346.87 acres of developed parkland including seven Mini-Parks, two Neighborhood Parks, three Community Parks and two Special Use Parks.[106] All these recreational amenities collectively would serve the employees and patrons of the Project, which would minimize any significant new increase in utilization of nearby recreational facilities such that it would result in a substantial or accelerated physical deterioration of such facilities. Due to the nature of proposed uses (i.e., grocery store and small-scale retail stores), employees and patrons are expected to reside in Apple Valley and vicinity. Since the Project would not result in a direct increase in population, Project-related impacts to existing neighborhood and regional parks or other recreational facilities would be a **less than significant.** Mitigation is not required.

104 Southern California Association of Governments. *Employment Density Study Summary Report.* Table 8B. October 31, 2001.
105 6.8 acres of commercial uses x 9.32 employees per acre = 63.38 employees. 49,995 square feet of commercial uses/702 square feet per employee = 71.22 employees.
106 Town of Apple Valley. *General Plan Environmental Impact Report. SCH# 2008091077.* Page II-20. Certified August 11, 2009.

Threshold B: Would the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Less than Significant Impact

Discussion of Effects: The proposed Project does not include recreational amenities for its employees and patrons. The 72 persons expected to be employed by the Project could utilize the existing park facilities in the area as described above. Since the Project is consistent with the Town's Land Use and Zoning designations, the proposed development would not cause an unanticipated increase in population. Also, due to the nature of proposed uses (i.e., grocery store and small-scale retail stores), employees and patrons are expected to reside in Apple Valley and vicinity. Accordingly, there will not be a substantial increase in park demand, and the Project would not require development or expansion of new recreational facilities that may have a physical impact on the environment. Impacts would be **less than significant,** and mitigation is not required.

3.17 TRANSPORTATION AND TRAFFIC

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* Section 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?	☐	☐	☒	☐

Threshold A: Would the Project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less than Significant Impact

Discussion of Effects: A Focused Traffic Study was prepared for the Project to identify potential traffic operational issues associated with the proposed development. Based on preliminary information received from Apple Valley staff, the focused Traffic Study evaluates potential queuing and traffic operations issues at the intersection of Westmont Drive/Bear Valley Road and the Project driveways under existing with project conditions (Appendix E).

The focused Traffic Study was prepared to address the concerns requested by Town staff. The Levels of Service (LOS) and queuing analysis generally follows the LOS analysis metrics included in the San

Bernardino County (County) *Transportation Impact Study Guidelines* (Guidelines, dated July 9, 2019). The *Highway Capacity Manual* (HCM) establishes LOS A through F for intersections.[107] The LOS analysis was performed based on HCM 6 methodologies using the Synchro (Version 10) software. All study intersections are under the jurisdiction of the Town of Apple Valley, which uses LOS D as the LOS standard for intersections, consistent with the County Guidelines.

The purpose of the focused Traffic Study is to identify and address both LOS and queuing concerns when the Project is in operation. As such, the following three intersections have been included in this study:

1. Westmont Drive/Bear Valley Road;

2. El Pollo Loco Driveway/Bear Valley Road; and

3. Sonic Driveway/Bear Valley Road.

Traffic operations have been evaluated for weekday a.m. and p.m. peak hour traffic conditions.[108] The trip generation for the proposed project was developed using rates from the Institute of Transportation Engineers (ITE) *Trip Generation Manual* (10th Edition) for Land Uses 850 – "Supermarket" and 820 – "Shopping Center." Since the existing El Pollo Loco and Sonic Drive-in are connected to the project internally, it is estimated that a certain percentage of trips between the project and these existing fast food restaurants will be occur internally between these uses. These trips will not utilize the major street system or the study intersections. The internal trips can be made either by walking or by vehicles using internal roadways, and therefore avoiding the external streets. The internal capture rates were obtained using the National Cooperative Highway Research Program (NCHRP 8-51) Internal Trip Capture Estimation Tool. The internal trip capture rate estimated for the project land uses was applied to the respective trip generation to determine the number of internal trips. The internal trips were then subtracted from the total trip generation for the land uses to establish the total external trips.

Shopping centers and supermarkets typically draw some of their trips from the adjacent street traffic. Therefore, some of the external project trips will come from the adjacent street traffic. These trips are not actually "new" trips added to the surrounding circulation system. These trips are referred to as "pass-by" trips and are made as intermediate stops en route to a destination without diverting from the main route. For the proposed project, pass-by trips would occur on Bear Valley Road en route to a final destination.

The percentage of pass-by trips for each of the two land uses was obtained from the ITE *Trip Generation Handbook* (3rd Edition). The handbook only provides pass-by rates for the p.m. peak hour for both land uses. Therefore, the a.m. pass-by rate was considered as 0 percent and p.m. peak hour pass-by rate was applied as the daily pass-by rate. The project pass-by trip assignment was developed based on traffic counts collected on the adjacent street system.[109]

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107 LSA Associates, Inc. *Apple Valley Commercial Project Focused Traffic Study.* Table B and Table C. October 2021. (Appendix E).

108 The a.m. peak hour is defined as the one hour of highest traffic volumes occurring between 7:00 and 9:00 a.m. The p.m. peak hour is the one hour of highest traffic volumes occurring between 4:00 and 6:00 p.m.

