



**DRAFT**  
**ENVIRONMENTAL IMPACT REPORT**  
(SCH NO. 2022120356)  
FOR  
**THE DEVELOPMENT AT**  
**DALE EVANS AND LAFAYETTE**

**Prepared for:**

Town of Apple Valley  
14955 Dale Evans Pkwy  
Apple Valley, CA 92307

**Prepared by:**



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**TOWN OF APPLE VALLEY**  
**THE DEVELOPMENT AT DALE EVANS AND LAFAYETTE**  
**DRAFT ENVIRONMENTAL IMPACT REPORT**  
**State Clearinghouse No. 2022120356**

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# THE DEVELOPMENT AT DALE EVANS AND LAFAYETTE

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## DRAFT ENVIRONMENTAL IMPACT REPORT

### EXECUTIVE SUMMARY & ENVIRONMENTAL MATRIX

#### INTRODUCTION

The Town of Apple Valley has prepared this EIR to assess the impacts of the Development at Dale Evans, a Project which proposes to develop a 1,207,544 square foot warehouse distribution center on a 77.95± acre parcel of land in north Apple Valley.

This EIR has been prepared in accordance with CEQA (as amended), pursuant to State CEQA Guidelines §15121 (Informational Document) and the Town's Rules to Implement CEQA:

- *An EIR is an informational document which will inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency.*
- *While the information in the EIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the EIR by making findings under Section 15091 and if necessary by making a statement of overriding consideration under Section 15093.*

- *The information in an EIR may constitute substantial evidence in the record to support the agency's action on the project if its decision is later challenged in court.*

Under State CEQA Guidelines §15123, this Executive Summary describes the proposed Project, potentially significant impacts, and required mitigation measures. Also identified in this section is a summary of the alternatives to the project evaluated in this Draft EIR, including those that would avoid potentially significant effects; issues of concern/areas of controversy known to the Lead Agency; and issues to be resolved including the choice among alternatives and how best to mitigate the potentially significant effects.

The reader should review, but not rely exclusively on the Executive Summary as the sole basis for judgment of the proposed Project and alternatives. The complete DEIR should be consulted for specific information about the potential environmental effects and mitigation measures to address those effects.

**Lead Agency Contact:**

The Lead Agency for this EIR is the Town of Apple Valley. The Town's contact person and contact information is:

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**SUMMARY OF THE PROPOSED PROJECT**

The Project site is bounded by Lafayette Street to the north, Dachshund Avenue to the east, Burbank Avenue to the south, and Dale Evans Parkway to the west. The Project will include half-width improvements of all four of these streets to their ultimate General Plan half-width. Specifically, the Town will require widening of Dale Evans Parkway to a 71 foot half-width consistent with its designation as a Parkway; Lafayette and Dachshund to a 44 foot half-width, consistent with their designation as a Secondary; and Burbank to a 33 foot half-width, consistent with its designation as an Industrial roadway.

The Project proposes to develop a 1,207,544 square foot warehouse distribution center on a 77.95± acre parcel of land in north Apple Valley. The Project site consists of 10 existing parcels, identified as Assessor's parcel numbers 0463-231-11, -12, -13, -14, -15, -16, -34, -35, -36, and -37. The Project site is within the boundary of the 2006 North Apple Valley Industrial Specific Plan (NAVISP), which aims to accelerate the Town's future economic growth by attracting high quality industrial facilities. The Project site is subject to the standards and restrictions codified in the NAVISP. Under the NAVISP, the Project site is designated as Industrial – Specific Plan (SPI). Manufacturing facilities, regional warehousing facilities, and support services are all land-uses that are appropriate for the SPI designation.

The 78±-acre Project site will be developed to include a distribution warehouse with accompanying office spaces in the center of the Project site. The building footprint is proposed to total 1,207,544 square feet, with 1,147,167 square feet of warehouse space, and 60,377 square feet of office space. The building is expected to extend up to 50 feet in height. No user has been identified for the space. For purposes of this analysis, it has been assumed that 85% of the space would be used for dray warehousing, and 15% for cold storage. The warehouse will be accessible via 204 dock doors, while the offices will each be provided with a single man-door. In accordance with §140.10 of Part 6 of Title 24 of the California Building Code, the Project will be required to install a photovoltaic system on the building's roof, and will also be required to have a battery storage system. The Project will connect to existing domestic water and sewer lines in the area, and may require on-site septic holding tank and lift station to pump sanitary sewage to the existing line in Navajo Road. A complete Project description is provided in Section 1.

## **STATEMENT OF PROJECT OBJECTIVES**

Pursuant to CEQA Guidelines Section 15124(b), the Project description must include a statement of objectives. The purpose of the objectives is to assist the Town in developing a reasonable range of project alternatives to evaluate in this EIR. These objectives are intended to explain the purpose of the Project, and to aid the decision-makers in preparing findings or a statement of overriding considerations, if necessary. The Town has identified the following list of objectives for the Project.

- A. Support and implement the goals of the North Apple Valley Industrial Specific Plan.
- B. Provide new jobs to reduce Town residents' dependence on employment outside the community.

- C. Limit the intrusion of heavy commercial vehicles into Town neighborhoods by siting the Project in close proximity to Interstate-15 interchanges at Stoddard Wells Road and Dale Evans Parkway.
- D. Improve adjacent streets to improve traffic flow and connections to other lands within the Specific Plan boundary.
- E. Create an attractive streetscape on Dale Evans Parkway, to enhance the aesthetic appearance of this roadway and of the Specific Plan as a whole.
- F. Create sufficient buffers, through setbacks, walls and landscaping to the multi-family residential lands planned for the future on the west side of Dale Evans Parkway.

## **SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES**

Section 2, Environmental Setting, Impacts, and Mitigation Measures, of this DEIR presents the environmental impact analyses for all CEQA resource topics and identifies mitigation measures to reduce significant impacts to a less than significant level, where appropriate and feasible. A summary of all impacts and mitigation measures from Section 2 is provided in Table M-1 at the end of this summary. Please refer to Section 2 for the complete analysis and discussion.

As shown in Table M-1, impacts associated with Vehicle Miles Traveled under the Transportation issue area will exceed Town thresholds of significance. Findings and a Statement of Overriding Considerations will be prepared and will be considered by the Town as a part of its review of the EIR. The draft statement will determine whether information, considerations, and findings can be made that are supportive of the goals and benefits of the project as a whole.

## **ALTERNATIVES SUMMARY**

Section 3, Project Alternatives Analysis, evaluates three alternatives to the proposed Project, and evaluates the comparative merits of each alternative. Potential environmental impacts associated with each alternative evaluated in Section 3 are compared to the impacts of the proposed Project.

The alternatives were selected in consideration of one or more of the following factors:

- Extent to which the alternative would accomplish most of the basic objectives of the project;

- Extent to which the alternative would avoid or lessen any of the identified significant adverse environmental effects of the project;
- Feasibility of the alternative, taking into account site/geographic suitability, economic viability, constructability, and consistency with regulatory requirements; and
- Appropriateness of the alternative in contributing to a reasonable range of alternatives necessary to permit a reasoned choice by decision-makers.

The alternatives selected for analysis are:

Alternative 1: No Project/No Development – under this alternative the Project site would remain vacant.

Alternative 2: All High Cube Warehouse – under this alternative, the building size would remain at 1.2 million square feet, but there would be no refrigerated component to the Project, and the entire building would be used as a high cube warehouse.

Alternative 3: Reduced Building Size – under this alternative, the building would be reduced by 25%, resulting in a high cube warehouse of approximately 900,000 square feet.

## **ISSUES OF CONCERN/AREAS OF CONTROVERSY**

The Town distributed a Notice of Preparation (NOP) for the Project, to provide responsible and trustee agencies, and the public, with sufficient information describing the proposed Project and the potential environmental effects, and to enable interested parties/persons to make a meaningful response.

The Town issued the NOP for the Project on December 16, 2022, and conducted a 30-day public comment period. The Town received one comment letter from the California Native American Heritage Commission. Their comments and direction, concerning the need for tribal consultation, have been included in the analysis within Section 2 of this DEIR. The comment letter was informational, and assisted in the preparation and analysis contained in Section 2, but did not identify any issues of controversy.

## ENVIRONMENTAL SUMMARY MATRIX

This Environmental Impact Report (EIR) has been prepared to assess the potential impacts to the environment that may result from the development of the proposed Project. The Project proposes to develop a 1,207,544 square foot warehouse distribution center on a 77.95± acre parcel of land. The Project site is within the boundary of the 2006 North Apple Valley Industrial Specific Plan (NAVISP). The Project site is subject to the standards and restrictions codified in the NAVISP. Under the NAVISP, the Project site is designated as Industrial – Specific Plan (SPI). Manufacturing facilities, regional warehousing facilities, and support services are all land-uses that are appropriate for the SPI designation.

### Summary of Alternatives

The proposed Project includes three alternatives as follows:

Alternative 1: No Project/No Development – under this alternative the Project site would remain vacant.

Alternative 2: All High Cube Warehouse – under this alternative, the building size would remain at 1.2 million square feet, but there would be no refrigerated component to the Project, and the entire building would be used as a high cube warehouse.

Alternative 3: Reduced Building Size – under this alternative, the building would be reduced by 25%, resulting in a high cube warehouse of approximately 900,000 square feet.

### **Definition of Impacts**

The following table briefly summarizes each category of analysis, including level of impact before mitigation, proposed mitigation measures, and level of significance after mitigation. Levels of impact include the following:

*Potentially Significant Impacts:* Those impacts which, prior to the implementation of mitigation measures, could potentially adversely impact environmental conditions.



*Less Than Significant Impacts:* Those impacts, which, by virtue of the environmental conditions, predisposing existing development, or the implementation of mitigation measures, are reduced to acceptable or “insignificant” levels.

*No Impacts:* Those conditions where the proposed Project will not impact the environmental condition.

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
<b>Section 2.3 Aesthetics</b>			
a) Have a substantial adverse effect on a scenic vista?	Less than Significant	No mitigation is required.	Less than Significant
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No Impact	No mitigation is required.	No Impact
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	Less than Significant	No mitigation is required.	Less than Significant
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	Less than Significant	No mitigation is required.	Less than Significant

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
<b>Section 2.4 Air Quality</b>			
a) Conflict with or obstruct implementation of the applicable air quality plan?	Less than Significant	No mitigation is required.	Less than Significant
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	Less than Significant	No mitigation is required.	Less than Significant
c) Expose sensitive receptors to substantial pollutant concentrations?	Less than Significant	No mitigation is required.	Less than Significant
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Less than Significant	No mitigation is required.	Less than Significant
<b>Section 2.5 Biological Resources</b>			
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	Potentially Significant	<b>BIO-1</b> A Spring (April-May) plant survey shall be completed prior to any ground disturbance on the site. If any of the eight special status plant species known to occur in the Project area (see <b>Table 2.5-1</b> ) are found on site during Spring surveys, the population size of the species and importance to the overall population should be determined. If a species occurs on the site, is found to be important to the	Less than Significant

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation																																				
regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.		<p>overall population, and cannot be avoided, it should be transplanted and/or have seeds/topsoil collected. The Town of Apple Valley must also be consulted if species proposed for coverage under the MSHCP/NCCP are found.</p> <p style="text-align: center;"><b>Table 2.5-1 Potentially Occurring Special Status Plants</b></p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px auto;"> <thead> <tr> <th style="width: 25%;">Scientific Name</th> <th style="width: 25%;">Common Name</th> <th style="width: 25%;">Status</th> <th style="width: 25%;">Occurrence Probability</th> </tr> </thead> <tbody> <tr> <td><i>Canbya candida</i></td> <td>White pygmy-poppy</td> <td>CRPR<sup>1</sup> MSHCP/NCCP<sup>2</sup></td> <td>Moderate</td> </tr> <tr> <td><i>Cymopterus deserticola</i></td> <td>Desert cymopterus</td> <td>CRPR MSHCP/NCCP</td> <td>Moderate</td> </tr> <tr> <td><i>Diplacus (Mimulus) mohavensis</i></td> <td>Mojave monkeyflower</td> <td>CRPR MSHCP/NCCP</td> <td>Moderate</td> </tr> <tr> <td><i>Eriophyllum mohavense</i></td> <td>Barstow woolly sunflower</td> <td>CRPR MSHCP/NCCP</td> <td>Moderate</td> </tr> <tr> <td><i>Lycium torreyi</i></td> <td>Torrey's box-thorn</td> <td>CRPR</td> <td>Very Low - Absent</td> </tr> <tr> <td><i>Mentzelia eremophila</i></td> <td>Solitary blazing star</td> <td>CRPR</td> <td>Moderate</td> </tr> <tr> <td><i>Pediomelum castoreum</i></td> <td>Beaver dam breadroot</td> <td>CRPR MSHCP/NCCP</td> <td>Moderate</td> </tr> <tr> <td><i>Sclerocactus polyancistrus</i></td> <td>Mojave fish-hook cactus</td> <td>CRPR</td> <td>Very Low - Absent</td> </tr> </tbody> </table> <p style="font-size: small; margin-top: 10px;">Source: "Dale Evans/Lafayette Warehouse/Distribution Facility Project Delineation of Jurisdictional Waters, Town of Apple Valley, San Bernardino County, California." Wood Environment &amp; Infrastructure, August 2022  <sup>1</sup> California Rare Plant Rank, formerly known as the California Native Plant Society Rare Plant Inventory.  <sup>2</sup> Multiple Species Habitat Conservation Plan / Natural Community Conservation Plan</p>	Scientific Name	Common Name	Status	Occurrence Probability	<i>Canbya candida</i>	White pygmy-poppy	CRPR <sup>1</sup> MSHCP/NCCP <sup>2</sup>	Moderate	<i>Cymopterus deserticola</i>	Desert cymopterus	CRPR MSHCP/NCCP	Moderate	<i>Diplacus (Mimulus) mohavensis</i>	Mojave monkeyflower	CRPR MSHCP/NCCP	Moderate	<i>Eriophyllum mohavense</i>	Barstow woolly sunflower	CRPR MSHCP/NCCP	Moderate	<i>Lycium torreyi</i>	Torrey's box-thorn	CRPR	Very Low - Absent	<i>Mentzelia eremophila</i>	Solitary blazing star	CRPR	Moderate	<i>Pediomelum castoreum</i>	Beaver dam breadroot	CRPR MSHCP/NCCP	Moderate	<i>Sclerocactus polyancistrus</i>	Mojave fish-hook cactus	CRPR	Very Low - Absent	
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**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
		<p><b>BIO-2</b> A permit from the Town will be required for the removal of any native tree or plant protected by the Town code. The land use application, building permit, and/or other development permits will serve as the permit for the removal of native trees/plants if the application or permit specifically reviews and approves such removals. The Town may require certification from an appropriate tree expert or desert native plant expert that such removals are appropriate, supportive of a healthy environment, and comply with the provisions of the Town code. Any native plant removed under permit should be incorporated into the final landscaping plans and used in Project landscaping to the greatest extent possible.</p> <p><b>BIO-3</b> If monarch caterpillars are found on milkweed on the Project site during Spring plant surveys, and impacts are unavoidable, the monarch caterpillars should be moved to safe milkweeds off-site with appropriate authorization. If bumblebee nests occupied by Crotch bumblebees are found onsite during Springs plant surveys and cannot be avoided, then the CDFW must be consulted for guidance.</p> <p><b>BIO-4</b> A worker's environmental awareness program (WEAP) shall be prepared and implemented to educate the construction crew of potential special status species, including but not limited to desert tortoise, that may be present or wander onto the Project site.</p>	

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
		<p><b>BIO-5</b> Construction and maintenance personnel shall be required to inspect for desert tortoises under vehicles prior to moving the vehicle. If a desert tortoise is found beneath a vehicle, it may not be moved until the desert tortoise has left of its own accord. All desert tortoise observations shall be noted by the contractor and reported to a qualified biologist and federal and State wildlife agencies.</p> <p><b>BIO-6</b> A qualified biologist shall periodically monitor construction to ensure that tortoises do not enter the work area and that they are not disturbed if present. Isolating the site with tortoise-proof fencing will also reduce or eliminate this need.</p> <p><b>BIO-7</b> Any open trenches adjacent to habitat shall be monitored daily. If left open overnight or at any time when not monitored, trenches shall be fenced, blocked and/or covered to prevent entry by desert tortoises. Exit ramps shall be present within open trenches.</p> <p><b>BIO-8</b> Any vegetation removal or grading occurring during the nesting season (generally February 1 through August 31) will require at least one nesting bird survey to be conducted by a qualified biologist no more than three days prior to site disturbance. If no nests are found, construction may proceed. If active nests are found, impact avoidance measures (e.g., “no work” buffers, sound and/or visual barriers) will be put in place around the nest until young have fledged. This also applies to offsite nests identified by the biologist during the nesting</p>	

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
		<p>survey which may be indirectly impacted by site development.</p> <p><b>BIO-9</b> The CDFW recommends avoidance buffers of approximately 500 feet for birds-of-prey and listed species, and 100-300 feet for other unlisted birds. Appropriate buffers shall be established on a case-by-case basis by the nesting bird biologist.</p> <p><b>BIO-10</b> A survey for potential burrows followed by four breeding season surveys of areas found to have potential for burrowing owl occupation must be conducted in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012). The burrow survey can be conducted any time, but the breeding season focused survey cannot begin prior to February 1.</p> <p><b>BIO-11</b> If burrowing owls are found and impacts are unavoidable, guidelines in the Staff Report on Burrowing Owl Mitigation (CDFG 2012) must be followed in addition to consultation with the CDFW.</p> <p><b>BIO-12</b> Where potential habitat is present, whether or not owls are found on site by the focused surveys, a preconstruction take avoidance survey for owls is required by CDFW if construction does not occur immediately following completion of measure BIO-10, in case the site has been occupied in the interim period. The Town shall also be consulted if owls are found on the Project site.</p> <p><b>BIO-15</b> In conjunction with the survey for potential burrows required under BIO-10, the Project biologist shall also</p>	

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
		inspect for the presence of desert kit fox. Should a den be discovered during this survey, the Project biologist shall recommend avoidance and mitigation measures consistent with CDFW consultation and requirements.	
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 Game or U.S. Fish and Wildlife Service.	Potentially Significant	<p><b>BIO-13</b> The Project proponent will obtain a CWA 401 Certification from the RWQCB. In addition to the formal application materials and fees (based on area of impact), a copy of the EIR and other appropriate California Environmental Quality Act (CEQA) documentation shall be included with the application.</p> <p><b>BIO-14</b> The CDFW will require a 1602 Streambed Alteration Agreement (SSA) for activities that alter on-site drainages. In addition to the mitigation measures provided in BIO-1 through BIO-13, the SSA may include avoidance and minimization measures such as the monitoring of the site by a qualified biologist with stop-work authority; the use of Best Management Practices; restrictions on work activities within the wash to dry weather only; storm event inspections; protection measures relating to vegetation removal and habitat restoration; and/or the acquisition of habitat off-site at a ratio of up to 3:1.</p>	Less than Significant
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,	Potentially Significant	<p><b>BIO-13</b> The Project proponent will obtain a CWA 401 Certification from the RWQCB. In addition to the formal application materials and fees (based on area of impact), a copy of the EIR and other appropriate California Environmental Quality Act (CEQA) documentation shall be included with the application.</p>	Less than Significant



**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
hydrological interruption, or other means.		<b>BIO-14</b> The CDFW will require a 1602 Streambed Alteration Agreement (SSA) for activities that alter on-site drainages. In addition to the mitigation measures provided in BIO-1 through BIO-13, the SSA may include avoidance and minimization measures such as the monitoring of the site by a qualified biologist with stop-work authority; the use of Best Management Practices; restrictions on work activities within the wash to dry weather only; storm event inspections; protection measures relating to vegetation removal and habitat restoration; and/or the acquisition of habitat off-site at a ratio of up to 3:1.	
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.	Potentially Significant	<b>BIO-8</b> Any vegetation removal or grading occurring during the nesting season (generally February 1 through August 31) will require at least one nesting bird survey to be conducted by a qualified biologist no more than three days prior to site disturbance. If no nests are found, construction may proceed. If active nests are found, impact avoidance measures (e.g., “no work” buffers, sound and/or visual barriers) will be put in place around the nest until young have fledged. This also applies to offsite nests identified by the biologist during the nesting survey which may be indirectly impacted by site development.	Less than Significant
e) Conflict with any local policies or ordinances protecting biological resources,	Less than Significant	No mitigation is required.	Less than Significant

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
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.	Less than Significant	No mitigation is required.	Less than Significant
<b>Section 2.6 Cultural Resources</b>			
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5.	Less than Significant	No mitigation is required.	Less than Significant
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.	Less than Significant	No mitigation is required.	Less than Significant
c) Disturb any human remains, including those interred outside of dedicated cemeteries.	Potentially Significant	<b>CUL-1</b> Should buried human remains be discovered during grading or other construction activity, in accordance with State law, the County coroner shall be contacted. If the remains are determined to be of Native American heritage, the Native American Heritage Commission and the appropriate local Native American Tribe shall be contacted to determine the Most Likely Descendant (MLD).	Less than Significant

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
<b>Section 2.7 Energy</b>			
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.	Less than Significant	No mitigation is required.	Less than Significant
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.	Less than Significant	No mitigation is required.	Less than Significant
<b>Section 2.8 Geology &amp; Soils</b>			
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	No Impact	No mitigation is required.	No Impact

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
ii) Strong seismic ground shaking.	Potentially Significant	<p><b>GEO-1</b> Prior to the completion of excavation and foundation plans, the developer shall prepare a site- and building-specific soils and geotechnical analysis that includes an evaluation of seismic and soil conditions and provides recommendations that mitigate soils and geotechnical hazards and constraints, including ground shaking and expansive soils. Site-specific geotechnical investigations will be necessary to refine engineering design parameters such as site preparation, grading, and foundation design, as well as to assure that design criteria are responsive to onsite soils and to the effects of differential settlements resulting from potential ground shaking. Any refinements to the geotechnical analysis will need to be completed prior to the approval of grading plans.</p> <p><b>GEO-2</b> Proper structural engineering of the Project shall take into account the forces that will be applied to structures by anticipated ground motion, and shall provide mitigation for ground shaking hazards. Seismic design shall be in accordance with the most recently adopted editions of the Uniform Building Code and the seismic design parameters of the Structural Engineers' Association of California.</p>	Less than Significant
iii) Seismic-related ground failure, including liquefaction.		<p><b>GEO-1</b> Prior to the completion of excavation and foundation plans, the developer shall prepare a site- and building-specific soils and geotechnical analysis that includes an evaluation of seismic and soil conditions and provides</p>	

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
		<p>recommendations that mitigate soils and geotechnical hazards and constraints, including ground shaking and expansive soils. Site-specific geotechnical investigations will be necessary to refine engineering design parameters such as site preparation, grading, and foundation design, as well as to assure that design criteria are responsive to onsite soils and to the effects of differential settlements resulting from potential ground shaking. Any refinements to the geotechnical analysis will need to be completed prior to the approval of grading plans.</p> <p><b>GEO-3</b> Imported and onsite fill soils for the development shall be approved by the Project's soils engineer. Prior to placement as compaction fill the soils engineer shall assure that all fill materials are free of vegetation, organic material, cobbles and boulders greater than 6 inches in diameter, and other debris. Approved soil shall be placed in horizontal lifts or appropriate thickness as prescribed by the soils engineer and watered or aerated as necessary to obtain near-optimum moisture-content.</p> <p><b>GEO-4</b> Fill materials shall be uniformly compacted to no less than 90% of the laboratory maximum density, by either over-filling and cutting back to expose a compacted core or by approved mechanical methods, as determined by American Society for Testing and Materials (ASTM) test method D-1557-78. The Project soils engineer shall observe the placement of fill and take sufficient tests to verify the moisture content, uniformity, and degree of compaction</p>	

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
		obtained. In-place soil density measurements should be determined by the sand-cone method, in accordance with ASTM Test Method D-1556-64 (74), or equivalent test method acceptable to the Town's Building and Safety Department.	
iv) Landslides.	Less than Significant	No mitigation is required.	Less than Significant
b) Result in substantial soil erosion or the loss of topsoil.	Less than Significant	No mitigation is required.	Less than Significant
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.	Less than Significant	No mitigation is required.	Less than Significant
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.	Potentially Significant	<b>GEO-1</b> Prior to the completion of excavation and foundation plans, the developer shall prepare a site- and building-specific soils and geotechnical analysis that includes an evaluation of seismic and soil conditions and provides recommendations that mitigate soils and geotechnical hazards and constraints, including ground shaking and expansive soils. Site-specific geotechnical investigations will be necessary to refine engineering design parameters such as site preparation, grading, and foundation design, as well as to assure that design criteria are responsive to	Less than Significant

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
		onsite soils and to the effects of differential settlements resulting from potential ground shaking. Any refinements to the geotechnical analysis will need to be completed prior to the approval of grading plans.	
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.	No Impact	No mitigation is required.	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	No Impact	No mitigation is required.	No Impact
<b>Section 2.9 Greenhouse Gas Emissions</b>			
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	Potentially Significant	<b>GHG-1</b> Establish an employee carpooling program, including incentives (preferred parking, flex time incentives, etc.) for participating employees. <b>GHG-2</b> Provide employees with free or discounted public transit passes.	Less than Significant
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	Less than Significant	No mitigation is required	Less than Significant

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
<b>Section 2.10 Hazards and Hazardous Materials</b>			
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	Less than Significant	No mitigation is required	Less than Significant
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.  d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.	Potentially Significant	<p><b>HAZ-1</b> A Removal Action Workplan will be prepared and implemented for the avoidance and/or removal of MD (and MEC if present) as necessary prior to the development of the property.</p> <p><b>HAZ-2</b> A post-construction Soil Management Plan (SMP) detailing procedures will be prepared in order to minimize the potential for future workers to come into contact with ordnance related materials. The SMP will be prepared following completion of construction and would contain the procedures and protocols for future excavations at the site.</p> <p><b>HAZ-3</b> During intrusive grading operations in the target and high-density area (within 250 feet of the target area), full time construction support using a two-man technician crew (Unexploded Ordnance [UXO] Technician) will be performed to identify any ordnance related scrap or MEC items.</p> <p><b>HAZ-4</b> In the target/high density area, as defined in Appendix G, the area shall be cleared using excavation, stockpiling and sifting to remove the ordnance-related scrap metal. A depth of 3 feet below final elevation is recommended</p>	



**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
		<p>for this operation. The cleared soil will then be returned to this area.</p> <p><b>HAZ-5</b> Intrusive work in the target/high density area for stormwater transfer line and drainage (after clearance) should be performed by excavator or backhoe equipment in the presence of the construction support technician (Unexploded Ordnance [UXO] Technician).</p> <p><b>HAZ-6</b> Ordnance related scrap encountered during intrusive excavations will be collected, inspected, properly handled, and disposed of by the construction support technicians.</p> <p><b>HAZ-7</b> In the area(s) where fill will be placed in the target/high density area, the fill should be a minimum of 2 feet thick.</p> <p><b>HAZ-8</b> All construction personnel shall be trained to avoid coming in contact with ordnance-related metal whenever possible.</p> <p><b>HAZ-9</b> In proposed fill areas, utilize grading techniques that are not intrusive into the subgrade.</p> <p><b>HAZ-10</b> Excavation of the soil for clearance and stockpiling operations can be performed using a bulldozer and loader to create the stockpiles for sifting.</p> <p><b>HAZ-11</b> If any items are identified as containing energetic materials, the MEC Unexploded Ordnance [UXO] Technicians will assess the item and dispose of the materials according to professional standards and consistent with local, State and federal requirements.</p>	

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<b>Impact</b>	<b>Level of Impact Before Mitigation</b>	<b>Proposed Mitigation Measure(s)</b>	<b>Level of Significance after Mitigation</b>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	No Impact	No mitigation is required.	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area.	No Impact	No mitigation is required.	No Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	Less than Significant	No mitigation is required	Less than Significant
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.	No Impact	No mitigation is required.	No Impact

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
<b>Section 2.11 Hydrology and Water Quality</b>			
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.	Less than Significant	No mitigation is required	Less than Significant
b) 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	No mitigation is required	Less than Significant
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;	Less than Significant	No mitigation is required	Less than Significant
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	Less than Significant	No mitigation is required	Less than Significant

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	Less than Significant	No mitigation is required	Less than Significant
iv) impede or redirect flood flows.	Less than Significant	No mitigation is required	Less than Significant
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.	No Impact	No mitigation is required.	No Impact
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	Less than Significant	No mitigation is required	Less than Significant
<b>Section 2.12 Land Use and Planning</b>			
a) Physically divide an established community.	No Impact	No mitigation is required.	No Impact
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.	Less than Significant	No mitigation is required	Less than Significant

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
<b>Section 2.13 Noise</b>			
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;	Less than Significant	No mitigation is required	Less than Significant
b) Generation of excessive groundborne vibration or groundborne noise levels;	Less than Significant	No mitigation is required	Less than Significant
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	No mitigation is required	Less than Significant
<b>Section 2.14 Population and Housing</b>			
a) Induce substantial unplanned population growth in an area, either directly (for	Less than Significant	No mitigation is required.	Less than Significant

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	No Impact	No mitigation is required.	No Impact
<b>Section 2.15 Public Services</b>			
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:  <ul style="list-style-type: none"> <li>• Fire Protection?</li> <li>• Police Protection?</li> </ul>	Less than Significant	No mitigation is required.	Less than Significant

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
<ul style="list-style-type: none"> <li>• Schools?</li> <li>• Parks? (see Section 2.16, Recreational Resources)</li> <li>• Other Public Facilities?</li> </ul>			
<b>Section 2.16 Recreational Resources</b>			
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.	Less than Significant	No mitigation is required.	Less than Significant
b) 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	No mitigation is required.	Less than Significant
<b>Section 2.17 Transportation</b>			
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.	Potentially Significant	<p><b>TRF-1</b> The curb radius at Driveways 3 and 5 on Dachshund Avenue shall be increased to 50 feet to accommodate the ingress and egress of heavy trucks (also see Traffic Analysis Exhibit 1-4; Appendix I).</p> <p><b>TRF-2</b> The Project shall widen Dale Evans at its ultimate easterly half-section width as a Major Divided Parkway (142-foot right-of-way) with the Town's standard, from Lafayette Street to Burbank Street.</p> <p><b>TRF-3</b> The Project shall construct Lafayette Street at its ultimate southerly half-section width as a Secondary Road (88-foot right-of-way)</p>	Less than Significant

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
		<p>with the Town's standard, from Dale Evans Parkway to Dachshund Avenue.</p> <p><b>TRF-4</b> The Project shall construct Burbank Street at its ultimate northerly half-section plus one lane as an Industrial &amp; Commercial Local Street (66-foot right-of-way) with the Town's standard, from Dale Evans Parkway to Dachshund Avenue.</p> <p><b>TRF-5</b> The Project shall construct Dachshund Avenue at its ultimate westerly half-section plus one lane as a Secondary Road (88-foot right-of-way) with the Town's standard, from Lafayette Street to Burbank Street.</p> <p><b>TRF-6</b> Dale Evans Parkway &amp; Lafayette Street (#2) – In order to serve opening year cumulative conditions, Project shall provide a 200-foot westbound left turn pocket on Lafayette Street approaching Dale Evans Parkway. Cross-street stop sign control will adequately serve this intersection for opening year cumulative conditions; however, horizon year (2040) projections indicate the need for a traffic signal at this location. Project shall make a fair share contribution towards the future traffic signal consistent with Table 2.17-9.</p> <p><b>TRF-7</b> Dale Evans Parkway &amp; Burbank Street (#11) – Project shall provide a westbound cross-street stop sign control to adequately serve future traffic conditions with the Project at this local street intersection.</p> <p><b>TRF-8</b> Dachshund Avenue &amp; Lafayette Street (#12) – Project shall provide a 150-foot northbound left turn lane on Dachshund Avenue approaching Lafayette Street. Project shall install cross-street stop sign control to adequately serve this intersection for opening year cumulative and long-range future conditions.</p> <p><b>TRF-9</b> Driveway 1 &amp; Lafayette Street (#14) – Driveway 1 shall be located 350 feet east of Dale Evans Parkway, centerline-to-centerline.</p>	



**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
		<p>Project Driveway 1 is to be restricted to passenger cars only (no large trucks). Cross-street stop sign control will adequately serve future traffic conditions at this driveway location.</p> <p><b>TRF-10</b> Driveway 2 &amp; Lafayette Street (#15) – Project shall provide a cross-street stop sign control to adequately serve future traffic conditions at this driveway location. Project Driveway 2 is to be restricted to passenger cars only (no large trucks).</p> <p><b>TRF-11</b> Dachshund Avenue &amp; Driveway 3 (#16) – Driveway 3 will function as a large truck access to the Project from Lafayette Street via Dachshund Avenue. Cross-street stop sign control will adequately serve future traffic conditions at this driveway location.</p> <p><b>TRF-12</b> Dachshund Avenue &amp; Driveway 4 (#17) – Project shall install a cross-street stop sign control to adequately serve future traffic conditions at this driveway location. Project Driveway 4 is to be restricted to passenger cars only (no large trucks).</p> <p><b>TRF-13</b> Dachshund Avenue &amp; Driveway 5 (#18) – Driveway 18 will function as a large truck access to the Project from Lafayette Street or Burbank Street via Dachshund Avenue. Project shall install cross-street stop sign control to adequately serve future traffic conditions at this driveway location. To accommodate large trucks, adjust the Driveway 5 / Dachshund Avenue on-site curb returns to 50-foot radii as indicated on Exhibit 1-4 of the Project Traffic Analysis.</p> <p><b>TRF-14</b> Driveway 6 &amp; Burbank Street (#19) – Project shall install cross-street stop sign control to adequately serve future traffic conditions at this driveway location. Project Driveway 6 is to be restricted to passenger cars only (no large trucks).</p> <p><b>TRF-15</b> Driveway 7 &amp; Burbank Street (#20) – Project shall install cross-street stop sign control to adequately serve future traffic conditions at</p>	

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
		<p>this driveway location. Project Driveway 7 is to be restricted to passenger cars only (no large trucks).</p> <p><b>TRF-16</b> On-site traffic signing and striping shall be implemented in substantial conformance with the provisions of the California Manual on Uniform Traffic Control Devices (CA MUTCD) and in conjunction with detailed construction plans for the Project site.</p> <p><b>TRF-17</b> Sight distance at each project access point shall be reviewed with respect to standard Caltrans and Town of Apple Valley sight distance standards at the time of preparation of final grading, landscape, and street improvement plans.</p> <p><b>TRF-18</b> Project improvements may include a combination of fee payments to established programs (e.g., DIF), construction of specific improvements, payment of a fair share contribution toward future improvements or a combination of these approaches. Improvements constructed by the Project may be eligible for a fee credit or reimbursement through the program where appropriate (to be determined at the Town of Apple Valley's discretion).</p> <p><b>TRF-19</b> When off-site improvements are identified with a minor share of responsibility assigned to the Project, the Town may elect to collect a fair share contribution toward future improvements. Detailed fair share calculations for each peak hour, are provided in Table 2.17-9 below for the applicable deficient intersections. Improvements included in a defined program and constructed by development may, at the Town's discretion, be eligible for a fee credit or reimbursement through the program where appropriate.</p>	

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		<b>Table 2.17-1 Project Fair Share Calculations</b> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 20%;"># Intersection</th> <th style="width: 10%;">Existing (2022) Traffic</th> <th style="width: 10%;">HY (2040) w/ Project Traffic</th> <th style="width: 10%;">Project Only Traffic</th> <th style="width: 10%;">Total New Traffic<sup>1</sup></th> <th style="width: 10%;">Project Fair Share (%)<sup>2</sup></th> </tr> </thead> <tbody> <tr> <td colspan="6">1 Dale Evans Pkwy. / Johnson Rd.</td> </tr> <tr> <td>• AM Peak Hour</td> <td style="text-align: center;">510</td> <td style="text-align: center;">2,240</td> <td style="text-align: center;">145</td> <td style="text-align: center;">1,730</td> <td style="text-align: center;">8.4%</td> </tr> <tr> <td>• PM Peak Hour</td> <td style="text-align: center;">771</td> <td style="text-align: center;">2,922</td> <td style="text-align: center;">189</td> <td style="text-align: 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Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)					Level of Significance after Mitigation
		<ul style="list-style-type: none"> <li>• AM Peak Hour</li> <li>• PM Peak Hour</li> </ul>	197	1,819	24	1,622	<b>1.5%</b>
		9 Navajo Rd. / Lafayette St.					
		<ul style="list-style-type: none"> <li>• AM Peak Hour</li> <li>• PM Peak Hour</li> </ul>	68	1,558	18	1,490	1.2%
		<ul style="list-style-type: none"> <li>• AM Peak Hour</li> <li>• PM Peak Hour</li> </ul>	121	1,432	24	1,311	<b>1.8%</b>
		10 Central Rd. / Johnson Rd.					
		<ul style="list-style-type: none"> <li>• AM Peak Hour</li> <li>• PM Peak Hour</li> </ul>	119	1,831	18	1,712	1.1%
		<ul style="list-style-type: none"> <li>• AM Peak Hour</li> <li>• PM Peak Hour</li> </ul>	198	1,954	24	1,756	<b>1.4%</b>
		11 Dale Evans Pkwy. / Burbank St.					
		<ul style="list-style-type: none"> <li>• AM Peak Hour</li> <li>• PM Peak Hour</li> </ul>	247	2,023	68	1,776	3.8%
		<ul style="list-style-type: none"> <li>• AM Peak Hour</li> <li>• PM Peak Hour</li> </ul>	375	2,226	89	1,851	<b>4.8%</b>
		12 Dachshund Av. / Lafayette St.					
		<ul style="list-style-type: none"> <li>• AM Peak Hour</li> <li>• PM Peak Hour</li> </ul>	37	1,473	115	1,436	8.0%
		<ul style="list-style-type: none"> <li>• AM Peak Hour</li> <li>• PM Peak Hour</li> </ul>	61	1,604	152	1,543	<b>9.9%</b>
		13 Dachshund Av. / Burbank St.					
		<ul style="list-style-type: none"> <li>• AM Peak Hour</li> <li>• PM Peak Hour</li> </ul>	0	272	42	272	15.4%
		<ul style="list-style-type: none"> <li>• AM Peak Hour</li> <li>• PM Peak Hour</li> </ul>	0	304	54	304	<b>17.8%</b>
		<sup>1</sup> Total New Traffic = (Horizon Year 2040 with Project - Existing Traffic) <sup>2</sup> Project Fair Share % = (Project Only Traffic / Total New Traffic)					

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

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b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b).	Potentially Significant	<p><b>VMT-1</b> The Project shall implement a Voluntary Commute Trip Reduction (CTR) measure. The purpose of the CTR would be to encourage alternative modes of transportation such as carpooling, which would reduce VMT. A proposed CTR program for this project could include providing on-site and/or online commute information services including information on available transit and ride coordination for employees.</p> <p><b>VMT-2</b> The Project shall provide designated carpool/vanpool parking in desirable locations on-site to encourage and facilitate employees to carpool/vanpool to work and reduce VMT.</p> <p><b>VMT-3</b> The Project shall install end-of-trip facilities, including bicycle parking and lockers, which encourage and facilitate employees to use alternative modes of transportation and thus reduce VMT.</p> <p><b>VMT-4</b> The Project shall install on-site electric vehicle charging stations beyond what is required by the California Green Building Code Standards (CALGreen), as amended, at designated parking areas. Although this measure would not directly reduce VMT, it would reduce greenhouse gas (GHG) emissions.</p> <p><b>VMT-5</b> The Project shall install sidewalks along the Project frontage on Lafayette Street and provide connections to existing and future bus stops to improve multi-modal access.</p>	Significant and Unavoidable

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

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c) 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	No mitigation is required.	Less than Significant
d) Result in inadequate emergency access.	Less than Significant	No mitigation is required.	Less than Significant
<b>Section 2.18 Tribal Cultural Resources</b>			
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as	Potentially Significant	<b>CUL-1</b> Should buried human remains be discovered during grading or other construction activity, in accordance with State law, the County coroner shall be contacted. If the remains are determined to be of Native American heritage, the Native American Heritage Commission and the appropriate local Native American Tribe shall be contacted to determine the Most Likely Descendant (MLD).	Less than Significant

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Impact	Level of Impact Before Mitigation	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
defined in Public Resources Code section 5020.1(k), or ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code 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.			
<b>Section 2.19 Utilities and Service Systems</b>			
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.	Less than Significant	No mitigation required.	Less than Significant

**TABLE M-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<b>Impact</b>	<b>Level of Impact Before Mitigation</b>	<b>Proposed Mitigation Measure(s)</b>	<b>Level of Significance after Mitigation</b>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.	Less than Significant	No mitigation required.	Less than Significant
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.	Less than Significant	No mitigation required.	Less than Significant
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.	Less than Significant	No mitigation required.	Less than Significant
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.	Less than Significant	No mitigation required.	Less than Significant





# THE DEVELOPMENT AT DALE EVANS AND LAFAYETTE

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## DRAFT ENVIRONMENTAL IMPACT REPORT

### 1. INTRODUCTION AND PROJECT DESCRIPTION

The Project proposes to develop a 1,207,544 square foot warehouse distribution center on a 77.95± acre parcel of land in north Apple Valley (please see Exhibits 1 through 3). The Project site consists of 10 existing parcels, identified as Assessor's parcel numbers 0463-231-11, -12, -13, -14, -15, -16, -34, -35, -36, and -37. The Project site is within the boundary of the 2006 North Apple Valley Industrial Specific Plan (NAVISP), which aims to accelerate the Town's future economic growth by attracting high quality industrial facilities. The Project site is subject to the standards and restrictions codified in the NAVISP. Under the NAVISP, the Project site is designated as Industrial – Specific Plan (SPI). Manufacturing facilities, regional warehousing facilities, and support services are all land-uses that are appropriate for the SPI designation.

The 78±-acre Project site will be developed to include a distribution warehouse with accompanying office spaces in the center of the Project site. The building footprint is proposed to total 1,207,544 square feet, with 1,147,167 square feet of warehouse space, and 60,377 square feet of office space. The building is expected to extend up to 50 feet in height. No user has been identified for the space. For purposes of this analysis, it has been assumed that 85% of the space would be used for dray warehousing, and 15% for cold storage. The warehouse will be accessible via 204 dock doors, while the offices will each be provided with a single man-door. In accordance with §140.10 of Part 6 of Title 24 of the California Building Code, the Project will be required to install a photovoltaic system on the building's roof, and will also be required to have a battery storage system. The Project will connect to existing domestic water and sewer lines in the area, and may require on-site septic holding tank and lift station to pump sanitary sewage to the existing line in Navajo Road.

A total of 1,218 parking spaces are proposed, including both vehicle/employee/guest parking and truck/trailer parking spaces. Drainage through and from the site will be contained via a perimeter channel that will ring the developed area on the north, west and south. At buildout, the Project site will have approximately 35% building coverage, and 22% landscaping.

The Project will have 7 access points: two for cars and commercial vehicles accessible from Burbank Avenue, two for cars and commercial vehicles accessible from Lafayette Street, one for cars and commercial vehicles accessible from Dachshund Avenue, and two for trucks/trailers accessible from Dachshund Avenue.

A dry wash occurs across the property, which conveys storm flows from the north, through the site and southeasterly via sheetflow under current conditions. These flows will be intercepted at the northwestern boundary of the site, conveyed through the site in a perimeter channel to be constructed by the Project, and released at the south boundary of the property. In addition, on-site retention facilities are proposed to contain the Project's incremental increase in 100-year storm flows within the site, consistent with Town requirements.

#### Surrounding Land Uses

A Walmart warehouse and distribution center is located north of the Project site. To the east of the Project site is a Big Lots warehouse and distribution center. Lands to the south are vacant, and also part of the NAVISP. Lands to the west, across Dale Evans Parkway, are also vacant, but outside the NAVISP boundary, and designated Medium Density Residential in the Town's General Plan.

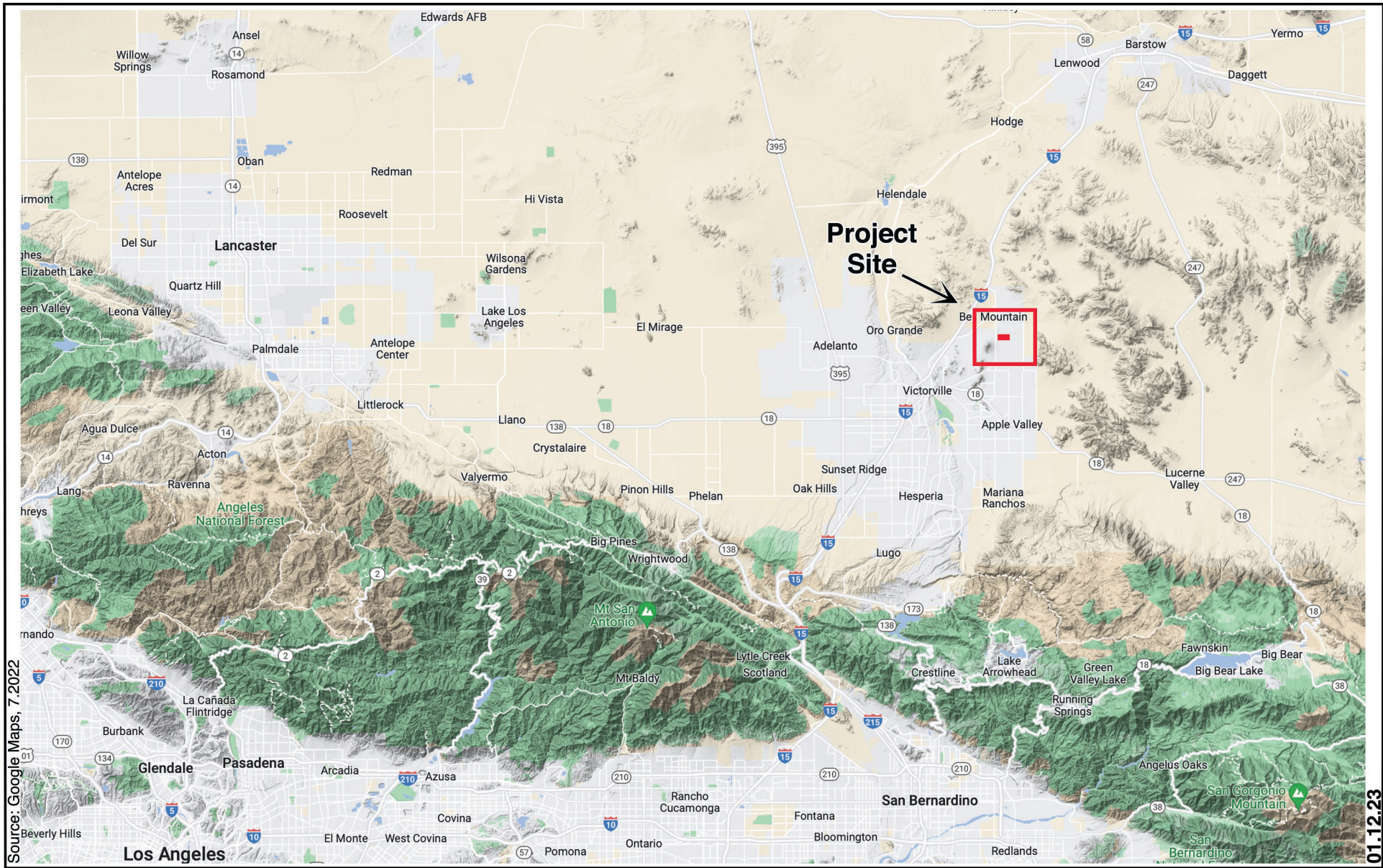
#### Current Conditions

The Project site is vacant and has not been previously developed. The site was previously part of the Victorville Precision Bombing Range No. 1 (PBR1) and is now designated as a Formerly Used Defense Site (FUDS). The northeastern portion of the Project site was part of a target within the Range, and evidence of debris from these activities remains on the site (please see Section 2.10, Hazards and Hazardous Materials).

### **1.1 Project Location and Limits**

The Project site is bounded by Lafayette Street to the north, Dachshund Avenue to the east, Burbank Avenue to the south, and Dale Evans Parkway to the west. The Project will include half-width improvements of all four of these streets to their ultimate General Plan half-width. Specifically, the Town will require widening of Dale Evans Parkway to a 71 foot half-width consistent with its designation as a Parkway; Lafayette and Dachshund to a 44 foot half-width, consistent with their designation as a Secondary; and Burbank to a 33 foot half-width, consistent with its designation as an Industrial roadway.

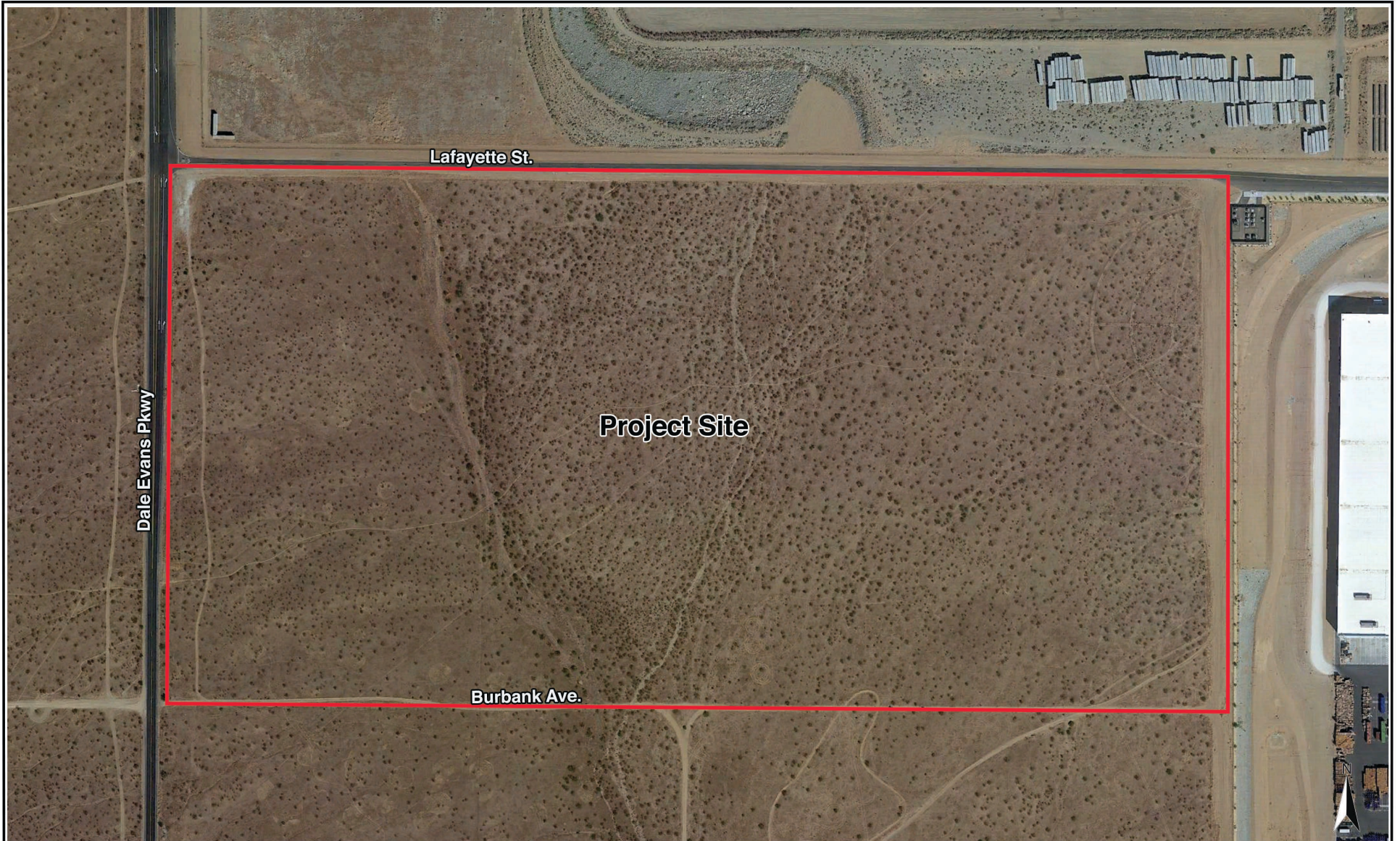
In addition, the Project will connect to existing water lines in Dale Evans Parkway. Sanitary sewer will be provided via a connection to an existing sewer line in Navajo Road, northeast of the Project site via a proposed on-site lift station and sewage storage tank. Drainage facilities will be designed on-site for the incremental increase resulting from the Project, as well as carrying off-site flows through the site and controlling discharge to assure that storm flows exiting the site occur at the same velocity and volume as current conditions. Dry utilities, including electricity, telephone and similar systems will connect to existing facilities adjacent to the property.