109 LSA Associates, Inc. *Apple Valley Commercial Project Focused Traffic Study.* Figure 4. October 2021. (Appendix E).

Traffic volumes for existing conditions are typically developed using existing count data collected at study intersections. Due to the current school and office closures statewide due to COVID-19, new traffic counts will not reflect realistic traffic conditions at the study intersections. Therefore, LSA consulted traffic counters to obtain historical traffic counts for the study intersections and major intersections adjacent to the study area. Historic traffic counts (dated May 2015) were obtained for the intersection of Apple Valley Road/Bear Valley Road from Counts Unlimited, Inc. Current 2021 traffic counts were collected at the study intersections and the intersection of Apple Valley Road/Bear Valley Road.[110]

Truck classification counts at the intersections were converted to Passenger Car Equivalent (PCE) volumes. The concept of PCEs accounts for the larger impact of trucks on traffic operations, as compared to the impact of passenger vehicles. It does so by assigning a PCE factor that represents the number of passenger vehicles that could travel through an intersection in the same time that a truck could. PCE volumes at study intersections were computed using a PCE factor of 2.0, consistent with *Highway Capacity Manual – 6th Edition* (HCM 6) methodologies.

Based on the land uses being proposed for the Project, it is anticipated that delivery trucks will access the Project site at the study intersections. Additionally, it is anticipated that most delivery trucks will be accessing the site from the west via the Bear Valley Road. Therefore, this analysis evaluates the adequacy of truck turning radii at the intersection of Westmont Drive/Bear Valley Road for truck ingress and egress. As a conservative estimate, large semitrailer (WB-62) templates were used to evaluate the adequacy of truck turning radii. The truck template is in accordance with the 2018 Edition of the American Association of State Highway and Transportation Officials (AASHTO) Green Book.[111]

An ambient growth rate of 2 percent per annum from 2015 to 2021, was applied to the PCE volumes to obtain existing without project PCE traffic volumes at the Apple Valley Road/Bear Valley Road intersection.[112] Existing with project traffic volumes were obtained by adding net project traffic and pass-by trips to the corresponding without project traffic volumes.[113]

According to the Focused Traffic Study (Appendix E), the Project is anticipated to generate 154 net trips in the a.m. peak hour, 241 net trips in the p.m. peak hour, and 2,901 net daily trips. All study intersections are forecast to operate at a satisfactory LOS under both existing without and with project conditions. There is sufficient storage for vehicle queuing at all study intersections under both existing without and with project conditions. There is adequate turning radii for both inbound and outbound truck movements at the intersection of Westmont Drive/Bear Valley Road.

Currently, there is no dedicated bike lane along the Bear Valley Road in the Project vicinity. Based on the Apple Valley General Plan, dated August 2009, there is a class I Bikeway planned on Bear Valley Road, and the General Plan allows bicycle travel on all public roadways. Since the Project would not

110 *Ibid.* Appendix B.
111 *Ibid.* Figure 10.
112 *Ibid.* Page 3 and Figure 7.
113 *Ibid.* Figure 8 and Appendix C.

modify the existing road geometry or driveways, the project would not decrease the performance or safety of any existing or proposed bicycle facility.

According to the Town's General Plan, the Town shall promote the development of pedestrian-oriented retail centers, communitywide trails, and dedicated bike lanes to encourage alternatives to vehicle travel. Within the project vicinity, paved sidewalks are provided on north sides of Bear Valley Road, providing direct and convenient access for visitors arriving project site on foot. The Project would not affect any existing sidewalks. As such, the Project will not decrease the performance or safety of any existing or proposed pedestrian facility.

The nearest bus stop from the Project site is approximately 0.25 mile, and there are several bus stops along Bear Valley Road as well as Apple Valley Road within 0.5 mile of the Project site. Victor Valley Transit Authority (VVTA) bus route 43 serves the bus stops along Bear Valley Road, which connects the east and west portions of the Town. Bus route 42 serves the bus stops in the vicinity of the Project along Apple Valley Road, and runs north-south across the Town. At present, there are no proposed service changes in VVTA's transit network in the project vicinity. As such, the Project would not decrease the performance or safety of any existing or proposed public transit facility.

The project does not conflict with existing or proposed bicycle, pedestrian, and public transit facilities. Therefore, it can be considered to conform to all adopted policies, plans, or programs concerning these facilities and would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Impacts would be **less than significant,** and mitigation is not required.

Threshold B: Would the Project conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b)?

Less than Significant Impact

Discussion of Effect: A Vehicle Miles Traveled Analysis was prepared for the Project (Appendix F) pursuant to *CEQA Guidelines* Section 15064.3, subdivision (b), which establishes "vehicle miles traveled" criteria in lieu of "level of service" (LOS) for analyzing transportation impacts. According to the *Technical Advisory on Evaluating Transportation Impacts in CEQA,* retail development typically redistributes shopping trips as opposed to generating new trips, and locally-serving retail development improves destination proximity.[114] Accordingly, locally-serving retail uses less than 50,000 square feet are consider to shorten trips and reduce VMT and therefore are presumed to have a less-than-significant transportation impact.[115]

The Project includes 49,995 square feet of commercial uses, including a 43,000 square-foot grocery store and 6,995 square-feet of retail businesses. Grocery stores provide essential retail services to residences, so constructing a grocery store in proximity to residential uses means patrons would be able to shop at the Project site without having to drive farther distances to obtain food and other

[114] State of California, Governor's Office of Planning and Research. *Technical Advisory on Evaluating Transportation Impacts in CEQA.* Page 16. December 2018.
[115] *Ibid.* Pages 16 and 17.

essential items. Since the Project proposes locally-serving retail uses less than 50,000 square feet in size, transportation impacts would be **less than significant.** Mitigation is not required.

Threshold C: Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than Significant Impact

Discussion of Effects: Roadway improvements in and around the Project site would be designed and constructed to satisfy all Apple Valley requirements for street widths, corner radii, intersection control, as well as incorporate design standards tailored specifically to site access requirements pursuant to Apple Valley's Development Code Chapter 9.72 (Off-Street Parking and Loading Regulations).

Proposed vehicle and pedestrian access to the Project site would be provided by three ingress/egress driveways along Westmont Drive, which is a shared access driveway off Bear Valley Road into the adjacent commercial uses and proceeds north along the Project site's western frontage. Four additional shared driveways would connect the project site to the existing drive aisles and parking lots serving the two restaurants adjacent to the south of the site (Figure 4). The Project includes frontage improvements along the western and southern site boundaries that would include sidewalks, street trees, and lighting.

Loading docks for the proposed grocery store would be located on the north side of the building, and trash enclosures are proposed in this northern portion of the site. Accordingly, the northernmost project driveway off Westmont Drive is a minimum 30 feet wide and would be reserved for freight delivery trucks, trash trucks, and emergency response vehicles. Passenger vehicles would enter and exit at the southern driveway along Westmont Drive and via the four shared driveways along the southern site frontage. Onsite drive aisles connecting all perimeter driveways would facilitate internal access to parking areas and the proposed buildings and ensure adequate access throughout the site for first responders to an emergency.

Entrances and exits to and from parking and loading facilities would be marked with appropriate directional signage, and all site access points and driveway aprons are designed and would be constructed to adequate widths for public safety. At final plan check, Apple Valley would ensure that all improvements associated with the Project are consistent with Town standards and requirements. Adherence to applicable Town requirements would ensure the proposed development would not include any sharp curves or dangerous intersections. Therefore, no substantial increase in hazards due to a design feature would occur. Impacts are **less than significant,** and mitigation is not required.

Threshold D: Would the Project result in inadequate emergency access?

Less than Significant Impact

Discussion of Effects:

Construction. Construction activities that may temporarily restrict vehicular traffic would be required to implement appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures. Typical Apple Valley requirements include prior notification of any lane or

road closures with sufficient signage before and during any closures, flag crews with radio communication when necessary to coordinate traffic flow, etc. The Project developer would be required to comply with these requirements, which would maintain emergency access and allow for evacuation if needed during construction activities. Compliance with these requirements would ensure that short-term impacts related to this issue are **less than significant.** Mitigation is not required.

Operation. In accordance with the California Fire Code, the Project Applicant is required to design, construct, and maintain structures, roadways, and facilities to maintain appropriate emergency/ evacuation access to and from the Project site. Proposed vehicle and pedestrian access to the Project site would be provided by three ingress/egress driveways along Westmont Drive, which is a shared access driveway off Bear Valley Road into the adjacent commercial uses and proceeds north along the Project site's western frontage. Four additional shared driveways would connect the project site to the existing drive aisles and parking lots serving the two restaurants adjacent to the south of the site (Figure 4). The Project includes frontage improvements along the western and southern site boundaries that would include sidewalks, street trees, and lighting.

Loading docks for the proposed grocery store would be located on the north side of the building, and trash enclosures are proposed in this northern portion of the site. Accordingly, the northernmost project driveway off Westmont Drive is a minimum 30 feet wide and would be reserved for freight delivery trucks, trash trucks, and emergency response vehicles. Passenger vehicles would enter and exit at the southern driveway along Westmont Drive and via the four shared driveways along the southern site frontage. Onsite drive aisles connecting all perimeter driveways would facilitate internal access to parking areas and the proposed buildings and ensure adequate access throughout the site for first responders to an emergency.

Entrances and exits to and from parking and loading facilities would be marked with appropriate directional signage, and all site access points and driveway aprons are designed and would be constructed to adequate widths for public safety pursuant to Apple Valley's Development Code Chapter 9.72 (Off-Street Parking and Loading Regulations).

These improvements would be subject to compliance with the Apple Valley Development Code and would be reviewed by the Apple Valley Fire Protection District and San Bernardino County Sheriff's Department through the Apple Valley general development review process. Proper site design and compliance with standard and emergency access requirements would allow for evacuation if necessary during ongoing commercial operations. This would ensure that long-term impacts related to this issue are **less than significant.** Mitigation is not required.

3.18 TRIBAL CULTURAL RESOURCES

Would the Project 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:

Issues:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) 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)?	☐	☒	☐	☐
b) 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	☐	☒	☐	☐

Would the Project 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:

Threshold A: 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)?

And

Threshold B: 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Less than Significant with Mitigation Incorporated

Discussion of Effects: The term "California Native American tribe" is defined as "a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission (NAHC)."