Source: Google Maps, 7.2022

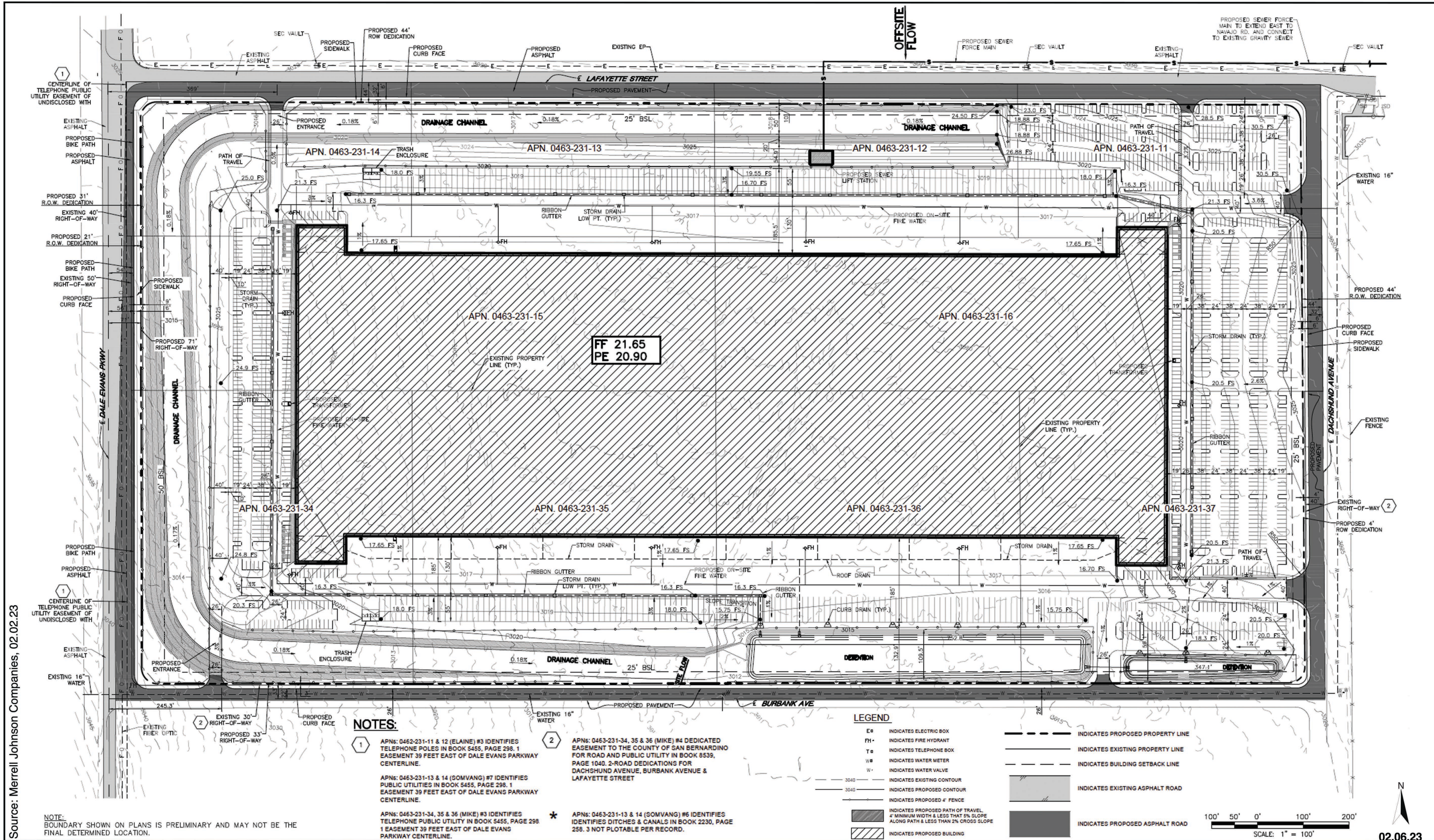
01.12.23





Source: Google Earth, 7.2022

01.12.23



Source: Merrell Johnson Companies, 02.02.23

NOTE: BOUNDARY SHOWN ON PLANS IS PRELIMINARY AND MAY NOT BE THE FINAL DETERMINED LOCATION.

**NOTES:**

1 APNs: 0463-231-11 & 12 (ELAINE) #3 IDENTIFIES TELEPHONE POLES IN BOOK 5455, PAGE 298. 1 EASEMENT 39 FEET EAST OF DALE EVANS PARKWAY CENTERLINE.

2 APNs: 0463-231-13 & 14 (SOMVANG) #7 IDENTIFIES PUBLIC UTILITIES IN BOOK 5455, PAGE 298. 1 EASEMENT 39 FEET EAST OF DALE EVANS PARKWAY CENTERLINE.

3 APNs: 0463-231-34, 35 & 36 (MIKE) #3 IDENTIFIES TELEPHONE PUBLIC UTILITY IN BOOK 5455, PAGE 298. 1 EASEMENT 39 FEET EAST OF DALE EVANS PARKWAY CENTERLINE.

4 APNs: 0463-231-13 & 14 (SOMVANG) #6 IDENTIFIES DITCHES & CANALS IN BOOK 2230, PAGE 258. 3 NOT PLOTTABLE PER RECORD.

**LEGEND**

- EB INDICATES ELECTRIC BOX
- FH INDICATES FIRE HYDRANT
- Tb INDICATES TELEPHONE BOX
- Wb INDICATES WATER METER
- Wv INDICATES WATER VALVE
- 3040 INDICATES EXISTING CONTOUR
- 3040 INDICATES PROPOSED CONTOUR
- INDICATES PROPOSED 4' FENCE
- INDICATES PROPOSED PATH OF TRAVEL 4' MINIMUM WIDTH & LESS THAN 5% SLOPE ALONG PATH & LESS THAN 2% CROSS SLOPE
- INDICATES PROPOSED BUILDING
- INDICATES PROPOSED PROPERTY LINE
- INDICATES EXISTING PROPERTY LINE
- INDICATES BUILDING SETBACK LINE
- INDICATES EXISTING ASPHALT ROAD
- INDICATES PROPOSED ASPHALT ROAD

100' 50' 0' 100' 200'  
SCALE: 1" = 100'

02.06.23

## **1.2 Purpose and Need**

The proposed Project will result in the implementation of the NAVISP on 78± acres in the center of the Specific Plan, expanding on existing similar industrial projects to the north and east. The Project will result in an expansion of job opportunities within the Town, which currently experiences significant job loss to the Inland Empire to the south. The implementation of the Specific Plan is one of the Town's long term goals for a diverse and varied economic base, which will also support housing and commercial growth for Town residents.

The Project will have the potential to impact the environment, and as a result, the Town has determined that this Environmental Impact Report (EIR) should be prepared to assess these potential impacts, and impose mitigation measures to reduce these impacts to less than significant levels. Section 2 of this EIR addresses impacts and mitigation measures. In addition, in order to provide the public and decision-makers with a comprehensive understanding of the alternatives available to reduce impacts, alternatives to the Project have been developed and analyzed in Section 3 of this document.

## **1.3 Statement of Project Objectives**

Pursuant to CEQA Guidelines Section 15124(b), the Project description must include a statement of objectives. The purpose of the objectives is to assist the Town in developing a reasonable range of project alternatives to evaluate in this EIR. These objectives are intended to explain the purpose of the Project, and to aid the decision-makers in preparing findings or a statement of overriding considerations, if necessary. The Town has identified the following list of objectives for the Project.

- A. Support and implement the goals of the North Apple Valley Industrial Specific Plan.
- B. Provide new jobs to reduce Town residents' dependence on employment outside the community.
- C. Limit the intrusion of heavy commercial vehicles into Town neighborhoods by siting the Project in close proximity to Interstate-15 interchanges at Stoddard Wells Road and Dale Evans Parkway.
- D. Improve adjacent streets to improve traffic flow and connections to other lands within the Specific Plan boundary.
- E. Create an attractive streetscape on Dale Evans Parkway, to enhance the aesthetic appearance of this roadway and of the Specific Plan as a whole.



- F. Create sufficient buffers, through setbacks, walls and landscaping to the multi-family residential lands planned for the future on the west side of Dale Evans Parkway.

#### **1.4 CEQA Process**

##### Purpose of an EIR

In accordance with Sections 15063, 15064 and 15082 of the State CEQA Guidelines, the Town prepared an Initial Study and Notice of Preparation to identify potentially significant impacts associated with the proposed Project (please see Appendix A). Based on this preliminary assessment, the Town determined that an EIR should be prepared to evaluate the potential environmental effects associated with the implementation of the Project.

This EIR has been prepared in accordance with CEQA (as amended), pursuant to State CEQA Guidelines §15121 (Informational Document) and the Town's Rules to Implement CEQA:

- *An EIR is an informational document which will inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency.*
- *While the information in the EIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the EIR by making findings under Section 15091 and if necessary by making a statement of overriding consideration under Section 15093.*
- *The information in an EIR may constitute substantial evidence in the record to support the agency's action on the project if its decision is later challenged in court.*

The Lead Agency for this EIR is the Town of Apple Valley. The Town's contact person and contact information is:

Mr. Daniel Alcayaga  
Planning Manager  
Town of Apple Valley  
14955 Dale Evans Parkway  
Apple Valley, CA 92307

All written communications should be directed to Mr. Alcayaga, or sent via email to [dalcayaga@applevalley.org](mailto:dalcayaga@applevalley.org). Mr. Alcayaga can also be reached by telephone at 760-240-7000, extension 7200.

#### **1.4.1 Notice of Preparation**

The first step in the development of an EIR is conducting a preliminary assessment of the project and the issuance of a Notice of Preparation (NOP) of an Environmental Impact Report to solicit input from agencies and other parties of interest, including the general public.

The NOP was released on December 16, 2022, and the 30-day public review period concluded on January 16, 2023. Per CEQA Guidelines Section 15082(c), a scoping meeting was not required for the Project because it is not of statewide, regional or areawide significance.

The NOP (see Appendix A) was submitted to the San Bernardino County Clerk for 30-day posting. The NOP was also submitted to the State of California Governor's Office of Planning and Research, State Clearinghouse (SCH), which circulated the NOP to state agencies for a 30-day review and comment period. A public notice was also published in the Apple Valley News, a newspaper of general circulation, on December 16, 2022. One comment letter was received through the State Clearinghouse, from the Native American Heritage Commission (see Appendix A). The Commission provided guidance regarding the Town's need to consult with tribes consistent with AB 52 and SB 18. The Town also received Public Records Act requests from three attorneys representing labor unions, but none of these requests provided comments associated with the environmental impacts of the Project.

#### **1.4.2 Draft EIR**

This Draft EIR is being circulated along with the Notice of Availability and Notice of Completion for public review for a 45-day review period, in accordance with State CEQA Guidelines Sections 15085 and 15087.

#### **1.4.3 Final EIR**

Following the public review and comment period, the Town will prepare written responses to the written comments received on the Draft EIR. Where necessary, the Draft EIR may be revised, as appropriate, and together with the Response to Comments, will constitute the Final EIR.

Following EIR certification, the Town may proceed with consideration of proposed Project. CEQA also requires the adoption of findings prior to approval of a project where a certified Final EIR identifies significant unmitigated environmental effects that would be caused by implementation of a project.

If the Project that is approved would result in significant unmitigated effects that are identified in the Final EIR and that cannot be avoided or substantially lessened, the Town shall state in writing in a “statement of overriding considerations” the specific reasons to support its action based on the Final EIR and/or other information in the record. If the Project is approved, the Town would file a Notice of Determination (NOD) with the County Clerk and State Clearinghouse within five working days following project approval.

#### **1.4.4 Mitigation Monitoring and Reporting**

CEQA requires lead agencies to adopt a Mitigation Monitoring and Reporting Program (MMRP) at the same time the Final EIR is certified. The MMRP is a verification tool for use by the Lead Agency that lists the mitigation program task, entity responsible for implementation, timing of compliance, and record of date of compliance. Once the Final EIR and MMRP are certified, the mitigation measures become conditions of the Project.

#### **1.4.5 Organization of the Draft EIR**

The organization of the Draft EIR is as follows:

**Environmental Matrix** - Summary of Project, Impacts and Mitigation

**Section 1 – Introduction and Project Description.** The section includes a description of the proposed Project and summarizes construction and operational characteristics of the proposed Project. Areas of controversy are also identified. This section describes the CEQA process and the organization of this document.

**Section 2 – Environmental Setting, Impacts and Mitigation Measures.** The environmental setting discussion provides important background data and information on all CEQA analysis categories on a regional and area-wide basis. This section of the EIR serves to establish the physical context within which the Project is being considered and analyzed. It also presents the physical and regulatory setting by environmental resource category, identifies impact significance criteria, and analyzes potential impacts of the Project, including potential cumulative impacts. Mitigation measures and monitoring and reporting programs are identified, where applicable. Section 2 analyzes the following resource areas:

- Introduction (Section 2.1)
- Summary of Environmental Impact Analysis (Section 2.2)
- Aesthetics (Section 2.3)

- Air Quality (Section 2.4)
- Biological Resources (Section 2.5)
- Cultural Resources (Section 2.6)
- Energy Resources (Section 2.7)
- Geology and Soils (Section 2.8)
- Greenhouse Gas Emissions (Section 2.9)
- Hazards and Hazardous Materials (Section 2.10)
- Hydrology and Water Quality (Section 2.11)
- Land Use and Planning (Section 2.12)
- Noise (Section 2.13)
- Population and Housing (Section 2.14)
- Public Services (Section 2.15)
- Recreational Resources (Section 2.16)
- Transportation and Traffic (Section 2.17)
- Tribal Cultural Resources (Section 2.18)
- Utilities and Service Systems (Section 2.19)

### **Impact Categories Not Further Analyzed**

The Initial Study prepared for the Notice of Preparation and this EIR<sup>1</sup> evaluated each of the analysis categories set forth in Appendix G of the CEQA Guidelines. Three CEQA analysis categories were determined to be not impacted by development of the proposed Project. These include Agricultural Resources and Forestry, Mineral Resources and Wildfire. The Initial Study determined that there are no agricultural or forestry lands, permitted mining operations nor land zoned for mineral resource extraction in the Project vicinity. The Project area lies well outside any identified wildfire hazard zone. As there would be no impact to any of these issue areas, these analysis categories are not further analyzed in this EIR.

**Section 3 – Project Alternatives Analysis.** This section describes alternatives to the proposed Project that have the potential to further reduce significant impacts associated with the proposed Project and compares their impacts to those of the Project. This section also identifies which alternative is environmentally superior on a categorical basis and overall.

**Section 4 – Unavoidable Significant Impacts.** This section discusses significant environmental effects that cannot be avoided if the Project is implemented, and significant irreversible environmental changes associated with the Project. This section also provides a summary of any significant unavoidable cumulative impacts that are discussed in the resource sections.

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<sup>1</sup> See Appendix A of this Draft EIR.

**Section 5 – Irreversible and Irretrievable Commitment of Resources.** This section evaluates the Project’s effects on natural resources, including energy and water, and the level of commitment of these resources associated with the Project.

**Section 6 – Growth Inducing Impacts.** This section discusses the Project’s potential to induce growth both locally and regionally.

**Section 7 – Organizations, Persons and Documents Consulted.** This section describes and lists the various parties, agencies, documents and other resources used in preparing the subject EIR.

**Technical Appendices** - provide information in support of the above sections and are identified in the Table of Contents.

### **1.5 Responsible and Cooperating Agencies**

Under CEQA, provision is made for state agencies to act as “Responsible Agencies.” Per California Public Resources Code Section 21069, a “Responsible Agency” is a public agency, other than the Lead Agency, which has responsibility for carrying out or approving a project.” The authority of responsible agencies that may have responsibility for carrying out or approving a project and for complying with CEQA is limited to that part of the project that they will be called upon to carry out or approve (Public Resources Code Sections 21140(c), 21153(c); CEQA Guidelines Sections 15041(b), 15042).

As it relates to the proposed Project, responsible agencies include the Regional Water Quality Control Board (discharge permits and 401 Certification) and the California Department of Fish and Wildlife (Streambed Alteration Agreement).

### **1.6 Project’s Relationship to Other Plans**

#### Regional Plans

The proposed Project is subject to regional plans including the Mojave Desert Air Quality Management District’s Rule Book relating to air quality and greenhouse gas emissions. Its impacts on the Southern California Association of Governments’ 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy are also addressed in this EIR. Other regional, State and federal plans are cited in Section 2 of this document where they apply.

### Local Plans

The Project is primarily governed by two local plans: the Town's General Plan, and the North Apple Valley Industrial Specific Plan, and the Environmental Impact Reports prepared for those documents. All of these documents have been used in the analysis in this EIR, which hereby incorporates them here by reference, and references them in Section 2 and Section 3 where appropriate. In addition, the Project will be subject to the Town's Climate Action Plan Update, and Town policies, programs, Municipal Code and conditions of approval. These documents are also cited as appropriate in Section 2 and Section 3.

### **1.7 Permits, Approvals, Easements**

The Town is the CEQA Lead Agency and is empowered with regulating land use and other activities within its corporate boundaries. The Project applicant has submitted an application for a Site Plan Review which will consider the design, architecture and landscape plans for the Project as they relate to the Town's General Plan and the standards established in the NAVISP. This EIR is also used by the Town to authorize the issuance of roadway native plant removal permits, encroachment permits, grading and building permits, and other authorizations. The EIR will also be used by other agencies, including but not limited to the Regional Water Quality Control Board in authorizing 401 certification and waste discharge permits; and the California Department of Fish and Wildlife when reviewing the 1602 Streambed Alteration Agreement for the Project.

### **1.8 Project Alternatives**

Section 3, Project Alternatives Analysis, evaluates three alternatives to the proposed Project, and evaluates the comparative merits of each alternative. Potential environmental impacts associated with each alternative evaluated in Section 3 are compared to the impacts of the proposed Project. The alternatives are:

Alternative 1: No Project/No Development – under this alternative the Project site would remain vacant.

Alternative 2: All High Cube Warehouse – under this alternative, there would be no refrigerated component to the Project, and the entire building would be used as a high cube warehouse.

Alternative 3: Reduced Building Size – under this alternative, the building would be reduced by 25%, resulting in a high cube warehouse of approximately 900,000 square feet.

## **1.9 Other Alternatives Considered but Not Further Analyzed**

It is important to note that since the Project as proposed is consistent with the General Plan and NAVISP, a No Project/Existing General Plan alternative was considered but not analyzed, since this alternative would be equivalent to the proposed Project.

The Alternative Site alternative was also considered, but no alternative site was owned by the Project proponent or immediately available for sale on Dale Evans Parkway, or met the Project objectives in this area of the Town.



# THE DEVELOPMENT AT DALE EVANS AND LAFAYETTE

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## DRAFT ENVIRONMENTAL IMPACT REPORT

### 2. ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

#### 2.1 Introduction

This section of the EIR contains the Regulatory Framework, Environmental Setting, Existing Conditions, Impact Analysis, Mitigation Measures (where applicable) and Cumulative Impacts of the proposed Project on a categorical basis, consistent with Appendix G of the CEQA Guidelines.

The Regulatory Framework establishes federal, State, regional and local plans and programs that are related to the environmental issue being discussed in each sub-section.

The Environmental Setting and Existing Conditions discussions address the conditions on and surrounding the Project site.

The Impact Analysis addresses each of the environmental thresholds identified in Appendix G, analyzes the Project's impact on these thresholds, and identifies whether the impact is less than significant, requires mitigation, or cannot be mitigated to less than significant levels. If mitigation is required, mitigation measures are proposed and included here as well.

Finally, each sub-section addresses whether the impacts of the Project will cumulatively impact each issue area, when considered with other projects, or in the context of the build out of the Town under its adopted General Plan, as appropriate and described in each sub-section.



## **2.2 Summary of Environmental Impact Analysis**

The following resource topics are assessed for potential impacts associated with the proposed Project:

- Aesthetics in Section 2.3
- Air Quality in Section 2.4
- Biological Resources in Section 2.5
- Cultural Resources in Section 2.6
- Energy Resources in Section 2.7
- Geology and Soils in Section 2.8
- Greenhouse Gas Emissions in Section 2.9
- Hazards and Hazardous Materials in Section 2.10
- Hydrology and Water Quality in Section 2.11
- Land Use and Planning in Section 2.12
- Noise in Section 2.13
- Population, Housing and Socio-Economic Resources in Section 2.14
- Public Services in Section 2.15
- Recreational Resources in Section 2.16
- Transportation and Traffic in Section 2.17
- Tribal Cultural Resources in Section 2.18
- Utilities and Service Systems in Section 2.19

As analyzed in the Initial Study/Notice of Preparation, the Project will have no impact on Agriculture and Forestry Resources, Mineral Resources and Wildfire, therefore, these three sections will not be discussed further in the EIR. In addition, individual questions within each of the above subsections for which No Impact was determined in the Initial Study/Notice of Preparation are identified individually in each sub-section of Section 2.

## **2.3 Aesthetics**

### **2.3.1 Introduction**

The discussion of aesthetic resources under CEQA assesses the impacts of a proposed project on the scenic quality of the location in which it occurs. Aesthetic impacts could occur if a proposed project, either during its construction or operation, would alter the scenic vistas or visual character of the area as viewed from the public realm. This section also addresses the impacts of the Project from light and glare emitted during and after its construction.

### **2.3.2 Thresholds of Significance**

Based on Appendix G of the 2022 State CEQA Guidelines, impacts related to aesthetics would be significant if the proposed Project would:

- a) Have a substantial adverse effect on a scenic vista?
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

The Initial Study determined that the Project would result in “No Impact” for threshold question b) above. There are no designated or state eligible scenic highways in the Project vicinity. Therefore, it is not analyzed further in this EIR.

### **2.3.3 Regulatory Framework**

#### **Federal**

No federal environmental regulations apply to the proposed Project.

## State

### California Scenic Highway Program

In 1963, the State of California established the Scenic Highway Program to develop a system of State roadways whose adjacent corridors contained scenic resources worthy of protection and enhancement. There are no officially designated or eligible scenic highways in the Project vicinity. Where applicable, Sections 260 through 263 of the State Streets and Highways Code establish the Scenic Highways Program and require local government agencies to take the following actions to protect the scenic appearance of a scenic corridor:

- Regulate land use and density of development,
- Provide detailed land and site planning,
- Prohibit off-site outdoor advertising and control on-site outdoor advertising,
- Pay careful attention to and control earthmoving and landscaping, and
- Scrutinize the design and appearance of structures and equipment.

## Regional/Local

Town General Plan policies from the Open Space and Conservation Element relevant to the proposed Project include the following.

### **Policy 1.B**

Encourage the preservation, integrity, function, productivity and long-term viability of environmentally sensitive habitats, wildlife corridors, and significant geological features within the Town.

### **Policy 2.C**

The Town will encourage the planting and preservation of native species of trees and plants to enhance the environment.

### **Policy LU-4.6**

Commercial and industrial activities will be clustered in areas adjacent to major roads and in the vicinity of the Apple Valley County Airport.

### **North Apple Valley Industrial Specific Plan (NAVISP)**

The NAVISP implements the Town General Plan and provides area- and use-specific development standards and guidelines that regulate commercial and industrial development in this planning area. NAVISP policies refer to those set forth in the Town General Plan (see above). The following NAVISP design standards and guidelines relevant to the proposed Project include the following.

### Architecture

1. Architecture should reflect the Town's desert setting and long-term traditional values. Building design options should be compatible with existing development to the greatest extent possible.
2. A variety of building designs and a mixture of one and two story profiles are encouraged.
3. Rooftop mechanical and electrical equipment shall be screened as an integral part of the architecture.

### Landscape Design

1. All outdoor manufacturing shall be screened from public view with:
  - a. A minimum twenty-five (25)-foot wide landscaped area along all street frontages.
2. Landscape developments shall be designed, installed and maintained in accordance with the following seven basic principles of Xeriscape landscaping:

Planning and Design - Use a water conservation design. Implement a "mini-oasis" concept. Water using plants and turf should be concentrated in small areas near buildings where they may be enjoyed at the pedestrian level.

Limited Turf Areas - Limit the use of turf to small areas where it will be actively used and efficiently watered.

Efficient Irrigation - Utilize the most efficient irrigation system for the area being served. Drip irrigate individual plants rather than flooding larger areas. Group plantings with common water requirements together to be watered on the same irrigation control zone.

Soil Improvements - Add soil amendments within planned areas to increase the water holding capacity of the soil and improve the health and vigor of plants.

Mulching - Cover final soil surfaces with organic or inorganic mulches to insulate against soil temperature extremes and conserve moisture.

Use Lower Water Demand Plants - Utilize only those plants listed in the officially approved low water use plant lists or alternative plants approved by the Director.

Appropriate Maintenance - Maintain irrigation systems so they operate at peak efficiency. Lessen water demand by keeping weed growth down and by thinning unwanted wood from trees rather than cropping them.

## Lighting

1. Lighting shall be used only for the functional requirements of safety, security, and identification. Unnecessary lighting is prohibited in the interest of energy efficiency and maintenance of the Town's Dark Sky Policy.
2. Lighting fixtures in the vicinity of the airport shall be compatible with airport operations.
3. All lighting used in parking lots for security purposes or safety-related uses shall be scheduled so light rays emitted by the fixture are projected below the imaginary horizontal plane passing through the lowest point of the fixture and in such a manner that the light is directed away from streets and adjoining properties.

### **2.3.4 Environmental Setting**

The Town of Apple Valley is located primarily on alluvial slopes of the Mojave River floodplain, at the southern edge of the Mojave Desert. The topography gradually inclines towards the San Bernardino Mountains to the south as well as to the scattered knolls and mountains to the north and east of the Town. Viewsheds in the area are characterized by uninterrupted expanses of broad skies and panoramic vistas of distant mountains, as well as views associated with the Mojave River that include areas of riparian forest and the bluffs and terraces of the floodplain. The low-lying terrain surrounding the Town allows unobstructed views in all directions, creating a sense of openness and spaciousness that is enhanced by the muted colors of the desert landscape. Within the Town, State Highway 18 is designated as an "Eligible State Scenic Highway." Highway 18 is located approximately 5 miles south of the Project site.

Elevations in the Town range from approximately 2,800 feet above sea level near the Mojave River, to approximately 3,200 feet above sea level at the northeast corner of Town. The topography gradually inclines towards the Juniper Flats foothills of the San Bernardino Mountains to the south, as well as to the scattered knolls and mountains to the north and east of the Town. Turtle and Black Mountains are located to the north of Town, Fairview Mountain to the northeast and the Granite Mountains to the southeast. From these elevated topographical features, panoramic vistas exist across Apple Valley.

### **2.3.5 Existing Conditions**

Natural visual resources that provide the NAVISP planning area with special character include uninterrupted expanses of 'wide skies' and panoramic vistas of distant mountains. The low-lying landscape surrounding the Town and Project area allows unobstructed, distant views in all directions and these create a prevailing sense of openness and spaciousness. Although the visual character of most parts of Town have

been impacted to some extent by residential, commercial and industrial development, many acres of undeveloped desert lands remain. The aesthetic quality of existing development in the Town and vicinity is inconsistent, with the built form being representative of several different periods of time and various standards of development.

### Concepts and Terminology

The following describes the terms used in this aesthetics evaluation. Aesthetic resources are typically defined as both the natural and built environments of the surrounding landscapes that influence the public's enjoyment and appreciation of the environment. A visual or aesthetic impact may occur depending on the extent to which a project's presence would alter the visual character of the area in which it is located.

#### *Visual Character*

Visual character includes attributes such as form, line, color, and texture, and is used to describe, not evaluate; that is, these attributes are neither considered good nor bad. However, a change in visual character can be evaluated when it is compared with the viewer response to that change. Changes in visual character can be identified by how visually compatible a proposed project would be with the existing condition by using visual character attributes as an indicator. For this Project, the following attributes were considered:

**Dominance** is position, size, or contrast;

**Scale** is apparent size as it relates to the surroundings;

**Form** is visual mass or shape;

**Color** is reflective brightness (light, dark) and hue (red, green); and

**Continuity** is uninterrupted flow of form, line, color, or textural pattern.

#### *Visual Quality*

Visual quality is evaluated by identifying the vividness, intactness, and unity present in the project corridor. Public attitudes validate the assessed level of quality and predict how changes to the project corridor can affect these attitudes. This process helps identify specific methods for addressing each impact that may occur as a result of the project. The three criteria for evaluating visual quality are defined below:

**Vividness** is the extent to which the landscape is memorable and is associated with distinctive, contrasting, and diverse visual elements.

**Intactness** is the integrity of visual features in the landscape and the extent to which the existing landscape is free from non-typical visual intrusions.

**Unity** is the extent to which all visual elements combine to form a coherent, harmonious visual pattern.

### Affected Viewers

Travelers through and Project area neighbors are those who have views within and around the Project area. These include travelers on major roadways and smaller area streets, as well as those entering the Project area from larger arterials, including Dale Evans Parkway.

There are currently no local residents and limited drive-through travelers within the Project area. Those exposed to existing views of the NAVISP planning area are primarily employees and customers of existing uses, including warehousing and distribution. Future development, including residential uses planned on the west side of Dale Evans Parkway, will also be sensitive to the viewshed impacts of surrounding development. New development is expected to occur on all available, developable and currently vacant lands in the vicinity.

### *Visual Sensitivity*

Visual sensitivity is a measure of the viewer's recognition of a particular object. It has three attributes: activity, awareness, and local values. Activity relates to the preoccupation of viewers – are they preoccupied, thinking of something else, or are they truly engaged in observing their surroundings? The more viewers are actually engaged in observing their surroundings, the greater the sensitivity the viewers will have of changes to visual resources. The NAVISP is located on an expansive gently sloping alluvial plain that diminishes the scale and effect of the existing warehousing buildings. This northern portion of the Town is also removed from major travel corridors and other land uses, with neighboring uses including the Apple Valley Airport to the southeast and the Walmart and Big Lots distribution centers located immediately north and east of the Project site, respectively.

### **2.3.6 Project Impacts**

The subject property is located 2.4± miles southeast of US Interstate-15 (I-15), with intervening lands being vacant desert. The surrounding lands are relatively flat with notable elevated terrain to the southwest and east. The west end of the site is at an elevation of 3,040± feet above sea level. Views from the site at Dale Evans Parkway include an eroded volcanic cinder cone 2,000± feet to the southwest that rises to 3,880 feet above mean sea level and more than 800 feet above the west end of the site.

The closest approach of the Apple Valley Airport is located 0.90± miles to the southeast. An extensive hilly area located approximately 2.75 miles to the east and southeast has terrain ranging from 3,200 feet to almost 5,000 feet, or 2,000± feet higher than the subject property. Please see Exhibit 2.3-1, below.

The subject property is located adjacent to two large warehouse operations (Walmart and Big Lots), which have established the scale and character of development in this portion of the industrial park. The adjoining Walmart distribution center building is oriented east-west, covers 1.04± million square feet and is 2,000± feet long and 670± feet wide. The building is 40-50 feet in height. The “front” façade is oriented to Johnson Road and provides some variety to this elevation. The balance of the Walmart center is a continuous elevation with trailer bays and adjoining parking, and color blocking on the building to provide some visual relief.

The existing Big Lots distribution center is located to the immediate east. The building is oriented east-west, covers 1.32± million square feet and is 1,650± feet long and 800± feet wide. The building is 40-50 feet in height. The “front” façade is oriented to Navajo Road on the east and provides a continuous elevation broken by color blocking. The balance of the Big Lots center is a continuous elevation with trailer bays and adjoining parking, and color blocking on the building to provide some visual relief.

The proposed Project will cover approximately 35% of the 78±-acre site with building. The maximum building height will be 50 feet above finished floor. The single building will be centrally located on the lot, will be set back 200 to 300 feet from the adjoining public streets. All four sides of the proposed building are architecturally treated with alternating massing and color blocking, with the north (front) elevation providing the most façade articulation. The Project building and parking areas and drives will be surrounded by xeriscape landscaped areas and drainage retention basins and parking facilities.

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

As noted above and as shown in Section 1, the proposed Project is located on an expansive and very gently sloping alluvial plain with near and distant scenic resources, including Fairview Mountains to the east and Bell and Catholic Mountains to the southwest. The proposed Project continues and extends the development pattern already established by the existing Walmart and Big Lots warehouse facilities, proposing a single warehouse structure which uses color and variations in planes to provide visual interest. The single building will be located more than 300 feet east of Dale Evans Parkway on the west and Lafayette Street on the north, which will diminish the height and mass effects of the building. The 2.4± miles distance of the Project from the I-15 corridor is sufficient to significantly diminish the effects of the proposed building.

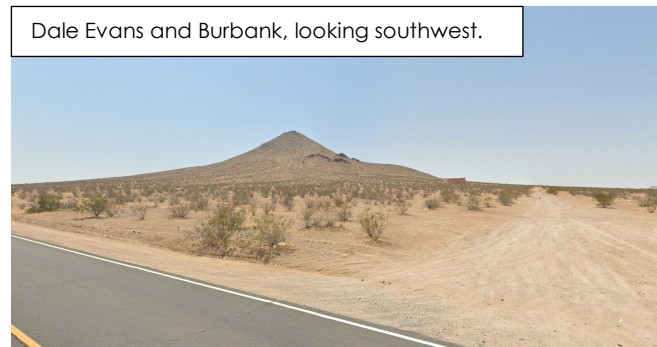
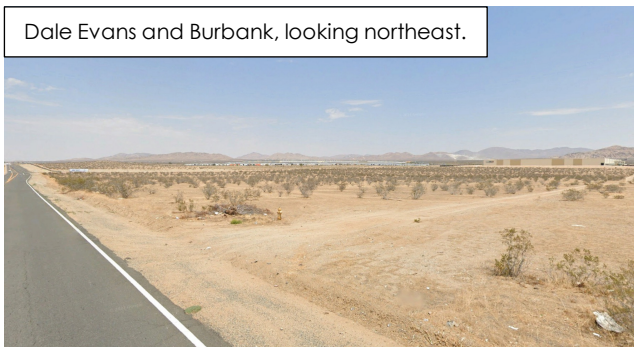
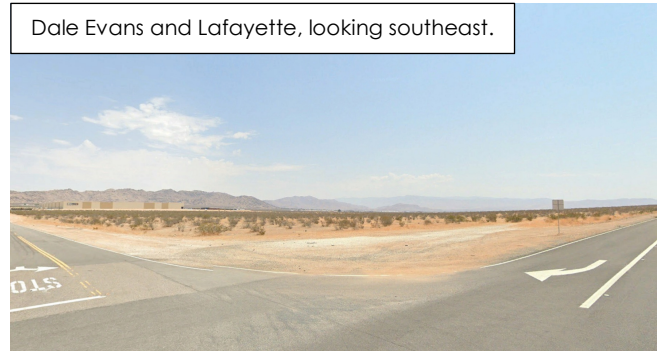
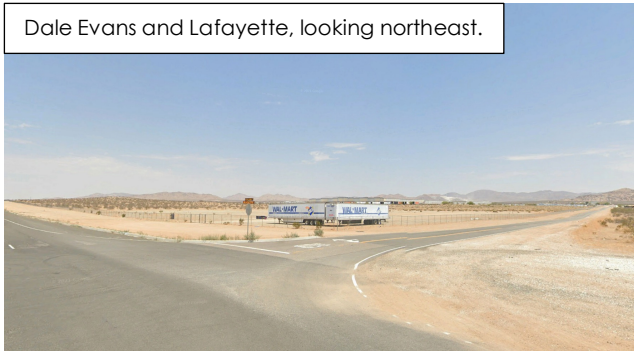
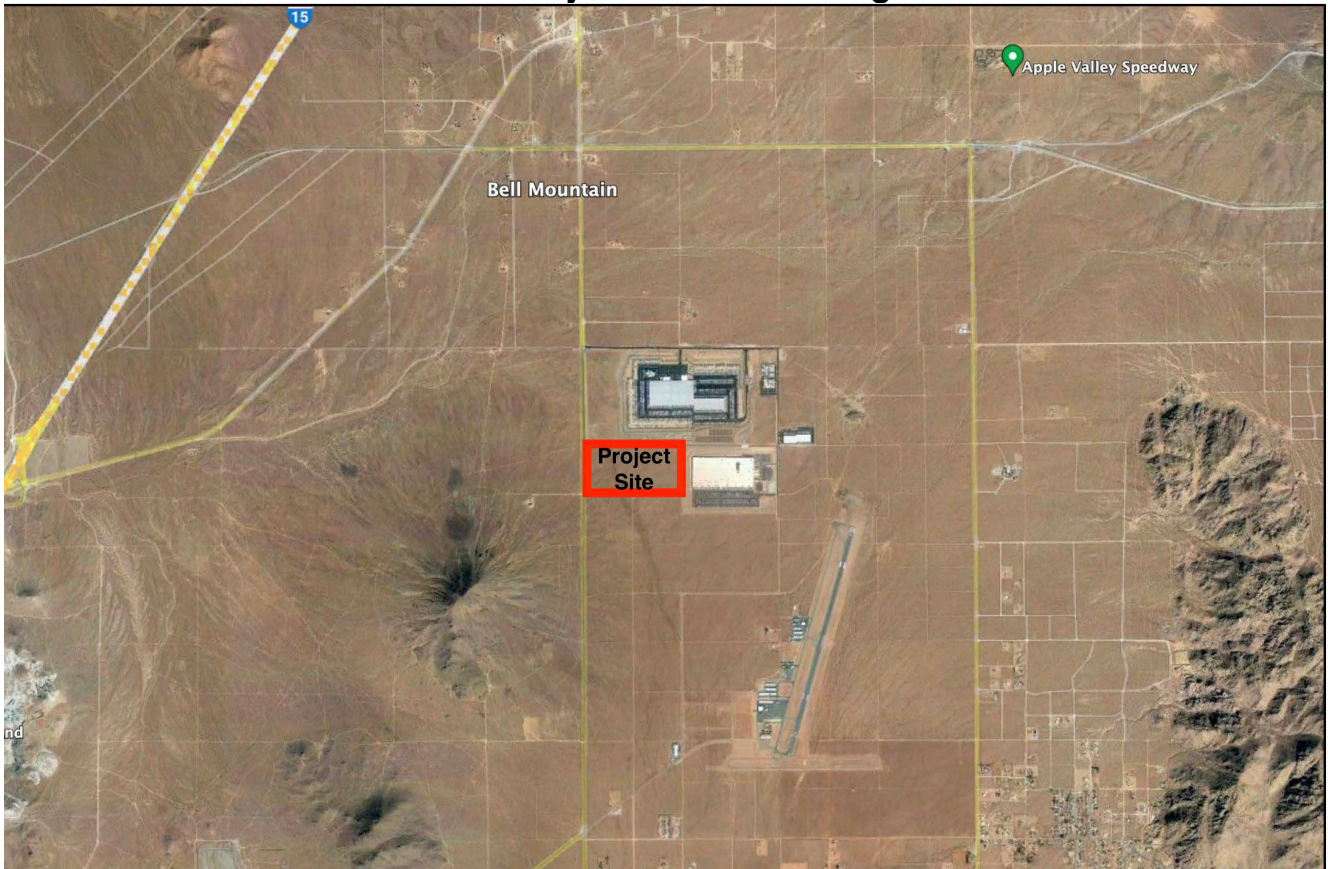
Furthermore, a berm has been constructed along much of the northbound lanes of I-15 in this area, which also obscures views of the subject property. Neither of the existing warehouse projects adjacent to the proposed Project, which are 40-50 feet in height, are visible from I-15. Surrounding lands to the north, east and south are also planned for industrial development, so there will be no sensitive viewers in the Project vicinity.

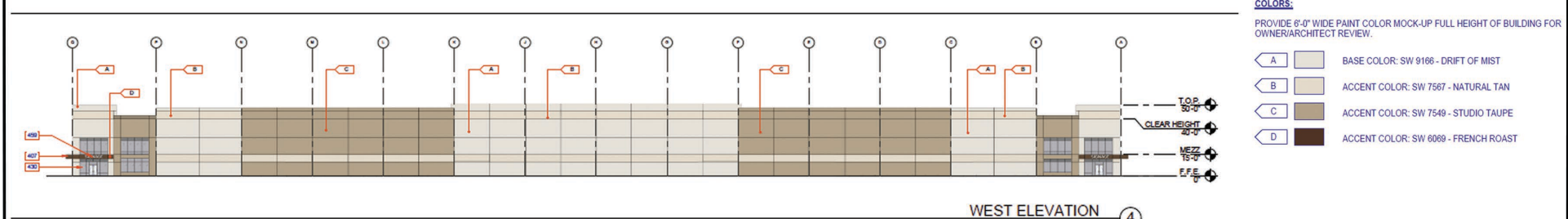
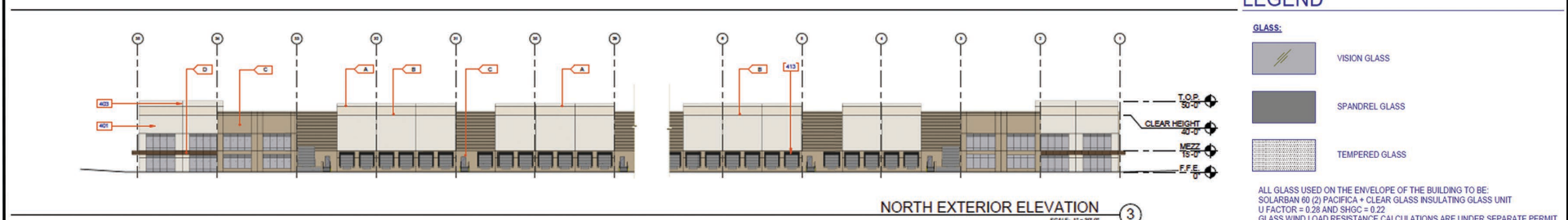
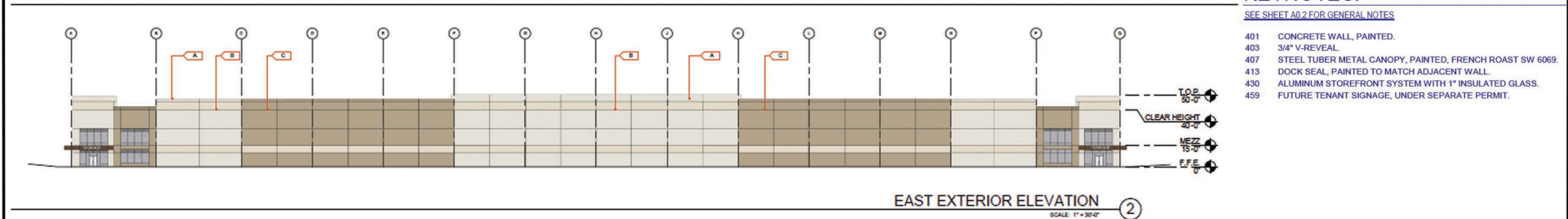
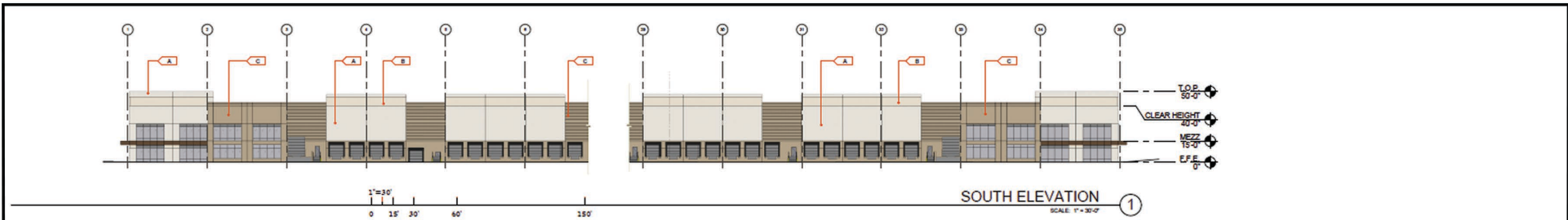


Multi-family residential land uses are designated in the Town's General Plan on the west side of Dale Evans Parkway, although these lands are currently vacant. These residential units, when constructed, will be located a minimum of 400 feet from the proposed Project building, including the width of the roadway and the building setback on the Project site. The scale and form of the Project building will be oriented in an east-west direction, presenting its narrowest elevation on Dale Evans Parkway. Viewers on this roadway and in the residential units will have some easterly views diminished, but the more vivid and intact viewsheds of distant mountains located to the south and southwest, including Bell Mountain, will not be affected by the Project, nor will views of the mountains at a distance to the west.

Therefore, the Project will have a less than significant impact on scenic vistas for viewers on surrounding lands or public roadways.

**Exhibit 2.3-1: Project and Surrounding Lands**





**KEYNOTES:** [ ]

SEE SHEET A0.2 FOR GENERAL NOTES

- 401 CONCRETE WALL, PAINTED.
- 403 3/4" V-REVEAL.
- 407 STEEL TUBER METAL CANOPY, PAINTED, FRENCH ROAST SW 6069.
- 413 DOCK SEAL, PAINTED TO MATCH ADJACENT WALL.
- 430 ALUMINUM STOREFRONT SYSTEM WITH 1" INSULATED GLASS.
- 459 FUTURE TENANT SIGNAGE, UNDER SEPARATE PERMIT.

**LEGEND**

- GLASS:**
- VISION GLASS
  - SPANDREL GLASS
  - TEMPERED GLASS

ALL GLASS USED ON THE ENVELOPE OF THE BUILDING TO BE:  
 SOLARBAN 60 (2) PACIFICA + CLEAR GLASS INSULATING GLASS UNIT  
 U FACTOR = 0.28 AND SHGC = 0.22  
 GLASS WIND LOAD RESISTANCE CALCULATIONS ARE UNDER SEPARATE PERMIT

**COLORS:**

PROVIDE 6'-0" WIDE PAINT COLOR MOCK-UP FULL HEIGHT OF BUILDING FOR OWNER/ARCHITECT REVIEW.

- A** BASE COLOR: SW 9166 - DRIFT OF MIST
- B** ACCENT COLOR: SW 7587 - NATURAL TAN
- C** ACCENT COLOR: SW 7549 - STUDIO TAUPE
- D** ACCENT COLOR: SW 6069 - FRENCH ROAST

Source: Ware Malcomb, 12.05.2022

01.12.23



**The Development at Dale Evans and Lafayette  
 Building Elevations  
 Apple Valley, California**

**Exhibit**

**2.3-2**

**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?**

The proposed 78± acre Project is located in the heart of the North Apple Valley Industrial Specific Plan (NAVISP), which encompasses 5,100± acres in the northern portion of the Town. Although development in the Specific Plan area has been limited, the intent of the Specific Plan and its long-term goals are for an urbanized, industrial landscape. As noted, the surrounding area is comprised of an expansive alluvial plain accented by the Bell Mountain cinder cone to the southwest and the Fairview Mountains approximately three miles to the southeast. The character of the area surrounding the Project site has already been established by two large warehouse developments (Walmart and Big Lots), which are located adjacent to the subject property on its north and east sides, and are of a form and scale consistent with the proposed Project. The Project would be a visual extension of these two developments, and would result in the Project building being 1,200± feet south of the Walmart building and 580± feet west of the Big Lots building. As described above, impacts to public views will be limited. The Project is consistent with both the existing visual character in its immediate vicinity, and the overall character envisioned in the NAVISP and the Town's General Plan.

The proposed Project would be consistent with the development standards and design guidelines set forth in the NAVISP. The Project will cover approximately 35% of the site with one centrally located building. The maximum building height will be 50± feet above finished floor. The single building will be centrally located on the lot, will be set back from the property lines, and will be surrounded by landscaped drainage retention basins and parking facilities. Enhanced xeriscape landscaping comprised of shrubs and trees are proposed within all Project landscaper areas. Compliance with the NAVISP also requires a six (6) foot decorative masonry wall that reflects and is consistent with the design, material, and color of the primary structures within the project. These improvements will be provided along the Project frontage on Dale Evans Parkway, as required in the NAVISP, to enhance the public view of travelers along this roadway. Project impacts on the existing visual character of the area and the quality of public views will be less than significant.

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

The Project is proposed on a major roadway, within the NAVISP, which is planned for industrial uses. Lighting on the Project site will be required to be consistent with Section III.F.3 of the NAVISP and the Town's Development Code. Lighting standards and restrictions limit building and landscape lighting to the minimum necessary, and require

full cutoff shielding to protect public streets, adjoining properties and the night sky from excess lighting. The Town will condition the Project to conform to the related standards and guidelines set forth in the NAVISP addressing all project lighting, including architectural and security lighting, landscape and parking lot lighting, and any and all signage lighting.

The Project lighting plan shall be included with the required detailed final landscape plans to ensure that lighting levels and intensity meet but do not exceed functional requirements of safety, security, and identification. The Project's lighting will also be required to comply with the Town's Dark Sky Policy. The Project must also assure that all parking lot lighting uses full cutoff shielding and prevents spillage onto adjacent streets and properties, consistent with both the NAVISP and Development Code.

Conformance with the NAVISP lighting standards and Development Code will ensure that the Project does not create new sources of light or glare that would adversely affect day or nighttime views. Impacts will be less than significant.

### **2.3.7 Mitigation Measures**

Impacts associated with aesthetics will be less than significant. No mitigation measures are required.

### **2.3.8 Significance After Mitigation**

Based on the above analysis, the proposed Project will not have a significant adverse impact on aesthetic resources. Neither scenic vistas nor scenic resources will be significantly affected by the Project, given its consistency and integration into Specific Plan standards. With adherence to the lighting standards and guidelines set forth in the NAVISP and the Town's Development Code, Project impacts are further assured to be less than significant. Improvements associated with buildout of the Specific Plan area and surrounding lands will not significantly affect the aesthetic resources or night skies in the Project planning area.

### **2.3.9 Cumulative Impacts**

Cumulative impacts are those resulting from past, present, and reasonably foreseeable future actions, particularly those associated with build out of the NAVISP and the Town's General Plan. The proposed Project is subject to the standards and guidelines of the NAVISP, which provides design regulation and guidance for future development and redevelopment in the Project area. Development surrounding the Project will be of a similar character and intensity as the proposed Project, and development patterns will be generally consistent with large industrial buildings needed to create the employment center envisioned for the Specific Plan area.

Areas outside the Specific Plan are regulated by the Town Development Code, including its lighting ordinance and night-sky protection ordinance, and will develop consistent with those standards. While the potential exists for aesthetic resources to be degraded by future development, the NAVISP recognizes the importance of and vested interest in preserving and enhancing the area's aesthetic resources. Therefore, any such impacts resulting from the implementation of the proposed Project will not make a considerable cumulative contribution to regional impacts to these resources.