Chapter 532, Statutes of 2014 (i.e., Assembly Bill 52), requires Lead Agencies evaluate a project's potential to affect "tribal cultural resources." Such resources include "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources." Assembly Bill (AB) 52 also gives Lead Agencies the discretion to determine, supported by substantial evidence, whether a resource qualifies as a "tribal cultural resource."

CEQA defines a "historical resource" as a resource that meets one or more of the following criteria: (1) is listed in, or determined eligible for listing in, the California Register of Historical Resources

(California Register); (2) is listed in a local register of historical resources as defined in PRC §5020.1(k); (3) is identified as significant in a historical resource survey meeting the requirements of PRC §5024.1(g); or (4) is determined to be a historical resource by a project's Lead Agency (PRC §21084.1 and *State CEQA Guidelines* §15064.5[a]).

"Local register of historical resources" means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.

A resource may be listed as a historical resource in the California Register of Historical Resources if it meets any of the following National Register of Historic Places criteria as defined in PRC §5024.1(C):

A. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

B. Is associated with the lives of persons important in our past.

C. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

D. Has yielded, or may be likely to yield, information important in prehistory or history.

A "substantial adverse change" to a historical resource, according to PRC §5020.1(q), "means demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired."

CEQA Guidelines do not preclude identification of historical resources as defined in Public Resources Code Sections 5020.1(j) or 5024.1. Pursuant to *State CEQA Guidelines* Section 15064.5[c][4], if an archaeological resource is neither a unique archaeological nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study, but they need not be considered further in the CEQA process. [116]

Per AB 52 (specifically California Public Resources Code 21080.3.1), Native American consultation is required upon request by interested California Native American tribes that have previously requested that the City provide them with notice of such projects.

Apple Valley mailed notices of the proposed Project to interested Native American tribes pursuant to AB 52. The San Manuel Band of Mission Indians (SMBMI) responded with a request to review the cultural resources investigation attached to this Initial Study as Appendix C and requested specific mitigation measures be incorporated in the project.

Apple Valley has prescribed the following mitigation measures through consultation with the SMBMI pursuant to AB 52:

[116] Pursuant to Section 21082.3(c) of the Public Resources Code, details on the nature, extent, and location of Tribal Cultural Resources identified by Native American Tribes shall remain confidential for the purposes of this analysis.

Mitigation Measure TCR-1: The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in **Mitigation Measures CUL-1**, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.

Mitigation Measure TCR-2: Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to San Manuel Band of Mission Indians Cultural Resources Department (SMBMI). The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.

With regard to human remains, compliance with State Health and Safety Code § 7050.5 is required for all development as a matter of regulatory policy and would apply to the Project outright regardless of mitigation or conditions of approval. Compliance with **Mitigation Measures TCR-1** and **TCR-2** would ensure the Project would be conditioned to cease excavation or construction activities if cultural resources are identified during execution and would include provisions for Native American Monitoring of ground-disturbing activities in such an instance. These conditions also would ensure further consultation with interested Native American Tribes for the appropriate treatment of Tribal Cultural Resources. Therefore, impacts to Tribal Cultural Resources would be **less than significant with mitigation incorporated.**

3.19 UTILITIES AND 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, drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which would cause significant environmental effects?	☐	☐	☒	☐

Issues:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 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?	☐	☐	☒	☐
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 reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Threshold A: Would the Project require or result in the relocation or construction of new or expanded water, drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which would cause significant environmental effects?

Less than Significant Impact

Discussion of Effects: The Project would interconnect to existing sewer, water, gas, and telecommunications utilities within the Westmont Drive roadway or the adjacent developed properties to the south. The proposed commercial uses would interconnect to existing utilities where available along Bear Valley Road and Apple Valley Road.

The approval of drainage features and other utility improvements occurs through the building plan check process. As part of this process, all Project-related drainage features and utility infrastructure would be required to comply with Apple Valley Municipal Code Chapter 8.12 (California Building Code), Chapter 8.18 (California Plumbing Code), Chapter 10.01 (Wastewater Services), and Chapter 9.35, Section 9.35.040 (Site Development Standards), as well as Lahontan RWQCB standards. On-site Project-related drainage features would be designed, installed, and maintained per NPDES MS4 standards and the requirements identified in the Final WQMP (per **Standard Conditions HYD-3**).

All proposed improvements and interconnection to drainage, electric power, water, and wastewater facilities would be installed simultaneously with finish grading activities and required Project frontage improvements (curb, gutter, sidewalk, landscaping, streetlights, and trees) along neighboring commercial uses. The areas of potential impact from drainage and utility infrastructure improvements is included in the analytical footprint of this Initial Study and associated technical studies, and impacts are mitigated where necessary to less than significant levels. As a result, interconnection to the existing utilities in the Project vicinity would not result in substantial disturbance to native habitat or

soils, or to the operation of existing roadways and utilities. There would be no significant environmental effects specifically related to the installation of utility interconnections that are not encompassed within the Project's construction and operational footprints, and therefore already identified, disclosed, and subject to all applicable conditions, as well as local, State, and federal regulations, as part of this Initial Study. Therefore, impacts related to relocation of utilities would remain **less than significant.** Mitigation is not required.