## **2.4 Air Quality**

### **2.4.1 Introduction**

The following section describes existing air quality in the Mojave Desert Air Basin (MDAB) and analyzes the potential impacts associated with the proposed Project. A variety of local and regional data and information, ranging from research and analysis conducted for the Project to regional-scale planning and environmental documents, have been used in researching and analyzing the Project and its potential effects on air quality. Analysis of Project emissions, as well as background information, discussed in this section are based on the Air Quality and Greenhouse Gas Report (January 2023) prepared for the Project (Appendix B).

### **2.4.2 Thresholds of Significance**

The project would have a significant effect to air quality if the proposed Project would:

- a) Conflict with or obstruct implementation of the applicable air quality plan?
- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
- c) Expose sensitive receptors to substantial pollutant concentrations?
- d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

### **2.4.3 Regulatory Framework**

#### **Federal and State**

*Federal Clean Air Act (FCAA) - 42 U.S.C. §7401 et seq.*

The Federal Clean Air Act, which was first enacted in 1970 and last amended in 1990, remains the federal government's primary air quality law regulating air emissions from stationary and mobile sources. There are several regulatory programs established by FCAA amendments, including National Ambient Air Quality Standards (NAAQS), National Emissions Standards for Hazardous Air Pollutants (NESHAPs), New Source Performance Standards (NSPS), the Acid Rain Program (APP), and the CAA ozone program consistent with the Montreal

Protocol. Notably, the FCAA gives the Environmental Protection Agency (EPA) that authority to establish the National Air Quality Standards.

#### *National Ambient Air Quality Standards (NAAQS)*

The FCAA authorizes the EPA to establish National Ambient Air Quality Standards (40 CFR Part 50) for six criteria air pollutants which are potentially harmful to the public and to the environment. The NAAQS define what qualifies as clean air by identifying the maximum amount of a pollutant, averaged over a specified timeframe, that can be present without harming public health.<sup>1</sup> The EPA reviews the NAAQS at five-year intervals, and makes revisions as needed. The six criteria air pollutants currently covered by the NAAQS are: particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), ozone (O<sub>3</sub>), nitrogen oxides (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), and lead. Under the FCAA, nonattainment areas (areas that exceed that maximum standard for one or more of the criteria pollutants) must prepare State Implementation Plans (SIPs) describing the actions the area will take to meet the NAAQS by the applicable attainment deadlines.

The primary sources of the criteria pollutants, as well as the potential health impacts associated with exposure to them, are described below:<sup>2</sup>

- Ozone (O<sub>3</sub>) is a secondary pollutant resulting from hydrocarbons and oxides of nitrogen, emitted by cars, solvents, factories, and pesticides, reacting in the presence of sunlight. The health impacts associated with ozone include difficulty breathing, chest pains, aggravate lung diseases such as asthma, emphysema, and chronic bronchitis, as well as shortness of breath, coughing, and lung damage with prolonged and chronic exposure.
- Carbon monoxide (CO) results from the combustion of fossil fuel by vehicles, as well as household sources such as some appliances, fireplaces, portable generators, charcoal grills. Carbon monoxide can cause headaches, dizziness, vomiting, and nausea. Severe health effects associated with exposure to concentrations of carbon monoxide include risk of loss of unconsciousness or death.
- Particulate matter (PM<sub>10</sub>) and fine particulate matter (PM<sub>2.5</sub>) are particulates of fugitive dust from construction projects and vehicles on unpaved roads, industrial smokestacks and wildfires. The atmospheric formation of PM<sub>10</sub> and PM<sub>2.5</sub> can also result from SO<sub>2</sub> and NO<sub>x</sub>. Health effects resulting from particulate matter include coughing, asthma, cancer, lung damage, heart attacks, and in severe cases, premature death.

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<sup>1</sup> California Air Resources Board, National Ambient Air Quality Standards <https://ww2.arb.ca.gov/resources/national-ambient-air-quality-standards> (Accessed October 2022).

<sup>2</sup> CARB 2022 Scoping Plan Update, Environmental and Regulatory Setting, Table 3; MDAQMD Air Quality & Health, <https://www.mdaqmd.ca.gov/air-quality/air-quality-health> (Accessed Oct 21, 2022)



- Nitrogen dioxide (NO<sub>2</sub>) is generated from fossil fuel combustion by vehicles, off road equipment, power generation, and household appliances such as furnaces, clothes dryers, ovens, and fireplaces. It can result in lung irritation and damage.
- Lead (Pb) is emitted as a result of lead smelters, ore and metals processing, combustion of leaded aviation fuel, waste incineration, utilities, and lead-acid battery manufacturing facilities. The health impacts associated with exposure to lead include damage to the nervous, immune, reproductive, developmental, and cardiovascular systems, as well as damage to kidney function.
- Sulfur dioxide (SO<sub>2</sub>) is generated from the combustion of fossil fuels by power plants and industries, refineries, and diesel engines. Sulfur dioxide can cause irritation to the nose, throat, and airways. It can also cause coughing, shortness of breath, tightness of chest, and puts individuals with asthma at high risk for developing issues.

*California Clean Air Act*

The California Clean Air Act (CCAA) was passed into law in 1988, establishing ambient air quality standards for the State of California that exceed NAAQS, as well as accelerated attainment dates for criteria pollutants established in the FCAA. The CCAA establishes requirements for district air quality plans to ensure that the state standards for criteria pollutants are met.

The National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) establish thresholds to determine whether the contaminant levels in the air are considered unhealthy. The current federal and state standards are shown in **Table 2.4-1**.

**Table 2.4-1  
 Ambient Air Quality Standards**

Pollutant	Averaging Time	California Standards	National Standards	
		Concentrations <sup>1</sup>	Primary	Secondary
Ozone (O <sub>3</sub> )	1 Hour	0.09 ppm	--	
	8 Hour	0.070 ppm	0.070 ppm	
Particulate Matter (PM <sub>10</sub> )	24 Hour	50 µg/m <sup>3</sup>	150 µg/m <sup>3</sup>	
	AAM <sup>2</sup>	20 µg/m <sup>3</sup>	--	
Fine Particulate Matter (PM <sub>2.5</sub> )	24 Hour	--	35 µg/m <sup>3</sup>	
	AAM	12 µg/m <sup>3</sup>	12.0 µg/m <sup>3</sup>	15 µg/m <sup>3</sup>
Carbon Monoxide	1 Hour	20 ppm	35 ppm	--
	8 Hour	9.0 ppm	9 ppm	--
Nitrogen Dioxide (NO <sub>2</sub> )	1 Hour	0.18 ppm	100 ppb	--
	AAM	0.030 ppm	0.053 ppm	

**Table 2.4-1  
 Ambient Air Quality Standards**

Pollutant	Averaging Time	California Standards	National Standards	
		Concentrations <sup>1</sup>	Primary	Secondary
<b>Sulfur Dioxide (SO<sub>2</sub>)</b>	1 Hour	0.25 ppm	75 ppb	--
	3 Hour	--	--	0.5 ppm
	24 Hour	0.04 ppm	0.14 ppm	--
	AAM	--	0.030 ppm	--
<b>Lead</b>	30 Day Average	1.5 µg/m <sup>3</sup>	--	--
	Calendar Quarter	--	1.5 µg/m <sup>3</sup>	
	Rolling 3-Month Average	--	0.15 µg/m <sup>3</sup>	
<b>Visibility Reducing Particles</b>	8 Hour	--	No National Standards	
<b>Sulfates</b>	24 Hour	25 µg/m <sup>3</sup>		
<b>Hydrogen Sulfide</b>	1 Hour	0.03 ppm (42 µg/m <sup>3</sup> )		
<b>Vinyl Chloride</b>	24 Hour	0.01 ppm (26 µg/m <sup>3</sup> )		

<sup>1</sup> µg/m<sup>3</sup> = micrograms per cubic meter of air

<sup>2</sup> AAM = Annual Arithmetic Mean

Source: California Air Resources Board <https://ww2.arb.ca.gov/sites/default/files/2020-07/aaqs2.pdf> (May 2016)

### CARB

The California Air Resources Board (CARB) is part of the California Environmental Protection Agency and is responsible for preparation of the SIP for submission to the EPA, as well as for overseeing air quality districts and approving district air quality plans. Established in 1967, the CARB regulates vehicle emissions standards and sets area designation for criteria pollutants.

### *Title 24 Energy Efficiency Standards & California Green Building Standards*

The Building Energy Efficiency Standards (Energy Code) were first adopted by the California Energy Commission in 1976 and have since been updated regularly. The Energy Code establishes indoor air quality requirements, in addition to energy and water efficiency requirements, for all newly construction buildings as well as additions and alterations to existing buildings.

### *Toxic Air Contaminates (TACs)*

According to §39655 of the California Health and Safety Code, a toxic air contaminant (TAC) is “an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health.” The Health and Safety Code definition of TACs also covers substances listed as hazardous air pollutants pursuant to §7412 of Title 42 of the United States Code. TACs are identified and controlled by the California Air Resources Board (CARB) in conjunction with the Office of Environmental Health Hazard Assessment (OEHHA). As an exception, TACs used in pesticides are regulated by the Department of Pesticide Regulation.

### **Regional and Local**

#### *Mojave Desert Air Quality Management District (MDAQMD)*

Regional and local agencies have also assumed some responsibility for assuring that state and federal air quality standards are achieved. The California Air Resources Board is responsible for control of mobile emission sources, while the local Air Pollution Control Districts (APCDs) are responsible for control of stationary sources and enforcing regulations. Apple Valley is located within the Mojave Desert Air Basin (Basin), which is under the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD).

The MDAQMD regulates stationary source of air pollution within its jurisdiction, which covers 20,000 square miles including the High Desert in San Bernardino County, and Palo Verde Valley in Riverside County. The District covers a large portion of the Mojave Desert Air Basin (MDAB), which also overlaps with parts of the Eastern Kern Air Pollution Control District, the Antelope Valley AQMD, and the South Coast AQMD.

In response to designations of non-attainment for several air pollutants within the MDAB, the MDAQMD adopted ozone and particulate matter attainment plans. The Mojave Desert Planning Area Federal Particulate Matter Attainment Plan was adopted in 1995, in order to bring the Mojave Desert non-attainment area into attainment for NAAQS. The MDAQMD State and Federal Ozone Attainment Plan was adopted in 2004 and the MDAQMD Western Mojave Desert Non-attainment Area Ozone Attainment Plan was adopted in 2008 in an effort to bring the MDAB in attainment for Ozone federal NAAQS.

The Town of Apple Valley is subject to the provisions of the MDAQMD Rule Book<sup>3</sup>, which sets forth policies and other measures designed to help the District achieve

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<sup>3</sup> “Mojave Desert Air Quality Management District Rule Book,” prepared by the Mojave Desert Air Quality Management District, September 2005.

federal and state ambient air quality standards. These rules, along with the MDAQMD CEQA and Federal Conformity Guidelines<sup>4</sup>, are intended to satisfy the planning requirements of both the federal and state Clean Air Acts.

The MDAQMD has established thresholds for certain criteria pollutants and monitors daily pollutant levels and meteorological conditions throughout the District. Based on the District's emission thresholds for criteria pollutants, any project would be considered to have significant impacts to air quality if the daily emissions exceed the values shown in the table below during construction or operation:

**Table 2.4-2**  
**MDAQMD Emissions Thresholds**

<b>Criteria Pollutant</b>	<b>Annual Threshold (short tons)</b>	<b>Daily Threshold (pounds)</b>
Carbon Monoxide (CO)	100	548
Oxides of Nitrogen (NO <sub>x</sub> )	25	137
Volatile Organic Compounds (VOC)	25	137
Oxides of Sulfur (SO <sub>x</sub> )	25	137
Particulate Matter (PM <sub>10</sub> )	15	82
Fine Particulate Matter (PM <sub>2.5</sub> )	12	65
Hydrogen Sulfide (H <sub>2</sub> S)	10	54
Lead (Pb)	0.6	3

Source: MDAQMD CEQA Guidelines (February 2020).

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The MDAQMD has adopted rules and regulations to improve and maintain air quality in the district. The rules and regulations also implement state and federal policies, such as the Clean Air Act. The current MDAQMA rule book contains 18 regulations and associated rules. Excerpts of applicable regulations to the Project are listed below. The complete list and full text of the current rule book is available on the MDAQMD website.

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<sup>4</sup> "Mojave Desert Air Quality Management District California Environmental Quality Act and Federal Conformity Guidelines," prepared by the Mojave Desert Air Quality Management District, August 2016.

#### Regulation II – Permits

**Rule 201:** Permits to Construct: *A person shall not build, erect, install, alter or replace any equipment, the use of which may cause the issuance of air contaminants or the use of which may eliminate, reduce or control the issuance of air contaminants without first obtaining written authorization for such construction from the Air Pollution Control Officer. A permit to construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied, or the application is canceled.*

#### Regulation IV – Prohibitions

**Rule 402:** Nuisance: *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.*

**Rule 403:** Fugitive Dust Control: *Purpose - The purpose of this rule is to reduce the amount of PM10 entrained in the ambient air from anthropogenic Fugitive Dust sources within the District by requiring actions to prevent, reduce, or mitigate Fugitive Dust.*

**Rule 404:** Particulate Matter Concentration: *A person shall not discharge into the atmosphere from any source, particulate matter except liquid sulfur compounds, in excess of the concentration at standard conditions, shown in Table 404(a). Where the volume discharged is between figures listed in the table, the exact concentration permitted to be discharged shall be determined by linear interpolation.*

#### Regulation IX – Standards of Performance for New Stationary Sources

**Rule 900:** Standards of Performance for New Stationary Sources (NSPS): *This rule is enacted to adopt by reference all the applicable provisions regarding standards of performance for new stationary sources as set forth in 40 Code of Federal Regulations, Part 60 (40 CFR 60).*

#### Regulation XI – Source Specific Standards

**Rule 1103:** Cutback and Emulsified Asphalt: *To reduce emissions of volatile organic compounds (VOC) from the use of cutback and emulsified asphalts. The provisions of this rule apply to the manufacture, mixing, storage, use, and application of cutback and emulsified asphalts.*

**Rule 1113:** Architectural Coatings: *The purpose of this rule is to limit the quantity of Volatile Organic Compounds (VOC) in Architectural Coatings. Except as provided in subsection (A)(3), this Rule is applicable to any person who supplies, sells, offers for sale, manufactures, blends or repackages any Architectural Coating for use within the Mojave Desert Air Quality Management District as well as any person who applies or Solicits the application of any Architectural Coating within the District.*

Regulation XII – Federal Operating Permits

**Rule 1200:** General: *The purpose of Regulation XII is to implement the operating permit requirements of Title V of the Federal Clean Air Act (42 U.S.C. §§7661-7661f). This rule is also intended to comply with the requirements promulgated by the USEPA and set forth in 40 C.F.R. Part 70.*

Regulation XIII – New Source Review

**Rule 1300:** New Source Review General: *The purpose of this regulation is to set forth the requirements for the preconstruction review of all new or modified Facilities; ensure that the Construction or Modification of Facilities subject to this Regulation does not interfere with the attainment and maintenance of Ambient Air Quality Standards; and ensure that there is no net increase in the emissions of any Nonattainment Air Pollutants from new or modified Major Facilities which emit or have the Potential to Emit any Nonattainment Air Pollutant in an amount greater than or equal to the amounts set forth in District Rule 1303(B)(1).*

Town of Apple Valley General Plan

The Air Quality Element in the Environmental Resources chapter of the Town of Apple Valley General Plan includes the following goals and policies that pertain either directly or indirectly to air quality:

**Goal 1** To preserve and enhance local and regional air quality.

**Policy 1.A** The Town shall cooperate with the Mojave Desert Air Quality Management District to assure compliance with air quality standards.

**Policy 1.B** The Town shall proactively regulate local pollutant emitters by coordinating and cooperating with local, regional, and federal efforts to monitor, manage and decrease the levels of major pollutants affecting the Town and region, with particular emphasis on PM10 and ozone emissions, as well as other emissions associated with diesel-fueled equipment and motor vehicles.

- Policy 1.C** The Town shall coordinate land use planning efforts to assure that sensitive receptors are reasonably separated from polluting point sources including mineral extraction operations.
- Policy 1.D** All proposals for development activities within the Town shall be reviewed for their potential to adversely impact local and regional air quality and shall be required to mitigate any significant impacts.
- Policy 1.E** The use of clean and/or renewable alternative energy sources for transportation, heating and cooling, and construction shall be encouraged by the Town.
- Policy 1.F** The Town shall support, encourage, and facilitate the development of projects that enhance the use of alternative modes of transportation, including pedestrian-oriented retail and activity centers, dedicated bicycle paths and lanes, and community-wide multi-use trails.
- Policy 1.G** Future residential, commercial, and industrial development and remodeling projects shall strive to exceed Title 24 standards by 15% and/or achieve LEED certification or similar performance standards for buildings.
- Policy 1.H** Residential, commercial, and industrial projects that reduce vehicle miles traveled (VMTs) by providing alternative transportation options, home office and live/workspaces, and/or promote employees living close to work are preferred.
- Policy 1.I** The Town shall continue to reduce waste generation, enhance recycling or reuse programs, and expand grey water systems for landscape irrigation.

#### **2.4.4 Environmental Setting**

The Project site is located within the Mojave Desert Air Basin (MDAB) and is managed by the Mojave Desert Air Quality Management District (MDAQMD).

The MDAB encompasses the high desert portion of San Bernardino County, as well as portions of eastern Kern County, northeastern Los Angeles County, and eastern Riverside County. The basin area is in the high desert, which receives an average of three to seven inches of precipitation per year, and is classified as a dry-hot to

very-dry hot climate.<sup>5</sup> The air quality of the MDAQMD is impacted by both fugitive dust from local sources and occasionally by region-wide wind-blown dust during moderate to high wind episodes.

The MDAQMD monitors the levels of primary and secondary air pollutants and classifies them as under attainment if the pollutant meets State and Federal standards. Criteria air pollutants include sulfur dioxide (SO<sub>2</sub>), lead (Pb), carbon monoxide (CO), ozone (O<sub>3</sub>), nitrogen oxides (NO<sub>x</sub>), and particulate matter of 10 and 2.5 microns (PM<sub>10</sub>, PM<sub>2.5</sub>). Apple Valley is located in the portion of the Basin that is in nonattainment for both the Federal and State standards for ozone and PM<sub>10</sub>. Thus, the Basin currently exceeds several State and Federal ambient air quality standards and is required to implement strategies to reduce pollutant levels to acceptable standards.

#### 2.4.5 Existing Conditions

##### Air Quality Monitoring

Air quality in the Mojave Desert Air Basin is measured at monitoring stations operated by the MDAQMD. The MDAQMD operates six air monitoring stations distributed across its jurisdiction in Trona, Barstow, Victorville, Hesperia, Phelan, Lucerne Valley. The nearest monitoring station to the Project is the Victorville Monitoring Station located at 14036 Park Avenue. The station is located approximately 9 miles southwest of the Project site.

**Table 2.4-3** shows the ambient air quality monitoring data for the Victorville Park Avenue monitoring station. The data for both maximum concentrations of ozone and number of days exceeding ozone standards fluctuates over the six-year period, and there is no clear trend indicating worsening or improving ozone concentrations. Regarding particulate matter, the data indicates fluctuations in PM<sub>10</sub> concentrations over the six-year period. Insufficient data was collected for PM<sub>10</sub> for the maximum concentration and number of days exceeding the state standard.

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<sup>5</sup> San Bernardino Countywide Plan Draft PEIR", prepared by PlaceWorks, June 2019.



**Table 2.4-3  
 Ambient Air Quality Monitoring Data - Victorville Monitoring Station**

Criteria Pollutant	Year	Maximum Concentration		Number of Days Standard Exceeded		
		1 Hour ppm	8 Hour ppm <sup>1</sup>	Federal	State	
				8 Hour <sup>2</sup>	1 Hour	8 Hour
Ozone	2016	0.100	0.085	33	4	35
	2017	0.088	0.081	17	0	19
	2018	0.107	0.096	55	5	56
	2019	0.104	0.081	29	3	34
	2020	0.112	0.094	35	4	38
	2021	0.112	0.098	34	8	35
Criteria Pollutant	Year	Maximum Concentration (µg/m <sup>3</sup> /24 hours)		Number of Days Standard Exceeded		Annual Arithmetic Mean <sup>4</sup>
		Federal	State <sup>3</sup>	Federal	State	
Particulate Matter (PM <sub>10</sub> )	2016	226.5	*	1.9	*	29.2
	2017	182.5	*	1.0	*	30.1
	2018	165.2	*	1.0	*	29.8
	2019	170.0	*	1.9	*	27.2
	2020	261.4	*	1.9	*	34.0
	2021	591.6	*	1.0	*	33.9

Source: iAdam: Air Quality Data Statistics, California Air Resources Board; [www.arb.ca.gov/adam](http://www.arb.ca.gov/adam).

<sup>1</sup> 8-Hour Average National 0.07 ppm Standard Maximum

<sup>2</sup> Days Exceeding National 0.070 ppm Standard

<sup>3</sup> \* = There was insufficient (or no) data available to determine the value.

<sup>4</sup> Federal Annual Average Standard AAM exceeding 50 µg/m<sup>3</sup>

### Regional Attainment Status

**Table 2.4-4** shows the West Mojave Desert's attainment status for the criteria air pollutants, as designated by the EPA. The West Mojave Desert is designated as being in nonattainment for regional levels of particulate matter (PM<sub>10</sub>) and ozone (O<sub>3</sub>). Under the federal Clean Air Act, the MDAB is designated as being in "moderate" ozone non-attainment.

**Table 2.4-4  
 West Mojave Desert Regional Attainment Status**

Criteria Pollutant	Attainment Status
Ozone (O <sub>3</sub> )	Nonattainment
Carbon Monoxide (CO)	Attainment
Fine Particulate Matter (PM <sub>2.5</sub> )	Attainment
Particulate Matter (PM <sub>10</sub> )	Nonattainment (Moderate)

**Table 2.4-4**  
**West Mojave Desert Regional Attainment Status**

<b>Criteria Pollutant</b>	<b>Attainment Status</b>
Nitrogen Dioxide (NO <sub>2</sub> )	Attainment
Lead (Pb)	Attainment
Sulfur Dioxide (SO <sub>2</sub> )	Attainment

Source: EPA Green Book (September 2022)

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### **2.4.6 Project Impacts**

This analysis is based on proposed land uses based on the Project Description and traffic trip information provided by Urban Crossroads, Inc. in the Project-specific traffic analysis (Appendix I). The Project proposes the development of a 1,207,544 square foot warehouse distribution center on a 77.95 ± acre site. It is assumed, for analysis purposes, that 85% of the building will be used for dry warehousing, and 15% for cold storage. The Project will potentially emit criteria air pollutants during both the construction and operational phases. In particular, the Project, as a warehouse distribution center, will generate emissions through distribution truck trips to and from the facility.

Construction and operational emissions were calculated using California Emissions Estimator Model (CalEEMod) Version 2020.4.0. The methodology and assumptions input into the model are described in greater detail in the Air Quality and Greenhouse Gas Report prepared for the Project (Appendix B). The following provides a summary of the assumptions entered into the model:

- Operational year: 2024
- Passenger vehicle trips: During operations, the Project would generate 1,788 daily passenger vehicle trips. Vehicle trips are assumed to be 100% primary trips and 100% commercial-work trip types, with an average trip length of 14.7 miles.
- Truck trips: During operations, the Project would generate 781 daily truck trips. Truck trips are assumed to be 100% primary trips and 100% commercial-work trip types, with an average trip length of 40 miles.<sup>6</sup> The analysis assumes 35% of truck trips are Light Heavy Duty, 11% are Medium Heavy Duty, and 53% are Heavy-Heavy Duty trucks, per Project Traffic Report. Heavy duty trucks are diesel fueled and can be equipped with transport refrigeration units (TRU) for the refrigeration or heat of perishable products.
- The site grading will balance; there will be no export or import of fill associated with the Project.

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<sup>6</sup> SCAQMD Draft WAIRE Technical Report (2020).

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

The Project is located within the MDAB, which is governed by the MDAQMD. MDAQMD is responsible for monitoring criteria air pollutant concentrations and establishing management policies for the MDAB. All development within the MDAB, including the proposed Project, is subject to all applicable air quality management plans that establish control strategies and guidance on regional emission reductions for air pollutants, including but not limited to ozone attainment plans and PM<sub>10</sub> reduction plans.

According to the MDAQMD CEQA Guidelines, a project is considered non-conforming if it conflicts with or may delay the implementation of any applicable attainment or maintenance plan. According to the Guidelines, a project is considered conforming if it “complies with all proposed control measures that are not yet adopted from the applicable plan(s) and is consistent with the growth forecasts in the applicable plan(s).”

The MDAQMD works directly with the Southern California Association of Governments (SCAG), County transportation commissions, and local governments, and cooperates actively with all state and federal government agencies. SCAG adopted the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (2020 RTP/SCS) to comply with metropolitan planning organization (MPO) requirements under the Sustainable Communities and Climate Protection Act. The Growth Management chapter of the RTP/SCS forms the basis of land use and transportation controls of air quality plans. The 2020 SCAG RTP/SCS forecasts that by 2045, the Town of Apple Valley will have 37,400 households and a population 101,400.<sup>7</sup> According to the Town's 2009 General Plan, Apple Valley has the potential to accommodate 31,716 additional dwelling units and 96,829 additional residents in the Town boundaries through buildout of the General Plan.<sup>8</sup>

MDAQMD states that conformity 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.<sup>9</sup> The Project site is located in the planning area of the North Apple Valley Industrial Specific Plan (NAVISP). According to the NAVISP, the Project property is designated as Industrial – Specific Plan, which allows for “a broad range of clean manufacturing and warehousing uses...

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<sup>7</sup> SCAG 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy, Demographics and Growth Forecast Technical Report, Jurisdiction-Level Growth Forecast.

<sup>8</sup> Town of Apple Valley General Plan (2009), page II-2.

<sup>9</sup> MDAQMD California Environmental Quality Act (CEQA) and Federal Conformity Guidelines (February 2020).

[including] warehouse distribution facilities."<sup>10</sup> The Project, which proposes the development of a warehouse distribution facility, is consistent with the land use and zoning designation established in the NAVISP, and will comply with the policies and regulations applicable to this designation. According to the MDAQMD CEQA Guidelines, given that the Project is consistent with the land use plan used to generate the growth forecast, it can be assumed that the Project conforms with the growth forecast itself.

The MDAQMD CEQA Guidelines also state that a project is considered conforming if it complies with all proposed control measures. According to the Apple Valley General Plan, the Town is subject to the provisions of the MDAQMD Rule Book, which establishes policies and other measures designed to help the District reach federal and state attainment standards.<sup>11</sup> In accordance with the Town's policies, the proposed Project shall comply with the provisions of the MDAQMD Rule Book. These actions include the implementation of fugitive dust control measures (Rule 403) and the use of low VOC content architectural coatings (Rule 1113). Furthermore, the Project will be subject to Rule 201, which requires a permit from the Air Pollution Control Office prior to any construction activities, and Rule XIII, which requires preconstruction review of all new facilities to ensure they do not interfere with the attainment and maintenance of ambient air quality standards. Compliance with the MDAQMD's requirements will ensure that the Project does not conflict with applicable air quality plans.

In conclusion, the Project conforms with the growth forecasts used in the MDAQMD's plans, and will comply with all control measures proposed in the District's air quality plans. Based on this evidence, it can be concluded that the Project will not conflict with or obstruct implementation of the applicable air quality plan, and that impacts will therefore be less than significant.

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

A project is considered to have significant air quality impacts if there is a cumulatively considerable net increase of any criteria pollutant for which the project is in non-attainment under the federal and state ambient air quality standards. The West Mojave Desert portion of the Mojave Desert Air Basin is currently designated as being in non-attainment for PM<sub>10</sub> and ozone.

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<sup>10</sup> North Apple Valley Industrial Specific Plan (2006), p. I-2.

<sup>11</sup> Town of Apple Valley General Plan (2009) Air Quality Element, p. III-70.

As described in greater detail in the Air Quality and Greenhouse Gas Report prepared for the Project (see Appendix B), the Project's air quality emissions were projected using the CalEEMod Version 2020.4.0. The proposed Project will release criteria air pollutants during its construction and operational phases, as shown in **Table 2.4-5** and **Table 2.4-6**, respectively.

Construction Emissions:

For analysis purposes, it is assumed that the Project will require a two-year buildout, concluding in 2024. The construction phase includes site preparation, grading, paving, building construction, and application of architectural coatings, and the worker and vendor trips required during this time. For analysis purposes, it is assumed that building construction, paving, and architectural coating will occur in staggered, but overlapping phases.

Table 2.4-5 shows that the emissions generated by the Project construction activities will not exceed the MDAQMD thresholds for any criteria air pollutants. The data in Table 2.4-5 represents daily unmitigated emissions over the 2-year construction period, including winter and summer conditions, and assuming that standard dust control measures have been applied to the particulate matter emissions per MDAQMD Rule 403. Given that MDAQMD's thresholds for criteria air pollutants will not be exceeded during unmitigated construction activities, impacts are anticipated to be less than significant.

**Table 2.4-5  
 Maximum Daily Construction-Related Emissions Summary (pounds per day)**

<b>Construction Emissions</b>	<b>CO</b>	<b>NO<sub>x</sub></b>	<b>ROG</b>	<b>SO<sub>2</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
<b>Daily Maximum<sup>1</sup></b>	69.43	36.28	122.62	0.20	21.15	11.33
<b>MDAQMD Threshold</b>	548	137	137	137	82	65
<b>Exceeds?</b>	No	No	No	No	No	No

<sup>1</sup> Average of winter and summer daily maximum emissions.

Operational Emissions:

Operational Emissions refer to the ongoing emissions over the life of a project. They include area source emissions, emissions from energy demand (e.g. electricity) and mobile source emissions (e.g. vehicles).

The proposed Project is estimated to generate 2,569 daily trips according to the ITE Land Use Code 157 for High-Cube Warehouse and High-Cube Cold Storage Warehouse<sup>12</sup>. The total of 2,569 daily trips is comprised of 1,788 passenger car trips

<sup>12</sup> Institute of Transportation Engineers (ITE), Trip Generation Manual, 11<sup>th</sup> Edition (2021).

and 781 truck trips. For the purposes of analysis, it is assumed that the average length of truck trips will be 40 miles,<sup>13</sup> and the average length of passenger car trip will be 14.7 miles.

As shown in Table 2.4-6, projected emissions during the Project's operational life will not exceed the MDAQMD thresholds for any criteria air pollutants. Impacts related to operational emissions can thus be assumed to be less than significant.

**Table 2.4-6  
 Maximum Daily Operational-Related Emissions Summary (pounds per day)**

<b>Operational Emissions<sup>1</sup></b>	<b>CO</b>	<b>NO<sub>x</sub></b>	<b>ROG</b>	<b>SO<sub>2</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
<b>Daily Max. (Passenger Car)<sup>2</sup></b>	43.811	5.397	36.49085	0.16465	20.2599	5.593
<b>Daily Max. (Trucks)<sup>2</sup></b>	42.3898	121.92685	37.5786	0.68245	29.1742	9.36855
<b>Daily Max. (Total)</b>	86.20	127.32	74.07	0.85	49.43	14.96
<b>MDAQMD Threshold</b>	548	137	137	137	82	65
<b>Exceeds?</b>	No	No	No	No	No	No

<sup>1</sup> Average of winter and summer daily maximum emissions.

<sup>2</sup> Separate CalEEMod projections were prepared for passenger vehicle trips and truck trips to adjust for and control the trip lengths associated with each vehicle class. Combined, Daily Max emissions includes total area, energy and mobile source (truck and passenger) emissions.

Cumulative Contribution – Non-Attainment Criteria Pollutants:

Given the dispersing nature of pollutant emissions and aggregate impacts from nearby jurisdictions, cumulative air quality is evaluated on a regional scale. As previously described, the West Mojave Desert portion of the Mojave Desert Air Basin is a designated non-attainment region for PM<sub>10</sub> and ozone. Any development resulting in emissions of PM<sub>10</sub>, ozone, or ozone precursors will, to some extent, contribute to existing regional non-attainment.

The MDAQMD does not currently provide thresholds of significance for the cumulative emissions of multiple projects. A project's potential cumulative contributions can instead be analyzed using the criteria for project-specific impacts, assuming that if an individual development generates less than significant construction and operational emissions, then it would not generate a cumulatively considerable increase in non-attainment criteria pollutants.

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<sup>13</sup> SCAQMD Draft WAIRE Technical Report (2020).

The Project is located in a non-attainment area for PM<sub>10</sub> as well as ozone, for which precursors include CO, NO<sub>x</sub>, and ROG. Emissions of PM<sub>10</sub>, CO, NO<sub>x</sub> and ROG related to the Project are projected to be below the MDAQMD thresholds for project-specific impacts, as shown in Tables 2.4-5 and 2.4-6. Standard best practices will be applied during construction, including dust control measures in accordance with MDAQMD Rule 403, as well as the use of low VOC content architectural coatings per MDAQMD Rule 1113. Therefore, while the Project will contribute to incremental increases in emissions, the impacts on regional PM<sub>10</sub> and ozone levels are not anticipated to be cumulatively considerable.

Summary:

Both the construction and operation of the proposed Project will result in emissions that are below the MDAQMD significance thresholds. The Project is not anticipated to make substantial contributions to an existing regional air quality violation. Overall, Project-specific impacts will be less than significant and Project-related impacts to non-attainment will not be cumulatively considerable.

**c) Expose sensitive receptors to substantial pollutant concentrations?**

The MDAQMD considers residences, schools, daycare centers, playground, and medical facilities as sensitive receptor land uses. According to the MDAQMD CEQA Guidelines, projects within a specified distance of a sensitive receptor must be evaluated using significance threshold criteria number 4:

*(4) [A project is significant if it] Exposes sensitive receptors to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million and/or a Hazard Index (HI) (non-cancerous) greater than or equal to 1.*

The threshold distances from sensitive receptors for industrial projects, as specified by the MDAQMD are as follows:

- Any industrial project within 1,000 feet;
- A distribution center (40 or more trucks per day) within 1,000 feet;
- A major transportation project (50,000 or more vehicle per day) within 1,000 feet;
- A dry cleaner using perchloroethylene within 500 feet;
- A gasoline dispensing facility within 300 feet.<sup>14</sup>

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<sup>14</sup> MDAQMD California Environmental Quality Act (CEQA) and Federal Conformity Guidelines (February 2020).

The proposed Project is considered an industrial land use and proposes a distribution center with more than 40 truck trips projected per day. Properties adjacent to the Project site are either vacant, such as those to the south and west, or occupied by similar distribution facilities, such as those to the north and east.

The Project is located within the North Apple Valley Industrial Specific Plan area and is not within 1,000 feet of any sensitive receptor land uses. The nearest sensitive receptor land uses are the Fresenius Medical Care Distribution facility and the Victor Valley Community College, which are located approximately 2,700 feet west and northwest of the Project site, respectively.

Given that the Project is well beyond the specified distance from any sensitive receptor land uses, it does not need to be evaluated using significance criteria number 4, stated above. Properties to the north, east, and south of the subject site are designated for Industrial – Specific Plan per the NAVISP, and would therefore not be intended for the future development of any sensitive receptors. However, properties on the west side of Dale Evans Parkway are outside the NAVISP boundary and are designated for Medium Density Residential (R-M), and thus future development of sensitive receptors in the Project vicinity can be reasonably expected, and could cumulatively impact these future residents. The Project proposes a setback from Dale Evans of 450 feet. Future residential development would need to be set back from Dale Evans Parkway and would potentially need other mitigation measures in order to ensure that sensitive receptors would not be impacted. Future residential developments would be required to prepare project-specific air quality analysis, at which point mitigation measures would be identified in order to ensure that potential impacts to sensitive receptors would be less than significant.

Given that there are currently no sensitive receptors in the Project vicinity, the proposed development is not anticipated to expose sensitive receptors to substantial pollutant concentrations, and impacts can be considered less than significant.

#### Health Impacts:

According to the MDAQMD CEQA Guidelines, the District does not currently have a methodology to correlate the expected air quality emissions of a project to the likely health consequences of those emissions consistently and meaningfully.<sup>15</sup> There are several factors that make it scientifically impossible with the technology available today to calculate the degree to which an individual's health would be impacted by exposure to various levels of criteria pollutant emissions:

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<sup>15</sup> Ibid.



- Differing medical histories mean that not all individuals would be affected equally. Some individuals may have medical pre-dispositions, and diet and exercise levels vary across a population.
- Due to the dispersing nature of pollutants, it is difficult to local and identify which individuals will be impacted, either directly or indirectly.
- There are currently no agreed upon methodologies or studies upon which to base assumptions, such as baseline health levels or emissions level-to-health risk ratios.

While the air district, and the field of study in general, do not have methodologies available to analyze the specific health consequences of a project's emissions, MDAQMD does recommend the use of tools such as CalEEMod for the purposes of project evaluation.

Given these limitations, the extent to which the proposed Project poses a health risk is uncertain, but unavoidable. However, the results of the CalEEMod projections indicate that the Project's emissions are below the MDAQMD thresholds, and the application of the MDAQMD sensitive receptor guidelines also indicate that the Project is not within the threshold distance. Based on these findings, it is therefore anticipated that the Project's impacts and associated health effects resulting from criteria pollutants will overall be less than significant.

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

Some land uses can be sources of odors that, while not necessarily physically harmful, may be unpleasant and distressing to the public. The MDAQMD regulates odors as a nuisance according to Rule 402 (Nuisance). The rule states that:

*A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.*

*The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.*

Land uses which are likely to generate odors, other than agricultural operations which are exempted, include chemical plants, composting operations, dairies, fiberglass molding, landfills, refineries, rail yards, and wastewater treatment plants.<sup>16</sup>

The Project proposes the development of a warehouse/distribution facility, which will not include any industrial production or processing activity. While the proposed warehouse may produce some odors, it is not anticipated to produce any objectionable odors long term. While some odors may be generated on site during the construction process, their production will be short term. Any odors generated on site during construction or operations are expected to disperse quickly with distance. As discussed in Section C, above, there are no sensitive receptors in the immediate vicinity of the proposed Project, and adjacent sites are either similar distribution facilities or are vacant. There are therefore no land uses nearby that are likely to be impacted by any nuisance related to odors. As such, impacts from objectionable odors are expected to be less than significant.

#### **2.4.7 Mitigation Measures**

Analysis of the Project's emissions and conformance with applicable air quality attainment and maintenance plans found that impacts are expected to be less than significant. Given that impacts will be less than significant, mitigation measures will not be necessary.

#### **2.4.8 Significance After Mitigation**

Mitigation measures are not necessary. Project impacts will be less than significant.

#### **2.4.9 Cumulative Impacts**

Cumulative potential impacts to air quality are assessed on a regional scale given the dispersing nature of pollutant emissions and aggregate impacts from surrounding jurisdictions and air management districts. Any activity resulting in emissions of PM<sub>10</sub>, ozone, or ozone precursors will contribute, to some degree, to regional non-attainment designations of ozone and PM<sub>10</sub>. However, the level of cumulative impact a single project may have on regional air quality is difficult to measure.

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<sup>16</sup> SCAQMD Guidance Document, Chapter 2: Air Quality Issues Regarding Land Use.

The Project is subject to the MDAQMD's adopted ozone and particulate matter attainment plans, which were developed to ensure that levels of pollutants are minimized and comply with the CAAQS and NAAQS to the District's best ability. Applicable plans include the 1995 Mojave Desert Planning Area Federal Particulate Matter Attainment Plan, the 2004 MDAQMD State and Federal Ozone Attainment Plan, and the 2008 MDAQMD Western Mojave Desert Non-attainment Area Ozone Attainment Plan. These regional plans provide guidelines for achieving state and federal air quality standards which aim to reduce cumulative impacts. As discussed in Section 2.4.6(a), the Project is considered compliant with the MDAQMD's attainment plans based on its conformance with the land use plans upon which the District's growth forecasts are based, as well as compliance with all applicable provisions of the plans. Likewise, as discussed in Section 2.4.6(b), while the Project will contribute to incremental increases in criteria air pollutant emissions, the impacts on regional PM<sub>10</sub> and ozone levels are not anticipated to be cumulatively considerable. Overall, compliance with the MDAQMD attainment plans ensures that the Project's cumulative impacts will not be cumulatively considerable.

## **2.5 Biological Resources**

### **2.5.1 Introduction**

The following analysis provides an overview of the existing biological resource conditions within the Project area and surrounding region, as well as a description of the regulatory environmental and thresholds of significance. An analysis of the potential biological resource impacts that would result from implementation of the proposed Project is provided, and mitigation measures are established as needed. This discussion is based on the Project-specific Biological Resources Assessment<sup>1</sup> and Jurisdictional Delineation Report<sup>2</sup> prepared by Wood Environment & Infrastructure Solutions, Inc. These reports are appended to this EIR as Appendix C and D, respectively. The Project site was surveyed on foot in July and August 2022; the findings of the surveys are included in the reports, and summarized below.

### **2.5.2 Thresholds of Significance**

The following thresholds of significance or criteria are established in Appendix G of CEQA, which is used to determine if and to what extent a project may have a potentially significant impact on biological resources. The proposed Project would have a significant effect on biological resources if it is determined that the Project will:

- 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 Game or U.S. Fish and Wildlife Service.
- 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 Game 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.

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<sup>1</sup> "Dale Evans/Lafayette Warehouse/Distribution Facility Project Biological Resources Assessment and Survey Results, Town of Apple Valley, San Bernardino County, California" Wood Environment & Infrastructure, Inc., September 15, 2022.

<sup>2</sup> "Dale Evans/Lafayette Warehouse/Distribution Facility Project Delineation of Jurisdictional Waters, Town of Apple Valley, San Bernardino County, California." Wood Environment & Infrastructure, August 2022.

- 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.

### **2.5.3 Regulatory Framework**

#### **Federal**

##### Endangered Species Act (ESA)

Established in 1973, the ESA is administered by the US Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Fisheries Service (NOAA Fisheries Service). The Act provides a regulatory program for the conservation of endangered or threatened plants and animals and the habitats in which they are found. ESA requires federal agencies to ensure that the actions they authorize, fund, or carry out are not likely to jeopardize any species designated as 'endangered' or 'threatened'. The Act prohibits the 'take', as well as import, export, or commerce, of any federally listed species, and requires environmental assessments to consider the listed species and their habitats.

##### Migratory Bird Treaty Act (MBTA)

First established in 1918 as a joint treaty with Canada, the MBTA now includes the U.S., Canada, Mexico, Japan, and Russia. The Act prohibits the take, or attempted take, of listed birds, as well as their nests and eggs, without prior authorization from the USFWS. Under the MBTA, take includes killing, capturing, selling, trading, and transport for listed migratory birds. According to the USFWS, criteria for migratory birds to be listed under the act include the following:

- It occurs in the United States or U.S. territories as the result of natural biological or ecological processes and is currently, or was previously listed as, a species or part of a family protected by one of the four international treaties or their amendments.
- Revised taxonomy results in it being newly split from a species that was previously on the list, and the new species occurs in the United States or U.S. territories as the result of natural biological or ecological processes.
- New evidence exists for its natural occurrence in the United States or U.S. territories resulting from natural distributional changes and the species occurs in a protected family.

### Clean Water Act (CWA) Section 404

Administered by the U.S. Army Corps of Engineers (USACE), Section 404 of the CWA established a permitting program to regulate the discharge of dredged or fill material into waters and wetlands. In order to obtain authorization to discharge dredged or fill material that may affect jurisdictional waters, there is a requirement to show proof that no practicable alternative exists and that impacts will not be significant (i.e., potential impacts will be minimized, and that compensation will be provided for unavoidable impacts).<sup>3</sup>

Through the CWA, USACE regulates Waters of the United States, including wetlands. The USACE delineates waters in the Arid West Region by identifying the ordinary-high water mark (OHWM) in ephemeral and intermittent channels.<sup>4</sup> The OHWM is defined in 33 CFR 328.3(e) as:

“...that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impresses on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.”

## **State**

### California Endangered Species Act (CESA)

Enacted in 1970, CESA prohibits the unauthorized take, import, export, possession, purchase, and sale of listed species. The formal listing process is conducted by the California Fish and Game Commission. CESA is administered by the California Department of Fish and Wildlife (CDFW). The Act is similar to the federal ESA, but while the ESA offers no protection to candidate species, CESA offers full protection to candidate species.<sup>5</sup>

### Native Plant Protection Act (NPPA)

Enacted in 1977, the NPPA enables the CDFW, which administers the Act, to designate plants as rare or endangered. The Act establishes measures to prohibit take of rare and endangered plant species, including but not limited to the list of plant species covered by CESA. If rare or endangered plants are identified on a project site, authorization is required under NPPA from CDFW prior to certain actions including: the removal of vegetation from canals, roads, or other sites; or changes in land use.

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<sup>3</sup> United States Environmental Protection Agency, Summary of the Clean Water Act <https://www.epa.gov/laws-regulations/summary-clean-water-act>, accessed December 2022.

<sup>4</sup> “Dale Evans/Lafayette Warehouse/Distribution Facility Project Delineation of Jurisdictional Waters, Town of Apple Valley, San Bernardino County, California.” Wood Environment & Infrastructure, August 2022

<sup>5</sup> California Fish and Game Code, §2068

#### Natural Community Conservation Planning (NCCCP) Program

Founded in 1991 and administered by the CDFW, the NCCCP program takes an ecosystem approach to protecting biological diversity. The program works with local planning processes to provide preventative protection for wildlife and habitats. It aims to protect wildlife and habitats as a measure to prevent the environment from becoming so fragmented that species require CESA listing. Local agencies can work through NCCCP to establish multiple species conservation areas.

#### CWA Section 401 Water Quality Certification and Wetlands Program

The CWA 401 Water Quality Certification and Wetlands Program is administered by the State Water Resources Control Boards and the Regional Water Quality Control Boards (RWQCB). The program regulates activities pursuant to Section 401 (a)(1) of the federal CWA (Clean Water Act), including discharges of dredged or fill materials into state waters, including waters of the U.S. under the CWA and the state Porter-Cologne Water Quality Control Act. Applicable waters under the Porter-Cologne Act include surface water or ground water, including saline waters, within California. The program specifies that authorization from the State is required for any applicant requesting a federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities that may result in any discharge into navigable waters.

#### California Fish and Game Code

Sections 1600 – 1603 prohibit the unauthorized diversion, obstruction, or change in the natural flow or bed, channel, or bank of any river, stream, or lake. These sections of the Code also prohibit the unauthorized deposit or disposal of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. Under state code, CDFW jurisdiction is assessed in the field based on one, or a combination, of the following criteria:

- At minimum, intermittent and seasonal flow through a bed or channel with banks and that also supports fish or other aquatic life.
- A watercourse having a surface or subsurface flow regime that supports or that has supported riparian vegetation.
- Hydrogeomorphically distinct top-of-embankment to top-of-embankment limits.
- Outer ground cover and canopy extents of, typically, riparian associated vegetation species that would be sustained by surface and/or subsurface waters of the watercourse.

Where impacts to state waters is anticipated, CDFW requires projects apply for a Streambed Alteration Agreement for any project that may impact a streambed or wetland. The CDFW has maintained a 'no net loss' policy regarding impacts to streams and waterways and requires a replacement of lost habitats on at least a 1:1 ratio.

Section 2081 of the Fish and Game Code permits otherwise prohibited activities (import, export, take, or possession of state endangered, threatened, or candidate species) through the issuance of a memorandum of understanding, if:

- The take is incidental to otherwise lawful activities;
- Impacts of the take are minimized and fully mitigated;
- The permit is consistent with regulations adopted in accordance with any recovery plan for the species in question; and
- The applicant ensures suitable funding to implement the measures required by CDFW.<sup>6</sup>

Section 3505.5 of the Fish and Game Code prohibits the take, sale, or purchase of any birds in the Falconiformes or Strigiformes orders (birds-of-prey) or to take, sell, or purchase the nest or eggs of any bird-of-prey.

### **Regional/Local**

#### Town of Apple Valley Multiple Species Habitat Conservation Plan and Natural Community Conservation Plan (MSHCP/NCCP)

The Apple Valley MSHCP/NCCP is administered by the Town in collaboration with San Bernardino County, BLM, USFWS, and CDFW. The Plan has not yet been formally adopted and is currently being implemented on an informal basis. The MSHCP/NCCP planning area covers a total of 169,869 acres, including 46,948 acres within the Town's incorporated limits and 122,921 acres within the Town's sphere of influence (SOI).<sup>7</sup>

The MSHCP/NCCP aims to promote consistency between local conservation efforts and state and federal land use plans, in order to safeguard features and areas that warrant protection. It also aims to ensure that future development with the Town and surrounding County lands in the Town's SOI is compliant with the ESA and CESA.<sup>8</sup>

Work on the MSHCP/NCCP has been ongoing for several years, and the list of proposed covered species continues to evolve. Table 2 in the Biological Resources Assessment (Appendix C) lists the species proposed for inclusion in Apple Valley MSHCP/NCCP according to a 2021 notice of preparation of environmental impact report for the plan. None of the proposed plant species were detected on site during resources surveys.

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<sup>6</sup> "Dale Evans/Lafayette Warehouse/Distribution Facility Project Biological Resources Assessment and Survey Results, Town of Apple Valley, San Bernardino County, California" Wood Environment & Infrastructure, Inc., September 15, 2022

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.



Town of Apple Valley Development Code – Native Plant Ordinance

Sections 9.76.010 to 9.76.030 of the Town Development Code requires a development to apply for a permit from the Town prior to the removal of any native plant or tree, desert native plants, or riparian plants. Species covered by the Native Plan Ordinance and which have the potential occur in the Project area are show in **Table 2.5-1**, below.

Section 9.76.040 of the Code requires developments to apply for a permit from the Town prior to the disturbance, moving, removal, or destruction of Joshua Trees on public or private land. There are no Joshua Trees on the Project site.

**Table 2.5-1  
 Special Status Plants Under the Native Plant Ordinance, selected**

Common name	Scientific name	Occurrence probability
Golden cholla	Cylindropuntia echinocarpa	Occurs
Pencil cactus	Cylindropuntia ramosissima	Occurs
Creosote bush (rings ten feet or greater in diameter)	Larrea tridentata	Absent (rings)
Beavertail	Opuntia basilaris	Occurs

Source: "Dale Evans/Lafayette Warehouse/Distribution Facility Project Biological Resources Assessment and Survey Results, Town of Apply Valley, San Bernardino County, California" Wood Environment & Infrastructure, Inc., September 15, 2022

Town of Apple Valley General Plan

The Open Space and Conservation Element, as well as the Biological Resources Element, of the Town's General Plan establish goals, policies, and programs for the protection of wildlife and habitat in Apple Valley.

**Open Space and Conservation Element**

**Goal 1**           The Town will conserve and protect natural resources in perpetuity

**Policy 1.B**       Encourage the preservation, integrity, function, productivity and long-term viability of environmentally sensitive habitats, wildlife corridors, and significant geological features within the Town.

**Program 1.B.1**   The Town shall protect and preserve significant habitats, wildlife corridors, and geological features as described in the Apple Valley MSHCP.

**Goal 2**           The Town shall encourage the preservation of significant native trees, native vegetation, landforms, and wildlife habitat.

**Policy 2.B** The Town will only allow types and patterns of development that will minimize the destruction of, or damage to, significant biotic resources, such as wildlife corridors along the Mojave River.

**Policy 2.C** The Town will encourage the planting and preservation of native species of trees and plants to enhance the environment.

**Program 2.C.1** Drought tolerant landscaping materials and design features shall be incorporated into parks, roadway medians, common area landscaping, public facilities, and other appropriate open space lands to retain and preserve the natural environment.

### **Biological Resources Element**

**Goal 1** Establish a pattern of community development that supports a functional, productive, and balanced relationship between the manmade environment and the natural environment.