Threshold B: Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Less than Significant Impact

Discussion of Effects: The AVRWC is one of ten retail water purveyors under the administration of the MWA that provides domestic water services to most of the Town of Apple Valley, including to the Project site. The AVRWC supplies water to its customers from local groundwater, which is replenished by MWA imported water.[117] Since 2000, per capita water use has dropped by about 45 percent and is projected to continue to decrease in the future,[118] albeit at a slower rate, due to active water savings, such as the 2014 State mandate for mandatory conservation, and passive water savings, such as building code requirements to utilize low-flow fixtures in indoor plumbing.[119] MWA's estimated per-capita water use since the year 2000 has dropped from approximately 342 to 189 gallons per day in the year 2015.[120]

Project-generated population estimates are based on anticipated employment generation from development of the proposed Project for retail uses. SCAG anticipates 9.32 employees per acre of development of retail or 1 employee per 702 square feet of retail use in San Bernardino County.[121] Therefore, development of the 6.8-acre project site with 49,995 square feet of commercial uses could generate between 63 employees and 72 employees.[122]

Assuming as a worst case scenario that the Project would generate 72 employees who would occupy the site 24 hours per day, the project would demand up to 13,608 gallons per day.[123]

As detailed in Table ES-3 of the *2015 Urban Water Management Plan for Mojave Water Agency,* existing and projected water supplies for MWA's service territory, including the Project site served by the AVRWC, are adequate to meet demand through year 2040, and an extended projection indicates existing and planned supplies are sufficient to meet projected demands until 2055.[124] To ensure reliability during single-dry and multiple-dry years, the MWA imports water through the [California] State Water Project. According to the *2015 Urban Water Management Plan for Mojave Water Agency,*

117 Mojave Water Agency. *Final 2015 Urban Water Management Plan for Mojave Water Agency.* Page 1-13. June 2016
118 Projected water use is calculated by analyzing historical per capita water use and utilizing population projections based upon data from the State, regional, or local service agency population projections within the MWA service area through year 2060.
119 Mojave Water Agency. *Final 2015 Urban Water Management Plan for Mojave Water Agency.* Pages ES-0 and ES-8. June 2016.
120 *Ibid.* Page 7-7.
121 Southern California Association of Governments. *Employment Density Study Summary Report*. Table 8B. October 31, 2001.
122 6.8 acres of commercial uses x 9.32 employees per acre = 63.38 employees. 49,995 square feet of commercial uses ÷ 702 square feet per employee = 71.22 employees.
123 72 employees x 189 gallons per capita per day = 13,608 gallons per day.
124 Mojave Water Agency. *Final 2015 Urban Water Management Plan for Mojave Water Agency.* Page ES-1. June 2016

the MWA has adequate supplies to meet demands during average, single-dry, and multiple-dry years throughout the Plan's 25 year planning period.[125]

Since the proposed Project is consistent with the planned land use and zoning designations of the site, the general water demand from the proposed development was anticipated in the projections presented in the *2015 Urban Water Management Plan for Mojave Water Agency*. Therefore, the amount of water available for the Project is sufficient for normal, single-dry, and multiple-dry years. Since planned supplies are sufficient, impacts would be **less than significant,** and mitigation is not required.

Threshold C: Would the Project 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?

Less than Significant Impact

Discussion of Effects: The Project site is within the Town of Apple Valley which owns, operates, and maintains local wastewater collection system. Currently, the Town has force main lines and gravity sewer lines that connect to regional intercept lines and convey wastewater to a wastewater treatment plant operated by the Victor Valley Wastewater Treatment Authority (VVWRA) in Victorville.[126] These regional intercept lines are owned and maintained by VVWRA and are located along Dale Evans parkway, trending southeasterly along Stoddard Wells Road to Victorville, as well as well as from Nanticoke Road along Standing Rock Avenue and then along Highway 18 to the Town's western boundary. Operational discharge flows treated by the VVWRA would be required to comply with waste discharge requirements for that facility. VVWRA serves an area of the Mojave Desert made up of nearly 400,000 residents.[127] The plant has a capacity of 18 million gallons per day (MGD) and averages treatment of 13 million gallons of water on a daily basis.[128] In the event that VVWRA is unable to meet the projected water demand, Apple Valley Subregional Water Reclamation Plant (AVSWRP) and Hesperia Subregional Water Reclamation Plant (HSWRP) would be able to supplement capacity.[129]

Apple Valley's average wastewater flow is 100 gallons per person per day.[130] Under a worst-case scenario where the Project site would be occupied 24 hours per day, the Project would generate 7,200 gallons of wastewater per day[131] or 2.628 million gallons of wastewater per year. The Project's estimated wastewater treatment demand represents 0.04 percent of VVWRA's current daily surplus

125 *Ibid.* Page ES-4.

126 Town of Apple Valley. *Environmental Impact Report (SCH# 2008091077) for the Apple Valley General Plan and Annexations 2008-001 & 2008-002*. Page II-16. Certified August 11, 2009.

127 Better Buildings U.S. Department of Energy. *Victor Valley Wastewater Reclamation Authority.* https://betterbuildingssolutioncenter.energy.gov/partners/victor-valley-wastewater-reclamation-authority. (Accessed on August 24, 2021.)