**Policy 1.A** Habitat for endangered, threatened, and sensitive species shall continue to be protected and preserved as Open Space by the Town.

**Program 1.A.4** Once the Western Mojave Habitat Conservation Plan and/or the Apple Valley MSHCP have been finalized, they shall be used to maintain an accurate and regularly updated map of sensitive plant and animal species and for management of biological resources within the Town.

**Program 1.A.6** Biological resource surveys and assessments shall continue to be required by Town staff as part of the application process for new development especially within or adjacent to linkage corridors or, special survey areas and potential jurisdiction areas.

**Policy 1.B** The Town shall promote the use of native vegetation for landscaping to enhance and create viable habitat for local species.

**Program 1B.1** The Town shall require developers to recover, preserve, or utilize native vegetation within the project or shall require that viable vegetation is transplanted to other appropriate sites in conformance with its Native Plant Ordinance.

**Program 1.B.2** Native and drought tolerant plant materials, including vegetation that provides or enhances habitat for local species, shall be incorporated into project landscaping and design.

**Goal 2** The Town shall work with local, state, and regional agencies to protect, preserve, and manage biological resources, especially threatened, endangered, and sensitive plants and wildlife species and their habitats.

**Policy 2.D** The Town shall work with CDFG and USFWS to ensure that state and federal protections required by the Migratory Bird Treaty Act are addressed during the planning process.

### **2.5.4 Environmental Setting**

The Town of Apple Valley lies in a region of the desert located in the southwest portion of the Mojave Desert, north of the San Bernardino Mountains, and east of the Mojave River. Located in the high desert, the Town of Apple Valley and SOI range in elevation from 2,550 feet to 4,800 feet above mean sea level. The lowest elevations occur near the Mojave River to the west, and the highest elevations are generally found in the northern, eastern, and southern portions of town.

The local climate is typical of the high desert, with extreme fluctuations in daily temperature, hot dry summers, cool winters, strong winds, and low annual precipitation. Apple Valley gets less than five inches of precipitation annually.<sup>9</sup>

The Town is adjacent to the Mojave River, which runs north-south through the area. The river is an important wildlife movement corridor and supports riparian habitat throughout its drainage. While the river and its associated drainages and streams have contributed to the topography of the region, they are intermittent and considered ephemeral in that they rarely contain surface water flow and generally have poorly defined banks.<sup>10</sup> The Mojave River is more than six miles west of the Project site, and there are no other major watercourses in the area.

According to the Bureau of Land Management, Apple Valley's vegetation community is characterized as "Low Cover Woodlands." At high elevations, the primary vegetation communities include Mojave Mixed Woody Scrub, Joshua Tree Woodlands, and Montane Woodlands. At mid- and lower elevations, the primary vegetation types include Salt Bush Scrub (low) and Creosote Bush Scrub (mid). Creosote Bush Scrub is the largest vegetation community in the area but has been impacted by anthropogenic (human) activities such as illegal dumping,

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<sup>9</sup> Town of Apple Valley EIR for the General Plan Update, p.II-5.

<sup>10</sup> Ibid., p.III-46.

off-road vehicle use, and livestock grazing. The Creosote Bush Scrub community includes creosote bush, burrobush, golden cholla, pencil cholla, beavertail, cheesebush, Cooper's boxthorn, and rabbitbush.

Apple Valley and the surrounding area are home to diverse animal species, including invertebrates (insects and spiders), amphibians (frogs and toads), reptiles (lizards and snakes), birds (301 species documented), and mammals (small and large species). The Apple Valley area is also home to approximately 30 sensitive species, including species protected by the state and/or federal Endangered Species Acts, such as the desert tortoise, burrowing owl, and Mojave ground squirrel.<sup>11</sup>

### **2.5.5 Existing Conditions**

The Project proposes the development of a distribution facility, offices, and parking. Currently, the site is vacant, undeveloped desert land. The topography of the property is level overall, with elevations ranging from approximately 3,010 to 3,030 feet and a drainage pattern trending from north to south.

The northeastern portion of the subject property was formerly utilized by the U.S. Army as part of a practice aerial bombing range during the 1940s. The subject property is currently listed as the Victorville Precision Bombing Range No. 1 (PBR No.1) on the Formerly Used Defense Sites (FUDS), unexploded ordinance (UXO), and Envirostor databases.<sup>12</sup> Munition debris is scattered throughout the northeastern corner of the site where portions of the bombing target are still visible. A Phase 1 ESA prepared for the Project determined that the remaining munitions debris is not energetic or intact, and therefore poses no risk of upset or accident (please see Section 2.10).

The Project site is undeveloped, but the land shows signs of disturbance, such as the mechanical disturbance of soil, vegetation removal, off-road vehicle tracks, and trash dumping. Regardless, the site still provides habitat and potential wildlife corridors.<sup>13</sup>

The Project site is comprised entirely of private lands. It is not, therefore, under the jurisdiction of the West Mojave Habitat Conservation Plan or other regulations applicable only to federal or other public lands. However, drainages on the site may be under regional and state jurisdiction. The Project site is entirely within the

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<sup>11</sup> Town of Apple Valley EIR for the General Plan Update, p.2.5-9 to 2.5-10

<sup>12</sup> "Phase 1 Environmental Site Assessment, SkyView Property – Lafayette Street, Apple Valley, California" Northgate Environmental Management, Inc. September 14, 2022.

<sup>13</sup> "Dale Evans/Lafayette Warehouse/Distribution Facility Project Biological Resources Assessment and Survey Results, Town of Apply Valley, San Bernardino County, California" Wood Environment & Infrastructure, Inc., September 15, 2022

boundaries of the Apple Valley MSHCP/NCCP and the planning area for the North Apple Valley Industrial Specific Plan (NAVISP).

#### On-Site Drainages

The subject property has two unnamed drainages running through it north to south, as shown in Exhibit 2.5-1. In the northern portion of the site the drainages have a defined bed and bank, but they become areas of sheet flow towards the southern reaches.<sup>14</sup> The two drainages may be considered jurisdictional waters (waters of the state) by CDFW and RWQCB, due in part to the presence of a defined bed and bank in the northern reaches, but because the drainages do not connect with any navigable or permanent waters downstream, they are not considered jurisdictional by the U.S. Army Corps of Engineers (USACE).<sup>15</sup>

#### Vegetation

The primary vegetation community on site is creosote bush scrub. The natural community in the proposed MSHCP/NCCP which corresponds most closely with this is "Sonora-Mojave Creosote bush-White Bursage Desert Scrub". Seventeen special status plant species occur in the Project area, five of which are not expected on site due to lack of habitat or were not observed during the biological survey.<sup>16</sup>

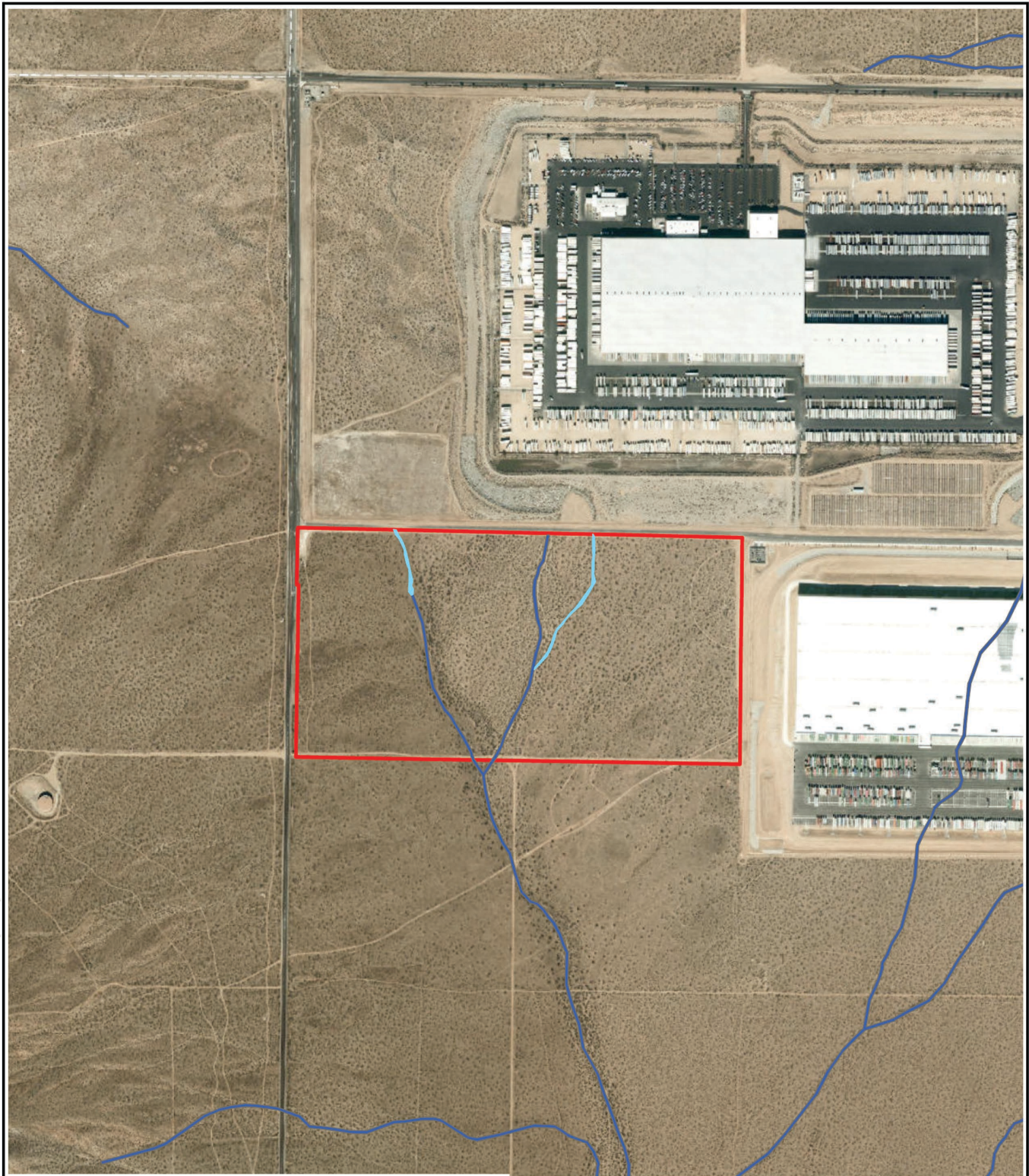
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<sup>14</sup> "Dale Evans/Lafayette Warehouse/Distribution Facility Project Delineation of Jurisdictional Waters, Town of Apple Valley, San Bernardino County, California." Wood Environment & Infrastructure, August 2022


<sup>15</sup> Ibid.


<sup>16</sup> Wood JD, Op.cit.

Source: Wood Environment and Infrastructure Solutions, Inc., 09.14.2022



 Project Boundary

 Potential Jurisdictional Waters Identified by the National Wetlands Inventory

 Additional Potential Jurisdictional Waters Identified in the Field

1 inch = 800 feet  
0 400 800 Feet



01.18.23

Exhibit

### 2.5.6 Project Impacts

As proposed, the Project will result in the disturbance and development of the entire site and will include the relocation and re-routing of drainages that currently cross the property. In addition to the proposed 1.2 million square foot building, the 78±-acre site will also be developed with parking on all sides of the warehouse building. Stormwater diversion and detention will comprise 1.92± acres of the site, with planned overflow discharge on the south end of the property in a manner similar to existing conditions. The proposed landscape plan includes a variety of native and drought-tolerant non-native vegetation, including sweet acacia, thornless mesquite, palo verde, indigo bush, sage, and a variety of succulents.

- 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 Game or U.S. Fish and Wildlife Service.**

The Biological Resources Assessment prepared for the Project analyzed the potential effects, as they might occur either directly or through other habitat modifications, to special status plants, invertebrates, desert tortoise, mammals, and birds, including migratory birds and burrowing owl. Based upon literature searches, site surveys and assessments, and review of regulatory guidance, the findings and recommended mitigation measures are as follows:

#### *Special Status Plants*

The field surveys conducted in July and August, 2022 found three special status plant species occurring on-site, evidence of habitat for eight other special status species, and a low potential for five special status species to occur. In addition, three species of cactus protected by the Town of Apple Valley Native Plant Ordinance were identified on site: golden cholla, pencil cactus, and beavertail.

Viable habitat for eight other protected plant species was found on the property during biological survey; however, the species themselves were not detected. These species, which may occur on the property although not detected during the initial surveys, are as follows: white pygmy-poppy, desert cymopterus, Mojave monkeyflower, Barstow woolly sunflower, Torrey's box-thorn, solitary blazing star, beaver dam breadroot, and Mojave fish-hook cactus. Although it is not expected that the populations occurring on the Project site would be significant, and that their loss would critically impact the species' survival, there is a potential for impacts to these species, which requires mitigation. As provided in Mitigation Measure BIO-1, an additional Spring survey for detecting these species (April or

May) is provided in order to determine the presence, population size, and importance to overall population. With implementation of BIO-1, impacts to sensitive plants will be reduced to less than significant levels.

During the Spring survey required under BIO-1, to detect the eight sensitive plant species, the opportunity should be used to mark the locations of all cacti previously identified on site. While avoidance of cacti is preferred, few, if any, can be avoided by the Project. Mitigation Measure BIO-2, described in Section 2.5.7, will be implemented to ensure that the transplanting or removal of cacti complies with the requirements of the Town's Native Plant Ordinance.

Implementation of BIO-1 and BIO-2 will assure that impacts to special status and locally important plants will be reduced to less than significant levels.

#### *Special Status Invertebrates*

Two special status insects have limited potential to occur in the Project area: the monarch butterfly (candidate for federal ESA listing) and Crotch bumblebee (state ranked as critically imperiled to imperiled). Due to lack of habitat, however, there is a low probability that these insects could occur on the subject property. In the case of monarch butterflies, the lack of coastal tree species, such as cypress and Monterey pine, and milkweed results in a low probability of occurrence; while Crotch bumblebee rely on nectar sources which are scarce in the Project area.

The main threat to monarch butterflies would be impacts to milkweed, an essential source of food for the larvae. While no milkweed was identified on the subject site during the previous surveys, preconstruction plant surveys by qualified biologists required under BIO-2 will also be required to mark any milkweed plants with monarch caterpillars present and bumblebee nests encountered for avoidance, as provided in BIO-3. As stated in the mitigation measure, if monarch caterpillars are detected on the property, then they shall be moved to safe off-site milkweed plants to reduce potential impacts to monarch butterflies. BIO-3 also describes the required action, including guidance from CDFW, if Crotch bumblebee nests are identified on the Project site.

#### *Desert Tortoise*

The Mojave population of the desert tortoise is on state and federal lists from the USFWS and CDFW as a threatened species. The Project site is not designated as desert tortoise critical habitat, and a focused survey determined that desert tortoise is not present on the Project site at this time. However, the vegetation community occurring on site, creosote bush scrub, is a habitat often used by desert tortoises, and the Project site is contiguous with potential habitat to the south and west. Additionally, four occurrences of desert tortoises have been reported by the CNDDDB in a 5-mile radius of the Project.



If desert tortoise is detected on-site during site development, consultation with the USFWS and CDFW is required, as well as the Town of Apple Valley. Mitigation and minimization measures (BIO-4 to BIO-7) must be implemented if the tortoise is detected on site to ensure that any potential impacts to the protected species are avoided. BIO-4 requires that construction workers be trained to understand the potential for special status species to occur on the site; BIO-5 requires that workers inspect under vehicles prior to moving them, and assures that they will not be moved by construction personnel; BIO-6 requires monitoring of construction activities by a qualified biologist to ensure that tortoise do not enter the work site; and BIO-7 requires that open trenches be monitored daily, and be covered or fenced to prevent tortoise access. These measures will assure that impacts to the species will be less than significant.

#### *Mammals*

Two special status/protected mammals may occur in the Project area: the Mohave ground squirrel and the desert kit fox. No further action is required for the ground squirrel, as reported occurrences of the species five miles from the site occurred in 1977, more than 35 years ago, and the species is considered to be extirpated in the Project area. The desert kit fox is a proposed covered species under the MSHCP/NCCP. Scat of the species was discovered on the Project site, indicating that it forages there, but no dens were discovered. Currently, no impacts to desert kit fox are anticipated, however, Mitigation Measure BIO-15 provides for pre-construction surveying for the species' dens, and avoidance or mitigation consistent with CDFW consultation.

#### *Special Status Birds and Migratory Bird Treaty Act*

Seven special status birds occur, or may occur, on the Project site: golden eagle, burrowing owl, Swainson's hawk, Costa's hummingbird, prairie falcon, loggerhead shrike, and Le Conte's thrasher. Other than Costa's hummingbird, these species are proposed for coverage under the MSHCP/NCCP.

Golden eagle, Swainson's hawk and prairie falcon do not have large trees, essential for their nesting habitat or in the vicinity, but may pass through the area and forage on-site, and thus should simply be avoided if temporarily present on the Project site. Burrowing owl, Costa's hummingbird, loggerhead shrike, and Le Conte's thrasher could potentially nest onsite, and as a result may be directly or indirectly impacted by the Project. To avoid such impacts, mitigation measures BIO-8 and BIO-9 will be required to reduce impacts to nesting birds to less than significant levels. BIO-8 requires the preparation of a of a nesting bird survey prior to removal of any vegetation on the site during the nesting season, and BIO-9 establishes buffer areas should active nests be identified. Recommendations for protecting burrowing owl are discussed in the following section.

### *Burrowing Owl*

No burrowing owls or signs of burrowing owls were observed during the biological resources field surveys, including burrow surveys, but suitable habitat is present on site. Therefore, a survey for potential burrows following by four breeding season surveys of areas found to have potential for burrowing owl occupation must be conducted in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012). Mitigation measures to protect burrowing owl are provided in BIO-10 to BIO-12. BIO-10 requires a survey for burrows, followed by the prescribed four breeding season surveys, as required by the Staff Report on Burrowing Owl Mitigation (CDFG 2012); BIO-11 requires consultation with CDFW and compliance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012) if the species is identified on site, and BIO-12 requires a pre-construction survey, if BIO-10 is not implemented immediately prior to construction.

### *Summary*

Several special status plants, insects, birds, and other animals have the potential to occur on the Project site, and thus proper implementation of mitigation measures will be required. Implementation of BIO-1 through BIO-12, where applicable, will ensure that potential impacts to special status species will be less than significant.

***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 Game or U.S. Fish and Wildlife Service.***

The Project site is 6± miles northeast of the Mojave River. The proposed development would not have any substantial direct impacts on the riparian habitat or sensitive community associated with the river.

According to the USFWS National Wetlands Inventory, two channels of Riverine habitat occur on the Project site.<sup>17</sup> However, these Riverine channels are classified as Intermittently Flooded Water Regimes. The channels may go weeks, months, or even years between periods of inundation. The associated plant communities are not classified as wetland because they do not have hydric soils, nor does the habitat support hydrophytes (aquatic plants). It can therefore be concluded that no riparian habitats occur on the subject property.

The Biological Resources Assessment prepared for the Project did not find any sensitive natural communities on the subject property. However, the two aforementioned intermittently flooded channels were observed during the biological resources assessment for the Project. A jurisdictional delineation

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<sup>17</sup> Wood JD, Op.cit.

prepared for the Project found that portions of these drainages display ordinary-high water marks, recent evidence of flows, and a defined bed and bank. This indicates that drainages are waters of the state and are under regional and state jurisdiction. **Table 2.5-2**, below, quantifies the drainages under the jurisdiction of the Regional Water Quality Control Board and the California Department of Fish and Game. Also see Figure 4 of the jurisdictional assessment in Appendix D.

**Table 2.5-2  
 Summary of Jurisdictional Areas**

<b>Drainage ID</b>	<b>Waters of the US Length (feet)</b>	<b>Waters of the US (acre)</b>	<b>RWQCB Length (feet)</b>	<b>RWQCB (acre)</b>	<b>CDFW length (feet)</b>	<b>CDFW (acre)</b>
1	0	0	556	0.14	556	0.16
2	0	0	1,061	0.11	1,061	0.18

Source: "Dale Evans/Lafayette Warehouse/Distribution Facility Project Delineation of Jurisdictional Waters, Town of Apple Valley, San Bernardino County, California." Wood Environment & Infrastructure, August 2022

Given that portions of both drainages are under RWQCB and CDFW jurisdiction, authorization to disturb these drainages must be secured from the respective agencies. While, as described above, the Biological Resources Assessment did not find the intermittent channels to contain riparian vegetation or sensitive habitat, the requirement to obtain a Water Quality Certification from the RWQCB and a 1602 Streambed Alteration Agreement from the CDFW, as described in BIO-13 and BIO-14, respectively, will ensure that impacts to the drainages during the development of the proposed Project will not cause adverse effects to associated sensitive communities and habitat. With mitigation, impacts will be less than significant.

***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.***

The USFWS National Wetlands Inventory identifies the two unnamed drainages on the Project site as Riverine Habitat - Intermittently Flooded. As described under threshold b), above, the jurisdictional delineation found that parts of the intermittent drainages qualify as waters of the state. Neither drainage is under federal jurisdiction because they do not connect with any downstream traditionally navigable waters or relatively permanent waters. **Table 2.5-2**, above, shows the portions of the drainages which are classified as jurisdictional due to the presence of an ordinary-high water mark (OHWM), recent evidence of flows, and a defined bed and bank.

Impacts to waters in the Lahontan region (Region 6) of the RWQCB require that the Project proponent obtain a CWA 401 Water Quality Certification, as described in BIO-13. The Project will also be required by the CDFW to enter into a 1602 Streambed Alteration Agreement, as described in BIO-14. Both the RWQCB and CDFW certification and/or agreement may involve mitigation measures for permanent impacts at a ratio of up to 3:1.

Authorization from the applicable agency will be required prior to Project construction. This authorization would ensure that construction and operation of the Project complies with the RWQCB and CDFW, and if needed, appropriate measures would be identified and implemented to avoid any adverse effects through direct removal, filling, hydrological interruption, or other means. Overall, provided the Project obtains the applicable permits as provided in the mitigation measures below, impacts will be less than significant.

***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.***

While the Project site shows signs of considerable disturbance, and is thus not considered pristine habitat, the undeveloped land may still provide wildlife corridors. The site is surrounded by open and undeveloped desert lands to the south and west, and only partially developed lands to the north and east. Development of the site, as proposed, will incrementally limit the ability of various species to use the site as a movement corridor. However, these impacts, given the presence of development to the north and east, and Dale Evans Parkway to the west, will be less than significant.

The Project site may serve as a migratory corridor or nursery site for migratory bird species protected by the MBTA. As discussed above in Section 2.5.6.a., there is potential for special status birds protected by the MBTA to nest on the site. Nesting bird surveys will therefore be conducted prior to construction as discussed in mitigation measure BIO-8. The nesting bird surveys, and resulting impact avoidance measures, will ensure that impacts to migratory birds are less than significant.

No migratory fish occur on the Project site, nor could they occur given the lack of flowing or standing water.

The Project site is not located in or near identified important linkage areas, such as the Mojave River corridor, which is more than 6 miles southwest of the site. While the Project site may provide some wildlife corridor function, implementation of the mitigation measures which as described above are designed to reduce

impacts to desert tortoise, burrowing owl, migratory bird nests and desert kit fox, which are all species with the potential to occur on the site, and will ensure that potential Project-related impacts to migratory wildlife, native or migratory wildlife corridors or nursery sites will be less than significant.

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

The Project site is located within the North Apple Valley Specific Plan (NAVISP) area. The proposed warehouse and supporting offices align with the manufacturing and warehousing uses permitted in the Industrial – Specific Plan zone. The NAVISP does not include any policies that pertain specifically to the protection of biological resources. The Project will, however, comply with the landscaping policies set forth in the NAVISP, including the use of native plants from the Specific Plan’s list of permitted plants.

The Project will also comply with applicable goals, policies, and programs in the Open Space and Conservation Element as well as the Biological Resources Element of the Town’s General Plan. The Town’s ability to conserve natural resources in perpetuity will not be impeded by the Project. Additionally, through its compliance with the landscaping policies in the NAVISP, the Project will also comply with General Plan policies promoting the use of native vegetation. Finally, as per BIO-2 in the mitigation measures above, the Project will comply with the Native Plant Ordinance should native species need to be removed from the site.

The Town of Apple Valley Multiple Species Habitat Conservation Plan and Natural Community Conservation Plan (MSHCP/NCCP) is currently under review. Once adopted, the Project will adhere to any applicable policies and guidelines in the MSHCP/NCCP.

In conclusion, the Project does not conflict with any local policies or ordinance protecting biological resources, and impacts will be less than significant with compliance with existing Town regulations relating to native plants.

***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.***

As stated above, the Apple Valley MSHCP/NCCP is currently under review. If adopted, the Project will be required to adhere to the requirements set forth in the MSHCP/NCCP. Given that the subject property is not situated on federal lands, the Project is not subject to the West Mojave Habitat Conservation Plan.

The Project will not conflict with the provisions of an adopted Habitat Conservation Plan or Natural Community Conservation Plan. Impacts will be less than significant.

### 2.5.7 Mitigation Measures

**BIO-1** A Spring (April-May) plant survey shall be completed prior to any ground disturbance on the site. If any of the eight special status plant species known to occur in the Project area (see **Table 2.5-3**) are found on site during Spring surveys, the population size of the species and importance to the overall population should be determined. If a species occurs on the site, is found to be important to the overall population, and cannot be avoided, it should be transplanted and/or have seeds/topsoil collected. The Town of Apple Valley must also be consulted if species proposed for coverage under the MSHCP/NCCP are found.

**Table 2.5-3  
 Potentially Occurring Special Status Plants**

Scientific Name	Common Name	Status	Occurrence Probability
<i>Canbya candida</i>	White pygmy-poppy	CRPR <sup>1</sup> MSHCP/NCCP <sup>2</sup>	Moderate
<i>Cymopterus deserticola</i>	Desert cymopterus	CRPR MSHCP/NCCP	Moderate
<i>Diplacus (Mimulus) mohavensis</i>	Mojave monkeyflower	CRPR MSHCP/NCCP	Moderate
<i>Eriophyllum mohavense</i>	Barstow woolly sunflower	CRPR MSHCP/NCCP	Moderate
<i>Lycium torreyi</i>	Torrey's box-thorn	CRPR	Very Low - Absent
<i>Mentzelia eremophila</i>	Solitary blazing star	CRPR	Moderate
<i>Pediomelum castoreum</i>	Beaver dam breadroot	CRPR MSHCP/NCCP	Moderate
<i>Sclerocactus polyancistrus</i>	Mojave fish-hook cactus	CRPR	Very Low - Absent

Source: "Dale Evans/Lafayette Warehouse/Distribution Facility Project Delineation of Jurisdictional Waters, Town of Apple Valley, San Bernardino County, California." Wood Environment & Infrastructure, August 2022

<sup>1</sup> California Rare Plant Rank, formerly known as the California Native Plant Society Rare Plant Inventory.

<sup>2</sup> Multiple Species Habitat Conservation Plan / Natural Community Conservation Plan

- BIO-2** A permit from the Town will be required for the removal of any native tree or plant protected by the Town code. The land use application, building permit, and/or other development permits will serve as the permit for the removal of native trees/plants if the application or permit specifically reviews and approves such removals. The Town may require certification from an appropriate tree expert or desert native plant expert that such removals are appropriate, supportive of a healthy environment, and comply with the provisions of the Town code. Any native plant removed under permit should be incorporated into the final landscaping plans and used in Project landscaping to the greatest extent possible.
- BIO-3** If monarch caterpillars are found on milkweed on the Project site during Spring plant surveys, and impacts are unavoidable, the monarch caterpillars should be moved to safe milkweeds off-site with appropriate authorization. If bumblebee nests occupied by Crotch bumblebees are found onsite during Springs plant surveys and cannot be avoided, then the CDFW must be consulted for guidance.
- BIO-4** A worker's environmental awareness program (WEAP) shall be prepared and implemented to educate the construction crew of potential special status species, including but not limited to desert tortoise, that may be present or wander onto the Project site.
- BIO-5** Construction and maintenance personnel shall be required to inspect for desert tortoises under vehicles prior to moving the vehicle. If a desert tortoise is found beneath a vehicle, it may not be moved until the desert tortoise has left of its own accord. All desert tortoise observations shall be noted by the contractor and reported to a qualified biologist and federal and State wildlife agencies.
- BIO-6** A qualified biologist shall periodically monitor construction to ensure that tortoises do not enter the work area and that they are not disturbed if present. Isolating the site with tortoise-proof fencing will also reduce or eliminate this need.
- BIO-7** Any open trenches adjacent to habitat shall be monitored daily. If left open overnight or at any time when not monitored, trenches shall be fenced, blocked and/or covered to prevent entry by desert tortoises. Exit ramps shall be present within open trenches.
- BIO-8** Any vegetation removal or grading occurring during the nesting season (generally February 1 through August 31) will require at least one nesting bird survey to be conducted by a qualified biologist no more than three days prior to site disturbance. If no nests are found,

construction may proceed. If active nests are found, impact avoidance measures (e.g., “no work” buffers, sound and/or visual barriers) will be put in place around the nest until young have fledged. This also applies to offsite nests identified by the biologist during the nesting survey which may be indirectly impacted by site development.

- BIO-9** The CDFW recommends avoidance buffers of approximately 500 feet for birds-of-prey and listed species, and 100-300 feet for other unlisted birds. Appropriate buffers shall be established on a case-by-case basis by the nesting bird biologist.
- BIO-10** A survey for potential burrows followed by four breeding season surveys of areas found to have potential for burrowing owl occupation must be conducted in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012). The burrow survey can be conducted any time, but the breeding season focused survey cannot begin prior to February 1.
- BIO-11** If burrowing owls are found and impacts are unavoidable, guidelines in the Staff Report on Burrowing Owl Mitigation (CDFG 2012) must be followed in addition to consultation with the CDFW.
- BIO-12** Where potential habitat is present, whether or not owls are found on site by the focused surveys, a preconstruction take avoidance survey for owls is required by CDFW if construction does not occur immediately following completion of measure BIO-10, in case the site has been occupied in the interim period. The Town shall also be consulted if owls are found on the Project site.
- BIO-13** The Project proponent will obtain a CWA 401 Certification from the RWQCB. In addition to the formal application materials and fees (based on area of impact), a copy of the EIR and other appropriate California Environmental Quality Act (CEQA) documentation shall be included with the application.
- BIO-14** The CDFW will require a 1602 Streambed Alteration Agreement (SSA) for activities that alter on-site drainages. In addition to the mitigation measures provided in BIO-1 through BIO-13, the SSA may include avoidance and minimization measures such as the monitoring of the site by a qualified biologist with stop-work authority; the use of Best Management Practices; restrictions on work activities within the wash to dry weather only; storm event inspections; protection measures relating to vegetation removal and habitat restoration; and/or the acquisition of habitat off-site at a ratio of up to 3:1.



**BIO-15** In conjunction with the survey for potential burrows required under BIO-10, the Project biologist shall also inspect for the presence of desert kit fox. Should a den be discovered during this survey, the Project biologist shall recommend avoidance and mitigation measures consistent with CDFW consultation and requirements.

### **2.5.8 Significance After Mitigation**

With adherence to the mitigation measures (BIO-1 to BIO-14) described above, Project-related impacts to biological resources will be less than significant.

### **2.5.9 Cumulative Impacts**

The Project site is currently vacant, surrounded by industrial uses to the north and east, and undeveloped lands to the west and south. The subject property is located within the planning area for the North Apple Valley Industrial Specific Plan (NAVISP). Under the Specific Plan, the Project site is designated for Specific Plan – Industrial, which includes a broad range of manufacturing and warehousing uses.<sup>18</sup> The proposed warehouse development aligns with the land use designated for the site, and will have no impacts to lands designated for open space. The Project would not expand development (or impacts) beyond those assessed in the EIR prepared for the NAVISP approved in 2006.

The EIR for the Apple Valley General Plan (GP) determined that future development under the GP could have cumulative impacts on biological resources through habitat loss and fragmentation. However, it states that the plan's preservation of open space lands, and the Town's development of the MSHCP/NCCP and associated protections for species of concern will limit the regional disruptions to wildlife movement. The GP also indicates that the ongoing requirement for biological resources assessments and mitigation measures in development proposals will further limit impacts.

Similarly, the EIR for the NAVISP acknowledges that buildout of the Specific Plan could result in cumulative impacts from the continued clearing and development of land.<sup>19</sup> The proposed Project would incrementally contribute to these impacts.

The adoption and implementation of the Apple Valley MSHCP/NCCP and associated requirements will limit disruptions to protected species, habitats and regional wildlife movement. Additionally, implementation of the West Mojave

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<sup>18</sup> Town of Apple Valley, North Apple Valley Industrial Specific Plan (2006).

<sup>19</sup> Town of Apple Valley, North Apple Valley Industrial Specific Plan Final EIR (2006).

Habitat Conservation Plan will mitigate regional impacts to habitat on federal lands in the area in and around Apple Valley.

In conclusion, the proposed Project would contribute incrementally to the cumulative impacts accounted for in the Town's General Plan and the NAVISP. The Project will not impact lands designated for open space, nor will it impede the implementation of the West Mojave Habitat Conservation Plan or the Apple Valley MSHCP/NCCP once adopted. The Project will abide by all applicable Town policies regarding biological resources, and will apply mitigation measures to ensure that potential impacts to protected species and jurisdictional waters on site will be less than significant. Therefore, the Project's contribution to cumulative impacts to biological resources will not be cumulatively considerable.

## **2.6 Cultural Resources**

### **2.6.1 Introduction**

This section of the EIR evaluates the potential for the proposed Project to result in adverse impacts to cultural or historical resources within or near the Project site. Cultural resources include Native American cultural resources, archaeological resources, historic architectural resources, and human remains. Tribal cultural resources are also discussed in Section 2.18 of this EIR. Mitigation measures to reduce impacts to a less than significant level are identified, where appropriate. This section is based on a variety of cultural and historic resource surveys and reports within and in proximity to the Project site, as well as the City General Plan and other City resource documents. The Project-specific Historic/Archaeological Resources Survey prepared by CRM Tech in October of 2022 can be found in Appendix E.

### **2.6.2 Thresholds of Significance**

According to Appendix G of the CEQA Guidelines, the Project would have a significant effect on cultural resources if it would:

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5.
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.
- c) Disturb any human remains, including those interred outside of dedicated cemeteries.

### **2.6.3 Regulatory Framework**

#### **Federal**

There are no federal regulations relevant to the proposed Project.

#### National Register of Historic Places

Authorized under the NHPA, the National Register of Historic Places is the nation's official list of cultural resources that qualify for preservation. Properties listed in the Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture. The following criteria are used to determine eligibility for inclusion in the National Register. These criteria have been developed by the National Park Service as provided for in the NHPA:

- a) Are associated with events that have made a significant contribution to the broad patterns of our history;
- b) Are associated with the lives of persons significant in our past;
- c) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d) That yielded, or may be likely to yield, information important in prehistory or history (36 CFR 60.4).

No historic properties listed in the National Register of Historic Places were identified or known to occur on the Project site or its vicinity.

## **State**

### California Public Resources Code

The California Environmental Quality Act (CEQA) is the principal statute governing the environmental review of projects within the State. The State of California's Public Resources Code (PRC) establishes the definitions and criteria for "historical resources," which require similar protection to what the NHPA mandates for historic properties.

According to PRC Section 5020.1(j), an "historical resource includes, but is not limited to, any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California."

If a lead agency determines that an archaeological site is an historical resource, the provisions of PRC Section 21084.1 and CEQA Guidelines Section 15064.5 would apply. If an archaeological site does not meet the CEQA Guidelines criteria for a historical resource, then the site may meet the threshold of PRC Section 21083 regarding unique archaeological resources.

In addition, PRC Section 5097.98 states that if Native American human remains are identified within a project area, the landowner must notify and consult with the Native American Most Likely Descendant (MLD), as identified by the NAHC, to develop a plan for proper treatment and/or removal of the human remains and associated burial of artifacts. These procedures are also addressed in Section 15046.5 of the CEQA Guidelines and within the California Health and Safety Code (see discussion below).

### Assembly Bill 52

Assembly Bill (AB) AB 52 was passed by the California Legislature and signed into law by the Governor in 2015. It established a new category of resources in the California Environmental Quality Act called Tribal Cultural Resources (see Section 2.18 of this EIR). (Public Resources Code § 21074.) “Tribal cultural resources” are either of the following:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

- (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
- (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 establishes a formal project consultation process for California Native American tribes and lead agencies regarding tribal cultural resources, referred to as government-to-government consultation. Per Public Resources Code Section 21080.3.1.(b), the AB52 consultation process must begin prior to release of an environmental impact report, mitigated negative declaration, or negative declaration. Native American tribes to be included in the formal consultation process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

### California Register of Historical Resources

For CEQA purposes, “historical resources” applies to any such resources listed in or determined to be eligible for listing in the California Register of Historical Resources, included in a local register of historical resources, or determined to be historically significant by the Lead Agency (Title 14 CCR Section 15064.5(a)(1)-(3)). CEQA guidelines mandate that “generally a resource shall be considered by the lead agency to be ‘historically significant’ if the resource meets the criteria for listing on the California Register of Historical Resources” (Title 14 CCR Section 15064.5(a)(3)). A resource may be listed in the California Register if it meets any of the following criteria:

- 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 the State's 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. (Public Resources Code section 5024.1(c))

#### California Health and Safety Code

The California Health and Safety Code Section 7050.5 regulates the treatment of human remains. According to the Code, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined that the remains are not subject to further investigation. If the coroner recognizes or has reason to believe that the human remains are those of a Native American, he or she shall contact the NAHC to determine the Most Likely Descendant (MLD). Consultation with the designated MLD will determine the final disposition of the remains.

#### **Local**

##### Apple Valley General Plan

The Apple Valley General Plan sets forth goals, policies, and programs that preserve important cultural resources in the Archaeological and Historic Resources section of the Conservation and Open Space Element. Relevant policies include the following:

**GOAL OSC-1** The Town will conserve and protect natural resources within the planning area.

**GOAL OSC-4** The Town will encourage and support the preservation of historic and cultural resources.

**Policy OSC-4.1** The Town will require that archaeological resources in the planning area are preserved or salvaged if threatened by new development.

**Policy OSC-4.2** The Town will require that prehistoric and historic archaeological resources, and historic structures, will be inventoried in identified areas and evaluated according to CEQA regulations and appropriate California Office of Historic Preservation guidelines prior to the adoption of mitigation measures and the acceptance of conditions of approval and permit approvals.

**Policy OSC-6.2** The Town will encourage development of additional cultural facilities to meet the needs of the community.

### **2.6.4 Environmental Setting**

In order to identify and evaluate the potential for cultural resources on and in the vicinity of the Project site, a cultural resources records search and a Native American Sacred Lands File search were conducted. The Project archaeologist also pursued historical background research, and carried out an intensive-level field survey. A comprehensive cultural and historic resources report<sup>1</sup> was also prepared and provided in Appendix E. Sensitive information relating to the specific location and types of resources, contained in Appendix 3 of the report, are available to qualified professionals at Town Hall.

The Town and Project area are situated on the eastern flank of the Mojave River, west of Deadman Hills, and on the eastern edge of the Victor Valley. The Victor Valley itself lies on the southern rim of the Mojave Desert, bounded on the south by the San Bernardino-San Gabriel Mountain Ranges, on the east and north by the highlands of the Mojave Desert, and on the west by the Antelope Valley. The climate and environment of the Apple Valley area is typical of the high desert region, and its higher elevation than the Colorado Desert to the southeast. The climate is marked by extremes in temperature and aridity, with summer highs reaching well over 110°F and winter lows dipping below freezing. Average annual precipitation is less than five inches, most of which occurs during the winter months and occasional monsoon storms in summer.

Archaeologists have devised chronological frameworks on the basis of artifacts and site types that date back some 12,000 years to understand the evolution of Native American cultures prior to European contact. Currently, the chronology most frequently applied in the Mojave Desert divides the region's prehistory into five periods marked by changes in archaeological remains, reflecting different ways in which Native peoples adapted to their surroundings. Archaeologists have identified small mobile groups of hunters and gatherers that inhabited the Mojave Desert during the Lake Mojave sequence. From about 1,500 years ago, habitation was characterized by seasonal group settlements near accessible food resources and increased exploitation of plant foods, as evidenced by groundstone artifacts.

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<sup>1</sup> "Phase I Historical/Archaeological Resources Survey for The Development at Dale Evans and Lafayette", prepared by CRM TECH, October 10, 2022.

The Apple Valley area is near the presumed boundary between the traditional territories of the Serrano and the Vanyume peoples. The number of Vanyumes, never large, dwindled rapidly between 1820 and 1834, when southern California Indians were removed to the various missions and their *asistencias* (smaller sub-missions of Catholic missions), and the group virtually disappeared well before 1900. As a result, very little is known about the Vanyume today.

Prior to contact with European settler and missionaries, the Serrano were primarily gatherers and hunters, and occasional fishers, who settled mostly where flowing water emerged from the mountains. Contact with Europeans may have occurred as early as 1771 or 1772, but Spanish influence on Serrano lifeways was minimal until the 1810s when a mission *asistencia* was established on the southern edge of Serrano territory. By 1834, most of the Serrano in the western portion of their traditional territory were removed to the nearby missions. Also at this time, a series of punitive expeditions in 1866-1870 resulted in the death or displacement of almost all remaining Serrano population in the San Bernardino Mountains. Today, most Serrano descendants are affiliated with the Yuhaaviatam of San Manuel Nation (formerly known as the San Manuel Band of Mission Indians), the Morongo Band of Mission Indians, or the Serrano Nation of Indians.

Spanish explorer Francisco Garces was the first European visitor to the Victor Valley in 1776. The earliest Euro-american settlements appeared as early as 1860. However, the region remained only sparsely populated until the second half of the 20<sup>th</sup> century. The first settlers to establish long-term residency in present-day Apple Valley were Silas Cox in 1860 and John Brown in 1870, who used the area for cattle grazing and ranching. With the completion of the Santa Fe Railway in the 1880s, settlement in the Victor Valley peaked in the 1910s. Early settlements included apple orchards on the east side of the Mojave River, other agricultural endeavors, and ranches.

During the 1930s and 1940s, the Town emerged as a vacation destination for Hollywood celebrities and a film production site. The post-World War II era was a period of sustained growth. In 1945, Newton Bass and Bernard “Bud” Westlund acquired, marketed, and developed thousands of acres, creating the community of Apple Valley. The Town was incorporated in 1988 with a population of approximately 41,000.

### **2.6.5 Existing Conditions**

Much of the Project area retains its natural character with expanses of undeveloped land near the property on the west, across Dale Evans Parkway, and on the south, across Burbank Avenue. On the east and north, the adjacent



properties are occupied by two distribution centers (Walmart and Big Lots). The terrain in the Project area is relatively level, with elevations ranging between 3,020 and 3,040 feet above mean sea level following a gentle upward slope toward Bell Mountain to the southwest, interrupted by an arroyo running roughly perpendicular to the general slope.

The surface soil consists of quaternary alluvial fan sediments of well-sorted, angular, coarse-grained sand, gravels, and cobbles of quartz and sandstone. These sediments form a desert pavement that covers much of the undisturbed ground surface. In its natural state, the Project area is part of the Creosote Scrub Plant Community comprised of creosote, stick cholla, black sage, and saltbrush, along with other small desert shrubs and grasses. No natural water sources or ethnobotanically important vegetation was identified in the area.

#### Records and Literature Search

An historical/archaeological resources records search was conducted at the South Central Coastal Information Center (SCCIC) located on the campus of California State University, Fullerton; the SCCIC is the designated cultural resource records repository for the County of San Bernardino. The search included examination of digitized maps and records on file at the SCCIC for previously identified cultural resources in or near the project area and existing cultural resources reports within a one-mile radius of the project area. Previously identified cultural resources include properties designated as California Historical Landmarks, Points of Historical Interest, or San Bernardino County Landmarks, as well as those listed in the National Register of Historic Places, the California Register of Historical Resources, or the California Historical Resources Inventory. In addition, a request was filed with the State of California Native American Heritage Commission (NAHC) for a records search of their Sacred Lands File. The NAHC is the State of California's trustee agency for the protection of "tribal cultural resources" and is tasked with identifying and cataloging properties of Native American cultural value, including places of special religious, spiritual, or social significance and known graves and cemeteries throughout the state.

Historical resource research included review of published literature in local and regional history, historic maps of the Apple Valley area, and aerial/satellite photographs of the project vicinity. Among the maps consulted for the Project study were the U.S. General Land Office's (GLO) land survey plat maps dated 1857 and the U.S. Geological Survey's (USGS) topographic maps dated 1934-1993.

No cultural resources have been previously recorded within or adjacent to the Project area.

### Field Surveys

A thorough field survey was conducted on foot by qualified professional archaeologists and covered the subject and surrounding properties on the basis of published literature in local and regional history, historic maps of the Apple Valley area, and aerial/satellite photographs of the Project vicinity.

Where potentially important artifacts and/or features were identified, the surrounding area was more intensively inspected for additional artifacts or features, and the locational data were collected with a GPS mapping system. Clusters of artifacts and/or features that comprise archaeological sites were flagged for further inspection and recordation upon completion of the survey. Field recording procedures were subsequent undertaken to produce, at a minimum, a description of the site and its features and/or loci, a sketch map, and a location map.

From the historical sources consulted, the Project area remained unsettled and essentially undeveloped throughout the historic period. In the 1850s, when the U.S. government conducted the first systematic land survey in the Victor Valley, no human-made features of any kind were noted in or near the Project area. By the 1920s-1930s, a number of roads and scattered buildings had appeared in the Apple Valley area, including a segment of what is now Dale Evans Parkway, but no other human-made features were present in the immediate vicinity of the Project location.

It should be noted that the subject property is located within the WWII-era military training activities area on the Victorville Precision Bombing Range (PBR) No. 1, which encompassed the entire Project area and most of Section 21. Victorville PBR No. 1 was one of more than 20 similar bombing practice ranges established across the Mojave Desert during World War II in association with the nearby Victorville Army Airfield.

### **2.6.6 Project Impacts**

Development of the proposed Project will result in the mass grading of the entire property and portions of adjoining roads. During the site survey, five previously unrecorded cultural resources were identified within the Project area, including two sites of historical origin, two historic-period isolates, and one prehistoric isolate. These localities were recorded into the California Historical Resources Inventory and are described further as follows:

Site 3902-01H: This site includes the western half of a bombing practice target. When intact, the target consisted of three concentric asphalt rings at the approximate radii of 100, 200, and 300 feet, with two straight asphalt strips

transecting the rings at right angles to form the crosshair. The eastern half of the feature, including the entire north-south portion of the crosshair, was destroyed in 2017 by construction activities on the adjacent property. The remainder of the feature has been weathered by the elements and impacted by off-road vehicle traffic. The extant portion of the target measures 638 x 288 feet today, and each of the asphalt strips is 9.0 to 9.5 feet in width. Site 3902-01H is no longer intact, its eastern half has been destroyed and the remainder has been significantly impacted by weather. Therefore, it does not appear eligible for listing in the California Register of Historical Resources and thus does not meet CEQA definition of a “historical resource.”

Site 3902-02H: This site represents a scatter of 29 metal cans and a piece of sheet metal along a minor drainage. Neither the full extent of this debris scatter nor the context of its original deposition is known. A sporadic scatter of similar artifacts appears to continue further to the south, possibly as a result of redeposition by wind or water, and only the main concentration of artifacts is designated as Site 3902-02H. Lacking exceptional quality or quantity of artifacts, these sites hold little potential for any important archaeological data. Site 3902-02H fits this profile and does not appear to meet any of the criteria for listing in the California Register of Historical Resources. Therefore, it does not qualify as a “historical resource” under CEQA provisions.

Isolate 3902-03H: This isolate consists of a single .50-caliber cartridge stamped with the marking “R A 43”, indicating that it was manufactured by Remington Arms in 1943. As a single artifact, it does not meet the guideline set forth by the California Office of Historic Preservation due to the lack of contextual integrity and is not considered a potential “historical resource” or require further consideration in the CEQA-compliance process.

Isolate 3902-04H: This isolate consists of a single hole-in-top can with numerous holes in both the top and the bottom. It bears evidence of having been opened with a knife. As a single artifact, it does not meet the guideline set forth by the California Office of Historic Preservation due to the lack of contextual integrity and is not considered a potential “historical resource” or require further consideration in the CEQA-compliance process.

Isolate 3902-05: This prehistoric isolate is a small white-and-grey chert core exhibiting two flake scars and one microflake scar. A third face has been broken off completely. Approximately 30 percent of the cortex remains intact. As a single artifact, it does not meet the guideline set forth by the California Office of Historic Preservation due to the lack of contextual integrity and is not considered a potential “historical resource” or require further consideration in the CEQA-compliance process.

**a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5.**

As indicated above and in the Project cultural resources study, single artifacts, including those historical artifacts identified during the field survey, do not meet the significance guideline set forth by the California Office of Historic Preservation due to the lack of contextual integrity and are not considered potential "historical resources" and require no further consideration in the CEQA-compliance process.

Also, as noted above, the WW II era Victorville PBR No. 1 does not demonstrate a particularly close or important association with historical events, especially since it remained in service only from 1943 to 1944. Furthermore, the removal of the eastern half of the target in 2017 has significantly compromised the historic integrity of Site 3902-1H and its ability to relate to the period of its brief military service. Therefore, development of this Project will not cause a substantial adverse change in the significance of an historical resource pursuant to CEQA § 15064.5 and impacts will be less than significant.

**b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.**

As discussed above and in the Project cultural resources report, the proposed Project will impact (cause removal of) a small white-and-grey chert core exhibiting two flake scars and one microflake scar (Isolate 3902-05). As a single artifact this isolate does not qualify as an archaeological site nor does it meet the guideline set forth by the California Office of Historic Preservation due to the lack of contextual integrity and not considered potential "historical resources" and require no further consideration. Therefore, the Project will not result in a substantial adverse change in the significance of an archaeological resource and impacts will be less than significant.

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

No evidence of human remains, human burials or cremations, or signs of a formal (or informal) cemetery were identified from the Project cultural resources literature review and field surveys. Nonetheless, should any human remains be encountered during site excavation, California Health and Safety Code Section 7050.5 requires that all excavation stop, and that the County Coroner inspect the site. Should the remains be identified as Native American by the coroner, the NAHC is required to contact the most likely descendant, and that

descendant may recommend appropriate burial. This requirement, reflected in Mitigation Measure CUL-1, will assure that impacts associated with human remains are less than significant.

### **2.6.7 Mitigation Measures**

**CUL-1** Should buried human remains be discovered during grading or other construction activity, in accordance with State law, the County coroner shall be contacted. If the remains are determined to be of Native American heritage, the Native American Heritage Commission and the appropriate local Native American Tribe shall be contacted to determine the Most Likely Descendant (MLD).

### **2.6.8 Significance After Mitigation**

Based upon the results of the cultural and historical resources literature search and analysis, and on Project field surveys, the site does not and is not expected to harbor "historical resources" within or adjacent to the Project area. Therefore, based upon survey results and with the mitigation measure set forth above, the Project will not result in any significant adverse impacts to cultural resources.

### **2.6.9 Cumulative Impacts**

The geographic scope of analysis of potential cumulative impacts on cultural and historical resources includes the Project site and surrounding area, and traditional use areas of the Serrano people in the Victor Valley. The proposed Project would contribute considerably to cumulative impacts if it were to have a substantial or significant adverse effect on these cultural resources.

Cultural resources surveys conducted in and near the Project area evaluated a wide range of literature, data, and information on historic, tribal, and other archaeological resources and generated a baseline of knowledge and understanding of these resources. While it is possible that Project development may contribute to regional losses of cultural or historic resources, the implementation of the mitigation measure described above will reduce impacts to cultural and historic resources to less than significant levels. The proposed Project's incremental impacts to these resources would not be cumulatively considerable.

## **2.7 Energy Resources**

### **2.7.1 Introduction**

This section of the EIR describes existing conditions regarding energy resources within the proposed Project. This analysis was prepared pursuant to Appendix G of the CEQA Guidelines. A wide range of data and information, including project-specific data and information, and local and regional planning and environmental documents, have been used in researching and analyzing the Project and its potential effects. Specifically, this section evaluates the demand for energy resources attributable to the Project during construction and operation, demonstrates whether the current and planned electrical, natural gas, and petroleum-based fuel supplies and distribution systems are adequate to meet the Project's forecasted energy demand, and determines the impacts based on the Project's use of energy resources.

### **2.7.2 Thresholds of Significance**

The following analysis criteria and thresholds are based on Appendix G of State CEQA Guidelines. A project would have a significant impact relating to energy resources if it would:

#### **Energy**

- 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.

### **2.7.3 Regulatory Framework**

#### **Federal**

##### National Energy Policy Act of 2005

The National Energy Policy Act of 2005 sets equipment energy-efficiency standards, seeks to reduce reliance on nonrenewable energy resources, and provides incentives to reduce current demand on these resources. The act provides for incentives for high-efficiency (including electric) vehicles, new and existing homes, commercial buildings, and manufacturers of high-efficiency appliances. It also addresses combined heat and power, appliance labeling, research and development, efficiency in federal and public facilities, building energy codes, public housing, and other efficiency topics.

## **State**

### California 2008 Energy Action Plan Update

The 2008 update to the 2005 Energy Action Plan II is the State's principal energy planning and policy document. The updated document examines the State's ongoing actions in the context of global climate change. The Energy Action Plan II continues the goals of the original 2003 Energy Action Plan, describes a coordinated implementation plan for state energy policies, and identifies specific action areas to ensure that California's energy resources are adequate, affordable, technologically advanced, and environmentally sound. In accordance with this plan, the first-priority actions to address California's increasing energy demands are energy efficiency and demand response (i.e., reduction of customer energy usage during peak periods to address system reliability and support the best use of energy infrastructure). Additional priorities include the use of renewable sources of power and distributed generation (i.e., the use of relatively small power plants near or at centers of high demand). To the extent that these actions are unable to satisfy the increasing energy demand and transmission capacity needs, clean and efficient fossil-fired generation is supported.

The California 2008 Energy Action Plan Update examines policy changes in the areas of energy efficiency, demand response, renewable energy, electricity reliability and infrastructure, electricity market structure, natural gas supply and infrastructure, research and development, and climate change.

### Assembly Bill 32 (2006) and Senate Bill 32 (2016)

In 2006, the Legislature enacted AB 32, the California Global Warming Solutions Act of 2006. AB 32 requires California to reduce its GHG emissions to 1990 levels by 2020 and 80% below 1990 levels by 2050. In 2016, the Legislature enacted SB 32, which established an interim reduction target of 40% below 1990 levels by 2030. In accordance with AB 32 and SB 32, the California Air Resources Board (CARB) prepares scoping plans to guide the development of statewide policies and regulations for the reduction of GHG emissions. Many of the policy and regulatory concepts identified in the scoping plans focus on increasing energy efficiencies and the use of renewable resources and reducing the consumption of petroleum-based fuels (such as gasoline and diesel). As such, the State's GHG emissions reduction planning framework creates co-benefits for energy-related resources. Additional information on AB 32 and SB 32 is provided in Section 2.9, Greenhouse Gas Emissions, of this EIR.

### California Building Standards

Title 24 of the California Code of Regulations was established in 1978 and serves to enhance and regulate California's building standards. Part 6 establishes energy efficiency standards for residential and non-residential buildings constructed in California to reduce energy demand and consumption. It is updated periodically to incorporate and consider new energy efficiency technologies and methodologies.

The 2022 California Energy Code (Title 24, Part 6), which became effective on January 1, 2023, provides measures to continue reducing energy consumption in California. The 2022 Update includes regulations encouraging efficient electric heat pumps, establishing electric-ready requirements for new homes, expanding solar photovoltaic and battery storage standards, and strengthening ventilation standards.

Title 24 also includes Part 11, the California Green Building Standards (CALGreen). The CALGreen standards first took effect in 2009 and instituted mandatory minimum environmental performance standards for all ground-up, new construction of commercial, low-rise residential, and State-owned buildings, as well as schools and hospitals.

### Integrated Energy Policy Report

The California Energy Commission (CEC) is responsible for preparing integrated energy policy reports, which identify emerging trends related to energy supply, demand, conservation, public health and safety, and maintenance of a healthy economy. The CEC's 2015 Integrated Energy Policy Report discusses the State's policy goal to require that new residential construction be designed to achieve zero net energy (ZNE) standards by 2020 and that new non-residential construction be designed to achieve ZNE standards by 2030.

## **Regional and Local**

### San Bernardino County Regional Greenhouse Gas Reduction Plan

The 2021 San Bernardino County Regional Greenhouse Gas Reduction Plan identifies state GHG reduction measures applicable to participating jurisdictions, as well as local measures selected by each jurisdiction that could reduce future GHG emissions within jurisdictional boundaries. The reduction plan has individual sections for each jurisdiction that detail the jurisdiction's 2016 GHG emissions inventory, 2030 GHG emissions forecast, reduction goal, jurisdiction-selected (or consultant-identified) GHG reduction measures, and related General Plan policies or other ongoing programs in the jurisdiction. The purpose of the plan is to provide participating jurisdictions with relevant information to complete and adopt their own Climate Action Plan (CAP).



### Town of Apple Valley Climate Action Plan 2019 Update

Apple Valley's Climate Action Plan (CAP) Update is a comprehensive GHG emissions reduction strategy, representing the third update to the Town's CAP. Apple Valley originally adopted the CAP in 2010, with the intent of revisions every 3 years in response to policy changes, technological advances, and to build on the Town's successes in emissions reduction. Pursuant to Senate Bill 32 (SB 32), the CAP Update aims to ensure that the Town continues to meet its GHG emissions reductions targets of 15% below 2005 levels by 2020 and 40% below 2005 levels by 2030.<sup>1</sup> The CAP Update also provides guidance to meet VMT reduction targets established by the California Air Resources Board (CARB): 7% below projected VMT levels in 2030 to meet the target of 40% below 1990 VMT levels.

The 2019 CAP Update provides myriad GHG reduction measures in transportation, energy efficiency, and renewable energy for both municipal and community-wide activities. The following policies represent some of the CAP energy efficiency measures applicable to the proposed Project:

**ND-12** Building and site plan designs shall ensure that the project energy efficiencies meet applicable California Title 24 Energy Efficiency Standards. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the applicant, and reviewed and approved by the Town prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this measure provided that the total increase in efficiency meets or exceeds Title 24 standards:

- Buildings shall meet or exceed California Title 24 Energy Efficiency performance standards for water heating and space heating and cooling.
- Increase in insulation such that heat transfer and thermal bridging is minimized.
- Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.
- Incorporate dual-paned or other energy efficient windows.
- Incorporate energy efficient space heating and cooling equipment.
- Incorporate the use of tankless water heaters in all residential units and community buildings.

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<sup>1</sup> Town of Apple Valley 2019 Climate Action Plan Update (May 2021).

- Promote building design that will incorporate solar control in an effort to minimize direct sunlight upon windows. A combination of design features including roof eaves, recessed windows, “eyebrow” shades and shade trees shall be considered.
- Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by Town. Automatic devices to turn off lights when they are not needed shall be implemented.

**ND-17** Install all CFL or LED lightbulbs.

**ND-19** To reduce the project’s energy use from the grid:

- Install solar panels/photovoltaic systems sufficient to provide electric power and heat water within the project, and/or
- Install other clean energy system sufficient to provide electric power and heat water within the project, and/or

**ND-20** Install solar or photovoltaic systems on new roofs whether on residential, commercial or industrial buildings.

Town of Apple Valley General Plan

The Town provides guidance for the responsible management and use of energy resources in the General Plan Energy and Mineral Resources Element. The Element includes policies pertaining to energy conservation, increasing energy efficiency, and increasing the use of renewable energy resources. The following policies are applicable to the proposed Project:

**Policy 1.A** The community and all economic sectors shall be urged to conserve energy, with particular focus on the inclusion of energy saving measures in transport systems, and in the planning and construction of urban uses.

**Program 1.A.1** While considering the future development of more stringent local energy performance standards, the Town shall continue to rigorously enforce all state mandated energy-conserving development and building codes/regulations.

**Policy 1.B** Promote building design and construction that integrates alternative energy systems, including but not limited to solar, thermal, photovoltaics and other clean energy systems.

## 2.7.4 Environmental Setting

Primary sources of energy include petroleum, natural gas, nuclear, coal, biomass, hydropower, wind power, geothermal, and solar radiation. The secondary sources of energy, which refers to energy which has been converted or stored, include electricity, heat, biofuels, hydrogen, and gasoline.

### Electricity

Currently, most electricity is generated by harnessing power from one of the above-referenced sources to turn a dynamo, or through the direct conversion of solar energy to electricity via the photovoltaic process. The California electric grid provides electricity from a variety of sources, including those mentioned above. Natural gas is the state's largest single energy source, providing approximately 37.9% of the total electric power mix in 2021. Renewable energy sources, such as wind, solar, geothermal, and biomass, provided approximately 33.6% of California's energy mix in 2021. Thermal and non-renewable sources, including natural gas, as well as nuclear, large hydro, and coal, contributed to 66.4% of the power mix in 2021.<sup>2</sup> According to the California Energy Consumption Database, state-wide electricity consumption in 2021 was 280,738.38 million kWh.<sup>3</sup> The 2021 IEPR Energy Demand Forecast projects that state-wide electricity consumption could reach 340,000 million kWh by 2030.<sup>4</sup>

### Natural Gas

Natural gas is a fuel source comprised of a combustible mix of simple hydrocarbon compounds, primarily methane. In addition to electricity generation, natural gas is used in California for space heating, water heating, cooking, industrial processes, and as a transportation fuel. According to the California Energy Consumption Database, state-wide natural gas consumption in 2021 was 119,922,710,000 therms.<sup>5</sup> The 2021 IEPR Energy Demand Forecast projects that state-wide natural gas consumption, excluding gas used for electricity generation, could reach 13,254,000,000 therms by 2035.<sup>6</sup>

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<sup>2</sup> California Energy Commissions, 2021 Total System Electric Generation, <https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2021-total-system-electric-generation> (accessed December 2022).

<sup>3</sup> Ibid.

<sup>4</sup> Based on the mid-case electricity consumption forecast in the California Energy Demand Forecast, California Energy Commission Final 2021 IEPR Volume IV, p.21.

<sup>5</sup> California Energy Commission, California Energy Consumption Database, <http://www.ecdms.energy.ca.gov/Default.aspx> (accessed December 2022).

<sup>6</sup> Based on the mid-case gas consumption forecast in the California Energy Demand Forecast, California Energy Commission Final 2021 IEPR Volume IV, p.25.

### Transportation Fuels

Transportation uses a variety of energy sources including petroleum (gasoline and diesel), natural gas, hydrogen fuel cells, and electricity. In 2015, the total amount of energy consumed by California's transportation sector was equivalent to 23.2 billion gallons of gasoline, including 3.7 billion gallons of diesel.<sup>7</sup>

### **2.7.5 Existing Conditions**

#### Electricity

According to the California Energy Consumption Database, county-wide electricity use in San Bernardino County in 2021 was 16,180.81 million kWh.<sup>8</sup> The Town of Apple Valley Climate Action Plan 2019 Update estimates that Town-wide electricity demand was 329,848,695 kilowatt-hours (kWh) in 2019. This includes electricity consumed by municipal buildings, residential, commercial, agricultural, and industrial land uses, as well as streetlights and traffic signals.<sup>9</sup>

The Project site and Apple Valley are located within the service area of Southern California Edison (SCE), a subsidiary of Edison International, a public utility holding company based in Rosemead, California. Southern California Edison provides energy services to over 15 million residents in much of Southern California, including the Town, with a service territory of approximately 50,000 square miles. Southern California Edison's (SCE) energy sources include nuclear, natural gas, geothermal, biomass, wind, solar, and hydroelectricity.

#### Natural Gas

The California Energy Consumption Database estimates that county-wide natural gas use in San Bernardino County was 561.36 million therms in 2021.<sup>10</sup> According to the Town's Climate Action Plan, Town-wide natural gas demand in Apple Valley was 15,526,732 therms in 2019. This includes natural gas consumed by municipal buildings, residential, commercial, agricultural, and industrial land uses, as well as power plants.<sup>11</sup> Southwest Gas Corporation (SWG) provides Natural Gas services to the Town of Apple Valley through a series of pipelines of various sizes and pressure capabilities. SWG provides natural gas service to more than 2 million customers in Arizona, Nevada, and portions of California.

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<sup>7</sup> California Energy Commissions, Transportation Energy Demand Forecast, 2018-2030 – Staff Report (2017).

<sup>8</sup> California Energy Commission, California Energy Consumption Database, <http://www.ecdms.energy.ca.gov/Default.aspx> (accessed December 2022).

<sup>9</sup> Town of Apple Valley Climate Action Plan 2019 Update, adopted May 2021.

<sup>10</sup> California Energy Commission, California Energy Consumption Database, <http://www.ecdms.energy.ca.gov/Default.aspx> (accessed December 2022).

<sup>11</sup> Town of Apple Valley Climate Action Plan 2019 Update, adopted May 2021.

### Transportation Energy

Most transportation energy in Apple Valley is provided by petroleum in the form of gasoline and diesel fuel. However, alternative fuels, including natural gas, biodiesel, hydrogen, and electricity, are progressively becoming more widely adopted. According to the Town's CAP, the total Town-wide vehicle miles traveled in 2019 was approximately 925,551,631 miles.<sup>12</sup>

### **2.7.6 Project Impacts**

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

The Project proposes the development of a 1,207,544 square foot warehouse distribution facility. For the purposes of analysis, it is assumed that 85% of the warehouse space (1,026,412.4 square feet) will be used for dry warehousing, and 15% (181,131.6 square feet) will be used for cold storage.

### Construction Energy Demand

During construction of the proposed Project, energy would be consumed in three general forms:

1. Petroleum-based fuels used to power off-road construction vehicles and equipment, construction worker travel to and from the project site, and delivery and haul truck trips;
2. Electricity associated with the conveyance of water that would be used during project construction for dust control (supply and conveyance) and electricity to power any necessary lighting during construction, electronic equipment, or other construction activities necessitating electrical power; and
3. Energy used in the production of construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

### *Construction – Electricity Use:*

The Project proposes the extension of the existing power line on Navajo Street to the subject property along Lafayette Street. Construction of this line will be required to comply with SCE's guidelines and requirements to ensure that the Project takes the appropriate steps in installing the infrastructure and limiting any environmental impacts associated with grading, construction and development within SCE easements.

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<sup>12</sup> Ibid.

Construction of the Project would consume electricity for activities such as powering outdoor security or worksite lighting, hand tools and other equipment, operation and charging of electronic equipment, and powering temporary worksite office/trailers(s). The levels of electricity consumed during construction would fluctuate throughout the process depending on the activities being performed. Electricity is not the primary energy source used during construction – equipment fuels such as diesel and gasoline will be the primary sources during this phase. Overall, electricity demand during the construction of the Project would be temporary, nominal, and would cease upon Project buildout. Compliance with guidelines and requirements from SCE as well as the Town's General Plan and CAP will ensure that the use of electricity during Project construction would not be wasteful, inefficient, or unnecessary. Impacts related to the Project's electricity use during construction would therefore be less than significant.

*Construction – Natural Gas Use:*

Construction of the Project would involve the installation of new natural gas connections in order to serve the proposed development. The Project would connect to the existing gas line at the corner of Dale Evans Parkway and Johnson Street, approximately 2,600 feet north of the subject site. Construction impacts associated with the installation of natural gas line and connections are expected to be limited to the trenching required to play the lines underground. Prior to ground disturbance, the Project contractors will notify and coordinate with Southwest Gas to identify the location and depth of any existing gas lines to avoid impacts to these and other underground infrastructure.

Construction of the Project would not involve the consumption of natural gas. It will therefore not be wasteful, inefficient, or unnecessary in its use of natural gas during the construction phase, and impacts would be less than significant.

*Construction – Transportation:*

The Project would also use energy during the construction phase through uses associated with transportation. Vehicle miles travelled (VMT) associated with the transport of construction materials as well as travel by construction workers would primarily consume petroleum-based fuels; heavy duty construction equipment and heavy-duty trucks typically consume diesel fuel. While the transportation of construction workers to and from the site would continue throughout the construction period, other transportation-related energy consumption would fluctuate depending on the stage of construction, including grubbing and grading, and extending to parking lot paving and building construction.

It is assumed that construction workers would travel to and from the Project site primarily in gasoline-powered vehicles, and that most construction workers would live locally. According to the CalEEMod outputs (Appendix B), it is assumed that

average worker trip lengths would be 16.8 miles, and vendor trips, which includes the transport of building materials, would average 6.60 miles. No trips would be generated by hauling of cut and fill materials; grading will be balanced on-site. It is projected that 971 worker trips and 299 vendor trips would be generated over the two-year Project construction period. Overall, gasoline and diesel use related to transportation during construction would be temporary and would not be wasteful or inefficient. Therefore, impacts would be less than significant.

Operational Energy Demand

The proposed 1,207,544 square foot warehouse distribution facility will be comprised of office space, high cube warehouse space, and cold storage warehouse space. The Project proposes that 85% of the warehouse space would be unrefrigerated, and 15% would be refrigerated and its energy use has been analyzed accordingly. The Project would consume energy during its operations for such purposes as general space heating and cooling, building and site lighting, refrigeration of the cold storage space, materials hauling equipment, employee transportation, and distribution vehicle transportation.

*Operations – Energy and Natural Gas Use:*

As shown in **Table 2.7-1**, the Project is estimated to consume a total of 9,812,480 kilowatts per year of electricity and 11,433,050 kBTU (114,357.80 therms) per year of natural gas.

**Table 2.7-1  
 Project Operational Energy Consumption**

Land Use	Electricity Use (kWh/yr)	Natural Gas Use (kBTU/yr)
Parking Lot Lighting	214,900	0.00
Refrigerated Warehouse	7,216,300	9,369,960
Unrefrigerated Warehouse	2,381,280	2,063,090
<b>Total</b>	<b>9,812,480</b>	<b>11,433,050</b>

Source: CalEEMod 2020.4.0 (see Appendix B for full output).

The Project’s estimated annual use of 9,812,480 kilowatts per year of electricity represents approximately 2.97% of the total 329,848,695 kilowatt-hours used by the Town in 2019.<sup>13</sup> Per the Town’s CAP, the Project will be required to comply with applicable standards in the California Building Code and Energy Code Title 24 Energy Efficiency Standards. This includes meeting or exceeding the state performance standards for water heating and space heating and cooling. Furthermore, in accordance with §140.10 of Part 6 of Title 24, the Project will be required to install a photovoltaic system on the building’s roof, and will also be required to have a battery storage system. Given that the Project will be

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<sup>13</sup> Town of Apple Valley 2019 Climate Action Plan Update.

generating and storing electricity on-site, it can be assumed that its electricity consumption from external sources will be significantly lower than estimated above. Furthermore, the Renewables Portfolio Standard requires that electricity providers procure 60% of electricity from renewable sources by 2030 and 100% by 2045.<sup>14</sup> As a result, any operational electricity needs not met by the Project's on-site photovoltaic system will be sourced from an increasing share of renewable sources. Overall, compliance with state requirements will ensure that the Project's electricity consumption is not wasteful, inefficient, or unnecessary.

Operation of the proposed Project is estimated to use approximately 114,358 therms per year of natural gas.<sup>15</sup> This represents approximately 0.7% of the Town's total 2019 natural gas usage of 15,526,732 therms.<sup>16</sup> As previously stated, compliance with the Title 24 Energy Efficiency Standard will ensure that the Project is not wasteful, inefficient, or unnecessary in its consumption of natural gas during operations. Impacts would therefore be less than significant.

In addition to standard warehouse and office energy uses, such as space heating and cooling, the refrigerated warehouse component of the proposed development will be considerably more energy intensive. While the cold storage portion of the warehouse is assumed to occupy 15% of the floorspace, it will be responsible for approximately 75% of the building's electricity consumption and 82% of the natural gas consumption. However, the Project will be required to comply with §120.6 of the Title 24 Energy Efficiency Standards, which provides mandatory requirements for refrigerated warehouses, including insulation, evaporator, and condenser design and performance standards. Compliance with these requirements will ensure that energy use is not wasteful, inefficient, or unnecessary.

#### *Operations – Transportation Energy Use:*

During operation, the Project will consume petroleum-based fuels for materials and employee vehicle travel to and from the site. Daily trips would be comprised of a mix of passenger vehicle trips from employees commuting to and from the site, as well as truck trips and TRUs associated with warehouse distribution activities.<sup>17</sup>

As discussed in greater detail in Section 2.14, Population and Housing, most residents of the Town currently commute to jobs outside of Apple Valley, suggesting a potential jobs-housing imbalance. Given that there is likely existing

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<sup>14</sup> Senate Bill 100 Joint Agency Report, Achieving 100 Percent Clean Electricity in California (2021).

<sup>15</sup> Based on total projected demand of 11,433,050 kBtu/yr for refrigerated and unrefrigerated warehouse uses, calculated in CalEEMod. See Appendix B for full CalEEMod results.

<sup>16</sup> Town of Apple Valley 2019 Climate Action Plan Update, Table 5.

<sup>17</sup> CalEEMod Outputs generated for the Project. See Appendix B for full outputs.



demand for more local jobs, it is assumed that most employees of the Project would be local. As such, it is assumed that passenger vehicle trips would average 14.70 miles in length. Truck trips for distribution purposes are expected to be more regional in nature, and thus are assumed to average 40 miles in length. Based on the VMT analysis prepared for the Project, it is projected that the Project would generate approximately 1,788 passenger vehicle trips and 781 truck trips daily, for a total of 2,569 daily trips.<sup>18</sup> Based on an annual VMT of 18,432,060 miles during Project operations,<sup>19</sup> the proposed development would represent approximately 2% of the Town-wide total VMT generated in 2019.<sup>20</sup> However, it should be noted that VMTs are regional in nature, and therefore not all Project VMTs would occur solely within the boundaries of Apple Valley.

Federal and State agencies, namely the state and federal EPA and CARB, continue to increase vehicle fuel efficiency standards. While the Project will contribute to the Town's VMTs, increased fuel efficiency and shifts to non-fossil fuels over time will result in lower emissions and less fuel energy required per mile traveled. The Project will not conflict or interfere with the implementation of these fuel efficiency standards, and will not be wasteful, inefficient, or unnecessary in its consumption of transportation energy resources during operation. Impacts would therefore be less than significant.

***b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.***

The proposed Project would be designed, built, and operated in accordance with all applicable state and local regulations that would reduce the energy demand of the Project. Compliance with these regulations would ensure that the Project does not conflict with any applicable energy standards efficiency and conservation standards. Such standards and regulations include the Part 6 and Part 11 of Title 24 of the California Code of Regulations. As stated above, the Project will be required to comply with §140.10 of the Energy Code, which requires the installation of photovoltaic systems and batteries, and §120.6 which imposes performance requirements for refrigerated warehouses. The Project would also be subject to all applicable policies in the Town of Apple Valley General Plan Energy and Mineral Resources Element, as well as the Town's 2019 Climate Action Plan. Adherence to the applicable state standards and compliance with Town policies would ensure that the Project does not conflict with or obstruct any applicable plans for renewable energy or energy efficiency. Impacts would be less than significant.

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<sup>18</sup> "Lafayette Street Logistics Facility VMT Analysis" prepared by Urban Crossroads, Inc. (November 2022).

<sup>19</sup> As projected in CalEEMod, output table 4.2 (Appendix B).

<sup>20</sup> Town-Wide VMT Total of 925,551,631 in 2019, per the Town of Apple Valley 2019 Climate Action Plan, Table 6.

### **2.7.7 Mitigation Measures**

Given the Project's less than significant impacts, no mitigation measures are required.

### **2.7.8 Significance After Mitigation**

Project-level energy impacts would be less than significant.

### **2.7.9 Cumulative Impacts**

Cumulatively considerable impacts related to energy resources could occur if the Project, as well as past, current, and future projects, are wasteful or inefficient in their energy consumption. This would result from developments that do not comply with the California Building Standards, with measures associated with AB 32, or the Apple Valley Climate Action Plan.

Both the Project and other new developments in the North Apple Valley Industrial Specific Plan area, and in the Town in general, will contribute incrementally to increased energy consumption in Apple Valley and state-wide. However, adherence to local and state policies, standards, and guidelines, such as the plans listed above, will ensure that no developments will be wasteful or inefficient in their energy use. As these and other applicable plans are regularly updated, their standards will become more stringent, and the expanding availability of renewable energy technologies will support increases in efficiency and alternative sources.

Overall, the Project's compliance with applicable local, state, and federal policies will ensure that its use of energy is not wasteful or inefficient. While it will contribute to cumulative increases in state-wide energy consumption, Project-related impacts will not be cumulatively considerable.

## **2.8 Geology and Soils**

### **2.8.1 Introduction**

This section of the EIR describes the existing geological setting in the Town of Apple Valley and the Project area, and analyzes the potential constraints, risks and opportunities associated with these existing conditions. It assesses the potential impacts of the proposed Project relative to geotechnical issues and sets forth mitigation measures, where appropriate, to reduce impacts to acceptable levels. A wide range of data and information, including regional-scale soils and geological resource documents, have been used in researching and analyzing the General Plan and its potential effects. This section also utilizes information provided in the Technical Background Report to the Safety Element Update for the Town of Apple Valley<sup>1</sup>, which was prepared for the General Plan.

### **2.8.2 Thresholds of Significance**

Based upon Appendix G of the CEQA Guidelines, the proposed Project would be significantly affected by soils and/or geological conditions if it would:

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
  - ii) Strong seismic ground shaking.
  - iii) Seismic-related ground failure, including liquefaction.
  - iv) Landslides.
- b) Result in substantial soil erosion or the loss of topsoil.
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.

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<sup>1</sup> "Technical Background Report to the Safety Element of the Apple Valley General Plan," prepared by Earth Consultants International, October 2007.

- 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.

The Initial Study/Notice of Preparation found that there would be no impact associated with question a)i), because the site does not occur within an Alquist-Priolo fault zone; question e) because the Project will connect to existing sanitary sewer lines in Navajo Road; and question f) because the site occurs on recent aeolian and alluvial sediments which do not harbor paleontological resources. As a result of this finding, these three questions are not further analyzed below.

### **2.8.3 Regulatory Framework**

#### **Federal**

No federal regulations are associated with geology and soils that are applicable to the proposed Project.

#### **State**

##### Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act of 1990 (Public Resources Code Sections 2690 to 2699.6) was enacted, in part, to address seismic hazards not included in the Alquist-Priolo Act, including strong ground shaking, landslides, and liquefaction. Under this Act, the State Geologist is assigned the responsibility of identifying and mapping seismic hazards. California Geological Survey (CGS) Special Publication 117, adopted in 1997 by the State Mining and Geology Board, constitutes guidelines for evaluating seismic hazards other than surface faulting, and for recommending mitigation measures as required by Public Resources Code Section 2695 (a). In accordance with the mapping criteria, the CGS seismic hazard zone maps use a ground shaking event that corresponds to 10 percent probability of exceedance in 50 years.

Like the Alquist-Priolo Act, the Seismic Hazards Mapping Act of 1990 is intended to reduce damage resulting from earthquakes and California cities and counties are required to regulate development within mapped Seismic Hazard Zones. Under the Seismic Hazards Mapping Act, permit review is the primary mechanism for local regulation of development. Specifically, cities and counties are prohibited from issuing development permits for sites within Seismic Hazard Zones until appropriate site-specific geologic and/or geotechnical investigations have been conducted and measures to reduce potential damage have been incorporated into the development plans.

### Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Geologic Hazards Zone Act was passed in 1972 by the State of California to mitigate the hazard of surface faulting to structures for human occupancy. The Act has been amended 10 times and was renamed the Alquist-Priolo Earthquake Fault Zoning Act on January 1, 1994. Its main purpose is to prevent the construction of structures used for human occupancy on the surface trace of active faults as documented in Special Publication 42 by CGS. The Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards.

### California Building Codes

The California Building Code (CBC), which is codified in CCR Title 24, Part 2, was promulgated to safeguard the public health, safety, and general welfare by establishing minimum standards related to structural strength, egress facilities, and general building stability. The purpose of the CBC is to regulate and control the design, construction, quality of materials, use/occupancy, location, and maintenance of all building and structures within its jurisdiction. Title 24 is administered by the California Building Standards Commission, which by law is responsible for coordinating all building standards.

The CBC is based on the International Building Code (IBC) published by the International Code Conference. In addition, the CBC contains necessary California amendments that are based on the American Society of Civil Engineers (ASCE) Minimum Design Standards 7-05. ASCE 7-05 provides requirements for general structural design and includes means for determining earthquake loads, as well as other loads (e.g., flood, snow, wind) for inclusion in building codes.

The provisions of the CBC apply to the construction, alteration, movement, replacement and demolition of every building or structure, or any appurtenances connected or attached to such buildings or structures throughout California. The earthquake design requirements take into account the occupancy category of the structure, site class, soil classifications, and various seismic coefficients, all of which are used to determine a Seismic Design Category (SDC) for a project. The SDC is a classification system that combines the occupancy categories with the level of expected ground motions at a given site, and ranges from SDC A (very small seismic vulnerability) to SDC E/F (very high seismic vulnerability and near a major fault). Design specifications are then determined according to the SDC.

California Code of Regulations, Title 14, Division 2, Chapter 8, Article 10

These regulations govern the exercise of city, county and state agency responsibilities to identify and map seismic hazard zones and to mitigate seismic hazards to protect public health and safety in accordance with the provisions of Public Resources Code, Section 2690 et seq. (Seismic Hazards Mapping Act).<sup>2</sup>

## **Regional and Local**

County of San Bernardino General Plan<sup>3</sup>

Section VIII, Safety Element, of the San Bernardino County General Plan and specifically the Desert Region Goals and Policies of the Safety Element, addresses the issue of protection of its people from unreasonable risks associated with natural disasters, e.g., fires, floods, and earthquakes. The Safety Element of the General Plan contains policies that emphasize seismic safety issues because seismic events present the most widespread threat of devastation to life and property. While providing additional valuable information, the County General Plan has no direct regulatory effect on lands located in the Town.

**Policy D/S 1.1** Designate the following roads and highways as evacuation routes in the in the Desert Region: Interstates 15 and 40, U.S. 95 and 395 and State Highways 18, 58, 62, 127, 138, 178 and 247.

Apple Valley General Plan<sup>4</sup>

The Town's General Plan sets forth goals and policies relevant to issues of seismic safety and geotechnical conditions, as well as other potentially hazardous conditions. Geotechnical conditions include the potential for impacts from seismically induced hazards, and ensuring that Town infrastructure is resistant to seismic shaking, surface fault rupture and seismically induced ground deformation. The following policies from the General Plan's Safety Element are specific to geotechnical conditions.

**Goal** The protection and safety of human life, land, and property from the effects of seismic and geotechnical hazards shall be increased.

**Policy 1.A** The Town shall begin and maintain an information database including maps and other information that describe and illustrate seismic and other geotechnical hazards that occur within and in proximity to the Town boundaries.

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<sup>2</sup> "Guidelines For Evaluating And Mitigating Seismic Hazards in California", Special Publication 117. 2008

<sup>3</sup> San Bernardino County General Plan, Land Use Services Division, 2007, amended 2014.

<sup>4</sup> Town of Apple Valley General Plan, August 2009.

- Policy 1.E** In areas identified as being susceptible to rockfall, landslide, liquefaction and/or other associated hazards as depicted in the General Plan EIR, development shall be required to prepare detailed technical analysis, which shall include mitigation measures intended to reduce potential hazards below levels of significance.
- Policy 1.F** Development in areas susceptible to collapsible or expansive soils as shown in soils mapping in the General Plan EIR shall be required to conduct soil sampling and laboratory testing and to implement mitigation measures that reduce potential hazards below levels of significance.
- Policy 1.G** The Town shall coordinate and cooperate with public and quasi-public agencies to ensure that major utility systems and roadways have continued functionality in the event of a major earthquake.

#### **2.8.4 Environmental Setting**

California is divided into geomorphic provinces, which are regions characterized by unique physical characteristics formed by geologic, topographic, and climatic processes. The Town of Apple Valley and Project area are located near the boundary of two geomorphic provinces, the Transverse Ranges and the Mojave Desert. The Transverse Ranges geomorphic province contains the southernmost portion of the Town and includes the San Gabriel and San Bernardino Mountains to the south.

Most of Apple Valley, including the Project area, is within the Mojave Desert geomorphic province. The geological characteristics of the Town are primarily representative of the Mojave Desert geomorphic province, containing arid climatic conditions, alluvial fans, desert plains, dry lakebeds, and scattered mountain ranges.

The Town of Apple Valley is generally bounded by the Turtle Mountains on the north, the Fairview Mountains and Granite Mountains on the east, and the Ord Mountains on the south. The Town of Apple Valley is situated on gently sloping alluvial fans that range in elevation from approximately 3,400 feet above sea level near the base of the Fairview Mountains in the northeast to nearly 2,700 feet above sea level along the Mojave River in the west. Within Town limits notable geologic formations include Bell Mountain (3,897 feet above sea level) and Catholic Hill (3,645 feet above sea level). Other major features include the Mojave River, a wide floodplain that runs along and defines a portion of Apple Valley's western boundary.

The geological character of Apple Valley and the surrounding region has been formed by its proximity to large active fault systems, including the Helendale Fault, San Andreas Fault, and the North Frontal Fault. Fault activity in the region results in ground rupture, major groundshaking, subsidence, uplift and mountain building, landform compression, and extension. Alquist-Priolo Zones, further described below, identify those faults that have surface fractures, such as the Helendale Fault.

### **2.8.5 Existing Conditions**

#### Faulting

The Helendale Fault occurs within a Alquist-Priolo Fault Hazard Zone and is located approximately 3.4 miles northeast of the Project site. There are no other active faults in the vicinity of the Project site. The Helendale Fault has the potential to generate a maximum magnitude 7.3 (Richter scale) earthquake with ground acceleration in the Town ranging from 0.33 to 0.75g (g = gravitational rate of acceleration or 32 feet/sec<sup>2</sup>). On the Modified Mercalli (MM) scale, which measures levels of destruction, a 7.3 earthquake could generate X-XI levels of damage.

Other active and potentially active faults that could affect the Project site and vicinity include the Apple Valley Highlands Fault which is a part of the North Frontal Fault Zone (West) that arches northward along the south boundary of the Town. This fault zone has the potential to generate a maximum magnitude 7.2 (Richter scale) earthquake with ground acceleration in the Town ranging from 0.38 to 1.13g. On the Modified Mercalli scale a 7.2 earthquake could generate X-XI levels of damage.

Other faults in the region that have the potential to impact the Project site include the San Andreas Fault Zone with the potential to generate an 8.0 magnitude quake with MM level damage in the Town ranging from IX to X.

#### Ground Shaking

As discussed above, there are numerous faults in the region that have the potential to cause substantial ground shaking in Apple Valley and the Project area, making seismically-induced ground shaking one of the most significant geotechnical hazard facing the Project. The effects of ground motion on structures are difficult to predict, and depend on a variety of factors including the intensity of the quake, the distance from the epicenter to the site, the composition of soils and bedrock, building design, and other physical criteria. Based on these factors, ground shaking can result in minimal to significant damage.



In general, peak ground accelerations and seismic intensity values decrease with increasing distance from the earthquake. Local conditions, such as soft soils, shallow ground water, and the presence of ridge tops, could amplify the effects of seismic waves and result in higher localized accelerations. The Uniform Building Code, California Building Code, and Unreinforced Masonry Law are the primary tools used by agencies to ensure seismic safety in structures (see mitigation measures below).

### Liquefaction

The Project vicinity lies outside areas with a combination of high groundwater and susceptibility to strong groundshaking from a major earthquake. The nearest liquefaction hazard areas is located 4.6± miles to the southwest along the Mojave River floodplain. Liquefaction typically occurs in loose, saturated sediments primarily of sandy composition, in the presence of ground accelerations over 0.2g. Groundwater is present at a depth greater than 200 feet below ground surface (bgs) in the vicinity of the subject property.<sup>5</sup>

When liquefaction occurs, the sediments involved have a total or substantial loss of shear strength, and behave like a liquid or semi-viscous substance. Liquefaction can cause structural distress or failure due to ground settlement, a loss of bearing capacity in the foundation soils, and the buoyant rise of buried structures. The excess hydrostatic pressure generated by ground shaking can result in the formation of sand boils or mud spouts, and/or seepage of water through ground cracks. Related ground failure includes lateral spreading, flow failure, ground oscillation, loss of load bearing strength, and ground lurching. The Project site and vicinity are not located within a mapped liquefaction hazard area.<sup>6</sup>

### Landslide Hazards

Mapped landslide hazard areas in the Project vicinity are associated with the upper slopes of Bell Mountain, the remnant volcanic cinder cone located 0.50± mile to the southwest. Distance alone reduces this local landslide threat to less than significant for the subject property.<sup>7</sup>

### Seismically Induced Settlement

Under certain conditions, strong ground shaking can cause the densification of soils, resulting in local or regional settlement of the ground surface. During strong shaking, soil grains become more tightly packed due to the collapse of voids

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<sup>5</sup> Phase I Environmental Site Assessment for SkyView Property – Lafayette Street, Apple Valley, California. Prepared by Northgate Environmental Management, Inc. September 14, 2022

<sup>6</sup> Technical Background Report to the Safety Element of the Apple Valley General Plan, Plate 1-3, prepared by Earth Consultants International, October 2007.

<sup>7</sup> Ibid.

and pore spaces, resulting in a reduction of the thickness of the soil column. This type of ground failure typically occurs in loose granular, cohesionless soils, and can occur in either wet or dry conditions.

Unconsolidated young alluvial deposits, including those on this site, are especially susceptible to this hazard. Artificial fills may also experience seismically induced settlement. Damage to structures typically occurs as a result of local differential settlements. Regional settlement can damage pipelines by changing the flow gradient on water and sewer lines, for example. Soil conditioning, including overexcavation and hydroconsolidation, can remediate this condition.

#### Project Site Soils<sup>8</sup>

The western portion of the subject property occurs on Plutonic Rocks predominantly composed of monzonite, pebbly sandstone and siltstone of Holocene to late Pleistocene age. Lands east of the westerly drainage include Very Old Alluvial Valley Deposits of moderately consolidated sand and gravel, and are of Early Pleistocene to possibly Late Miocene age.

With the exception of the extreme northwest corner of the site, which is planned for parking and stormwater detention and conveyance, the Project site soils are classified as "Helendale-Bryman Loamy Sands, 2-5% slope". These soils are typically found on fan piedmonts, fan remnants, alluvial fans and terraces. They are well drained, generate negligible to low runoff, and have moderately high and high saturated hydraulic conductivity. They are "somewhat limited" for small commercial buildings and are more so for the larger warehouse building proposed for the site. There are no limitations for local roads or streets, or for on-lot septic systems; note that the Project proposed to connect to the community sewer system.

#### Paleontological Resources

Paleontological sensitivity is based on the potential of geological formations to produce fossils based on identified fossil resources in similar geologic conditions. Any surface or subsurface Pleistocene-age (11,550 to 1,808,000 years ago) soils have a high potential to contain scientifically valuable paleontological resources. The older sediments along the Mojave River west of the subject property, and at unknown depth below the surface are given a higher priority. The more elevated portions of the Town and surrounding lands contain substantial exposure of Mesozoic-age (245,000,000 to 65,000,000 years ago) rocks that may nonetheless be devoid of fossils.

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<sup>8</sup> USDA, Natural Resources Conservation Service, National Cooperative Soil Survey, Helendale Series, 2015. <https://casoilresource.lawr.ucdavis.edu/gmap/>

Similarly, grading of shallow excavations in the younger Quaternary alluvium exposed throughout much of the Project area is unlikely to uncover significant fossil remains. Research indicates that most of the surface deposits in this area have a low potential for containing significant fossil remains due to their young age of these deposits. Although these surface deposits can be just a veneer cover that in some areas rest directly on top of older sediments, based on local research, no reports of any fossil have been made in the Project area or Town-wide.

### **2.8.6 Project Impacts**

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

**ii) *Strong seismic ground shaking.***

The active Helendale Fault occurs 3.4± miles northeast of the Project site and has the potential to generate a maximum magnitude 7.3 (Richter scale) earthquake with ground acceleration in the Town ranging from 0.33 to 0.75g. On the Modified Mercalli (MMI) scale a 7.3 earthquake could generate X-XI levels of damage. The Apple Valley Highlands Fault and associated North Frontal Fault Zone (West) have the potential to generate a maximum magnitude 7.2 (Richter scale) earthquake with ground acceleration in the Town ranging from 0.38 to 1.13g. On the Modified Mercalli scale a 7.2 earthquake could generate X-XI levels of damage. Other faults in the region that have the potential to impact the Project site include the San Andreas Fault Zone with the potential to generate an 8.0 magnitude quake with MM level damage in the Town ranging from IX to X.

The Project will be subject to potentially strong ground shaking. However, the Project will be subject to building standards incorporated by reference in the Municipal Code (Chapter 8.12), including those on seismic safety design, as well as the Uniform Building Code/International Building Code and California Building Code (Municipal Code Title 8), which require building construction to withstand ground shaking and avoid or reduce structural and non-structural damage.

As noted, soils and geotechnical conditions in the Project area are well understood. In order to ensure that the Project building is constructed to address site-specific conditions and withstand ground shaking, a site- and project-specific soils and geotechnical analyses shall be conducted that address all necessary development parameters, including but not limited to local surface and sub-surface soil conditions, potential geologic hazards, proposed land use and development plans, and soil and building measures that reduce potential impacts to less than significant levels. These requirements have been included in

Mitigation Measure GEO-1. In addition, Mitigation Measure GEO-2 requires that structural engineering for the Project building implement techniques that will reduce potential impacts associated with ground shaking to less than significant levels.

Implementation of existing regulations and policies, Mitigation Measure GEO-1 and GEO-2 would reduce potential hazards from ground shaking to less than significant levels.

***iii) Seismic-related ground failure, including liquefaction.***

The liquefaction hazard at and in the vicinity of the Project site is considered low. High groundwater levels are a prerequisite to this condition and groundwater is present at a depth greater than 200 feet below ground surface in the vicinity of the subject property.<sup>9</sup> While the Project site could be subject to strong ground shaking in the event of a nearby earthquake of sufficient size, the lack of high groundwater reduces the liquefaction hazard significantly. The potential for liquefaction-related ground failure is also low and this hazard is less than significant.

While the liquefaction hazard at the Project site is considered to be low, the potential exists for other seismically-induced ground failure. Under certain conditions, strong ground shaking can cause the densification of soils, resulting in local or regional settlement of the ground surface. In areas of unconsolidated alluvial deposits, the potential exists for seismically-induced ground failure and remedial measures will be required to ensure that this potential is reduced to less than significant levels. Therefore, Mitigation Measures GEO-1, requiring a pre-construction geotechnical analysis specific to the proposed building; and GEO-3 and GEO-4, providing direction on the use and proper compaction of fill, are provided below to reduce the impacts of ground failure to less than significant levels.

***iv) Landslides.***

As discussed above, area landslide hazards in the Project vicinity are associated with the upper slopes of Bell Mountain, the remnant volcanic cinder cone located 0.50± miles to the southwest. Distance alone reduces this local landslide threat to less than significant for the subject property.<sup>10</sup> No other hillside occurs in the Project area. The potential for landslides to adversely impact the Project site are less than significant.

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<sup>9</sup> Phase I Environmental Site Assessment for SkyView Property – Lafayette Street, Apple Valley, California. Prepared by Northgate Environmental Management, Inc. September 14, 2022

<sup>10</sup> Ibid.

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

The Project site soils are primarily classified as “Helendale-Bryman Loamy Sands, 2-5% slope.” These soils are typically found on fan piedmonts, fan remnants, alluvial fans and terraces. They are well drained, generate negligible to low runoff, and have moderately high and high saturated hydraulic conductivity. The potential for wind erosion of soils on the Project site is considered low to moderate. The undisturbed soil surface has a “desert pavement” that protects the surface from wind erosion. In addition, the Town will require the implementation of a dust control plan, consistent with MDAQMD Rule 403 (please see Section 2.4). This standard requirement will assure that impacts associated with soil erosion are reduced to less than significant levels.

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

As noted above, the site is generally flat to gently sloping. The western portion of the subject property occurs on Plutonic Rocks predominantly composed of monzonite, pebbly sandstone and siltstone of Holocene to late Pleistocene age. Lands east of the westerly drainage include Very Old Alluvial Valley Deposits of moderately consolidated sand and gravel. There are no active (or inactive) faults on site or in the vicinity. Also as previously noted, the liquefaction hazard and associated hazards at the site are considered to be low. The subject property is not underlain by either unstable geologic units or soils, and will not result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Impacts will be less than significant.

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

Expansive soils are those with a relatively high clay content, which expands when wetted. As noted above, Project site soils are classified as “Helendale-Bryman Loamy Sands, 2-5% slope.” They are well drained, generate negligible to low runoff, and have moderately high and high saturated hydraulic conductivity. The Helendale component of these soils is approximately 50 percent and has a clay content of 5-10 percent. The Bryman component, which comprises about 35 percent of this soil class, is comprised of 5 to 25 percent clay. The “Cahon” and “Mohave variant” components each comprise about 5 percent of the site soils and have low (<5%) clay content. Overall, these soils are somewhat limited for shallow excavations and small commercial buildings.

Therefore, it is concluded that the subject property or portions thereof could have relatively high clay content and be subject to a potentially significant expansive soils hazard. Based on detailed final building plans, remedial measures may be required to ensure that this potential is reduced to less than significant levels. Therefore, Mitigation Measure GEO-1 requires that a geotechnical analysis specific to the Project building be prepared, to consider the site-specific impacts of expansive soil, and provide remediation measures as necessary. With implementation of this measure, impacts associated with expansive soils will be reduced to less than significant levels.

### **2.8.7 Mitigation Measures**

- GEO-1** Prior to the completion of excavation and foundation plans, the developer shall prepare a site- and building-specific soils and geotechnical analysis that includes an evaluation of seismic and soil conditions and provides recommendations that mitigate soils and geotechnical hazards and constraints, including ground shaking and expansive soils. Site-specific geotechnical investigations will be necessary to refine engineering design parameters such as site preparation, grading, and foundation design, as well as to assure that design criteria are responsive to onsite soils and to the effects of differential settlements resulting from potential ground shaking. Any refinements to the geotechnical analysis will need to be completed prior to the approval of grading plans.
- GEO-2** Proper structural engineering of the Project shall take into account the forces that will be applied to structures by anticipated ground motion, and shall provide mitigation for ground shaking hazards. Seismic design shall be in accordance with the most recently adopted editions of the Uniform Building Code and the seismic design parameters of the Structural Engineers' Association of California.
- GEO-3** Imported and onsite fill soils for the development shall be approved by the Project's soils engineer. Prior to placement as compaction fill the soils engineer shall assure that all fill materials are free of vegetation, organic material, cobbles and boulders greater than 6 inches in diameter, and other debris. Approved soil shall be placed in horizontal lifts or appropriate thickness as prescribed by the soils engineer and watered or aerated as necessary to obtain near-optimum moisture-content.

**GEO-4** Fill materials shall be uniformly compacted to no less than 90% of the laboratory maximum density, by either over-filling and cutting back to expose a compacted core or by approved mechanical methods, as determined by American Society for Testing and Materials (ASTM) test method D-1557-78. The Project soils engineer shall observe the placement of fill and take sufficient tests to verify the moisture content, uniformity, and degree of compaction obtained. In-place soil density measurements should be determined by the sand-cone method, in accordance with ASTM Test Method D-1556-64 (74), or equivalent test method acceptable to the Town's Building and Safety Department.

### **2.8.8 Significance After Mitigation**

While the subject property is subject to soils and geotechnical constraints associated with ground shaking and expansive soils, on development, required soils and geotechnical analyses, and the application of standard building codes and regulations are expected to allow development that is compatible with and can accommodate the construction of the proposed use. Therefore, with the implementation of mitigation measures, the potential impacts will be reduced to less than significant levels.

### **2.8.9 Cumulative Impacts**

Site development pursuant to the proposed Project would involve grading and excavation activities across the entire site, which will result in changes to the area's existing geology and soils conditions. Compliance with the CBC and the recommendations of a building- and site-specific geotechnical investigation would reduce geologic hazards to new development. Fault-related ground rupture is not anticipated in the Project area. Ground shaking hazards due to regional earthquake events could lead to the damage of buildings, parking lots, and utility lines, and resulting fires, falling objects, and other structural hazards, which could cause property damage and personal injuries. Depending on the magnitude of the earthquake, distance to the Project site, underlying soil conditions, and strength of structures and infrastructure, ground-shaking hazards may be significant. The Project and all future development in the NAVISP would be designed and built in accordance with applicable standards in the CBC and Municipal Code, including pertinent seismic design criteria.

Site-specific geologic hazards would be addressed by geotechnical investigations required by the Town for each development proposal. Investigations would identify the geologic and seismic characteristics of a site and provide guidelines for engineering design and construction to ensure the structural integrity of the proposed development. Compliance of individual

projects with the recommendations of the geotechnical investigation would prevent potential hazards associated with unstable soils, landslides, lateral spreading, liquefaction, soil collapse, expansive soil, soil erosion, and other geologic issues. No cumulative adverse impacts are expected.

Impacts of the proposed Project on or resulting from geology and soil conditions are not expected to be cumulatively significant, with compliance with geotechnical and engineering practices related to seismic and geologic hazard reduction, structural integrity, and soil management.



## **2.9 Greenhouse Gas Emissions**

### **2.9.1 Introduction**

The following section describes the existing greenhouse gas emissions in the Mojave Desert Air Basin, and analyzes the potential impacts associated with buildout of the proposed Project. A variety of local and regional data and information, ranging from research and analysis conducted for the planning area, to regional-scale planning and environmental documents, have been used in researching and analyzing the Project and its potential effects on greenhouse gases and climate change, including standards and guidelines established by State agencies, the MDAQMD and the South Coast Air Quality Management District (SCAQMD). In addition, a Project-specific Air Quality and Greenhouse Gas Report was prepared, and is included in Appendix B.

### **2.9.2 Thresholds of Significance**

The project would have a significant effect on greenhouse gases if the proposed Project were to:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

### **2.9.3 Regulatory Framework**

#### **Federal**

Under section 202(a) of the Clean Air Act, the EPA determined that GHGs threaten public health and welfare, and that GHG emissions from motor vehicles contribute to this threat. The two distinct findings, signed by the EPA Administrator in December 2009, found that:

1. The Endangerment Finding: Concentrations of six greenhouse gases (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) in atmosphere constitute air pollution and threaten the health and welfare of the public.
2. The Cause or Contribute Finding: Emissions from new motor vehicles and motor vehicle emissions contribute to GHG concentrations in the atmosphere and thus to climate change.<sup>1</sup>

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<sup>1</sup> United States Environmental Protection Agency, EPA's Endangerment Finding.