128 Town of Apple Valley. *Environmental Impact Report (SCH# 2008091077) for the Apple Valley General Plan and Annexations 2008-001 & 2008-002*. Page III-251. Certified August 11, 2009.

129 Town of Apple Valley. *Town Council Staff Report.* https://www.applevalley.org/home/showpublisheddocument/23886/636440017260170000. (Accessed August 25, 2021.)

130 Town of Apple Valley. *Environmental Impact Report (SCH# 2008091077) for the Apple Valley General Plan and Annexations 2008-001 & 2008-002*. Page III-251. Certified August 11, 2009.

131 100 gallons/person/day × 72 persons = 7,200 gallons per day

capacity.[132] As sufficient surplus treatment capacity is available, impacts would be **less than significant,** and mitigation is not required

Threshold D: Would the proposed Project 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?

Less than Significant Impact

Discussion of Effects: Solid waste collection is a "demand-responsive" service, and current service levels can be expanded and funded through user fees. Solid waste from the proposed Project would be hauled by Burrtec Waste Industries, Inc. and transferred to the Victor Valley Materials Recycling Facility (MRF)/Transfer Station. From the MRF, the non-recyclable material would be transferred to regional landfills as available. Solid waste generated by the proposed on-site uses would be collected and processed by Burrtec, after which non-recyclable material would be sent to Victorville Landfill. Victorville Landfill has an average daily throughput of 900 tons per day with a remaining capacity of 82 million cubic yards.[133]

Based on a generation rate of 11.9 pounds per employee per day (between 63 and 72 employees),[134] the Project would generate between 749.7 and 856.8 pounds of solid waste per day.[135] This amount is equivalent to as much as 0.0048 percent of the daily throughput at Victorville Landfill.[136] The Victorville Landfill has adequate capacity to serve the proposed Project. As adequate daily surplus capacity exists at the receiving landfill, and the Project would comply with local and State waste reduction strategies, the Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure. Impacts would be **less than significant,** and mitigation is not required.

Threshold E: Would the Project comply with federal, State, and local management reduction statutes and regulations related to solid waste?

Less than Significant Impact

Discussion of Effects: The Project operator is required to coordinate with Burrtec Waste Industries, Inc., which would collect solid waste from the site and transfer the solid waste to the MRF. The MRF would sort the solid waste into recyclable and non-recyclable waste and would transfer the non-recyclable waste to Mid-Valley Landfill for disposal. All development within the City, including the proposed Project, is required to comply with applicable elements of AB 1327, Chapter 18 (California Solid Waste Reuse and Recycling Access Act of 1991) and other local, State, and federal solid waste disposal standards. For example, the California Mandatory Commercial Recycling Law (Assembly Bill

132 7,200 gallons per day ÷ 18 MGD surplus capacity at VVWRA = 0.04 percent of surplus capacity

133 Town of Apple Valley. *Environmental Impact Report (SCH# 2008091077) for the Apple Valley General Plan and Annexations 2008-001 & 2008-002*. Page III-253. Certified August 11, 2009.

134 California Department of Resources Recycling and Recovery (CalRecycle). California's 2017 Per Capita Disposal Rate Estimate. https://www.calrecycle.ca.gov/lgcentral/goalmeasure/disposalrate/mostrecent/ (accessed May 27, 2020).

135 11.9 pounds per employee per day × 63 employees = 749.7 pounds of solid waste per day. 11.9 pounds per employee per day × 72 employees = 856.8 pounds of solid waste per day.

136 856.8 pounds of solid waste per day ÷ 2,100 tons (18,000,000 pounds) daily surplus = 0.0048 percent.

341) requires any business that generates more than 4 cubic yards of commercial solid waste per week to arrange for recycling services.

Through compliance with mandatory solid waste disposal standards**,** the proposed Project would not conflict with applicable federal, State, and local statutes and regulations related to solid waste. Impacts would be **less than significant,** and mitigation is not required.

3.20 WILDFIRE

Issues:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) If located in or near State Responsibility Areas or lands classified as very high fire hazard severity zones, would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) If located in or near State Responsibility Areas or lands classified as very high fire hazard severity zones, would the Project, due to slope and/or prevailing winds, expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) If located in or near State Responsibility Areas or lands classified as very high fire hazard severity zones, would the Project 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) If located in or near State Responsibility Areas or lands classified as very high fire hazard severity zones, would the Project 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?	☐	☐	☐	☒

Threshold A: If located in or near State Responsibility Areas or lands classified as very high fire hazard severity zones, would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact

Discussion of Effect: According to the California Department of Forestry and Fire Protection (CALFIRE), the Project site is not located within a wildfire State Responsibility Area, nor is the site classified as a

Very High Fire Hazard Severity Zone (VHFHSZ).[137] The nearest VHFHSZ is located approximately 10 miles south of the site. The Project is located in an urbanized area with local roads, highway (State Route 18: Happy Trails Hwy), and freeway (Barstow Freeway 15) encircling the region that provide adequate access and departure from the area in the event of an emergency, such as a wildfire. The Project is designed to comply with current California Fire Code (2019 California Fire Code) standards for development for commercial retail uses, Apple Valley Building Code Standards, and standards as set forth by the AVFPD. Adequate emergency access points also are included in the project design. Therefore, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan within a VHFHSZ. **No impact** would occur, and no mitigation is required.