### *Mandatory Reporting of GHGs (40 CFR Parts 86, 87, 89 et al.)*

The Mandatory Reporting of Greenhouses Gases rule requires reporting of greenhouse gas emissions from major fossil fuel suppliers, industrial gas suppliers, direct greenhouse gas emitters and manufacturers of heavy-duty and off-road vehicles and engines. The rule requires facilities that emit 25,000 tons per year (MT/yr) of GHGs or more to submit annual reports to the EPA.<sup>2</sup>

### *New Source Review (NSR)*

The New Source Review Permitting program was established by Congress in 1977 as part of the Clean Air Act Amendments. The program requires new industrial facilities, or facilities making changes that will increase emissions significantly, to obtain permits limiting air emissions prior to construction. Permits are issued by state or local air pollution control agencies, and sometimes the EPA. The program requires that new sources meet the requirements for one or more of the following permits: Prevention of Significant Deterioration (PSD) permits, Nonattainment NSR permits, and minor source permits.

## **State**

### *Assembly Bill 32 (AB 32)*

The California Global Warming Solutions Act of 2006 (AB 32) required California to adopt regulations in order to reduce their GHG emissions to 1990 levels by 2020. This represents reductions of approximately 15 percent below the emissions projected in a “business as usual” scenario. The California Air Resources Board (CARB) prepared a Scoping Plan (2008) and regular updates to establish the state's strategy to meet the targets set forth by AB 32. AB 32 requires California to maintain and continue reductions beyond 2020 and continues to require CARB to update the Scoping Plan every 5 years.

The 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan) provides CARB's update to the 2017 Plan. Pursuant to AB 32, the plan sets forth the state's plan to stay on track towards reducing GHG emission by at least 40% below 1990 levels by 2030. Additionally, the 2022 Plan Update establishes a path for the state to achieve carbon neutrality by 2045 through technologically feasible, cost-effective means.<sup>3</sup>

### *Senate Bill 32 (SB 32)*

Executive Order B-30-15 was issued by Governor Brown on April 29, 2015 establishing a new California goal to reduce greenhouse gas emissions to 40% below 1990 levels by 2030 ensuring the state will continue its efforts to reduce carbon pollution. This 40% target was codified through Senate Bill 32 (2016), which

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<sup>2</sup> Federal Register, Part II Environmental Protection Agency (October 30, 2009).

<sup>3</sup> California Air Resources Board, Draft 2022 Scoping Plan Update (May 10, 2022).

adds section 38566 to the Health and Safety Code and requires that CARB ensure statewide GHG emissions meet the 40% reduction target no later than Dec. 31, 2030.

*Senate Bill 375 (SB 375)*

SB 375 directs CARB to set regional GHG emissions reduction targets. The intent of the bill is to ensure local and regional governments are involved in efforts to meet the reduction targets set forth by AB 32 and SB 32. Alignment between state and local emission reduction efforts is important particularly because regional transportation planning and housing needs allocation, factors that have a major impact on GHG emissions in California, are overseen by local elected officials. The bill encourages an integrated approach by requiring the inclusion of Sustainable Communities Strategies in regional transportation plans, synchronizing the General Plan Housing Elements update schedule to align with regional transportation planning cycles, and adding CEQA incentives for projects that align with regional plans and reduce GHG emissions.

*Clean Energy and Pollution Reduction Act of 2015 (SB 350)*

SB 350 establishes a state renewable energy procurement goal, increasing from 33% by 2020 to 50% by 2030. It is implemented by the California Energy Commission in conjunction with state agencies including the Public Utilities Commission and CARB. The bill also requires large utilities companies to prepare integrated resource plans (IRPs) establishing how the utilities will meet customer demands while reducing GHG emissions and increasing the use of clean energy sources.

*Title 24 of the California Code of Regulations*

The California Building Standards Code covers a broad set of regulations regarding the construction, maintenance, fire safety, and accessibility of buildings, as well as the integration of energy conservation practices and green design.

Adopted in 1978, Part 6 of Title 24 establishes energy efficiency standards for residential and non-residential buildings constructed in the state. With the aim of continuing to reduce energy demand and consumption, Part 6 is updated as needed to reflect new energy efficiency technologies and methodologies.

Part 11 of Title 24 of the CCR The California Green Building Standards Code, or CALGreen, established mandatory minimum environmental performance standards addressing energy and water efficiency, material and water conservation, and environmental quality. CALGreen took effect in January 2022 and applies to all new commercial, low-rise residential, state-owned buildings, schools, and hospitals constructed in California. CALGreen was developed to help California meet the emissions reductions targets set forth in AB 32 and SB 32.

### *CARB Refrigerant Management Program*

Administered by the California Air Resources Board, the Refrigerant Management Program requires periodic leak inspections, prompt leak repairs, as well as reporting and maintenance of on-site service records, for all facilities with refrigeration systems containing more than 50 pounds of high-global warming potential (GWP) refrigerant. CARB adopted the program in 2009 as part of AB 32.

### *Senate Bill 97 (SB 97)*

SB 97 recognized the need for state agencies to analyze GHG emissions as part of the California Environmental Quality Act process. The bill updated CEQA to require the Office of Planning and Research (OPR) to develop guidelines for the feasible mitigation of GHG emissions, of the effects of GHG emissions, to be transmitted to the California Air Resources Board for approval. The adopted guidelines apply to effects associated with transportation and energy consumption.

### *Assembly Bill 1493 – The Pavley Bill*

California was the first state to establish regulations that require the reduction of emissions of GHGs from motor vehicles. On September 24, 2004, the California legislature adopted the Pavley Bill that requires all motor vehicles of 2009 vintage or later to reduce their greenhouse gas emissions by about 30% by the year 2016. The second phase of the implementation for the Pavley bill was incorporated into Amendments to the Low-Emission Vehicle Program (LEV III) or the Advanced Clean Cars program. The Advanced Clean Car program combines the control of smog-causing pollutants and GHG emissions into a single coordinated package of requirements for model years 2017 through 2025. The regulation will reduce GHGs from new cars by 34% from 2016 levels by 2025.

Approved in November 2022, the Advanced Clean Cars II (ACC II) regulations require that all new passenger cars, trucks, and SUVs sold in California are zero emission vehicles by 2035.

## **Regional and Local**

### *San Bernardino County Regional Greenhouse Gas Reduction Plan*

The 2021 San Bernardino County Regional Greenhouse Gas Reduction Plan identifies state GHG reduction measures applicable to participating jurisdictions, as well as local measures selected by each jurisdiction that could reduce future GHG emissions within jurisdictional boundaries. The reduction plan has individual sections for each jurisdiction that detail the jurisdiction's 2016 GHG emissions inventory, 2030 GHG emissions forecast, reduction goal, jurisdiction-selected (or consultant-identified) GHG reduction measures, and related General Plan policies or other ongoing programs in the jurisdiction. The purpose of the plan is to provide participating jurisdictions with relevant information to complete and adopt their own Climate Action Plan (CAP).

*Town of Apple Valley Climate Action Plan 2019 Update*

Apple Valley's Climate Action Plan (CAP) Update is a comprehensive GHG emissions reduction strategy, representing the third update to the Town's CAP. Apple Valley originally adopted the CAP in 2010, with the intent of revisions every 3 years in response to policy changes, technological advances, and to build on the Town's successes in emissions reduction. These revisions have occurred regularly, with the latest update undertaken in 2019-2020.

Pursuant to SB 32 and AB 32, the CAP Update aims to ensure that the Town continues to meet its GHG emissions reductions targets of 15% below 2005 levels by 2020 and 40% below 2005 levels by 2030.<sup>4</sup> The CAP Update also provides guidance to meet VMT reduction targets established by the California Air Resources Board (CARB): 7% below projected VMT levels in 2030 to meet 40% below VMT levels in 1990.

Town of Apple Valley General Plan

The Air Quality Element in the Environmental Resources chapter of the Town of Apple Valley General Plan includes the following goals and policies that pertain either directly or indirectly to greenhouse gases:

- Goal 1** To preserve and enhance local and regional air quality.
- Policy 1.A** The Town shall cooperate with the Mojave Desert Air Quality Management District to assure compliance with air quality standards.
- Program 1.A.1** Apple Valley shall adhere to existing and future greenhouse gas and global warming rules, regulations, and requirements to monitor and reduce emissions.
- Policy 1.E** The use of clean and/or renewable alternative energy sources for transportation, heating and cooling, and construction shall be encouraged by the Town.
- Policy 1.F** The Town shall support, encourage, and facilitate the development of projects that enhance the use of alternative modes of transportation, including pedestrian-oriented retail and activity centers, dedicated bicycle paths and lanes, and community-wide multi-use trails.

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<sup>4</sup> Town of Apple Valley 2019 Climate Action Plan Update (May 2021).

- Policy 1.G** Future residential, commercial, and industrial development and remodeling projects shall strive to exceed Title 24 standards by 15% and/or achieve LEED certification or similar performance standards for buildings.
- Policy 1.H** Residential, commercial, and industrial projects that reduce vehicle miles traveled (VMTs) by providing alternative transportation options, home office and live/workspaces, and/or promote employees living close to work are preferred.
- Policy 1.I** The Town shall continue to reduce waste generation, enhance recycling or reuse programs, and expand grey water systems for landscape irrigation.
- Policy 1.K** The Town shall participate in regional greenhouse gas reduction planning efforts.
- Program 1.K.1** The Town shall participate in the San Bernardino Associated Governments' Climate Action Plan, including assisting in providing data and background information, and implementing greenhouse gas reduction strategies established in the Plan, when complete.

### **Air Quality Management Districts**

According to §15064.7(b) of the CEQA Guidelines, for a threshold of significance to be used as part of a legal agency's environmental review process, it must be adopted by ordinance, resolution, rule, or regulation. While the Project is located within the MDAQMD jurisdiction, the MDAQMD threshold for greenhouse gas emissions has not been formally adopted. For analysis purposes, Project impacts will be assessed against GHG thresholds from both MDAQMD and SCAQMD. The SCAQMD is immediately adjacent to the MDAQMD jurisdictional area and has a formally adopted absolute threshold for stationary sources of 10,000 MTCO<sub>2</sub>e for industrial projects. Furthermore, the SCAQMD quantitative thresholds for GHG emissions are more conservative than the threshold currently in use by MDAQMD. Therefore, in order ensure that analysis of the Project's impacts related to GHG is thorough and complete, emissions will be evaluated against both the MDAQMD and SCAQMD thresholds.

The GHG emission significance thresholds for the MDAQMD and SCAQMD are discussed, below.

Mojave Desert Air Quality Management District Significance Thresholds

According to the Mojave Desert Air Quality Management District (MDAQMD), any project is significant if it triggers or exceeds the most appropriate evaluation criteria. The District will clarify upon request which threshold is most appropriate for a given project; in general, the emissions comparison (criteria number 1) is sufficient:

1. Generates total emissions (direct and indirect) in excess of the thresholds given in **Table 2.9-1**;
2. Generates a violation of any ambient air quality standard when added to the local background;
3. Does not conform with the applicable attainment or maintenance plan(s);
4. Exposes sensitive receptors to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million and/or a Hazard Index (HI) (non-cancerous) greater than or equal to 1.<sup>5</sup>

**Table 2.9-1  
 MDAQMD Significance Thresholds**

Criteria Pollutant	Annual Threshold (short tons)
Greenhouse Gases (CO <sub>2</sub> e)	100,000

Source: MDAQMD CEQA Guidelines (February 2020).

South Coast Air Quality Management District (SCAQMD) Significance Thresholds

On December 5, 2008, the SCAQMD formally adopted a greenhouse gas significance threshold for stationary sources of 10,000 MTCO<sub>2</sub>e per year for industrial projects and 3,000 MTCO<sub>2</sub>e per year for residential and commercial projects where SCAQMD is the lead agency (SCAQMD Resolution No. 08-31). This threshold was adopted based upon a December 2008 staff report and draft interim guidance document that also recommended a threshold for all projects using a tiered approach.<sup>6</sup>

It was recommended by SCAQMD staff that a project's greenhouse gas emissions would be considered significant if it could not comply with at least one of the following "tiered" tests:

- Tier 1: Is there an applicable exemption?
- Tier 2: Is the project compliant with a greenhouse gas reduction plan that is, at a minimum, consistent with the goals of AB 32?

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<sup>5</sup> MDAQMD California Environmental Quality Act (CEQA) and Federal Conformity Guidelines (February 2020).

<sup>6</sup> SCAQMD, Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans (December 2008).

- Tier 3: Is the project below an absolute threshold (10,000 MTCO<sub>2</sub>e/yr for industrial projects; 3,000 MTCO<sub>2</sub>e/yr for residential and commercial projects)?
- Tier 4: Is the project below a (yet to be set) performance threshold?
- Tier 5: Would the project achieve a screening level with off-site mitigation?

#### **2.9.4 Environmental Setting**

Over the last two centuries, human activity, such as the burning of fossil fuels, industrial activity, deforestation, and land use changes, began to intensify the natural greenhouse effect. While the combustion of fossil fuels produces and emits greenhouse gases into the atmosphere at levels elevated far beyond the natural production of these gases, the removal of trees and other vegetation reduce the earth's ability to sequester CO<sub>2</sub>.<sup>7</sup> As the concentrations of these gases increase, so too does the amount of heat that they trap in the atmosphere.

According to the Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (AR6), atmospheric concentrations of CO<sub>2</sub> have increased by 50 percent since the industrial revolution and continue to increase at a rate of two parts per million each year. At this rate, the world will exceed 1.5°C above pre-industrial levels by the 2030s.<sup>8</sup> This level of global warming is associated with global mean sea level rise as well as regional climatic changes such as extreme temperatures, increases in the frequency and intensity of heavy precipitation in some regions, and increases in the intensity and frequency of droughts in some regions.<sup>9</sup>

The California Air Resources Board is required to monitor and regulate seven GHGs: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), nitrogen trifluoride (NF<sub>3</sub>), perfluorocarbons (PFCs), and hydrofluorocarbons (HFCs).<sup>10</sup> Global warming potential (GWP) is a metric used to convert all GHGs into carbon dioxide equivalents. Carbon dioxide equivalents (CO<sub>2</sub>e), and specifically metric tons of carbon dioxide equivalents (MTCO<sub>2</sub>e), are units of measure used to compare emissions of various greenhouse gases. Carbon equivalent refers to the mass of carbon dioxide that would produce the same estimated radiative force as that of another greenhouse gas.<sup>11</sup> These metrics facilitate the development of multi-gas frameworks and policies which are crucial to action addressing climate change.

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<sup>7</sup> California Air Resources Board 2022 Scoping Plan, Environmental and Regulatory Setting.

<sup>8</sup> IPCC Climate Change 2021: The Physical Science Basis. Contribution of Working Group 1 to the Sixth Assessment Report of the IPCC (2021).

<sup>9</sup> IPCC Special Report: Global Warming of 1.5°C – Summary for Policymakers (2018).

<sup>10</sup> California Health and Safety Code § 38505 (g).

<sup>11</sup> California Air Resources Board.



California is the second largest greenhouse gas producing state in the U.S., and the 16<sup>th</sup> largest contributor in the world.<sup>12</sup> In 2020, emissions from GHG emitting activities in California were 369.2 MMTCO<sub>2</sub>e, 35.3 MMTCO<sub>2</sub>e below 2019 levels and 61.8 MMTCO<sub>2</sub>e below the 2020 GHG Limit.<sup>13</sup>

### **2.9.5 Existing Conditions**

The proposed Project is within the Mojave Desert Air Basin (MDAB), which encompasses the high desert portion of San Bernardino County, as well as portions of eastern Kern County, northeastern Los Angeles County, and eastern Riverside County. The basin area is in the high desert, which receives an average of three to seven inches of precipitation per year, and is classified as a dry-hot to very-dry hot climate.<sup>14</sup>

As stated in the Air Quality Element in the Town's General Plan, Apple Valley is committed to complying with state and regional greenhouse gas reduction targets, namely through cooperation with the Mojave Desert Air Quality Management District and participation in the San Bernardino Associated Governments' Climate Action Plan.<sup>15</sup>

The Apple Valley 2019 Climate Action Plan Update provides the Town's comprehensive strategy to reduce greenhouse gas emissions. The Town aims to achieve 40% below 2005 emission levels by 2030, and the Update demonstrates that it is on-target to do so.

The greenhouse gas inventory prepared for the 2019 CAP found that Town-wide CO<sub>2</sub>e emissions were approximately 597,681 MTCO<sub>2</sub>e. This means that the Town exceeded the 2020 target of 15% below 2005 MTCO<sub>2</sub>e emissions levels by 38,894 MTCO<sub>2</sub>e. To achieve the 2030 target of 40% below 2005 MTCO<sub>2</sub>e emissions levels, Town-wide emissions would need to be reduced by an additional 148,334 MTCO<sub>2</sub>e.

### **2.9.6 Project Impacts**

The Project proposes the development of a 1,207,544 square foot warehouse distribution center on a 77 ± acre site. It is assumed, for analysis purposes, that 85% of the building will be used for dry warehousing, and 15% for cold storage. The Project will potentially emit greenhouse gases during both the construction and

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<sup>12</sup> Town of Apple Valley 2019 Climate Action Plan.

<sup>13</sup> California Air Resources Board, California Greenhouse Gas Emissions for 2000 to 2020, Trends of Emissions and Other Indicators (October 2022).

<sup>14</sup> San Bernardino Countywide Plan Draft PEIR, Environmental Analysis, Air Quality (June 2019).

<sup>15</sup> Town of Apple Valley 2009 General Plan, Air Quality Element.

operational phases. In particular, the Project, as a warehouse distribution center, will generate greenhouse gas emissions through distribution truck trips to and from the facility.

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

The proposed Project will generate GHG emissions during both construction and operational phases. The California Emissions Estimator Model (CalEEMod) Version 2020.4.0 was used to project air quality and greenhouse gas emissions. The model bases GHG projections on land use factors. The following parameters and assumptions were input to the model:

- Operational year: 2024
- Passenger vehicle trips: During operations, the Project would generate 1,788 daily passenger vehicle trips. Passenger vehicle trips are assumed to be 100% primary trips and 100% commercial-work trip types, with an average trip length of 14.7 miles.
- Truck trips: During operations, the Project would generate 781 daily truck trips. Truck trips are assumed to be 100% primary trips and 100% commercial-work trip types, with an average trip length of 40 miles.<sup>16</sup> The analysis assumes 35% of truck trips are Light Heavy Duty, 11% are Medium Heavy Duty, and 53% are Heavy-Heavy Duty trucks, per Project Traffic Report. Heavy duty trucks are diesel fueled and can be equipped with transport refrigeration units (TRU) for the refrigeration or heat of perishable products.

The methodology used to calculate the Project's estimated emissions is described in greater detail in the Air Quality and Greenhouse Gas Report (January 2023), available in Appendix B.

Construction

Construction activities will result in short-term GHG emissions associated with the operation of construction equipment, vehicle emissions from construction employee commutes, material hauling, and other ground disturbing activities. **Table 2.9-2** shows that the Project is projected to generate 3,287.36 metric tons of CO<sub>2</sub>e over the two-year construction period.

There are currently no construction related GHG emissions thresholds for projects of this nature. As such, construction-related GHG emissions were amortized over a 30-year period, added to annual operational emissions, and compared to the MDAQMD threshold, in order to determine if construction emissions will result in a cumulatively considerable impact. **Table 2.9-2** shows the combined amortized construction emissions and operational emissions.

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<sup>16</sup> SCAQMD Draft WAIRE Technical Report (2020).

Operation

Once the Project reaches the operational phase, five categories of emissions will contribute to its annual GHG emissions either directly or indirectly: area emissions (e.g. pavement and architectural coating off-gassing), energy use, mobile source emissions, solid waste disposal, and water use. As stated above, GHG emissions from construction of the Project were amortized over a 30-year period and added to the operational emissions total. **Table 2.9-2** shows a summary of the total annual construction and operational GHG emissions projected for buildout of the Project.

**Table 2.9-2  
 Projected GHG Emissions Summary (Metric Tons)**

Phase	CO <sub>2</sub> e (MT/YR)
<b>Construction</b>	
2023	1,353.46
2024	1,933.90
Construction Total	3,287.36
<b>Operational</b>	
Area	0.05
Energy	2,362.91
Mobile	13,697.33
Waste	570.84
Water	1,028.26
Construction: 30-Year Amortized <sup>1</sup>	109.58
Total Operational	17,768.97
MDAQMD Annual Threshold	100,000
<b>Exceeds?</b>	<b>No</b>

<sup>1</sup> Buildout Construction GHG emissions were amortized over 30-years then added to buildout operational GHG emissions.  $3,287.36 / 30 = 109.58$

According to the MDAQMD CEQA Guidelines, a project is considered significant if it generates total emissions (direct or indirect) that exceed the applicable threshold. As shown in **Table 2.9-2**, the Project's annual CO<sub>2</sub>e emissions will not exceed the MDAQMD's significance threshold of 100,000 metric tons of CO<sub>2</sub>e per year. However, because the MDAQMD threshold has not been formally adopted, and is thus not considered valid per §15064.7(b) of the CEQA Guidelines, the Project's GHG emissions were also analyzed using the SCAQMD significance threshold.

### SCAQMD Analysis

The SCAQMD provides a series of “tiered” tests, based on staff recommendations, to determine whether a project’s greenhouse gas emissions would be considered significant. In order to be considered less than significant, a project should comply with one of the following tiers:

- Tier 1: Is there an applicable exemption?
- Tier 2: Is the project compliant with a greenhouse gas reduction plan that is, at a minimum, consistent with the goals of AB 32?
- Tier 3: Is the project below an absolute threshold (10,000 MTCO<sub>2</sub>e/yr for industrial projects; 3,000 MTCO<sub>2</sub>e/yr for residential and commercial projects)?
- Tier 4: Is the project below a (yet to be set) performance threshold?
- Tier 5: Would the project achieve a screening level with off-site mitigation?

On the basis of this tiered system, the proposed Project was analyzed to determine its level of impact:

**Tier 1:** The Project is not eligible for an exemption. This tier does not apply.

**Tier 2:** Tier 2 is applicable. The Project is subject to the Town of Apple Valley’s 2019 Climate Action Plan (CAP) Update, a comprehensive GHG emissions reduction plan. Pursuant to SB 32 and AB 32, the CAP aims to ensure that the Town continues to meet its GHG emissions reductions targets of 15% below 2005 levels by 2020 and 40% below 2005 levels by 2030.<sup>17</sup> The Town has regularly updated its CAP every three years. The 2019 CAP is the third update to the original document, which underwent CEQA review and was adopted in 2010. Given that the Town’s CAP is regularly updated, formally adopted, and consistent with the goals of AB 32, under SCAQMD’s Tier 2 it provides suitable targets against which to evaluate the Project’s GHG emissions.

**Tier 3:** This tier does not apply to the Project. Tier 3 provides the following quantitative thresholds for analyzing of CO<sub>2</sub>e emissions for projects under SCAQMD’s permitting jurisdiction:

- 10,000 MTCO<sub>2</sub>e per year for industrial projects (stationary sources only)
- 3,000 MTCO<sub>2</sub>e per year for residential and commercial

While the proposed development is an industrial project, it will be used as a warehouse and distribution center, not as a manufacturing plant or other heavy industrial uses. As a result, most of its GHG emissions are expected to be produced by mobile sources, particularly from heavy duty trucks making regional distribution

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<sup>17</sup> Town of Apple Valley 2019 Climate Action Plan Update (May 2021).

trips. It would therefore not be appropriate to analyze the Project's annual emissions of 17,768.97 MTCO<sub>2</sub>e against the SCAQMD threshold of 10,000 MTCO<sub>2</sub>e per year for industrial projects because this tier applies to stationary sources only.

The 3,000 MTCO<sub>2</sub>e threshold is also not suitable for the Project because it is intended for residential and commercial uses, neither of which are proposed for the Project. The Project proposes a 1,207,544 square foot warehouse, of which approximately 95% will be used for cold storage and high cube warehousing purposes, and approximately 5% will be supporting office uses.

**Tier 4:** There are no applicable performance thresholds against which to evaluate the Project. This tier does not apply.

**Tier 5:** There are no applicable off-site mitigation measures. This tier does not apply.

Based on the tiered tests provided by SCAQMD, and given that only Tier 2 applies to the Project, the following analysis will consider whether the Project is compliant with the Apple Valley 2019 Climate Action Plan. According to Tier 2, if the Project is determined to be compliant with the applicable greenhouse gas reduction plan, then impacts related to the greenhouse gas emissions resulting from that Project should be considered less than significant.

According to the CAP, the Town aims to meet the GHG emissions reduction target of 40% below 2005 levels by 2030. Based on growth forecasts in the SCAG 2020-2045 Regional Transportation Plan/SCS, the CAP forecasts that the Town will have a population of 84,535 in 2030. To meet the 40% below baseline target, the Town-wide GHG emissions in 2030 would need to be 449,347 MTCO<sub>2</sub>e, or 5.32 MTCO<sub>2</sub>e per capita.

As demonstrated in **Table 2.9-2**, above, based on projections made using CalEEMod Version 2020.4.0, the Project is expected to generate 17,768.97 metric tons of CO<sub>2</sub>e per year. As described in greater detail in Section 2.14, Population and Housing, at a density factor of 1,030 square feet per employee for logistics land uses, the proposed 1,207,544 square foot warehouse distribution facility would generate approximately 1,172 jobs.<sup>18</sup> Given the existing demand for jobs in the Town, it is likely that all of the jobs created by the Project would be filled by existing residents of Apple Valley. It is therefore assumed that the Town's 2030 population, including buildout of the Project, would be 84,535 as analyzed in the CAP.

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<sup>18</sup> Urban Crossroads, Inc., Lafayette Street Logistics Facility VMT Analysis (November 2022).

Based on a population of 84,535, **Table 2.9-3** shows that in order for the Town to meet the 2030 emissions reduction target, it would have to meet 5.32 tons per capita. The table also shows that with implementation of the CAP reduction measures, the Town expects to go beyond the established emissions target, reducing forecasted emissions to 410,922 MTCO<sub>2e</sub> per year or 4.86 tons per capita. The 2030 emissions forecast with CAP measures accounts for community emissions, including industrial projects. It is therefore likely that the Project's estimated annual emissions of 17,768.97 MTCO<sub>2e</sub> would already be covered by the 2030 emissions forecast. However, assuming an industrial development like the proposed Project was not accounted for in the CAP 2030 forecast, and to ensure a conservative analysis, the Project's emissions were added to the existing forecast. As shown in **Table 2.9-3**, the total annual emissions from the Project and existing 2030 forecast would be 428,690.97 MTCO<sub>2e</sub>, or 5.07 tons per capita. Both the total and per capita emissions meet the CAP target for 2030 of 40% below the 2005 baseline. The Town-wide emissions in 2030, including the Project, would therefore meet the CAP greenhouse gas emissions reduction target.

**Table 2.9-3  
 Project emissions and CAP reduction target**

<b>Target/Scenario</b>	<b>Forecast (MTCO<sub>2e</sub>)</b>	<b>Population</b>	<b>Per Capita</b>
CAP 2030 forecast w/CAP measures	410,922.00	84,535	4.86
Project emissions (per year)	17,768.97	84,535	--
<b>Total</b>	<b>428,690.97</b>	<b>84,535</b>	<b>5.07</b>
CAP 2030 target (40% below baseline)	449,347.00 <sup>1</sup>	84,535	5.32
<b>Exceeds?</b>			<b>No</b>

<sup>1</sup> Forecasted town-wide emissions for 2030.

In order to ensure that the Project's GHG emissions are reduced to the greatest extent possible, the Project will be subject to applicable reduction measures from the CAP. The Project's consistency with applicable reduction measures is shown in the following table. Where necessary to ensure compliance, the applicable CAP reduction measure has been included as a mitigation measure below.

**Table 2.9-4**  
**Project consistency with CAP reduction measures**

<b>Reduction Measure</b>	<b>Consistency</b>
<b>CO-4:</b> Establish an employee carpooling program, including incentives (preferred parking, flex time incentives, etc.) for participating employees.	<b>Consistent:</b> Per mitigation measure GHG-1, the Project will establish an employee carpooling program, including incentives for participating employees.
<b>CO-5:</b> Provide employees with free or discounted public transit passes.	<b>Consistent:</b> Per mitigation measure GHG-2, the Project will provide employees with free or discounted public transit passes.
<b>ND-6:</b> For projects within the North Apple Valley Industrial Specific Plan, develop employee housing within one mile of the industrial project.	<b>Consistent:</b> The area adjacent to the Project site, on the western side of Dale Evans Parkway, is designated for Medium Density Residential (R-M). Development of these sites would provide housing within one mile of the Project site.
<b>ND-12:</b> Building and site plan designs shall ensure that the project energy efficiencies meet applicable California Title 24 Energy Efficiency Standards.	<b>Consistent:</b> The Project design will comply with all requirements in the California Building Code, including the Title 24 Energy Efficiency Standards.

Source: Town of Apple Valley 2019 Climate Action Plan Update

In addition to measures provided in the CAP, future emissions reductions are expected to result from regulations passed since the 2019 CAP Update, as well as forthcoming regulatory or technological improvements. For example, the 2022 California Building Code, including the California Energy Code and California Green Building Standards Code (CALGreen), was made effective as of January 1, 2023, and has been adopted by the Town. The California Energy Commission estimates that increases in energy efficiency and on-site generation in the 2022 Energy Code could result in the reduction of 10 million metric tons of CO<sub>2</sub>e over the next 30 years.<sup>19</sup>

Furthermore, given that a large portion of the Project's GHG emissions are expected to be from mobile sources, regulations from the California Air Resources Board pertaining to truck fleets would be expected to further reduce emissions. Such regulations include the 2021 Advanced Clean Truck regulation, which stipulates that manufacturers must sell an increasing proportion of zero emission

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<sup>19</sup> 2022 Energy Code Title 24, Part 6 Fact Sheet, Ace Resources.

vehicles from 2024 to 2035, and the proposed Advanced Clean Fleet (ACF) regulation, which required that medium and heavy-duty fleets be 100% zero-emission vehicles by 2045.<sup>20</sup> CARB projects that implementation of ACF would result in cumulative CO<sub>2</sub> emissions reductions of 307 million metric tons from 2024 to 2050.

Finally, the GHG emissions associated with the utilities provided to the Project would also be reduced. Under Senate Bill 350 (SB 350), the Renewable Portfolio Standard will require utilities and electric service providers to purchase 50% renewable energy resources by 2030.

### Conclusion

With the addition of the Project's emissions, Town-wide CO<sub>2</sub>e emissions would still meet the 2030 reduction target. Implementation of the measures provided in the CAP, set forth as Mitigation Measures GHG-1 and GHG-2, and applicable state regulations would ensure that Project's GHG emissions are further reduced to the greatest extent practicable.

Given that the Project complies with the Town's CAP GHG reduction target for 2030, then, pursuant to the SCAQMD Tier 2 test, it would also be compliant with a greenhouse gas reduction plan that is consistent with the goals of AB 32. Overall, given that the Project is both below the absolute CO<sub>2</sub>e emissions threshold provided by MDAQMD and compliant with the SCAQMD Tier 2 test, it can be concluded that impacts would be less than significant.

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

The California Air Resources Board (CARB) 2022 Scoping Plan puts forward the bold target of achieving carbon neutrality in state-wide emissions by 2045 or earlier. This plan builds on the efforts of the three previous scoping plans, which established goals to meet 1990 levels by 2020 and 40 percent below 1990 levels by 2030, in compliance with Senate Bill 32 (SB 32). The 2022 Scoping Plan Update aims to further reduce anthropogenic emissions in California to 85 percent below 1990 levels by 2045.<sup>21</sup> According to Apple Valley's General Plan, at buildout the Town was estimated to contribute approximately 0.756% of the total California emissions limit for 2020, as established by the CARB.<sup>22</sup>

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<sup>20</sup> The proposed Advanced Clean Fleet Regulation would also require last mile delivery fleets must be fully converted to zero emission vehicles by 2035 and would ban manufacturers from selling any new fossil-fueled medium-duty and heavy-duty trucks by 2040.

<sup>21</sup> California Air Resources Board 2022 Scoping Plan Update.

<sup>22</sup> Apple Valley General Plan (2009) EIR, p. III-29.



The Town's 2019 Climate Action Plan Update (CAP) provides Apple Valley's comprehensive strategy to meet the SB 32 emission targets by reducing the Town's emissions 15% below 2005 levels by 2020 and 40% below 2005 levels by 2030.<sup>23</sup> According to the MDAQMD CEQA Guidelines, a project is deemed to conform with an emissions plan if it is consistent with the existing land use plan. As described in Section 2.4, Air Quality, the Project is located in the North Apple Valley Industrial Specific Plan (NAVISP) area, on a site designated and zoned as Industrial – Specific Plan. This designation permits clean industrial uses such as warehouse distribution facilities. The Project proposes a warehouse distribution facility that aligns with the permitted uses for the site. It also complies with all development standards for the I-SP zone, including maximum building coverage, maximum building height, and water efficient landscape requirements pursuant to the Town's Water Conservation/Landscaping Regulations.<sup>24</sup>

Given that the Apple Valley Climate Action Plan (CAP) is based on the growth projected from buildout of the Town's General Plan, the Project's conformance with the NAVISP implies compliance with the CAP. Furthermore, while the provisions of the CAP are mostly directed towards regulating emissions at a Town-wide scale, some policies are applicable to individual projects. For example, policy ND-12 in the CAP states that building and site plans must ensure that the project will meet the applicable Title 24 Energy Efficiency Standards. The Title 24 standards include performance standards for space heating and cooling, water heater design improvements, integration of solar control in building designs, use of efficient lighting, and application of the Town's landscaping guidelines. The Project will be required to comply with all applicable energy efficiency standards as provided in Title 24 and as enforced by the Town. Site plan review by the Town prior to the issuance of development permits will ensure that these standards are met.

The Project, including all components of construction and operation, will also be subject to the current MDAQMD Rules as applicable to greenhouse gases. Compliance will be ensured through MDAQMD Rule 201, which requires preconstruction plan review prior to issuance of a construction permit from the Air Pollution Control Officer.

In conclusion, conformance with the land use plan and implementation of applicable policies in the CAP ensure that the Project will not conflict with applicable plans, policies or regulations adopted for the purpose of reducing the emissions of greenhouse gases. Project impacts are therefore anticipated to be less than significant.

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<sup>23</sup> Town of Apple Valley 2019 Climate Action Plan Update.

<sup>24</sup> Town of Apple Valley Municipal Code Chapter 9.75 – Water Conservation/Landscaping Regulations.

### **2.9.7 Mitigation Measures**

Consistent with and to assure compliance with existing Climate Action Plan reduction measures, the following mitigation measures shall be included as conditions of approval to the Project:

**GHG-1** Establish an employee carpooling program, including incentives (preferred parking, flex time incentives, etc.) for participating employees.

**GHG-2** Provide employees with free or discounted public transit passes.

### **2.9.8 Significance After Mitigation**

With the implementation of mitigation measures, and consistent with both MDAQMD and SCAQMD thresholds described above, Project impacts will be less than significant.

### **2.9.9 Cumulative Impacts**

Due to their dispersing nature and aggregate regional impacts, greenhouse gases are analyzed in terms of their cumulative impacts. The above analysis considered the potential cumulative impacts of the Project on greenhouse gas emissions in the Mojave Desert Air Basin using significance criteria from both the Mojave Desert Air Quality Management District and the South Coast Air Quality Management District. The analysis also considered emissions in relation to local and state greenhouse gas reduction plans and targets.

Overall, while the Project will contribute to cumulative greenhouse gas impacts, conformance to the MDAQMD significance thresholds as well as with the emissions reductions targets in the Town of Apple Valley's 2019 CAP Update, per SCAQMD Tier 2, indicate that impacts would be less than significant. Furthermore, all future projects occurring within the Town will be required to comply with the CAP and MDAQMD standards and requirements. The Project's impacts are thus not anticipated to be cumulatively considerable.

## **2.10 Hazards and Hazardous Materials**

### **2.10.1 Introduction**

This section describes hazardous materials and other hazards to public health and safety that could result from the proposed Project. Potential construction and operational impacts related to hazards are analyzed. The analysis also considers potential impacts to the Project from regional hazards. Geotechnical hazards are addressed separately in Section 2.8 of this EIR.

The California Health and Safety Code defines a 'hazardous material' as "a substance or waste, that, because of its physical, chemical, or other characteristics, may pose a risk of endangering human health or safety or of degrading the environment".<sup>1</sup> In this section, the term "hazardous materials" refers to both hazardous substances and hazardous waste.

The regulatory context and thresholds of significances are described below. This section then describes the existing onsite hazards and hazardous materials, and the potential for the Project to create hazards to the public and the potential to expose people or the environment to hazardous materials on the Project site. The analysis in this section is based on a Phase 1 ESA and an Ordnance Investigation prepared for the Project by Northgate Environmental Management, Inc., in September and July 2022, respectively (Appendix F and G, respectively).

### **2.10.2 Thresholds of Significance**

The following thresholds or criteria are derived from Appendix G of the CEQA Guidelines and are used to determine if and to what extent a project may have a potentially significant impact with regard to hazards and hazardous materials. The Project would have a significant effect on or risk exposure to hazards or hazardous materials if it were to:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

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<sup>1</sup> California Health and Safety Code, Section 25260 (d)

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would 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, 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.

The Initial Study determined that the Project would result in “No Impact” for threshold questions c), because the Project is not in the vicinity of a school; question e) because the Project is not within the Apple Valley Airport’s Plan boundary; and question g) because the Project site is located on the valley floor, and not subject to wildfires. Therefore, these questions will not be further analyzed in this EIR.

### **2.10.3 Regulatory Framework**

#### **Federal**

##### Hazardous Materials Transport Act (49 USC 5105)

Passed in 1975 and administered by the U.S. Department of Transportation, this statute regulates the transport of hazardous materials. According to the Code of Federal Regulations (CFR) Title 49, Section 5101, the purpose of the Hazardous Materials Transport Act is “to protect against the risks to life, property, and the environment that are inherent in the transportation of hazardous material in intrastate, interstate, and foreign commerce.” CFR 49, §171-180 regulates the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of vehicles transporting hazardous materials.

##### Resource Conservation and Recovery Act (42 USC 6901 et seq.)

Enacted in 1976, the Resource Conservation and Recovery Act (RCRA) gives the authority to the EPA to control the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also establishes a framework for the management of non-hazardous solid wastes.

The 1984 Hazardous and Solid Waste Amendments (HSWA) enabled the EPA to address the environmental problems that can result from the land disposal of hazardous waste, such as underground tanks storing petroleum.

#### Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

Established in 1980, this act provides a federal “Superfund” for the cleanup of uncontrolled or abandoned hazardous waste sites and provides the EPA with the authority to seek out parties responsible for the release of hazardous waste.

The Superfund Amendments and Reauthorization Act (SARA) of 1986 extended CERCLA and provided additional definitions and enforcement authority.

### **State**

#### California Occupational Safety and Health Act

Enacted in 1973, the Act addresses California employees' working conditions, enables the enforcement of workplace standards, and provides for advancements in the field of occupational health and safety. The Act also created the California Occupational Safety and Health Administration (Cal OSHA), the agency with primary responsibility for worker safety in the handling and use of chemicals in the workplace. Cal OSHA's standards are generally more stringent than federal regulations.

#### California Health and Safety Code

Title 22, Chapter 20 of the Health and Safety Code, the Hazardous Waste Permit Program establishes the provisions for the issuance and administration of hazardous waste permits. The program requires a permit for the transfer, treatment, storage, and disposal of hazardous waste.

Division 20, Chapter 6.5, of the Health and Safety Code, the Hazardous Waste Control Law regulates hazardous waste generated in the State of California. The law provides guidance for the proper handling, storage, use, and disposal of hazardous waste. It also identifies the need for proper landfill disposal in order to reduce long-term threats to public health, air quality, and water quality. Sections 25505 et seq. require the preparation of Hazardous Materials Business Plans (HMBPs) for businesses that handle specified quantities of chemicals. The plans allow local agencies to prepare appropriately for chemical releases, fires, or other incidents.

#### Cortese List (California Government Code Section 65962.5(a))

According to §65962.5(a) of the CGC, the Department of Toxic Substances Control is required to compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all the following:

- (1) All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code ("HSC").
- (2) All land designated as hazardous waste property or border zone property pursuant to Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code.
- (3) All information received by the Department of Toxic Substances Control pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposals on public land.
- (4) All sites listed pursuant to Section 25356 of the Health and Safety Code.
- (5) All sites included in the Abandoned Site Assessment Program.

License to Transport Hazardous Materials – California Vehicle Code, Section 32000.5 et seq.

Administered by Caltrans in conjunction with the California Highway Patrol, this law establishes driver training requirements, load labeling procedures, and container specifications for vehicles transportation hazardous materials.

State Water Resources Control Board and Regional Water Quality Control Boards

The State Water Resources Control Board (SWRCB) and California's nine regional water quality control boards (RWQCBs) are responsible for the implementation and compliance with the federal Clean Water Act and the 1969 Porter-Cologne Act. The Porter-Cologne Act establishes the state's statutory authority to protect water quality and the beneficial uses of water. The SWRCB and RWQCB share the protection of water quality with numerous water supply and wastewater management agencies and local governments throughout the state.

RWQCBs are responsible for the identification, monitoring, and cleanup of leaking underground storage tanks (LUSTs), while the SWRCB's underground storage tank cleanup unit oversees the investigation and cleanup of LUSTs. The proposed Project is under the jurisdiction of the Lahontan Regional Water Quality Control Board.

California Department of Forestry and Fire Protection (CALFire)

CALFire is responsible for fire protection on California's privately-owned wildlands, wildfire prevention in State Responsibility Areas (SRAs), and the provision of emergency services in some counties through contracts with local governments. CALFire's Fire and Resource Assessment Program (FRAP) assesses and maps fire hazard severity zones in state and local responsibility areas. It ranks the severity of wildfire hazards using four main criteria: fuels, weather, assets at risk, and level of service. The program also identifies alternative management and policy guidelines for preventing fires in California's forests and rangelands.

### California Fire Code (Title 24, Part 9 of the California Code of Regulations)

The California Fire Code establishes regulations to safeguard against the hazards of fires, explosions, and other potentially dangerous conditions in new and existing buildings, structures, and premises.<sup>2</sup> The Fire Code includes regulations for safe procedures for fire fighters and emergency responders during emergency operations, as well as well as requirements for fire resistant and fire protective building systems.

### **Regional/Local**

#### San Bernardino County Environmental Health Services

The San Bernardino County Environmental Health Services (EHS) works to protect public health, promote safety, and prevent environmental hazards in the County. The EHS provides inspections and responds to complaints regarding food facilities, mosquito and vector control, recreational health, land use, plan checks, and housing. In conjunction with the Department of Public Health and the County of San Bernardino, the EHS also responds to environmental emergencies and disasters.

#### San Bernardino County Fire Protection District

The San Bernardino County Fire Protection District is a Certified Unified Program Agency (CUPA), meaning that it is responsible for applying statewide standards for the issuance of permits, inspections, and enforcement related to hazardous waste and hazardous materials. As a CUPA, the fire protection district administers six hazardous materials and hazardous waste programs:

- Hazardous Materials Release Response Plans and Inventory Program
- California Accidental Release Program
- Underground Storage Tanks Program
- Aboveground Petroleum Storage Act Program
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs Program
- Hazardous Materials Management Plan (HMMP) and Hazardous Material Inventory Statement (HMIS) in California Fire Code Program

#### Apple Valley Fire Protection District

The Apple Valley Fire Protection District (AVFPD) provides fire protection services to the Town of Apple Valley, Apple Valley SOI, and unincorporated areas of San Bernardino County. AVFPD's boundaries extend from the Mojave River to the dry lakes near Lucerne Valley.

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<sup>2</sup> California Code of Regulations Title 24, Part 9.

The District maintains mutual aid agreements, allowing AVFPD, the Victorville Fire Department, the San Bernadino County Fire Department, and the Bureau of Land Management to provide services in support of one another despite jurisdictional boundaries. There is a joint dispatcher service for all four agencies located in Victorville.

The Town of Apple Valley and surrounding unincorporated areas also receive emergency medical services (EMS) from the District. In addition to firefighting and EMS, the District provides project review services for all new developments in the Town through its Community Risk Reduction Division.

#### Town of Apple Valley General Plan

The Environmental Hazards Element of the Town's General Plan (2009) includes goals, policies, and programs guiding the effective planning and management of hazardous and toxic materials. The following goals, policies, and programs are applicable to the Project:

- Goal**                      Ensure that the environment and all residents, workers, and visitors are protected from exposure to hazardous materials and wastes.
- Policy 1.D**                The Town shall require all businesses that use, store, or produce hazardous material to comply with the County's Business Plan.
- Policy 1.F**                The Town shall thoroughly evaluate development proposals for lands directly adjacent to sites known to be contaminated with hazardous or toxic materials, or sites that use or contain potentially hazardous or toxic materials.
- Policy 1.G**                Require and facilitate an efficient cleanup of contaminated sites identified within the Town of Apple Valley.

#### Town of Apple Valley Municipal Code

The Town's Municipal Code ensures the use, handling, storage, and transportation of hazardous materials comply with the State Government Code Section 65850.2, Health and Safety Code Section 25505, and Article 80 of the Uniform Fire Code. As stated in §8.12.010 of the Apple Valley Municipal Code, the Town has adopted the California Building Code, including the California Fire Code, except for the modifications listed in Chapter 8 of the Code.

#### Town of Apple Valley Emergency Operations Plan (2014)

The Emergency Operations Plan (EOP) is intended to guide the Town's response to emergency situations associated with large-scale natural and human-made disasters, including hazardous material incidents. The EOP is compliant with the California Standardized Emergency Management System (SEMS), which enables



a multiple agency response to an incident, and the National Incident Response Management System (NIMS), which is intended to standardize responses across federal, state, and local agencies.

#### Town of Apple Valley Local Hazard Mitigation Plan (2017)

The Local Hazard Mitigation Plan (HMP) is intended to reduce and/or eliminate the loss of life and property in the occurrence of a natural hazard. The HMP identifies local risks and vulnerability associated with natural disasters, and establishes long-term strategies to protect residents and properties from these hazards.

### **2.10.4 Environmental Setting**

The California Health and Safety Code (HSC) defines a 'hazardous material' as "a substance or waste, that, because of its physical, chemical, or other characteristics, may pose a risk of endangering human health or safety or of degrading the environment".<sup>3</sup> In this section, the term "hazardous materials" refers to both hazardous substances and hazardous waste.

The improper use, disposal, and management of hazardous and toxic materials is essential to avoid the impacts associated with accidental spills, illegal dumping, or other uncontrolled discharges of these materials. Hazardous waste refers to byproducts of industrial, manufacturing, agricultural, and other uses which, if improperly managed, pose a substantial or potentially substantial hazard to human health or the environment. Additionally, hazardous waste is ignitable, corrosive, reactive, toxic, or listed on state or federal lists.

The HSC defines a hazardous waste site (priority tier one) as a site which:

- (A) "may pose a known or probable threat to public health or safety through direct human contact,"
- (B) "poses a substantial probability of explosion of a fire or a significant risk to due hazardous air emissions,"
- (C) "has a high potential to contaminate or continue to contaminate groundwater resources that are present or possible future sources of drinking water," or
- (D) poses a "risk that the cost of a response action will increase rapidly or risks to human health or safety or the environment will increase significantly if response action is deferred."<sup>4</sup>

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<sup>3</sup> California Health and Safety Code, Section 25260 (d)

<sup>4</sup> California Health and Safety Code, Section 25356 (c)(1)

The federal government and the State of California require any business that stores hazardous materials above a specified quantity to prepare a Hazardous Materials Management Plan. Businesses and facilities that involve hazardous or toxic substances must also report chemical releases and transfers of toxic waste to off-site locations, as well as pollution prevention and chemical recycling activity. The resulting data regarding the location of properties that handle or produce hazardous materials is managed in a database by the U.S. Environmental Protection Agency.

Regulations defining hazardous materials are established by both State and federal agencies. The State regulates these materials through the Hazardous Waste Control law (Chapter 6.5 of Division 20 of the Health and Safety Code) and Title 26 of the California Code of Regulations. These laws list more than 800 potentially hazardous materials and establish criteria for their identification, packaging, and disposal. In order to dispose of hazardous materials, a transport manifest must be filed with the California Department of Toxic Substance Control.

### **2.10.5 Existing Conditions**

#### Victorville Precision Bombing Range

The Project site was previously part of the Victorville Precision Bombing Range No. 1 (PBR1) and is now designated as a Formerly Used Defense Site (FUDS). The northeastern portion of the Project site was part of a target within the Range, and evidence of debris from these activities remains on the site.

While initial assessments by the Department of Defense (DOD) declared the site free and clear of explosives and explosive objects, subsequent surveys have found a “marginal” potential for explosive hazards on site and potential for munitions constituents’ contamination present in the soil.

#### Airports

The NAVISP planning area encompasses the Apple Valley Airport, a County airport that does not include commercial flights. According to the Town of Apple Valley General Plan, the airport has a moderate to high potential for hazardous material spills. The Apple Valley Airport is governed by the Comprehensive Airport Land Use Compatibility Plan. The Project site occurs outside the airport’s Overlay Districts, A-1 and A-2, where development conflicts are regulated.

#### Transportation of Hazardous Materials

There are three hazardous materials transportation corridors in the Town of Apple Valley: the Atchison Topeka & Santa Fe Railroad, U.S. Interstate 15, and State Route 18. These routes have the potential to be involved in the transport of hazardous materials and could thus be subject to the associated risks.

### Proximity to Schools

The Project is located in an area zoned for industrial land uses. It is approximately 4 miles north of the nearest schools: Sycamore Rocks Elementary School, Phoenix Academy, and Apple Valley Christian Academy.

### Evacuation Routes

Evacuation routes from the Project can be accessed via Dale Evans Parkway, a major local roadway. Major emergency routes in the Town include Central Road, Highway 18, and Interstate 15. Dale Evans Parkway runs parallel to Central Road, intersecting with Highway 18 to the south and I-15 to the north.

## **2.10.6 Project Impacts**

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

The Project proposes the development of a warehouse and distribution facility. Construction of the Project could involve the use of some hazardous and flammable substances, such as vehicle fuels and oils for the operation of heavy equipment. Other materials required for the potential emergency maintenance of heavy equipment may also be required on-site during construction, however such materials would not be in quantities or stored in a manner that would pose a significant hazard to the public. All potentially hazardous materials used during construction of the proposed development must be stored, used, and disposed of in accordance with manufacturers' instructions and handled in compliance with applicable federal, State, and local regulations.

As described below, the site will require the removal of metal, scrap and other materials associated with the bombing target on the northeastern corner of the property. All the identified scrap seemed to be associated with 100-pound sand-filled bombs equipped with spotting charges. The investigation did not find any energetic materials or intact bombs, and no contaminated soils were identified. However, as required in Mitigation Measure HAZ-6, all materials removed from the site will be disposed of off-site according to the required removal plan, in a manner consistent with local, state and federal law, and to a site permitted to receive such materials.

The Project, once constructed, will likely use cleaners and solvents as part of daily cleaning and maintenance operations, but is not expected to transport, use or dispose of large quantities of hazardous materials. However, given the cold storage component of the proposed warehouse facility, the Project will likely require the use, storage, and potential transport of refrigerants. According to the

U.S. EPA, while most refrigerants are toxic, flammable, and/or highly reactive, system design, engineering controls, and other strategies mitigate the risks associated with these substances, which are governed by County, State and federal law and regulations.<sup>5</sup> In order to ensure the safe use and handling of refrigerants, the Project will be required to comply with Title 24 §605 Mechanical Refrigeration of the California Fire Code, in addition to applicable federal, State and local regulations, including the Hazardous Materials Transport Act, the Resource Conservation and Recovery Act (RCRA), California Occupational Safety and Health Administration, California Fire Code and Division 20, Chapter 6.5, of the Health and Safety Code, described above.

The end user of the Project is not yet known. If the Project were to be occupied by a user that was required to transport, use, or dispose of hazardous materials, that user would be subject to federal, State and local regulations pertaining to the handling, storage, and transportation of hazardous and toxic materials. These regulations would include the Hazardous Material Transportation Act, the Resource Conservation and Recovery Act, the California Hazardous Waste Control Act, and the programs run through the local CUPA, described above, which control the use, transport and disposal of such materials. Adherence to these regulations would ensure that adequate operational safety and emergency response measures will be implemented, and that any hazards to the public or the environment that could result from the transport, use, or disposal of hazardous materials will be minimized.

Overall, Project-related impacts will be less than significant because significant transport, use, and disposal of large quantities of hazardous materials, other than refrigerants and substances used during construction, is not expected. Where hazardous materials are used, compliance with federal, State, and local regulations will ensure that the public and the environment are not subject to significant hazards.

***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? and***

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

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<sup>5</sup> United States Environmental Protection Agency, Significant New Alternatives Policy (SNAP), Refrigerant Safety, <https://www.epa.gov/snap/refrigerant-safety>.

The eastern portion of the Project site was used by the U.S. Army as part of a practice aerial bombing range during the 1940s. As a result, the subject property is included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Specifically, the site is listed on the Formerly Used Defense Sites (FUDS), unexploded ordnance (UXO), and EnviroStor databases as the Victorville Precision Bombing Range No. 1 (PBR No.1). The inclusion of the Project site on these databases indicates that it could have the potential to create a significant hazard.

Given this potential hazard, six previous reports prepared between 1996 and 2008 have studied the subject site. These reports found the potential for soil contamination, as well as a marginal potential for explosive hazards, in connection with the munitions debris on the property. A previous site inspection which identified debris on-site as potentially contaminating the soil with munitions constituent, concluded that there is no associated risk of contaminated soils.<sup>6</sup> Most recently, an Ordnance Investigation and Phase 1 ESA were prepared for the Project, the results of which are discussed below.

To assess the potential hazards associated with the proposed development, Northgate, Inc., performed a Phase 1 ESA of the Project site, including the review of historical information regarding the property, reconnaissance of the property and its vicinity, review of regulatory agency files for the property, evaluation of potential Recognized Environmental Conditions (RECs), and development of conclusions and recommendations where applicable. A REC refers to the presence of any hazardous substance on a property "due to release to the environment; under conditions indicative of a release to the environment; or under conditions that pose a material threat of a future release to the environment."<sup>7</sup>

An ordnance investigation, also prepared by Northgate, Inc. for the Project, found ordnance-related scrap on the northeastern portion of the site, in proximity to the location of the former Victorville Precision Bombing Range target. All the identified scrap seemed to be associated with 100-pound sand-filled bombs equipped with spotting charges. The investigation did not find any energetic materials or intact bombs. No ordnance-related scrap was found outside of the vicinity of the former target in the northeast corner of the site. Based on the results of the investigation, no further MEC investigation was deemed necessary.

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<sup>6</sup> Inspection conducted by Parsons for the USACE in 2008. Cited in the Phase 1 Environmental Site Assessment by Northgate, Inc.

<sup>7</sup> Phase 1 Environmental Site Assessment – SkyView Property – Lafayette Street, Apple Valley, California (September 2022), prepared by Northgate Environmental Management, Inc.

The presence of munitions debris could, if energetic or intact, result in upset or accident, which would represent a potentially significant impact. Because the ordnance-related scrap observed on the Project site was not energetic or intact, and is assumed to have little explosive hazard potential, the risk is greatly reduced. However, because it cannot be guaranteed that none of the scraps on site are potentially hazardous, the Phase 1 ESA and Ordnance Investigation provide mitigation measures to further reduce the risk of potential upset or accident.

Clearance and avoidance are recommended as the primary techniques for dealing with the debris. The recommended mitigation measures include actions to be implemented before, during, and after ground disturbing activities. A Removal Action Workplan should be prepared prior to construction outlining steps for the avoidance and/or removal of munitions debris (MD), as well as munitions and explosives of concern (MEC) if present, as necessary during the development of the subject property (Mitigation Measure HAZ-1). This Plan will include technical recommendations for the safe removal of the existing debris, prior to any grading on the site, in order to assure that development of the Project will not be impacted by existing MD. The Phase 1 ESA also recommends that the Project prepare a post-construction Soil Management Plan detailing procedures and protocols for future excavation and maintenance, as provided in Mitigation Measure HAZ-2.

Mitigation measures HAZ-3 to HAZ-11 describe best practices to safely conduct intrusive grading operations, safe handling and disposal of ordnance-related scrap when encountered, general recommendations to avoid contact with ordnance-related metal, and safety measures if energetic materials are encountered.

Where intensive excavations are required, an Unexploded Ordnance Technician should be present on site to oversee the safe handling and disposal of ordnance-related scrap. Furthermore, to minimize the potential that future workers come into contact with ordnance related materials, it is recommended that a minimum of two feet of fill be placed between the final elevation and native soil in the high anomaly area.

Overall, the primary potential hazard identified in the Phase 1 ESA was the presence of the ordnance-related REC on the site. While the ESA noted the storage and disposal of hazardous materials on the Wal-Mart facility immediately to the north of the Project site, no associated threats to the subject property were identified. The Phase 1 ESA and Ordnance Study identified the hazards, and recommended mitigation measures, included below, to reduce the impacts associated with the FUDS site to less than significant levels.

### Summary

The Project site is located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. However, while ordnance-related scraps were identified on site, no munitions or explosives of concern (MEC) were found, and no further MEC investigation was deemed necessary. With the preparation of a Removal Action Workplan (Mitigation Measure HAZ-1) and a Soil Remediation Plan (Mitigation Measure HAZ-2), as well as the implementation of mitigation measures HAZ-3 to HAZ-11, the Project is not anticipated to create a hazard to the public or the environment, including as a result of the release of hazardous materials. Impacts will be less than significant with mitigation.

#### **f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.**

Apple Valley's Emergency Operations Plan integrates with the Town's General Plan, zoning regulations, and other plans. Given that the Project's proposed industrial land uses align with the policies established in the NAVISP, it can be assumed that the Project will not interfere with the Emergency Operations Plan.

The Project occurs on existing Town streets – Dale Evans Parkway, Burbank Avenue, Lafayette Street, and Dachshund Avenue. Currently, Dale Evans Parkway is a major arterial with a 142 ft ROW, with 112 ft paved width which is only partially built out. Dale Evans Parkway is currently one of two roads that traverse the entire NAVISP planning area north-south, and is thus an essential access route for the industrial area. It would accordingly serve as the emergency access route for the Project. According to the Town's Local Hazard Mitigation Plan, interstates serve as major emergency response and evacuation routes.<sup>8</sup> Dale Evans Parkway would connect the Project site to Interstate 15 and Interstate 18 (Happy Trails Highway). The proposed development would not impede access to major evacuation routes, and would improve Dale Evans Parkway to its General Plan half-width, improving emergency access in the NAVISP. During construction, temporary partial closure of a lane on Dale Evans Parkway may be required for widening, but no full closure of the roadway would be required. Lane closure would be subject to a traffic management plan, required as part of the encroachment permit for the roadway improvements. This Town requirement will assure that impacts associated with access to this evacuation route are less than significant.

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<sup>8</sup> Town of Apple Valley Local Hazard Mitigation Plan 2017 Update, p.4-76.

Lafayette Street, Burbank Avenue, and Dachshund Avenue are all currently unpaved. Lafayette Street is planned to be a secondary road with two lanes of traffic and two lanes of parking. The Project will be required to improve the streets on all four of its boundaries to Town standards. Improvements to the streets surrounding the Project will ensure that the adequate access to emergency evacuation routes is available. Additionally, the Project provides multiple access points that can be used by emergency responders to access the site and building.

Overall, the Project does not propose to alter an emergency evacuation route, nor would it impede implementation of an emergency response plan. The proposed development would continue the pattern of industrial park development consistent with the NAVISP, would not interfere with or impair the Town's emergency response capability, and would improve roadways resulting in improved access in the area. Impacts are therefore anticipated to be less than significant.

### **2.10.7 Mitigation Measures**

- HAZ-1** A Removal Action Workplan will be prepared and implemented for the avoidance and/or removal of MD (and MEC if present) as necessary prior to the development of the property.
- HAZ-2** A post-construction Soil Management Plan (SMP) detailing procedures will be prepared in order to minimize the potential for future workers to come into contact with ordnance related materials. The SMP will be prepared following completion of construction and would contain the procedures and protocols for future excavations at the site.
- HAZ-3** During intrusive grading operations in the target and high-density area (within 250 feet of the target area), full time construction support using a two-man technician crew (Unexploded Ordnance [UXO] Technician) will be performed to identify any ordnance related scrap or MEC items.
- HAZ-4** In the target/high density area, as defined in Appendix G, the area shall be cleared using excavation, stockpiling and sifting to remove the ordnance-related scrap metal. A depth of 3 feet below final elevation is recommended for this operation. The cleared soil will then be returned to this area.



- HAZ-5** Intrusive work in the target/high density area for stormwater transfer line and drainage (after clearance) should be performed by excavator or backhoe equipment in the presence of the construction support technician (Unexploded Ordnance [UXO] Technician).
- HAZ-6** Ordnance related scrap encountered during intrusive excavations will be collected, inspected, properly handled, and disposed of by the construction support technicians.
- HAZ-7** In the area(s) where fill will be placed in the target/high density area, the fill should be a minimum of 2 feet thick.
- HAZ-8** All construction personnel shall be trained to avoid coming in contact with ordnance-related metal whenever possible.
- HAZ-9** In proposed fill areas, utilize grading techniques that are not intrusive into the subgrade.
- HAZ-10** Excavation of the soil for clearance and stockpiling operations can be performed using a bulldozer and loader to create the stockpiles for sifting.
- HAZ-11** If any items are identified as containing energetic materials, the MEC Unexploded Ordnance [UXO] Technicians will assess the item and dispose of the materials according to professional standards and consistent with local, State and federal requirements.

### **2.10.8 Significance After Mitigation**

With the implementation of mitigation measures H-1 to H-11, impacts will be less than significant.

### **2.10.9 Cumulative Impacts**

Hazardous materials and risk of upset conditions are generally site-specific and would occur on a case-by-case basis for each individual project. The former Victorville Precision Bombing Range No. 1 (PBR No.1) overlapped property lines, thus impacting multiple sites, including sites in the Project vicinity – the Project site, sites to the north and northeast, and the adjacent property to the east. However, the site immediately east has already been developed into an industrial use, and thus subject to its own CEQA review process and associated mitigation measures. All new developments in the vicinity of the Project will also be required to independently evaluate hazards and other threats to the public and the

environment, and implement mitigation measures similar to those imposed on the Project, to assure that ordnance present on those sites does not result in a significant impact.

The Project is not anticipated to transport hazardous materials, and thus will not contribute to any associated cumulative impacts. If it were to, it and all other projects would be subject to the same regulations and standards, and all would, as a result of these regulations and standards, operate in a manner intended to mitigate the impacts of hazardous materials transport.

While the continued development of projects in the NAVISP will potentially create additional demand on emergency evacuation routes, the road improvements required from the Project and all future projects will minimize any cumulative impacts to the capacity of the routes.

Overall, compliance with local, state, and federal laws pertaining to hazards and hazardous materials at the individual project level will ensure that cumulative impacts would be less than significant and not cumulatively considerable.

## **2.11 Hydrology and Water Quality**

### **2.11.1 Introduction**

This section describes existing hydrological conditions, including groundwater, surface water, water quality, stormwater, and flooding conditions within the Project area, and evaluates potential impacts to hydrology and water quality that could result from implementation of the Project. The analysis in this section is based on the review of existing resources, applicable laws and regulations, and the Preliminary Drainage Report<sup>1</sup> (Appendix H) prepared for the Project.

### **2.11.2 Thresholds of Significance**

The following thresholds or criteria are those recommended in §15064.7 of the CEQA Guidelines and Appendix G of the Guidelines, and are used to determine if and to what extent a project may have a potentially significant impact on area hydrology and water resources. The Project would have a significant effect if it would:

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

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<sup>1</sup> "Hydrology Study for Redwood West APNs: 0463-231-11 thru 16 and 34 thru 37.", prepared by Merrell-Johnson Companies, September 2022.

- 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.

The Initial Study determined that the Project would result in “No Impact” for threshold question d) above, because Apple Valley is not at risk of tsunami or seiche. Therefore, it is not analyzed further in this EIR.

### **2.11.3 Regulatory Framework**

#### **Federal**

The Project site does not include waters under federal jurisdiction (“Waters of the US” or WOTUS) and is therefore not under the jurisdiction of the US Army Corps of Engineers. Nonetheless, the drainages are under the jurisdiction of the California Regional Water Quality Control Board, which is responsible for administering Section 401 of the federal Clean Water Act (CWA), which is described below. Relevant federal regulation is briefly described below.

#### Clean Water Act

The Clean Water Act (CWA) was enacted by Congress in 1972 and amended several times since inception. It is the primary federal law regulating water quality in the United States and forms the basis for several state and local laws throughout the nation. Its objective is to reduce or eliminate water pollution in the nation’s rivers, streams, lakes, and coastal waters. The CWA prescribes the basic federal laws for regulating discharges of pollutants and sets minimum water quality standards for all “waters of the United States.”

Several mechanisms are employed to control domestic, industrial, and agricultural pollution under the CWA. At the federal level, the CWA is administered by the U.S. Environmental Protection Agency (USEPA). At the state and regional level, the CWA is administered and enforced by the State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCB). The State of California has developed several water quality laws, rules, and regulations, in part to assist in the implementation of the CWA and related federally mandated water quality requirements. In many cases, the federal requirements set minimum standards and policies, and the laws, rules, and regulations adopted by the State and regional boards exceed the federal requirements.

CWA Section 303(d) lists polluted water bodies which require further attention to support future beneficial uses. For each listed water body, the State of California is required to establish Total Maximum Daily Load (TMDL) criteria for the pollutant(s) causing conditions of impairment.

#### National Pollutant Discharge Elimination System

The CWA has nationally regulated the discharge of pollutants to the waters of the U.S. from any point source since 1972. In 1987, amendments to the CWA added section 402(p), which established a framework for regulating nonpoint source (NPS) stormwater discharges under the National Pollutant Discharge Elimination System (NPDES). The Phase I NPDES stormwater program regulates stormwater discharges from industrial facilities, large and medium-sized municipal separate storm sewer systems (those serving more than 100,000 persons), and construction sites that disturb five or more acres of land. Under the program, the project sponsor is required to comply with two NPDES permit requirements.

The NPDES General Construction Permit Requirements apply to clearing, grading, and disturbances to the ground, such as excavation. Construction activities on one or more acres are subject to a series of permitting requirements contained in the NPDES General Construction Permit. This permit requires the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that includes Best Management Practices (BMPs) to be implemented during project construction. The NPDES program provides two levels of control for the protection of water quality: technology-based limits and water quality-based limits. Technology-based limits are based on the ability of dischargers to treat the water, while water quality-based limits are required if technology-based limits are not sufficient to protect the water body. The water quality-based effluent limitations required to meet water quality criteria in the receiving water are based on the National Toxics Rule, the California Toxics Rule, and the Basin Plan (see below under Porter-Cologne Water Quality Control Act).

#### Regional Water Quality Control Board – 401 Certification

Pursuant to Section 401 of the CWA, in order for an applicant to conduct any activity that may result in discharge into navigable waters, the applicant must provide a certification from the RWQCB that such discharge will comply with State water quality standards. In 2019, the California State Water Resources Control Board (State Board) approved a common definition for California wetlands and a regulatory program that amends and expands the permit requirements for the discharge of dredge or fill materials that impact or could impact state waters. The RWQCB has a policy of no-net-loss of wetlands and typically requires mitigation for all impact to wetlands before it will issue water quality certification. To meet RWQCB 401 Certification standards, it is necessary to address all hydrologic issues related to a project, including:

- Wetlands;
- Watershed hydrograph modification;
- Proposed riverine related modifications; and
- Long term post-construction water quality.

## **State**

### Porter-Cologne Water Quality Control Act (PCWQCA)

California's primary statute governing water quality and water pollution issues is the Porter-Cologne Water Quality Control Act of 1970 (Porter-Cologne Act). The Porter-Cologne Act grants the State Water Resource Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs) broad powers to protect water quality and is the primary vehicle for implementing California's responsibilities under the federal CWA. The Porter-Cologne Act grants the SWRCB and the RWQCBs authority and responsibility to (1) adopt plans and policies; (2) regulate discharges to surface water and groundwater; (3) regulate waste disposal sites; and (4) require cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also establishes reporting requirements for unintended discharges of any hazardous substance, sewage, and oil or petroleum products.

Each RWQCB must formulate and adopt a water quality plan (or Basin Plan) for its region. The regional plans conform to the policies set forth in the Porter-Cologne Act and those established by the SWRCB in its State Water Policy. The Porter-Cologne Act also enables the RWQCBs to include water discharge prohibitions applicable to particular conditions, areas, or types of waste within its regional plan. The RWQCBs are also authorized to (1) enforce discharge limitations; (2) take actions to prevent violations of these limitations from occurring; and (3) conduct investigations to determine the quality of any of the waters of the State. Civil and criminal penalties are imposed on persons who violate the requirements of the Porter-Cologne Act or any SWRCB/RWQCB orders.

The Town of Apple Valley (and most of the Victor Valley) is located within the jurisdiction of the Lahontan Regional Water Quality Control Board (RWQCB) which has the authority to implement water quality protection standards through the issuance of permits for discharges to waters at locations within its jurisdiction. In this jurisdiction, all discharges to surface waters are subject to the Water Quality Control Plan for the Lahontan Region (Basin Plan).

### California Streambed Alteration Agreement

Sections 1600–1616 of the California Fish and Game Code require that any entity that proposes an activity that would substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake; or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, must notify the California Department of Fish and Wildlife (CDFW). The CDFW would require a Lake or Streambed Alteration Agreement if the Department determines that the alteration may adversely affect fish and wildlife resources. The Agreement includes conditions necessary to protect those resources. The Agreement applies to any stream, including ephemeral streams and desert washes.

### **Regional/Local**

#### Lahontan Regional Water Quality Control Board (RWQCB)

The Town is under the jurisdiction of the Lahontan RWQCB, which is responsible for the preparation and implementation of the water quality control plan for the basin. The Basin Plan defines the beneficial uses, water quality objectives, implementation programs, and monitoring and assessment programs for the waters in the region. Specifically, the Basin Plan designates beneficial uses for surface water and groundwater; sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state's anti-degradation policy; describes implementation programs to protect the beneficial uses of all waters in the region; and describes surveillance and monitoring activities to evaluate effectiveness of the Basin Plan.

The Lahontan RWQCB issues permits (i.e., waste discharge requirements and master reclamation permits) which require that waste and reclaimed water not be discharged in a manner that would cause an exceedance of applicable water quality objectives or adversely affect beneficial uses designated in the Basin Plan. The Lahontan RWQCB enforces these permits through a variety of administrative means.

#### Mojave Region Integrated Regional Water Management Plan (2014)<sup>2</sup>

The regional Integrated Regional Water Management Plan (IRWMP) was developed by the Mojave Water Agency (MWA) and has been periodically updated by the Regional Water Management Group and was last updated in 2018. The Region's groundwater basins contain numerous areas with water quality issues including arsenic, nitrates, perchlorate and hexavalent chromium.

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<sup>2</sup> "Mojave Region 2014 Integrated Regional Water Management Plan 2018 Amendments", prepared for the Mojave Water Agency by the Kennedy-Jenks Consultants, May 2018.

Some of these are noted as being naturally occurring in the desert environment while others are associated with human activities. Objectives of the IRWMP include: adapting to changes in the amount, intensity, timing, quality and variability of runoff and recharge. Portions of the Mojave Basin and subbasins have been adjudicated. Apple Valley is located within the Alto Subarea of the Basin. The Mojave IRWMP integrates components address all aspects of water management in the Region, including, but not limited to, water supply, water quality, wastewater, recycled water, water conservation, storm water/flood management, watershed planning, climate change, habitat protection and restoration, and stakeholder and public outreach.

#### Apple Valley General Permit NPDES No. CAS000004 (MS4 Permit)

The Town is subject to requirements of the Municipal Separate Storm Sewer System Permit, General Permit NPDES No. CAS000004 (MS4 Permit) issued by the State Water Resources Control Board. The MS4 Permit requires the Town to impose requirements on *New Development* and *Redevelopment Projects* to implement post-construction best management practices (BMPs) to mitigate potential adverse impacts to water quality and downstream channels.

To implement MS4 Permit provisions for post-construction BMPs, the Town requires development projects to prepare a Water Quality Management Plan (WQMP), if applicable. The WQMP is a contract with the Town, which describes the project and identifies all post-construction BMPs that will be implemented to minimize the discharge of pollutants and excess stormwater runoff. The WQMP also requires an operation and maintenance plan and an executed and recorded Maintenance Agreement to ensure long-term BMP performance.

#### Liberty Utilities Urban Water Management Plan (UWMP)

The proposed Project and most of the Town are located within the 50± square mile service area of Liberty Utilities Corp., a private water company. Liberty is also a stakeholder and partner in the Mojave Region Integrated Regional Water Management Plan described above. The Liberty UWMP is an “Individual UWMP” and not part of a regional alliance. However, Liberty coordinated the preparation of its 2020 Plan with the Golden State Water Company, MWA, State Water Resources Control Board – Division of Drinking Water, the Town of Apple Valley, the City of Victorville, and San Bernardino County. Liberty Utilities is a sub-agency of MWA, a wholesale agency. Liberty Utilities provides domestic water from potable wells within its service area. Liberty also provides water for agricultural purposes from groundwater wells which are separate from Liberty Utilities’ potable water system. All wells are located in the Mojave Basin Area. Groundwater is the only source of water supply for the Liberty Utilities’ distribution system.



### Apple Valley General Plan

The Town General Plan sets forth goals, policies and programs that address issues associated with flooding and hydrology, and with water resources and quality. The Flooding and Hydrology Sub-Element is a part of the Safety Element and the Water Resources Sub-Element is found within the Environmental Resources Element.

The Town's General Plan Environmental Hazards Element addresses potential hazards faced by the City, including the hydrological conditions and flooding issues in the City and surrounding areas. The element contains numerous policies to address and minimizing flooding threats and encourage conservation of hydrological resources. The following are most relevant to the proposed Project:

### **Safety Element**

**Program 1.A.1** Implement the recommendations of the 1991 Apple Valley Master Plan of Drainage and the 1994 Apple Valley West/Desert Knolls Master Plan of Drainage.

**Program 1.A.4** As part of project development, all new development shall be required to complete on site drainage improvements at their expense.

**Policy 1.D** All new development within the Town shall be required to incorporate adequate flood mitigation measures, including the adequate siting of structures located within flood plains, grading that prevents adverse drainage impacts to adjacent properties, and on-site retention of runoff.

**Program 1.D.1** The retention of stormwater on a project site shall be enforced through the development review process and routine site inspection.

### **Environmental Resources Element**

**Policy 1.A** The Town shall coordinate land development and assure a balance of development and water supply that ensures the long-term maintenance of an adequate supply of water, and its continued high quality.

**Policy 1.B** To ensure that overall and per capita water demand from new development is reduced, the Town shall continue to require the use of drought-tolerant, low water consuming landscaping, intelligent irrigation controllers, and other water-conserving strategies and technologies in irrigated areas.

**Program 1.B.1** The Town shall, by requiring the use of native and other drought-tolerant planting materials, and efficient irrigation systems, continue to implement its Water Conservation/Landscaping Regulations.

**Policy 1.C** The Town shall continue to coordinate with the Building Industry Association and other members of the building industry to encourage the use of faucets, showerheads and appliances that exceed Titles 20 and 24 water efficiency requirements.

**Program 1.C.2** Continue to implement the Town's Water Conservation/Landscaping Regulations to optimize conservation and comply with State Assembly Bill 325 (AB 325), by requiring the use of native and other drought-tolerant planting materials and efficient irrigation systems.

**Policy 1.D** To the greatest extent practicable, the Town shall direct new development to provide irrigation systems that are able to utilize reclaimed water, when available, for use in common area and streetscape landscaping.

**Program 1.F.1** Require that the development and maintenance of project-specific on-site stormwater retention/detention basins implements the NPDES program, enhances groundwater recharge, complements regional flood control facilities, and addresses applicable community design policies subject to all applicable regulations, standards and guidelines.

#### **2.11.4 Environmental Setting**

The Project planning area and the Victor Valley in general are located in an arid, high elevation desert characteristic of the Mojave Desert. Meteorological conditions in Apple Valley are largely attributed to its geographic setting, with surrounding mountains effectively isolating the Town from moderating coastal influences and creating a hot and dry desert environment. Strong winds out of the west and southwest from 7 to 15 miles per hour are common and occur due to the buildup of a thermal low pressure area.

Temperatures in the low-lying areas of Apple Valley range from the lower teens during winter months to highs above 100°F during summer months. In the Apple Valley area the average annual rainfall is approximately 7.5 inches, with higher mountain slopes receiving as much as 30 inches of rainfall per year. Precipitation is often short and intense in the adjacent mountains; therefore, torrential run-off may occur, with considerable sediment deposition on the valley floor.

Apple Valley and the surrounding areas are, like most of southern California, subject to unpredictable seasonal rainfall. Most years, the scant winter rains are barely sufficient to turn the hills green for a few weeks, but every few years the region is subjected to periods of intense and sustained precipitation that results in flooding. The “wetter season” lasts about four months, running from November to March, with a greater than 9 percent chance of a given day being a wet day. February is the wettest month, with an average of 4.3 days with at least 0.04 inches of precipitation.

The drier season lasts 8 months, from March to November. The month with the fewest wet days in Apple Valley is June, with an average of 0.3 days with at least 0.04 inches of precipitation.

### **2.11.5 Existing Conditions**

The Apple Valley watershed encompasses 98± square miles that drain into the Apple Valley Dry Lake. It is generally bounded by the Ord Mountains to the south, the Granite and Fairview Mountains on the east, and Black Mountain on the north. A portion of the westerly boundary is defined by Bell Mountain and by Catholic Hill (just south of Corwin Road and east of Rimrock), while the remaining westerly Town boundary follows a ridge line between Apple Valley and Victorville. Apple Valley has steep impervious mountains with incised channels on the perimeter of the watershed, and the remainder of the watershed is valley floor which slopes gently to the dry lake.

The NAVISP planning area's natural drainage features, including those tributary to the Project site, have been altered to some extent due to the introduction of roadways and the incremental development taking place in the area. The subject property is in a natural state. Hendale-Bryman loamy sands are predominant across the Project site and are a series of the Aridosol Soil Order occurring on 0 to 2 percent slopes. These soils are found on terraces and older alluvial fans, and are formed by the mixing of alluvium derived mainly from granite sources in combination with erosion caused by wind and water.

Almost all waters in Apple Valley, except the extreme northwest, drain into the Apple Valley Dry Lake, which is located 1.25± miles south of the Apple Valley Airport's crosswinds (east-west) runway. The dry lake area extends about a mile to the south, over a mile to the west, and almost two miles to the east. The NAVISP area drains naturally from the northeast to the southwest, and slopes are generally one percent or less throughout the area.

At the Project site, the tributary watershed areas extend westerly and northeasterly from the western property boundary and encompass approximately 130.8 acres. Storm runoff from the north originates from a master planned facility built in conjunction with the Walmart warehouse development immediately north of the Project site. Runoff is intercepted north of the blue line stream entering the Project site, crosses Johnson Road and is routed through the Walmart property's on-site drainage improvements. This drainage channel is designed to accommodate the calculated 100-year runoff flow of approximately 2,091 cubic feet per second (cfs) at the northern boundary of the Project site, crossing Lafayette Street.

Point rainfalls for the 100-year storm were obtained from the NOAA Atlas 14 per the 2010 Addendum to the County Hydrology Manual. The 100-year 1-hour point rainfall for the site is 1.08". Tributary off-site flows come from the west and northwest and are intercepted within the existing improvements of Dale Evans Parkway and Lafayette Street. These flows are conveyed along the northern project frontage to a low point on Lafayette Street. The runoff flows southerly across the subject property, following its historical flow path to the southern property line where it exits the Project site. This flow path follows the drainage course of facility N-04 as outlined in the Apple Valley Master Plan of Drainage.

## **Inundation Hazards**

### Flood Hazards

Flood Hazard Areas are those areas which have statistical chance of flooding once in 100 years or which have a 1% chance of occurring in any given year. The flood hazard mapping also depicts areas subject to flooding in a 500-year storm event, which is defined as the Standard Project Flood (SPF), which has 0.2% chance of occurring in any given year. The Project site lies outside FEMA-mapped 100-Year flood zones.

### Water Supply Contingency Planning

A Water Supply Assessment<sup>3</sup> (WSA) was prepared for the proposed Project and submitted to the local water purveyor, Liberty Utilities Corp. for review and approval. Liberty Utilities' plan for water usage during periods of shortage is designed to incorporate six standard water shortage levels. As shown in **Table 2.11-1** below, these levels correspond to progressive ranges from up to 10, 20, 30, 40, and 50 percent shortages, and greater than 50 percent shortage. Liberty Utilities' water shortage plan requires customer to reduce their consumption by

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<sup>3</sup> "Water Supply Assessment for the Development at Lafayette Street and Dale Evans Parkway", prepared by Terra Nova Planning & Research, Inc., November 16, 2022. Approved by Liberty Utilities Corp December 12, 2022.

the percent corresponding to the declared shortage level. Liberty Utilities may enact additional demand reduction actions such as restrictions to irrigation and other outdoor water use and rate structure changes.<sup>4</sup>

**Table 2.11-1  
Urban Water Shortage Contingency Plan  
Shortage Levels**

<b>2020 Shortage Level</b>	<b>Percent Shortage Range</b>
1	≤10%
2	10 to 20%
3	20 to 30%
4	30 to 40%
5	40 to 50%
6	> 50%

Source: Liberty Utilities Urban Water Management Plan (2020),  
p.8-9

### **2.11.6 Project Impacts**

The proposed Project has been designed in a manner comparable to that used in the drainage plan for the Walmart warehouse development to the north. That project intercepts upstream flows and shunts them via an on-site facility west to a continuing drainage channel, which then turns south along the west edge of the Walmart development. This westerly channel then turns east along and parallel to Lafayette Street to a basin at a natural low point where these flows are allowed to natural sheet flow across this street and return to the current natural drainage pattern.

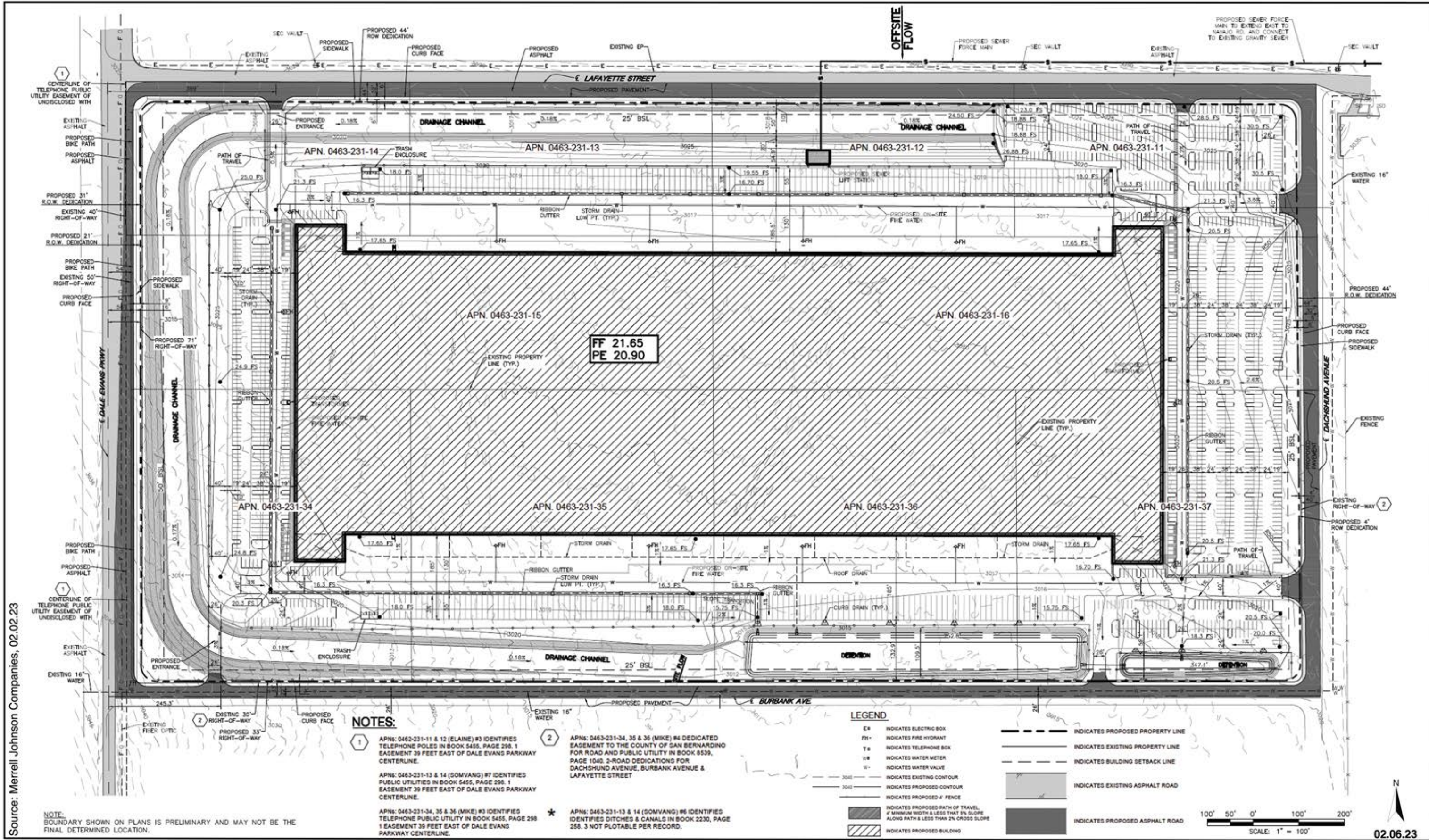
In a similar manner, the proposed Project would address tributary flows. As shown on Exhibit 2.11-1, Conceptual Grading Plan, off-site flows will be captured in an intercept channel to be located just south of and parallel to Lafayette Street. These flows are then conveyed westward and thence southward and eastward, shunting flows around the Project building and other facilities. From a linear channel and associated detention basin, these flows are allowed to naturally sheet flow across Burbank Avenue, which will be improved by the Project, and return to the current natural drainage pattern.

Proposed drainage channel improvements would be designed and constructed in accordance with San Bernardino County Flood Control District drainage channel design criteria and Town standards.

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<sup>4</sup> Liberty Utilities Urban Water Management Plan (2020), p.8-9.

The increased on-site runoff flow generated by the Project's impermeable surfaces, including rooftops and paved areas, will flow to on-site retention basins along the southern frontage of the Project and allowed to infiltrate. Excess runoff from larger storm events exceeding 100-year volumes will outlet as weir flow across Burbank Avenue following the historical drainage patterns.



Source: Merrell Johnson Companies, 02.02.23

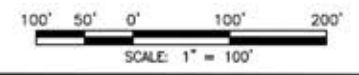
**NOTES:**

- ① APNs: 0463-231-11 & 12 (ELAINE) #3 IDENTIFIES TELEPHONE POLES IN BOOK 5455, PAGE 298. 1 EASEMENT 39 FEET EAST OF DALE EVANS PARKWAY CENTERLINE.
- ② APNs: 0463-231-34, 35 & 36 (MIKE) #4 DEDICATED EASEMENT TO THE COUNTY OF SAN BERNARDINO FOR ROAD AND PUBLIC UTILITY IN BOOK 8539, PAGE 1040. 2-ROAD DEDICATIONS FOR DACHSHUND AVENUE, BURBANK AVENUE & LAFAYETTE STREET
- APNs: 0463-231-13 & 14 (SOMVANG) #7 IDENTIFIES PUBLIC UTILITIES IN BOOK 5455, PAGE 298. 1 EASEMENT 39 FEET EAST OF DALE EVANS PARKWAY CENTERLINE.
- APNs: 0463-231-34, 35 & 36 (MIKE) #3 IDENTIFIES TELEPHONE PUBLIC UTILITY IN BOOK 5455, PAGE 298. 1 EASEMENT 39 FEET EAST OF DALE EVANS PARKWAY CENTERLINE.
- \* APNs: 0463-231-13 & 14 (SOMVANG) #6 IDENTIFIES DITCHES & CANALS IN BOOK 2230, PAGE 258. 3 NOT PLOTTABLE PER RECORD.

**LEGEND**

- EB INDICATES ELECTRIC BOX
- FH INDICATES FIRE HYDRANT
- TB INDICATES TELEPHONE BOX
- WB INDICATES WATER METER
- WV INDICATES WATER VALVE
- 3040 INDICATES EXISTING CONTOUR
- 3042 INDICATES PROPOSED CONTOUR
- INDICATES PROPOSED 4' FENCE
- INDICATES PROPOSED PATH OF TRAVEL 4' MINIMUM WIDTH & LESS THAN 3% SLOPE ALONG PATH & LESS THAN 2% CROSS SLOPE
- INDICATES PROPOSED BUILDING
- INDICATES PROPOSED PROPERTY LINE
- INDICATES EXISTING PROPERTY LINE
- INDICATES BUILDING SETBACK LINE
- INDICATES EXISTING ASPHALT ROAD
- INDICATES PROPOSED ASPHALT ROAD

NOTE: BOUNDARY SHOWN ON PLANS IS PRELIMINARY AND MAY NOT BE THE FINAL DETERMINED LOCATION.



02.06.23

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

A project would normally have a significant impact on surface water quality if discharges associated with its development would create pollution, contamination, or nuisance as defined in Section 13050 of the California Water Code (CWC) or would cause regulatory standards to be violated, as defined in the applicable National Pollution Discharge Elimination System (NPDES) stormwater permit or Water Quality Control Plan for the receiving water body. The proposed Project site is located in the Apple Valley Dry Lake watershed which drains into the terminal Apple Valley Dry Lake located approximately two miles to the south. All water providers in the watershed, including Liberty Utilities, are required to comply with the State Regional Water Quality Control Board (SWRCB) standards for the protection of water quality.

The proposed Project would result in the development of 1.2± million square feet of warehouse facilities, parking and drives, and drainage facilities. The Project will emulate the design strategy used at the Walmart warehouse project to the immediate north and will include facilities that capture and convey tributary flows through the Project site.

Town and Regional Water Quality Control Board reviews will ensure that construction and operational best management practices (BMPs) satisfy local, state, and federal standards. In addition, the Town will require preparation of a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the National Pollutant Discharge Elimination System (NPDES) prior to the issuance of grading permits.

A Water Quality Management Plan has also been prepared for the proposed Project.<sup>5</sup> The Project will be required to connect to the existing municipal sewer system in compliance with applicable standards that minimize impacts to regional groundwater quality. An on-site lift station and off-site force main are planned that will connect the Project to the municipal sewage collection system.

The implementation of existing regulations and standards will ensure that development in the Project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Impacts are expected to be less than significant.

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<sup>5</sup> "Water Quality Management Plan Prepared for RW AV, LLC Warehouse", prepared by Merrell-Johnson Companies. August 2022.



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

Based on the analysis in this Water Supply Assessment, the projected total water demand for the Project will be 65.42 acre-feet per year (AFY), which accounts for approximately 1.69 percent of Liberty Utilities' total planned increases in demand of 3,881 AF by 2045. This is a conservative estimate and actual Project water demand, which is primarily associated with landscape irrigation, is expected to be less. **Table 2.11-2** and **Table 2.11-3**, replicated from the Project WSA, summarize Project water demand.

**Table 2.11-2  
 Project Indoor Water Demand**

Use	Indoor Area (ft <sup>2</sup> )	Water Demand Factor(gal/SF/year) <sup>1</sup>	Water Demand (gpd)	Water Demand (AFY)
Office	60,377	35	5,789.58	6.49
Warehouse	1,147,167	3.4	10,685.94	11.97
<b>TOTAL</b>	<b>1,207,360</b>		<b>16,475.52</b>	<b>18.46</b>

<sup>1</sup> Office water demand factor from AWWA Commercial and Industrial End Uses of Water; Warehouse water demand factor from U.S. Energy Information Administration 2012 Commercial Buildings Energy Consumption Survey, Water Consumption in Large Buildings Summary.

**Table 2.11-3  
 Projected Landscape Irrigation Water Demand**

Planning Area	Landscaped Area (ft <sup>2</sup> )	ETo (in/yr) <sup>1</sup>	ETAF <sup>2</sup>	Conversion Factor (gal/ft <sup>2</sup> ) <sup>3</sup>	Water Demand (gpd)	Water Demand (AFY)
Project Wide	828,493	66.2	0.45	0.62	41,923.56	46.96
<b>TOTAL</b>	<b>828,493</b>				<b>41,923.56</b>	<b>46.96</b>

<sup>1</sup> Reference Evapotranspiration (ETo) from Town of Apple Valley Ordinance No. 479.

<sup>2</sup> Evapotranspiration Adjustment Factor (ETAF) from Town of Apple Valley Ordinance No. 479.

<sup>3</sup> Conversation Factor from Town of Apple Valley Ordinance No. 479.

The Project water purveyor supports local ordinances to reduce water waste, including the Town of Apple Valley's Ordinances No. 58 ("Water Conservation Plan"), which includes restrictions to watering hours, duration, and application, and No. 479, and regulates water management and waste prevention for existing landscapes.<sup>6</sup> In 2016 the Town adopted Ordinance No. 476 as an amendment to the existing code, ensuring compliance with the California

<sup>6</sup> Liberty Utilities Urban Water Management Plan (2020), p.9-4.

Model Water Efficient Landscape Ordinance (MWELO). MWELO (California Code of Regulations, Title 23) establishes practices to reduce the consumption of water for landscape irrigation of new developments.<sup>7</sup> The Project landscape plan includes a palette comprised of native and non-native drought-tolerant plants.

The WSA approved by the water purveyor demonstrates that sufficient water supplies will exist to meet the projected demands of the Project, in addition to current and future water demands within Liberty Utilities' service area in normal, single-dry, and multiple-dry years over a 20-year projection. This WSA has been prepared in compliance with the requirements of SB 610. This WSA does not relieve the Project from complying with all applicable state, county, city, and local ordinances, and performance standards provided in the CWC, which are designed to reduce water consumption to the greatest extent possible.

Based upon a comprehensive review of the Liberty Utilities 2020 Urban Water Management Plan and the Water Supply Assessment prepared for the Project, it will not substantially decrease groundwater supplies or interfere with groundwater recharge, nor will it otherwise substantially impede sustainable groundwater management of the basin serving the Project and area. Impacts will be less than significant.

***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;***

While the Project is crossed by two small drainages, it lies outside a FEMA-mapped flood hazard zone and is subject to limited off-site flows from a circumscribed tributary watershed area<sup>8</sup> (see Appendix H). Drainages crossing the site have a calculated 100-year runoff flow of approximately 2,091 cfs at the northern boundary of the subject property. The 100-year flood volumes will be contained in the proposed on-site channel system.

Stormwater runoff generated on site by Project improvements will be captured and retained in on-site retention/infiltration basins, and will not be co-mingled with tributary storm flows to be passed through the site. Tributary flows passed through the site will pool at the south end of the onsite drainage system, where

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<sup>7</sup> Town of Apple Valley Ordinance No. 479.

<sup>8</sup> "Hydrology Study for Redwood West APNs: 0463-231-11 thru 16 and 34 thru 37.", prepared by Merrell-Johnson Companies. September 2022.

desilting will also occur. Tributary flows will then be allowed to sheet-flow off site and across Burbank Avenue. The proposed Project facilities will intercept but will not significantly alter the course of off-site flows through methods of site grading, construction of new impervious surfaces, or by other types of development. Drainage facilities will include desilting basins and/or de-siltation devices upstream of the point of discharge off-site, as required by Town and County standards. Therefore, the Project will not 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;***

While development of the Project will increase the potential for stormwater runoff from these lands due to increased impervious surfaces, the Project has been designed and will be conditioned to retain 100 percent of the incremental increase in runoff of a 100-year storm resulting from the Project, as required by the Town for all development projects. On-site surface and subsurface facilities will convey on-site runoff into on-site retention/infiltration basins. Neither will there be any co-mingling of on-site runoff with off-site tributary flows to be conveyed through the site. Tributary flows will be released in a controlled manner to flow across Burbank Avenue in a manner consistent with existing conditions, and without increase in volume or velocity, as required by the Town. Therefore, the Project will not substantially increase the rate or amount of surface runoff nor convey this runoff in a manner which would result in flooding on- or off-site, and impacts will be less than significant.

***iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or***

The Project provides for onsite retention basins to store the incremental runoff from a 100-yr 1-hour design storm volume in accordance with Town standards and regulations, including those imposed by NPDES permit requirements. The use of bio-remediation, enhanced infiltration and the depth to groundwater help ensure that neither surface nor groundwater quality will be affected by the stormwater runoff from the development.

The proposed Project will not substantially increase the rate of off-site surface runoff, and existing drainage facilities and stormwater management requirements will preclude flooding either within or beyond the Project site or off-site, and neither surface nor groundwater quality will be compromised.

With the provision of on-site stormwater retention and implementation of required BMPs, no significant or substantially increased rate or amount of surface runoff will occur that would result in flooding or siltation on- or offsite. Impacts will be less than significant.

***iv) impede or redirect flood flows?***

The Project site is located at the northern end of a local watershed that is tributary to the site. The area is crossed by numerous small drainages, including two that cross the subject property north to south. As discussed above, upstream development has intercepted and shunted tributary flows, and discharges these in a sheet flow pattern along the north Lafayette Street right of way. The proposed Project will construct on-site channels to likewise capture and shunt these tributary flows west, south and east to the approximate point where these flows have historically passed off site. Tributary flows will be discharges from the site in a manner similar to the existing condition. Therefore, the Project will not significantly impede or redirect flood flows.

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

The proposed Project will increase the rate and amount of surface runoff. However, with the provision of planned on-site stormwater retention/infiltration facilities and implementation of required Best Management Practices (BMPs), no significant or substantially increased rate or amount of runoff is anticipated. Proposed facilities will safely capture and convey stormwater runoff to the on-site retention/infiltration facilities, where bio-remediation and percolation will ensure that neither surface nor groundwater resources are adversely affected.

The proposed Project drainage facilities will also preclude the co-mingling of on-site runoff from tributary flows to be passed through the site in an approved manner. The Project is also required to conform with applicable water quality regulations of the Town and the Regional Water Quality Control Board. The Water Quality Management Plan prepared for the Project will further ensure that the Project will not conflict with or obstruct implementation of a water quality control or sustainable groundwater management plan.

**2.11.7 Mitigation Measures**

No mitigation measures are required. As noted above, compliance with Town and state regulatory requirements will serve to effectively avoid, minimize and otherwise mitigate potentially significant impacts to water resources or water quality, or from existing and future flood hazards that could result from implementation of the Project.

### **2.11.8 Significance After Mitigation**

No mitigation measures are required. Impacts will be less than significant.

### **2.11.9 Cumulative Impacts**

The geographic scope for the analysis of cumulative surface water, hydrology and water quality/resources impacts consists of the subject Project, the planned tributary flow diversion channel and on-site stormwater retention and infiltration. The scope of analysis also includes and takes into consideration the effects of other development on the subject flood control facilities, including the existing Walmart warehouse complex tributary to Project site drainage. The various stormwater management and facilities maintenance plans implemented by the Town and the Regional Water Quality Control Board include implementation of control measures that protect both surface and groundwater quality from all development projects. During grading, excavation and channel construction activities, soil surfaces will be exposed and will be susceptible to soil erosion and sediment transport downstream. Construction BMPs required by the Town under its NPDES permit, will be implemented to minimize cumulative impacts to local drainages.

Construction BMPs are required to be implemented during construction activities to reduce any pollutants of concern that may enter nearby receiving waters, which would reduce short term water quality impacts caused by the construction of the proposed Project and other projects in the watershed.

The proposed Project will incrementally reduce the land area and improvements that are currently subject to flooding and/or inundation in a 100-year storm event in the subject reach of the channel. While construction of the Project has the potential to degrade surface water quality through soil erosion or accidental discharges, this potential will be avoided through the implementation of standard BMPs, those set forth in the Project WQMP and the SWPPP. Therefore, the proposed Project will not make a substantial cumulative contribution to local or regional hydrology or water quality.

## **2.12 Land Use and Planning**

### **2.12.1 Introduction**

The Land Use and Planning section describes the existing land uses of the Project site and its surroundings, and evaluates potential Project impacts on those lands. The Project is analyzed in terms of consistency with General Plan and other land use planning documents, including the NAVISP. Land use regulations affecting the Project site are described, as are the Project's appropriateness, suitability, and compatibility with existing and planned land uses in the vicinity.

### **2.12.2 Thresholds of Significance**

The thresholds of significance analyzed herein have been taken from Appendix G of the State CEQA Guidelines. For purposes of this EIR, the proposed Project would have a significant effect on existing and planned land use if it were to:

- 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.

The Initial Study and Notice of Preparation for the Project determined that there will be no impacts associated with threshold a). The subject property is located within the NAVISP planning area, is vacant and is surrounded by other industrial uses and vacant desert lands. While lands west of Dale Evans Parkway are designated for future residential development, the proposed Project will have no effect with regard to physically dividing an established community. Therefore, this discussion does not further analyze threshold a).

### **2.12.3 Regulatory Framework**

#### **Federal**

There are no federal land use or related regulations that are relevant to the proposed Project.

#### **State**

There are no direct state land use or related regulations that are relevant to the proposed Project. It should be noted that the Town's General Plan and the NAVISP were developed in conformance with applicable state law and guidelines.

## **Regional and Local**

### Apple Valley General Plan

The Land Use Element of the Town General Plan represents a blueprint for the future of Apple Valley and is the core of the General Plan. The Land Use Map sets forth a pattern for the orderly development of land within the Town and provides goals, policies and programs to guide the development of the Town. Goals and policies potentially relevant to the proposed Project are cited below.

- GOAL LU-1** The Town will respect the desert environment.
- Policy LU-1.1** The Town will encourage low water use through native desert plants for landscaping (xeriscape);
- Policy LU-1.2** The Town will retain natural drainage channels.
- Policy LU-2.1** Development is encouraged to occur in a sequential manner, adjacent to previously developed areas and in ways which allow for clear linkages to circulation and infrastructure systems.
- Policy LU-2.4** The Town will require that all necessary infrastructure and support services be in place prior to occupancy of new development. (Examples of infrastructure include water, sewer, electricity, gas, and telephone. Examples of support services and public facilities include police and fire protection and recreation areas. The extent of required infrastructure and special services will depend on the nature of specific development proposals.)
- Policy LU-2.6** The Town shall encourage and promote designs which relate to and are harmonious with the region's desert environment.
- Policy LU-3.7** The Town will support measures which buffer both new and established residences from commercial, industrial and agricultural uses. Such measures may include increased setbacks, walls, berms, landscaping, and location of trash bins and loading areas away from residences.
- GOAL LU-4** The Town shall promote commercial and industrial development that are capable of strengthening the local economy and enhancing the quality of life of Town residents.

**Policy LU-4.1** Industrial and commercial development will be permitted in areas where such uses are appropriate and where adequate roadways, infrastructure, and public services are appropriate.

**Policy LU-4.6:** Commercial and industrial activities will be clustered in areas adjacent to major roads and in the vicinity of the Apple Valley County Airport.