Threshold B: If located in or near State Responsibility Areas or lands classified as very high fire hazard severity zones, would the Project, due to slope and/or prevailing winds, expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Less than Significant Impact

Discussion of Effect: As described above, the proposed Project is not located within or near a wildfire State Responsibility Area, nor is the land classified as a VHFHSZ.[138] The Project site is predominately flat and lacks significant slopes. Wildfires have the tendency for uncontrolled spread when the terrain is hilly or mountainous and not conducive to practicable firefighting capabilities. The likelihood of uncontrolled spread of a wildfire near or on the Project site is relatively low since the surrounding topography is relatively flat with substantial development to the south and west of the site and limited vegetation to the north and east.

San Bernardino County and Apple Valley are subject to seasonal wind events including times during the fall and winter when Santa Ana Wind conditions are prevalent. CALFIRE and the San Bernardino County Fire Department have taken these conditions and the locations of Fire Hazard Severity Zones into consideration when determining potential impacts associated with wildfire spread within the Town of Apple Valley and surrounding cities. If such a conflagration[139] driven by winds were to get out of control, the Town's AVFPD and San Bernardino County Fire Department have procedures in place to respond to such an emergency and evacuate residents and employees as needed (refer to Section 3.9(f) above).

Wind events can also result in smoke drift from nearby wildfires resulting in smoke settling in low-lying areas. The Town is located in Victor Valley between the Fairview and Granite Mountains to the east, Sidewinder, Black, and Turtle Mountains to the north and northeast, and Ord and San Bernardino Mountains to the south.[140] Therefore, the potential for smoke settlement from nearby wildfires is a possibility, but smoke settlement would be temporary and would more than likely clear out within a couple days of when settlement commenced (based on weather conditions). Overall, implementation of the proposed project would have a low probability of exposing occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope or prevailing winds

137 California Department of Forestry and Fire Protection. *Fire and Resource Assessment Program (FRAP).* https://frap.fire.ca.gov/. (Accessed July 22, 2021).
138 *Ibid.*
139 Conflagration is an extensive fire that destroys a great deal of land or property.
140 Town of Apple Valley. *Environmental Impact Report (SCH# 2008091077) for the Apple Valley General Plan and Annexations 2008-001 & 2008-002.* Page III-124 and Figure III-17. Certified August 11, 2009.

because it is not located in or near State Responsibility Areas or lands classified as VHFHSZ. Impacts would be **less than significant.** Mitigation is not required.

Threshold C: If located in or near State Responsibility Areas or lands classified as very high fire hazard severity zones, would the Project 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?

Less than Significant Impact

Discussion of Effect: As described above, the proposed project is not located within or near a wildfire State Responsibility Area, nor is the land classified as a VHFHSZ.[141] The project includes development of a commercial retail building, on-site utility infrastructure, surface parking lots, curb, sidewalk, landscaping, streetlights, and trees and off-site improvements to the Project frontage and utility infrastructure. The Project would not incorporate infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other non-existing utilities) that may exacerbate fire risk because all improvements would be implemented in an urbanized setting in accordance with the 2019 CBC, California Fire Code, and applicable local ordinances that would serve to alleviate risk of fire. Therefore, impacts would be **less than significant,** and mitigation is not required.

Threshold D: If located in or near State Responsibility Areas or lands classified as very high fire hazard severity zones, would the Project 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?

Less than Significant Impact

Discussion of Effect: As described above, the proposed Project is not located within or near a wildfire State Responsibility Area, nor is the land classified as a VHFHSZ.[142] According to Apple Valley's Local Hazard Mitigation Plan, the project site is not located in 100 or 500 year flood hazard or inundation zones,[143] so tsunamis or seiches are not anticipated to occur at the site. The project site is 0.7 mile east of the Mojave River, which is engineered with an earthen berm and boulders along the eastern banks. Additionally, the Project site is separated from the river by commercial and residential development that has been designed in accordance with regulatory standards to minimize flooding. Finally, the Project site is approximately 60 feet above the grade of the river to the west, which would preclude exposure of the Project site or its inhabitants from river flooding. Accordingly, the Project would not expose people or structures to significant risks due to landslides caused by post-fire slope instability or post-fire drainage changes. Impacts would be **less than significant**, and mitigation is not required.

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141 California Department of Forestry and Fire Protection. *Fire and Resource Assessment Program (FRAP).* https://frap.fire.ca.gov/. (Accessed July 22, 2021).

142 *Ibid.*

143 Town of Apple Valley. *Local Hazard Mitigation Plan*. https://www.applevalley.org/home/showpublisheddocument/24623/636571391905830000. Page 59. Accessed on July 22, 2021.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

Would the Project:

Issues:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) 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 major periods of California history or prehistory?	☐	☒	☐	☐
b) Have possible environmental effects which are individually limited but cumulatively considerable?	☐	☐	☒	☐
c) Have environmental effects that would cause substantial adverse effects on humans either directly or indirectly?	☐	☒	☐	☐

Threshold A: Would the Project 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 major periods of California history or prehistory?

Less than Significant with Mitigation Incorporated

Discussion of Effect: Although the Project site is vacant and undeveloped, construction activities have the potential to cause environmental impacts. Mitigation measures have been identified (**Mitigation Measures BIO-1** through **BIO-3**) to reduce potential impacts to biological resources to a less than significant level. Implementation of **Mitigation Measures CUL-1** through **CUL-3** would address potential impacts related to any cultural material, including human remains or funerary objects of Native American origin, discovered during ground disturbing activities on the Project site, as it is within SMBMI ancestral territory and, therefore, is of interest to the Tribe. Additionally, **Mitigation Measures GEO-2** and **GEO-3** are required in the event that unanticipated paleontological resources are unearthed during construction to ensure paleontological resources would be subject to scientific recovery and evaluation. **Mitigation Measures TCR-1** and **TCR-2** address potential impacts related to any inadvertent discovery of Tribal Cultural Resources during construction. Implementation of these mitigation measures would reduce impacts to these resources to **less than significant** levels.

Threshold B: Would the Project have possible environmental effects which are individually limited but cumulatively considerable?

Less than Significant Impact

Discussion of Effect: As presented in the discussion of environmental checklist Sections 3.1 through 3.20, the Project would have no impact, a less than significant impact, or a less than significant impact after mitigation with respect to all environmental issues (Refer to Appendix G for a Mitigation Monitoring and Reporting Program). The proposed Project could generate between 63 employees and 72 employees. As detailed in response to Checklist Question 3.14(a), the Project would not induce substantial population growth in Apple Valley or region. Furthermore, the Project site is located within an urbanized area and would be connected to existing municipal roadways and utility infrastructure. As detailed in response to Checklist Question 3.17(a), transportation impacts would be less than significant since the Project proposes locally serving retail uses less than 50,000 square feet in size**.** Therefore, development of the Project site is anticipated to add a negligible amount of vehicle miles to the City's circulation system.

The proposed Project is consistent with the General Plan land use and zoning designations of Regional Commercial (C-R) and therefore is generally consistent with growth projections of the General Plan. Accordingly, the Project is designed to integrate within Apple Valley's existing and proposed infrastructure framework, and cumulative overburdening of community infrastructure and service capacity is not expected to occur. Impacts specified throughout this Initial Study are considered project-specific in nature due to the limited scope of direct physical impacts to the environment. Consequently, the Project along with other cumulative projects would result in a **less than significant** cumulative impact with respect to all environmental issues.

Threshold C: Would the Project have environmental effects that would cause substantial adverse effects on humans either directly or indirectly?

Less than Significant with Mitigation Incorporated

Discussion of Effect: In general, impacts to human beings are associated with air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise. The Mojave Desert Air Basin is designated nonattainment for ozone, PM_{10} and $PM_{2.5}$. Implementation of the proposed project would not contribute significant amounts of air pollutant emissions on either a short-term or long-term basis. Adherence to MDAQMD dust control measures would further reduce short-term construction air quality impacts, and noPproject-specific mitigation is required.

Construction plans would be subject to review by Apple Valley staff for compliance with the most current edition of the CBC at the time of construction, pursuant to Title 8 (Buildings and Construction) and Title 9 (Development Code) of the City Municipal Code. These regulations and conditions require implementation of the recommendations cited in the project-specific Geotechnical Investigation for the proposed development, as codified in **Mitigation Measure GEO-1.**

As detailed in Sections 3.9(a) and 3.9(b), the Project site does not contain any RECs, CRECs, or HRECs, and none of the properties identified in the GeoTracker database, EnviroStor database, or the Cortese List occurs on the Project site or has any activities or materials that would represent a significant risk to public health or safety (e.g., on-site storage, leaking tanks, approaching groundwater

contamination plume) on the Project site. Compliance with applicable local, State, and federal laws would ensure development of the Project would not create any significant hazards to the public or environment.

Adherence to general plan land use and zoning regulations of Apple Valley, the intent of the NPDES Permit for San Bernardino County and the incorporated cities of San Bernardino County (MS4 permit), and the requirements included in the NPDES permit, SWPPP, and Final WQMP (as codified in **Standard Conditions HYD-1** through **HYD-3)** would ensure impacts related to water quality, hydrologic conditions of concern, and/or waste discharge remain less than significant.

Construction-related noise levels could possibly exceed applicable thresholds during the site preparation/grading phases. Compliance with Section 9.73.060(F) of the Apple Valley Development Code is codified through **Standard Conditions NOS-1** through **NOS-4** to ensure construction-related noise impacts remain **less than significant.** The proposed commercial building would be designed and constructed in accordance with Title 9/2022 CBC standards pursuant to regulatory policy. With implementation of these mitigation measures and standard conditions, potential impacts on humans would be reduced to **less than significant with mitigation incorporated**.

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APPENDIX A

AIR QUALITY AND GREENHOUSE GAS ANALYSIS

APPENDIX B

BIOLOGICAL RESOURCES ASSESSMENT

APPENDIX C

CULTURAL RESOURCES ASSESSMENT

APPENDIX D

GEOTECHNICAL INVESTIGATION

APPENDIX E

FOCUSED TRAFFIC STUDY

APPENDIX F

VEHICLE MILES TRAVELED ASSESSMENT

APPENDIX G

MITIGATION MONITORING AND REPORTING PROGRAM