#### North Apple Valley Industrial Specific Plan (NAVISP)

The Project site is zoned Industrial – Specific Plan in the NAVISP. The Industrial – Specific Plan zoning designation allows for manufacturing and warehousing land uses. All land uses under the I – SP zone are required to occur within enclosed buildings. The Project proposes to build a warehouse distribution facility, accompanying office and parking spaces on a 78± acre site. Goals of the NAVISP relevant to the proposed project include the following:

- Long-term economic growth,
- Clean industry, ranging from manufacturing to warehousing,
- A wide range of employment opportunities,
- Adequate and available backbone infrastructure – roads, water, sewer and utilities,
- A streamlined permitting process,
- Flexibility for individual properties and developers,
- High quality construction,
- Master planned landscaping that unifies and defines the area.

#### Draft Apple Valley Multi-Species Habitat Conservation Plan/Natural Community Conservation Plan (AVMSHCP/NCCP)<sup>1</sup>

The AVMSHCP/NCCP has been under development for more than a decade. Planning partners include the Town, County, BLM, US USFWS and CDFW. The Plan covers 222,369 acres and extends from the Mojave River on the west to the Lucerne Valley on the east. It includes the San Bernardino Mountains foothills to the south and extends north and east of the Apple Valley corporate limits. The Plan would provide incidental take permit coverage for certain activities (covered activities). While policies and programs have not yet been promulgated for the Plan, the following purpose statements provide guidance for determining possible conflicts between the proposed Project and the Plan.

- Maintain the Town's and County's rural character, quality of life, and economic opportunity within the Plan Area.

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<sup>1</sup> Town of Apple Valley web site describing the plan and providing currently available planning resources. <https://www.applevalley.org/services/planning-division/multi-species-habitat-conservation-plan>, accessed January 31, 2023.



- Conserve, restore, and manage ecologically important resources across large connected natural and semi-natural landscapes for species populations that are defined as endangered, threatened, or at-risk within the Plan Area.
- Receive federal Incidental Take Permits (ITPs or take permits) and State take permit authorizations (collectively, take permits) to facilitate appropriate and consistent conservation and mitigation measures in the Plan Area, while streamlining the federal and state permitting process for Project Proponents on lands under the Town's and County's jurisdictions within the Plan Area.

#### **2.12.4 Environmental Setting**

The proposed Project site is located within the boundaries of the NAVISP and is subject to the land use and development regulation set forth therein. This Specific Plan and its land use assignments were determined to be consistent with the then-current Town General Plan, including its Land Use Element. Subsequently, the Town General Plan was updated and incorporated the NAVISP land uses and development standards into the new General Plan. The subject property is designated "Specific Plan Industrial" on the General Plan Land Use Map.

The subject property is located in the west-central portion of the NAVISP and adjacent to the planning area's western boundary of Dale Evans Parkway. The NAVISP encompasses 6,221± acres. Surrounding development in the area is limited and includes the Walmart warehouse to the north, the Big Lots warehouse to the immediate northeast and the Apple Valley Airport located more than 4,000 feet to the southeast of the Project site.

#### **2.12.5 Existing Conditions**

The subject property is well situated for the proposed use, located on appropriately designated lands within a master planned industrial park. The site is located on a major arterial roadway, Dale Evans Parkway, with direct and convenient access to the Stoddard Wells Road and Dale Evans Parkway interchanges with US Interstate-15. As noted above, the NAVISP planning area is still largely vacant.

The NAVISP uses a combined land use/zoning designation system; that is, both the land use and zoning designations on the subject property are "Industrial". It is one of four land use designations in the Specific Plan area.

Industrial land uses in the NAVISP planning area are identified as having the highest potential to provide much needed employment opportunities in the Town, improve its tax base, and contribute to a stable and varied economy for

the Town's future. The Specific Plan includes three types of industrial designations: Industrial-Specific Plan, Industrial-General, and Industrial-Airport. Permitted uses within the Industrial-Specific Plan designation, the designation on the subject property, include warehousing and manufacturing, which must be conducted entirely within a structure.

Land use designations established by the NAVISP in proximity to the Apple Valley Airport have been specifically developed to include components of commercial and quasi-industrial development that will support and enhance airport operations. These uses are designated Industrial – Airport on the land use plan.

### **2.12.6 Project Impacts**

The Project site is located in an area that is regulated by several land use plans and associated planning documents. These include the Apple Valley General Plan, the North Apple Valley Industrial Specific Plan (NAVISP) and the Apple Valley Comprehensive Airport Land Use Compatibility Plan. Also herein evaluated although not yet complete or adopted is the Apple Valley Multi-Species Habitat Conservation Plan/Natural Community Conservation Plan (MSHCP/NCCP).

***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.***

The proposed Project would result in the development of a warehouse distribution center providing 1.2± million square feet of building area in a single building. The proposed use is permitted under the NAVISP and is consistent with that plan's development standards and guidelines.

The proposed building is set in the center of the site, which diminishes its effects as seen from surrounding lands. It would also be located approximately 400 feet east of Dale Evans Parkway, providing a substantial buffer and diminished effect for future residents on the west side of Dale Evans Parkway. The Project also provides and adds to planned local infrastructure, including improvements to existing roadways, the improvement of currently unpaved roadways, and connection to the local sewage collection/treatment system. The Project also provides a local component of the Apple Valley Master Drainage Plan.

The Project lies outside the Airport Influence Area of the Apple Valley Airport and is not subject to any special land use or development provisions associated with the airport land use compatibility plan. Therefore, the Project is consistent with the Apple Valley Comprehensive Airport Land Use Compatibility Plan.

As noted above, the Project, the Town and surrounding lands are located within the boundaries of the Draft Apple Valley Multi-Species Habitat Conservation Plan/Natural Community Conservation Plan (AVMSHCP/NCCCP). Lands within the NAVISP planning area are not planned for conservation under the Plan but would be subject to and conditioned to comply with the Plan's provisions. There are no state or federally listed species or natural communities on the Project site (see Section 2.5, Biological Resources). Therefore, no "take" permits would be required.

As described above, the Project is consistent with existing plans and programs, and there would be less than significant impacts on land use or planning.

### **2.12.7 Mitigation Measures**

The proposed Project is consistent with the Town General Plan, the NAVISP, the Apple Valley Airport Land Use Compatibility Plan and the forthcoming AVMSHCP/NCCCP. Therefore, no mitigation measures are required.

### **2.12.8 Significance After Mitigation**

There will be no significant impacts associated with land use or planning.

### **2.12.9 Cumulative Impacts**

The Project proposes a warehouse building which is consistent with the standards and guidelines of the NAVISP and the goals and policies of the Town's General Plan. Inasmuch as the proposed Project does not conflict with and is compatible with applicable land use plans, and the intensity of development is consistent with the build out projections of both the NAVISP and the General Plan, the Project's development will not cumulatively impact land use and planning.

## **2.13 Noise**

### **2.13.1 Introduction**

This section evaluates the potential for noise and groundborne vibration impacts resulting from the proposed Project, including impacts associated with a substantial temporary and/or permanent increase in ambient noise levels in the vicinity of the Project site; exposure of people in the vicinity of the Project to excessive noise levels, groundborne vibration, or groundborne vibration levels' and whether this exposure is in excess of standards established in the Town's General Plan or noise ordinance.

The analysis in this section is based on noise and vibration information provided in the Town's General Plan (2009) and the North Apple Valley Industrial Specific Plan (2006).

### **2.13.2 Thresholds of Significance**

Appendix G of the CEQA Guidelines provides that a project would have a significant impact relating to noise if it would result in:

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- b) Generation of excessive groundborne vibration or groundborne noise levels;
- c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

The Initial Study determined that the Project would result in "No Impact" for threshold question c) above. Therefore, it is not analyzed further in this EIR.

### **2.13.3 Regulatory Framework**

#### **Federal**

##### Noise Control Act

The Noise Control Act of 1972 was enacted to promulgate noise emission standards for interstate commerce, assist state and local abatement efforts, and encourage noise education and research.

The Act is implemented by a number of agencies, including the Occupational Safety and Health Administration (OSHA), which limits noise exposure of workers to 90 dB Leq or less for 8 continuous hours or 105 dB Leq or less for 1 continuous hour. The Department of Transportation (DOT) assumed a significant role in noise control through its various operating agencies. Surface transportation system noise is regulated by multiple agencies, including the Federal Transit Administration (FTA), the Urban Mass Transit Administration (UMTA), and the Federal Highway Administration (FHWA).

The federal government actively advocates for local jurisdictions to use their land use regulatory authority to arrange new development in such a way that “noise sensitive” uses are either prohibited from being sited adjacent to a highway or, alternately, that the developments are planned and constructed in such a manner that potential noise impacts are minimized.

Since the federal government has preempted the setting of standards for noise levels that can be emitted by transportation sources, the Town is restricted to regulating the noise generated by the transportation system through nuisance abatement ordinances and land use planning.

## **State**

### General Plan Noise Elements

State law requires that all counties and cities develop, in their General Plan, a Noise Element that effectively limits the exposure of sensitive receptors to excessive noise levels. The State of California General Plan Guidelines, published by the California Governor's Office of Planning and Research (OPR), provide guidance for the compatibility of projects within areas of specific noise exposure. The OPR Guidelines identify acceptable and unacceptable community noise exposure limits for various land use categories. Where the “normally acceptable” range is used, it is defined as the highest noise level that should be considered for the construction of buildings which do not incorporate treatment or noise mitigation. The “conditionally acceptable” or “normally unacceptable” ranges include conditions calling for detailed acoustical study prior to the construction or operation of the proposed Project.

### California Noise Control Act of 1973

Pursuant to Sections 46000 through 46080 of the California Health and Safety Code, known as the California Noise Control Act of 1973, the State Legislature found that excessive noise is a serious hazard to the public health and welfare and that exposure to certain levels of noise can result in physiological, psychological, and economic damage. The state has a responsibility to protect

the health and welfare of its citizens by the control, prevention, and abatement of noise. It is the policy of the state to provide an environment for all Californians that is free from noise that jeopardizes their health or welfare.

State regulations (8 California Code of Regulations, Section 5095) also address worker exposure to noise levels. These regulations limit worker exposure to noise levels of 85 dBA or lower over an 8-hour period. The state has not established noise levels for non-work-related environments.

### **Local**

#### Town of Apple Valley General Plan

Table 2.13-1 below shows the ranges of allowable exterior ambient noise levels for various land uses at General Plan buildout. The Town has consistently implemented these noise levels as provided in General Plan Table IV-4.

**Table 2.13-1  
 Land Use Compatibility for Community Noise Environments**

Land Uses	CNEL (dBA)						
	50	55	60	65	70	75	80
Residential – Single family dwellings, duplex, mobile homes	A						
		B					
					C		
						D	
Residential – multiple family	A						
		B					
					C		
						D	
Transient lodging: hotels and motels	A						
		B					
					C		
							D
School classrooms, libraries, churches, hospitals, nursing homes and convalescent hospitals	A						
		B					
					C		
							D
Auditoriums, concert halls, amphitheaters	B						
			C				
Office buildings, business, commercial, professional	A						
					B		
					D		
Industrial, manufacturing, utilities, agriculture	A						
					B		
							D

Source: Town of Apple Valley General Plan (2009) Noise Element Table IV-4 Land Use Compatibility for Community Noise Environments.

A = Normally Acceptable: With no special noise reduction requirements assuming standard construction

B = Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirement is made and needed noise insulation features included in the design.

C = Normally Unacceptable: New construction is discouraged. If new construction does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

D = Clearly Unacceptable: New construction or development should generally not be undertaken.

The Town's General Plan Noise Element also establishes the following goals and policies to assure a controlled noise environment as the Town grows.

**Goal** Noise levels that are consistent with the Town's rural character and high quality of life.

**Policy 1.A** The Town shall adhere to the standards of "Land Use Compatibility for Community Environments."

**Program 1.A.1** The Town shall continue to maintain and enforce its Noise Control Ordinance.

**Program 1.A.2** The Town shall include noise attenuation in its development review process when development projects are proposed. Design techniques that can alleviate noise include, but are not limited to building setbacks, the installation of wall and window insulation, sound walls and earthen berms.

**Program 1.A.3** The mechanical equipment associated with commercial and industrial development, including compactors, trash disposal areas, heating and air conditioning systems shall be located as far as practicable from adjacent sensitive receptors, or from lands designated on the Land Use map for noise sensitive uses.

**Program 1.B.5** Residential projects proposed adjacent to any street where the build out noise level at 50 feet from centerline is expected to exceed 65 dBA shall be required to submit a noise analysis in conjunction with entitlement applications.

**Program 1.B.6** Commercial and industrial projects proposed adjacent to sensitive receptors, or lands designated for sensitive receptors, including residential, school or hospital sites, shall be required to submit a noise analysis in conjunction with entitlement applications.

**Policy 1.C** Changes proposed to the Land Use Map shall include consideration of the potential noise impacts associated with such a change.



### Town of Apple Valley Noise Ordinance

Section 9.73 of the Town of Apple Valley Development Code establishes community-wide noise standards and emphasizes the value of an acceptable noise environment. It sets forth regulations for noise measurement and monitoring, special provisions and exemptions to the ordinance. It is intended to regulate excessive noise from existing uses and their activities. Violations are defined as a nuisance, and procedures, remedies and penalties to which violators are subject are included.

Section 9.73 also establishes standards for construction activities, which represent a temporary, but often disruptive, noise source. From 7 a.m. to 7 p.m. weekdays and on Saturdays, the maximum noise levels allowed for mobile and stationary equipment near single-family residential development are 75 dBA Leq and 60 dBA Leq, respectively. These levels are reduced to 60 dBA Leq for mobile equipment, and 50 dBA Leq for stationary equipment during weekday nighttime hours between 7 p.m. to 7 a.m. and all day Sundays and holidays. These levels are increased by about 5 dBA Leq, across the board, for multi-family residential development, and by another 5 dBA Leq for areas characterized as “semi-residential / commercial.”

Section 9.73 prohibits operating or permitting the 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.

### **2.13.4 Environmental Setting**

The standard unit of sound amplitude measurement is the decibel (dB). The decibel scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound. The pitch of the sound is related to the frequency of the pressure vibration. Since the human ear is not equally sensitive to a given sound level at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) provides this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear.

Noise is typically defined as unwanted sound. A typical noise environment consists of a base of steady ambient noise that is the sum of many distant and indistinguishable noise sources. Environmental noise levels are generally considered low when the CNEL is below 45 dBA, moderate in the 45–60 dBA range, and high above 60 dBA.

**Table 2.13-2  
 Representative Environmental Noise Levels**

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	110	Rock band
Jet flyover at 1,000 feet		
	100	
Gas lawnmower at 3 feet		
	90	
Diesel truck going 50 mph at 50 feet		
	80	Food blender at 3 feet
Noisy urban area, daytime Gas lawnmower at 100 feet		Garbage disposal at 3 feet
	70	
Commercial area		Vacuum cleaner at 10 feet
	60	Normal speech at 3 feet
Heavy traffic at 300 feet		
	50	Large business office
Quiet urban daytime		Dishwasher in next room
	40	
Quiet urban nighttime		Theatre, large conference room (background)
	30	
Quiet suburban nighttime		Library
	20	Bedroom at night, concert hall (background)
Quiet suburban nighttime		
	10	Broadcast/recording studio
	1	

Source: Caltrans Technical Noise Supplement to the Traffic Noise Analysis Protocol (2013).  
<https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tens-sep2013-a11y.pdf>

Sound from a particular source generally declines as the receptor's distance from the source increases. The sound level decreases at a rate of 6dB for each doubling of distances from a point source, and decreases at a rate of 3 dB for each doubling of distance from a line source. Noise barriers, including walls and

berms, or other intervening structures, can provide noise level reductions ranging from approximately 5 dBA to 20 dBA.<sup>1</sup>

Multiple scales are used to analyze noise. Given that the impact of noise on people varies based on numerous factors, these scales account for the fluctuation of noise over time, the total acoustical energy content of noise, and the time of day that the noise occurs.

**Leq:** An Leq or equivalent energy noise level is the average acoustic energy content of noise for a stated period of time. Thus, the Leq of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night.

**Lmax:** Lmax is the maximum instantaneous noise level experience during a given period of time.

**Lmin:** Lmin is the minimum instantaneous noise level experience during a given period of time.

**CNEL:** The Community Noise Equivalent Level is a 24-hour average Leq with a 5 dBA “weighting” during the hours of 7:00 PM to 10:00 PM and a 10 dBA “weighting” added to noise during the hours of 10:00 PM to 7:00 PM to account for noise sensitivity in the evening and nighttime, respectively. The logarithmic effect of these additions is that a 60 dBA 24 hour Leq would result in a measurement of 66.7 dBA CNEL.

### Groundborne Vibration

Groundborne vibration is sound radiated through the ground. Typical outdoor sources of perceptible groundborne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. Groundborne vibration is measured as peak particle velocity (PPV) in inches per second, or as vibration decibels (VdB).

### **2.13.5 Existing Conditions**

According to the Town’s General Plan EIR, the primary noise source in Apple Valley is vehicular traffic. Noise from vehicular traffic is concentrated along regional roads and major arterials. Air and rail traffic also generate significant noise, however the noise generated by these sources is more localized to specific areas in the Town. Other sources of noise include industrial and commercial operations, mechanical equipment such as residential and commercial HVAC systems, and construction noise.

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<sup>1</sup> Caltrans Technical Noise Supplement to the Traffic Noise Analysis Protocol (2013).

The primary sources of groundborne vibration and noise in the Town include airport and train operations, motor vehicles, heavy machinery, and other construction equipment. Like non-groundborne noise, vibrations from the air and rail traffic are only perceptible in the vicinity of these facilities. Vibration from motor vehicles is generally only perceptible from rough roads.

Sensitive receptors are land uses that may be particularly sensitive to noise intrusion, such as housing, schools, libraries, churches, hospitals, nursing homes, and other health care facilities. Potential impacts can occur where residential uses are located in proximity to major roadways or industrial uses, such as future housing that may be built on sites designated for residential uses adjacent to the North Apple Valley Industrial Specific Plan (NAVISP) boundary.

### 2.13.6 Project Impacts

**a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;**

The proposed Project occurs on an arterial roadway, in an area planned for industrial land uses. The Project proposes the development of an approximately 1,207,544 square foot industrial building comprised of warehousing and supporting office uses. It is expected that both construction of the building and its operation will generate noise, and that traffic generated by the Project will increase noise levels on surrounding streets.

#### Construction Noise

Buildout of the Project would require site preparation, grading, excavation, paving, and related activities that may generate elevated noise levels due to the use of heavy equipment. For analysis purposes, it is assumed that a mix of the following equipment may be used: rubber tire dozers, tractors/loaders/backhoes, excavators, graders, scrapers, cranes, forklifts, generators, welders, pavers and paving equipment, rollers, and air compressors.<sup>2</sup> Noise from construction activities would be localized, temporary and periodic in nature. Data compiled by the US Environmental Protection Agency (USEPA), shown in **Table 2.13-3**, shows the noise generated by common construction equipment.

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<sup>2</sup> Based on equipment mix used in CalEEMod Version 2020.4.0 (see Appendix B).

**Table 2.13-3  
Construction Equipment Noise Levels**

<b>Construction Equipment</b>	<b>Noise Level in dBA Leq at 50 Feet<sup>1</sup></b>
Front Loader	73 - 86
Truck	82 - 95
Saw	72 - 82
Jackhammer	81 - 98
Pump	68 - 72
Generator	71 - 83
Compressor	75 - 87
Concrete Mixer	75 - 88
Back Hoe	73 - 95
Tractor	77 - 98
Scraper/Grader	80 - 93
Paver	85 - 88

Source: US Environmental Protection Agency, Noise from Construction Equipment and Operations, building Equipment and Home Appliances (1971).

<sup>1</sup> dBA = A-weighted decibel; Leq = equivalent energy noise level

The noise levels shown in the above table would diminish rapidly with distance from the construction site at a rate of approximately 6 dBA per doubling of distance. For example, a noise level of 86 dBA at 50 feet from a front loader would reduce to 80 dBA at a distance of 100 feet. Given that there are no sensitive receptors currently in the Project vicinity, and the surrounding warehouse buildings on the north and east are several hundred feet from the site and enclosed structures, the noise generated by construction would have less than significant impacts on surrounding development.

Furthermore, the Town Noise Ordinance §9.73.060(f) restricts allowable construction hours to between 7:00 am and 7:00 pm on weekdays (with exceptions), and establishes noise restriction guidance where construction and demolition occur near residential areas, including the residentially designated lands on the west side of Dale Evans Parkway. These restrictions, muffling of construction equipment, and other measures, will reduce, to some extent, construction noise impacts on surrounding land uses. Impacts will be temporary and end once construction is complete.

#### Operational Noise

Project operations would be conducted within the enclosed building, except for traffic movement, parking lot vehicle movements, as well as truck loading and unloading at designated loading bays. The Project is required to provide a wall along Dale Evans Parkway, consistent with the NAVISP requirements for enhanced parkway on Dale Evans. The wall will be 6 feet in height, and constructed of

masonry or similar solid surface, which will reduce noise emanating from the site, as described below. Furthermore, the Project building will be located 400 feet from the western property line. Other on-site Project related noise sources would involve HVAC and refrigeration units. These units would be located on the roof of the proposed building and would be screened by a 10 foot parapet. The parapet would be sufficiently tall to exceed the height of typical commercial HVAC and refrigeration units, and would block these units from line of sight from potential future residential units on the west side of Dale Evans Parkway, providing a noise attenuation from both distance and the parapet walls themselves.

The Project is located in the NAVISP and is currently surrounded by properties that are either vacant or occupied by similar industrial uses. As such, there are currently no sensitive receptors in the vicinity of the Project site. According to the Town’s Land Use Compatibility for Community Noise Environments table, noise levels of up to 75 CNEL dBA are Normally Acceptable for industrial, manufacturing, and agricultural land uses.<sup>3</sup>

The 2006 NAVISP EIR analyzed the potential impacts of industrial developments in the Planning Area. The 2009 General Plan maintained the designations from the NAVISP, including the Industrial-Specific Plan (I-SP) designation, and accounted for these land uses in designating land uses adjacent to the NAVISP planning area and analysis of General Plan’s environmental impacts. Given that the Project is consistent with the land uses accounted for in the NAVISP and GP, the noise contours used in the NAVISP and GP EIRs would account for buildout of the Project on the subject site.

**Table 2.13-4  
 General Plan and NAVISP Build Out Noise Contours**

Plan	Road Segment	dBA CNEL at 100 feet	Distance to Contour (feet)			
			70 dBA CNEL	65 dBA CNEL	60 dBA CNEL	55 dBA CNEL
General Plan (2009) <sup>1</sup>	Dale Evans s/o Quarry Rd	74.1	187	402	866	1,866
NAVISP (2006) <sup>2</sup>	Dale Evans s/o Johnson Rd	71.7	130	280	603	1,299

<sup>1</sup> Apple Valley General Plan (2009) Noise Element, Table IV-5 General Plan Build Out Noise Contours.

<sup>2</sup> North Apple Valley Specific Plan / Environmental Impact Report (2006), Table III-44 Projected Specific Plan and 2030 Noise Contours.

<sup>3</sup> Town of Apple Valley General Plan EIR, Table III-45 Land Use Compatibility for Community Noise Environments.

**Table 2.13-4** shows the noise contours expected from buildout of the General Plan and the NAVISP. The General Plan found that noise levels would be 74.1 dBA CNEL at 100 feet from the center line of Dale Evans Parkway, and the NAVISP found that noise levels would be 71.7 dBA at 100 feet from the centerline of the segment in the immediate area of the Project site. Based on the Town's standard for industrial land uses of 75 CNEL dBA as Normally Acceptable, the proposed Project will not result in significant impacts associated with noise levels in the vicinity of the Project exceeding the Town's standards.

According to the Town's General Plan, the applicable limit for outdoor noise levels in multi-family residential areas is a CNEL of 65 dBA. Multi-family residential development will occur in the future on the west side of Dale Evans Parkway, immediately west of the proposed Project.

Dale Evans Parkway is required, at build out, to have a 142 foot right of way, and will be improved to its ultimate half-width by the proposed Project. Multi-family development occurring on the west side of Dale Evans Parkway will similarly be required to improve the west half-width of the street. According to the Town's development standards, multi-family residential properties require a minimum setback of 25 ft.<sup>4</sup> On this basis, residential development would occur at a distance of at least 96 feet from centerline at this location, and would have unmitigated noise levels of about 71.7 dBA CNEL at the closest point. Furthermore, residential development would occur 240 feet from the Project property line, and more than 400 feet from the closest parking lot within the site.

Per Program 1.A.2 in the General Plan, the Town recommends design techniques to alleviate noise including building setbacks, sound walls, and earthen berms. Noise barriers, including walls and berms can provide noise level reductions ranging from approximately 5 dBA to 20 dBA,<sup>5</sup> depending on factors such as size, position, and material.

According to Program 1.B.5 in the Noise Element, residential projects proposed adjacent to any street where the buildout noise level at 50 feet from centerline is expected to exceed 65 dBA are required to submit a noise analysis in conjunction with entitlement applications. Given that residential projects proposed in the area immediately west of Dale Evans Parkway would be required to submit noise analysis, appropriate measures to mitigate by design could be identified at this stage, ensuring that the exterior noise standard for residential sites is met. Because the proposed Project will result in noise levels consistent with those expected at build out of the General Plan and NAVISP, and the Town requires that residential

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<sup>4</sup> Town of Apple Valley Development Code §9.28.040, Table 9.28.040-A.

<sup>5</sup> Caltrans Technical Noise Supplement to the Traffic Noise Analysis Protocol (2013).

projects mitigate roadway noise levels to acceptable CNEL standards, impacts associated with the proposed Project's long term noise impacts on future residential receptors will be less than significant.

### Summary

The proposed Project is consistent with the land use designation for that site in the NAVISP and the General Plan. It can therefore be assumed that the Project's impacts to ambient noise levels would not exceed those accounted for in the General Plan or NAVISP. Compliance with the allowable construction hours provided in the Town's Noise Ordinance would ensure that construction of the Project would have less than significant temporary impacts on ambient noise levels. The Project is consistent with the General Plan and is currently surrounded by industrial and vacant properties with no sensitive receptors who could experience permanent and excessive increases in ambient noise levels. Furthermore, project-specific noise analysis and implementation of noise alleviating design measures will ensure that future residential properties on the west side of Dale Evans Parkway would not be subject to noise levels exceeding the local and state standards. Overall, the proposed Project would not generate any significant increases in ambient noise levels in the vicinity of the project in excess of standards established by the Town. Impacts would be less than significant.

### ***b) Generation of excessive groundborne vibration or groundborne noise levels;***

Groundborne vibration is sound radiated through the ground. Construction of the Project could result in some ground vibration due to the use of heavy machinery, such as bulldozers. Operation of the proposed warehouse and distribution facility, however, is not expected to generate groundborne vibration.

The Town of Apple Valley has not adopted a significance threshold to assess vibration impacts during construction and operation. The Town's Noise Ordinance prohibits the operation of any device that creates a vibration which is above the vibration perceptible of an individual at or beyond the property boundary of the source, if on a private property, or at 150 feet from the source if in a public space or right of way.<sup>6</sup>

According to the FTA Transit Noise and Vibration Impact Assessment Manual (2018), construction vibration impacts would be significant if vibration levels exceed 100 VdB, which is the general threshold where damage can occur to building, or 72 VdB at residences during nighttime hours.

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<sup>6</sup> Town of Apple Valley Municipal Code §9.73.060(g).



### Construction Vibration

The specific construction equipment required for buildout of the proposed Project is not known at this time; however, for analysis purposes, it is assumed that a mix of the following equipment may be used: rubber tire dozers, tractors/loaders/backhoes, excavators, graders, scrapers, cranes, forklifts, generators, welders, pavers and paving equipment, rollers, and air compressors.<sup>7</sup> The construction equipment expected to be used to build the proposed development will be comparable to those listed in **Table 2.13-3**, above. There are currently no sensitive receptors in the vicinity of the subject property, therefore, the temporary groundborne vibration or noise resulting from construction would not impact any sensitive receptors. Furthermore, given that vibration from construction activities rarely reaches levels that can damage structures, it is unlikely that construction of the Project would have any impacts on adjacent industrial buildings. Buildout of the proposed warehouse and distribution facility would be required to comply with the Town's Noise Ordinance, §9.73.060(g), which prohibits the operation of any device that creates a vibration which is above the vibration perception threshold of an individual at or beyond the property line.

Given the temporary nature of construction vibration, the subject site's distance from any sensitive receptors and the requirements of the Town's Noise Ordinance, the construction of the Project would have less than significant impacts regarding the generation of excessive groundborne vibration or noise.

### Operational Vibration

While operational vibration can occur from industrial uses, the proposed warehouse and distribution facility is not expected to produce significant groundborne vibration or noise. The Project does not propose any heavy industrial or manufacturing uses. Semi-trucks will be the heaviest vehicle used at the site, and neither truck arrivals/departures or internal warehouse operations will generate significant ground vibration either within the proposed development or off-site.

Currently, no sensitive receptors occur in the vicinity of the Project site. The proposed warehouse building will be located approximately 500 feet from the west Dale Evans Parkway right of way, which will serve to substantially attenuate construction and operational noise associated with the Project. In addition, while land on the west side of Dale Evans Parkway is designated for residential uses, operation of the Project would be subject to §9.73.060(g) of the Town's Noise Ordinance. Given that the operation of any device that creates a vibration perceptible beyond the property boundary is prohibited, potential future

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<sup>7</sup> Based on equipment mix used in CalEEMod Version 2020.4.0 (see Appendix B).

residential units on the west side of Dale Evans Parkway would not be impacted by any vibration generated by the operation of the Project. Impacts would therefore be less than significant.

### **2.13.7 Mitigation Measures**

The Project's impacts related to noise would be less than significant. No mitigation is necessary.

### **2.13.8 Significance After Mitigation**

No mitigation is necessary, impacts will be less than significant.

### **2.13.9 Cumulative Impacts**

The Town's General Plan EIR found that the most significant noise impacts from buildout of the General Plan would result from increased traffic volumes, and that the most impacted sites would be those adjacent to major arterials and regional roadways. The General Plan Noise Element includes various policies and programs to reduce potential noise impacts and requires that potential noise impacts be considered in the application review process for all proposed projects. It also requires that noise analyses be conducted as necessary for projects that may be subject to significant noise impacts. Given that implementation of the General Plan will control and minimize impacts related to noise in Apple Valley, the General Plan EIR concluded that no cumulatively considerable impacts would occur.

The North Apple Valley Industrial Specific Plan (NAVISP) EIR provides mitigation measures for the potential impacts of buildout of the NAVISP planning area on surrounding land uses. The provided mitigation measures include the use of noise barriers, which according to the Specific Plan, can reduce noise by 10 to 15 dBA when walls are solid and block the line of site from a home to an adjacent source of noise. Other mitigation measures pertain to construction noise, on-site stationary source noise, and off-site traffic noise, ensuring that buildout of the NAVISP complies with the Town's Noise Ordinance.

The proposed Project and the type of development it represents are consistent with the Industrial – Specific Plan (I-SP) designation provided in the North Apple Valley Industrial Specific Plan and in the General Plan. Given that the proposed warehouse and distribution facility aligns with the land uses provided for with this designation, it can be assumed that any noise potentially generated by the Project has been accounted for in the General Plan and the General Plan EIR. Therefore, while the Project may incrementally contribute to the noise environment in Apple Valley, the Project's contributions would not be cumulatively considerable.

## **2.14 Population and Housing**

### **2.14.1 Introduction**

This section of the EIR describes existing population, housing, and socio-economic conditions in the Project area. It analyzes the potential impacts of the proposed Project on those resources, including changes in population and the demand for housing. The analysis is based on data and information from a variety of sources and agencies, including the Town of Apple Valley 2009 General Plan, the Town's adopted 2021-2029 Housing Element Update, the North Apple Valley Industrial Specific Plan, and the Southern California Association of Governments Regional Transportation Plan / Sustainable Communities Strategy.

### **2.14.2 Thresholds of Significance**

Project impacts to population and housing are analyzed using the thresholds of significance provided in Appendix G of the CEQA Guidelines. Appendix G uses the following questions to evaluate the project's potential impacts.

Would the project:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The Notice of Preparation determined that there would be no impact associated with threshold (b), because the site is vacant, is planned for the type of use proposed, and will therefore not displace any housing. It is not discussed further below.

### **2.14.3 Regulatory Framework**

#### **Federal**

There are no federal regulations governing population and housing that apply to the proposed Project.

#### **State**

There are no state regulations governing population and housing that apply to the proposed Project.

## **Regional/Local**

### Regional Transportation Plan / Sustainable Communities Strategy

The 2020-2045 Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS), prepared by the Southern California Association of Governments (SCAG), is a long-range plan for achieving connected transportation projects and investments across a six-county region. The RTP/SCS includes a Demographics and Growth Forecast technical report, which projects employment, population, and household growth at the jurisdictional, county, and regional levels for the purpose of developing long-range regional land use and transportation planning strategies. The report projects that the Apple Valley population will reach 101,400 in 2045.

The following Sustainable Communities Strategy applies to the proposed Project in relation to population and housing:

**Strategy**      Focus growth near destinations and mobility options.  
                         Focus on a regional jobs-housing balance to reduce commute times and distances, and expand job opportunities near transit and along center-focused main streets.

### Apple Valley General Plan

The Land Use Element of the 2009 General Plan provides a comprehensive plan for the general allocation and distribution of land uses throughout the Town. It serves as a statement of standards and targets for housing development and population density. Buildout of the land uses proposed in the General Plan could create up to 60,877 housing units, which, based on the average household size when the plan was adopted, would support a buildout population of 185,858 people.<sup>1</sup> The buildout population would represent an approximately 169% increase over the Town's population of 69,135 residents in 2010.<sup>2</sup>

The following Land Use Element goals, policies, and programs are relevant to the proposed Project as it pertains to housing:

**Goal 3**            Minimal impact to existing neighborhoods.

**Policy 3.A**        The Town will support measures that buffer both new and established residences from commercial, industrial and agricultural uses.

**Goal 6**            Commercial development shall strengthen the local economy and enhance the quality of life.

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<sup>1</sup> Town of Apple Valley General Plan, Community Development, p. II-12.

<sup>2</sup> Ibid., p.II-106.

**Policy 6.B** The Town shall promote commercial and industrial development that are capable of strengthening the local economy and enhancing the quality of life of Town residents.

**Goal 7** Industrial development which supports a broad-based economy, and encourages the jobs-housing balance.

#### **2.14.4 Environmental Setting**

The Town of Apple Valley is in the Victor Valley region of San Bernardino County. Between 2000 and 2010, Apple Valley's population increased 27.5%, from 54,239 to 69,135 residents. Between 2010 and 2018, the Town's population increased an additional 4.7%, to 72,359 residents.<sup>3</sup>

The Southern California Association of Governments (SCAG) projects that the Apple Valley population will reach 101,400 by 2045, representing approximately 36.5% growth beyond the Town's 2016 population.<sup>4</sup> SCAG also projects that the number of households in Apple Valley will increase by 51.4% from 2016 to a total of 37,400 in 2045. The number of jobs in the Town is expected to grow from 18,000 in 2016 to 30,200 in 2045, or an increase of approximately 67.8%.<sup>5</sup>

#### **2.14.5 Existing Conditions**

According to the 2020 Census, Apple Valley had a population of 75,913 in 2020 and an estimated population of 76,224 in 2021.<sup>6</sup> In 2022, Apple Valley has an estimated population of 75,628 people.<sup>7</sup>

According to the California Employment Development Department, the Town of Apple Valley has an estimated labor force of 31,000 people in 2022, and an unemployment rate of 5.4%. San Bernardino County is estimated to have an unemployment rate of 4.2% in 2022.<sup>8</sup>

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<sup>3</sup> 2000 and 2010 U.S. Census; American Community Survey 2014-2019 5-year estimates

<sup>4</sup> Southern California Association of Governments, Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS).

<sup>5</sup> Southern California Association of Governments, Demographics and Growth Forecast, Table 14 Jurisdiction-Level Growth Forecast.

<sup>6</sup> United States Census Bureau, Population Estimates, July 2021

<https://www.census.gov/quickfacts/fact/table/applevalleytowncalifornia/PST045221> (Accessed November 2022).

<sup>7</sup> California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State, Table 2, 1/1/2022.

<sup>8</sup> California Employment Development Department, Labor Force and Unemployment Rate for Cities and Census Designated Places – August 2022.

In 2018, the three industries employing the most residents in Apple Valley were 'educational services, health care, social assistance' (24.6%), 'retail trade' (15.9%), and 'transportation, warehousing, utilities'(10.3%).<sup>9</sup> According to the Housing Element, only 16.6% of the Town's population works in Apple Valley, with the remaining 83% of employed residents commuting to work elsewhere, suggesting a possible jobs-housing imbalance in the Town.<sup>10</sup>

The Town's housing stock comprises 27,077 dwelling units, 76.8% of which are single-family detached units.<sup>11</sup> As cited in the 2021-2029 Housing Element Update, Apple Valley had 1,958 units of vacant housing in 2022.

The subject property is currently vacant and located in the North Apple Valley Industrial Specific Plan, an area designated for industrial development.

### **2.14.6 Project Impacts**

#### ***a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?***

The proposed Project would not directly induce growth through the building of new homes. However, the jobs generated by the Project may induce growth by attracting new residents to the Town. The VMT Analysis prepared for the Project found that at a density factor of 1,030 square feet per employee for logistics land uses, the proposed 1,207,544 square foot warehouse distribution facility would generate approximately 1,172 jobs.<sup>12</sup>

The certified EIR for the North Apple Valley Industrial Specific Plan (NAVISP) estimated that build out of the Specific Plan would generate approximately 29,551 industrial jobs. The jobs generated by the proposed Project would thus represent approximately 4% of the total jobs projected to be created by buildout of the NAVISP. The Town's Housing Element accounts for the increased employment expected from the continued build out of the 6,600-acre NAVISP.<sup>13</sup> Given that the proposed Project complies and is consistent with the Industrial (I-SP) land uses under the Specific Plan, it can be assumed that the Project is within the scope of additional employment projected and planned for by the Town.

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<sup>9</sup> Town of Apple Valley Housing Element (August 2022), Table 6, Employment by Industry.

<sup>10</sup> Ibid., p.22.

<sup>11</sup> Ibid., p. 26.

<sup>12</sup> Urban Crossroads, Inc., Lafayette Street Logistics Facility VMT Analysis (November 2022).

<sup>13</sup> Apple Valley Adopted Housing Element Update 2021-2029, p.22.

Based on a calculated average of 1.14 jobs per household<sup>14</sup> in Apple Valley, the proposed Project would generate demand for 1,028± housing units if all the Project's employees were to be new Town residents. This is a conservative estimate, since it can be expected that most of the Project employees will be existing residents of the Town.

The housing required for employees of the Project would come from the supply of vacant units, as well as the new units built during the construction of the Project. With the Town's total vacancy rate in 2022 of 7.5%, there are 1,958 units of vacant housing in Apple Valley.<sup>15</sup>

The Regional Housing Needs Allocation (RHNA) is a projection developed by the State and the Southern California Association of Governments to determine the number of additional housing units needed to accommodate projected household growth. The RHNA for Apple Valley estimates a total of 4,290 housing units will need to be built in the Town from 2022 to 2029.<sup>16</sup>

**Table 2.14-1** shows the number of residential building permits issued in Apple Valley from 2014 to 2020. A total of 831 permits were issued over the seven-year period, with an average of 119 units per year. This historic data from the Town's Housing Element indicates a significantly lower rate of new units being built in the Town than called for in the RHNA. The RHNA rate would require that approximately 3,677 units to be built over the next seven years, or an average of 525 per year. As noted above, the Town General Plan provides more than adequate residential lands to meet projected housing needs.

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<sup>14</sup> Based on Employment Development Department estimate of 29,300 jobs in the Town of Apple Valley in August 2022, and a forecast of 25,717 households in 2022 from the Esri Demographic and Income Comparison Profile for the Town of Apple Valley.

<sup>15</sup> Apple Valley Adopted Housing Element Update 2021-2029, p.30.

<sup>16</sup> Ibid., p.66.

**Table 2.14-1  
 Apple Valley Residential Building Permits, 2014-2020**

Year	Single Family	Multi-Family (2-4 units)	Multi-Family (5+ units)	Accessory Dwelling Units	Total
	Number of Units				
2014	94	4	0	0	98
2015	111	0	0	0	111
2016	126	0	0	0	126
2017	172	0	8	1	181
2018	132	0	0	2	134
2019	87	0	0	4	91
2020	81	0	0	9	90
<b>Total</b>	<b>803</b>	<b>4</b>	<b>8</b>	<b>16</b>	<b>831</b>
Annual Average	--	--	--	--	119

Source: Town of Apple Valley Draft Housing Update (September 2021), Table 15.

If 100% of the 1,172 jobs generated by the Project were to be filled by new residents of the Town, then approximately 1,208 housing units would be needed. The Town currently has 1,958 units of vacant housing and is projected to permit construction of 199± new units per year, based on the historic trends. Under the Town's RHNA requirement, an average of approximately 525 units per year may be constructed. Assuming that the Project will be operational by the end of 2024,<sup>17</sup> a range of 238 to 1,050 new units may be built over the 2-year construction period (based on the historic trends and the RHNA target, respectively). In the unlikely event that all the currently vacant units and all of the new units built over the next two years were to be available for the employees of the Project, these new residents would occupy between 34%, based on the RHNA, or 47%, based on historic data, of all new and vacant housing units.

Several factors would ease this pressure on the Town's housing stock. First, Apple Valley is in proximity to neighboring cities such as Victorville and Hesperia. These cities could likely provide housing for some of the employees of the proposed Project. Victorville and Hesperia each have approximately 3,110 and 1,951 vacant housing units, respectively.<sup>18, 19</sup>

<sup>17</sup> Air Quality and Greenhouse Gas Report prepared for the Project by Terra Nova Planning and Research (November 2022).

<sup>18</sup> City of Victorville, 2021-2029 Housing Element, p.2-13 – Vacant units according to the American Communities Survey, 2014-2018 estimate.

<sup>19</sup> City of Hesperia 2021-2029 Draft Housing Element (August 2022), p.22 – Vacant units according to the American Communities Survey, 2019.



Additionally, it is highly unlikely that all employees of the proposed Project would be new residents. As previously stated, the Apple Valley Housing Element suggests that the Town currently has a housing/jobs imbalance – 83% of employed residents of the Town commute to jobs outside of Apple Valley.<sup>20</sup> It can be assumed that the generation of approximately 1,172 jobs by the proposed Project would help rectify this housing/jobs imbalance by providing local job opportunities for existing residents of the Town.

A third factor is the potential market response to the demand for new housing in the Town. The housing/jobs imbalance described above suggests that there may not have been significant demand on the market for additional housing in recent years. Development of the proposed Project and the resulting creation of jobs would put demand on the market for more housing. In this scenario, the number of building permits historically issued may not be an accurate indicator of future residential development rates in Apple Valley. Given the market incentive, building rates for residential units in the Town may increase to more closely resemble the amounts projected by the RHNA.

While the jobs generated by the Project could require that additional housing in the Town be built at a faster rate than previous years, this accelerated growth should not be considered unplanned. The Town estimated that buildout of the 2009 General Plan would support the creation of an addition 60,877 housing units.<sup>21</sup> Additionally, the SCAG growth forecast projected that between 2016 and 2045, Apple Valley's population will increase by 36.5%, the number of households in the Town will increase by 51.4%, and the number of jobs will increase by 67.8%.<sup>22</sup> Given that planning at the local and regional levels has anticipated increased population growth in the Town, the Project is unlikely to induce substantial unplanned growth in the area. Furthermore, with the existing demand for more local jobs, and the ability for neighboring jurisdictions to share the provision of housing, impacts are anticipated to be less than significant.

#### **2.14.7 Mitigation Measures**

The Project will have less than significant impacts on population and housing. No mitigation measures are necessary.

#### **2.14.8 Significance After Mitigation**

The Project will have less than significant impacts on population and housing.

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<sup>20</sup> Town of Apple Valley Adopted Housing Element Update (November 2022), p.22.

<sup>21</sup> Town of Apple Valley General Plan, Community Development, p. II-12.

<sup>22</sup> Southern California Association of Governments, Demographics and Growth Forecast, Table 14 Jurisdiction-Level Growth Forecast.

### **2.14.9 Cumulative Impacts**

There will be no cumulatively considerable impacts regarding the displacement of existing residents or housing.

The Project will incrementally contribute to cumulative impacts on the Town's housing supply through the generation of new jobs. The proposed Project is consistent with the land use designations in the North Apple Valley Industrial Specific Plan (NAVISP). While population growth resulting from the jobs created by similar developments in the NAVISP could eventually accumulate, the existing jobs/housing imbalance indicated in the 2021-2029 Housing Element Update supports the conclusion that Apple Valley has the capacity to accommodate more jobs in Town.

The Town estimates that buildout of the General Plan, including the lands in the NAVISP, would create potential demand for up to 60,877 housing units, supporting a buildout population of approximately 185,858 residents. Since the adoption of the General Plan in 2009, the Town's population has increased from 69,135 to 75,628 residents. While the Project may contribute incrementally to population growth, the Town's population is still far below the growth anticipated in the General Plan. Therefore, while the Project will contribute to cumulative population growth, impacts related to unplanned population growth would not be cumulatively considerable.

Additionally, future developments in the NAVISP area, as with the Project, would be required to comply with the policies established in the NAVISP and the General Plan. The specific impacts of these future developments will be evaluated on a case-by-case basis. Compliance with the Town's plans and individual impact assessments for future developments will ensure that the impacts of the proposed Project will not be cumulatively considerable.

## **2.15 Public Services**

### **2.15.1 Introduction**

The following section describes the existing public services in the Project vicinity and analyzes the potential impacts associated with the proposed Project. A variety of local and regional data and information, including from research and analysis conducted for the Project, as well as regional-scale planning and environmental documents, have been used in researching and analyzing the Project and its potential effects on public services.

### **2.15.2 Thresholds of Significance**

Potential impacts to public services are analyzed using the thresholds of significance provided in Appendix G of the CEQA Guidelines. Appendix G uses the following questions to evaluate the Project's potential impacts.

Would the project:

- a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
- Fire Protection?
  - Police Protection?
  - Schools?
  - Parks? (see Section 2.16, Recreational Resources)
  - Other Public Facilities?

### **2.15.3 Regulatory Framework**

#### **Federal**

There are no federal regulations governing public services that apply to the proposed Project.

## **State**

### Senate Bill 50 (SB 50)

Enacted in 1998, Senate Bill 50, also known as the Leroy F. Greene School Facilities Act, reformed legislation to finance the construction and modernization of school facilities. SB 50 authorizes school districts to levy development fees and regulates the rate at which the fees can be increased. Recognizing the need to increase development fees in order to keep up with inflation, the State of California Department of General Services State Allocation Board adjusts the maximum fees levied toward financing schools according to the statewide cost index for Class B construction.

### California Fire Code

Title 24, Part 9 of the California Code of Regulations addresses fire prevention and safety through the provision of minimum fire safety requirements for new and existing buildings. The code establishes requirements for the design, installation, inspection, operation, testing, and maintenance of fire protection systems, as well as requirements to ensure adequate site access for fire protection services.

## **Regional and Local**

### Town of Apple Valley General Plan

The Town's General Plan Chapter V, Public Services and Facilities, establishes goals, policies, and programs to address the Town's long-term needs for public services.

## **Schools and Libraries Element**

**Goal 1** The provision of accessible, safe and conveniently located school, library and other educational facilities that provide a range of adequate and quality services to the Town and community.

**Policy 1.B** The Town shall assist Apple Valley Unified School District in securing school impact fees from developers, in accordance with state law.

## **Police and Fire Protection Element**

**Goal** The highest possible level of services and quality for fire and police protection to ensure the preservation and protection of the health, welfare and property for all types of development and socio-economic segments of the community.

**Policy 1.A** The Town shall review all new development proposals, as well as significant remodeling projects to determine potential impacts to public safety and the provision of police and fire protection services.

Program 1.A.1 The Town shall continue to monitor development levels in the Planning Area to assess the need for new fire and police stations.

Program 1.A.2 The Town shall coordinate with the Sheriff's Department and Fire Protection District regarding the optimal location of future police and fire stations, and to ensure that levels of staffing are adequate to meet the demands of new development in the Town.

Program 1.A.3 The Town shall review and modify its structural fire assessment fees annually, or as necessary to ensure that there are adequate funds to cover annual operating costs.

**Policy 1.B** All proposed development shall be designed to provide unencumbered access for police, fire, and paramedic vehicles, to the satisfaction of the Sheriff's Department and the Fire Marshal.

**Policy 1.E** The Town shall utilize the process of reviewing development and building plans, and of conducting building inspections, to strictly enforce fire standards and regulations.

Program 1.E.1 The Fire District and the Fire Marshal shall review all development proposals, and project design or conditions of approval, as appropriate, shall incorporate their input.

**Policy 1.H** The Fire Protection District shall maintain a 6-minute response time, or as close thereto as possible.

**Policy 1.I** The Fire Protection District shall maintain a level of service that ensures the provision of 1 fire personnel per 1,500 residents, or as close thereto as possible.

**Policy 1.J** New and substantially remodeled development shall incorporate crime prevention design techniques, including the use of "defensible space," high security hardware, optimal site planning and building orientation, and other design approaches to enhance security.

**Policy 1.O** The Sheriff's Department shall maintain a level of service that ensures the provision of 1 sworn officers per 1,500 residents, or as close thereto as possible.

### **2.15.4 Environmental Setting**

#### Fire Protection

The Apple Valley Fire Protection District (AVFPD) provides fire protection services to the Town of Apple Valley, Apple Valley SOI, and unincorporated areas of San Bernardino County. AVFPD's boundaries extend from the Mojave River to the dry lakes near Lucerne Valley.

The District maintains mutual aid agreements, allowing AVFPD, the Victorville Fire Department, the San Bernadino County Fire Department, and the Bureau of Land Management to provide services in support of one another despite jurisdictional boundaries. There is a joint dispatcher service for all four agencies located in Victorville.

The Town of Apple Valley and surrounding unincorporated areas also receive emergency medical services (EMS) from the District. All five fully staffed AVFPD stations provide paramedic services.

In addition to firefighting and EMS, the District provides project review services for all new developments in the Town through its Community Risk Reduction Division.

#### Police Protection

The San Bernardino County Sheriff's Department is contracted by the Town of Apple Valley to provide police protection services to the Town. The Apple Valley Police Department is located at 14931 Dale Evans Parkway and is comprised of the Administration Department, Traffic Division, and Detective Bureau.

The department also runs a Crime Free Multi-Housing Program which focuses on improving safety in rental properties and a Crime Free Business Program. In collaboration with the Apple Valley Fire Protection District, Apple Valley Unified School District, Town of Apple Valley Parks and Recreation Department, and other local agencies, the Apple Valley Station runs children and youth programs – the Police Activities League (PAL) and S.H.O.C.K. program, a 10-week intervention program for juveniles between the ages of 13 and 17.

#### Parks

The Apple Valley Parks and Recreation Department manages the Town's parks and recreation facilities, including 11 public parks and playgrounds, Town Hall Recreation Center, James Woody Community Center, a gymnasium, an equestrian center, trails, and numerous ball fields.

### Educational Facilities and Services

The Apple Valley Unified School District (AVUSD) operates a total of 15 public schools which service the population of the Town of Apple Valley.

### Other Public Facilities

Library services for the Town are provided by the San Bernardino County Library System. St. Mary Medical Center provides hospital services to the Town.

## **2.15.5 Existing Conditions**

### Fire Protection

The Apple Valley Fire Protection District has 51 full time and 3 part time employees, 50 of which work at five stations in the service area. The five fully staffed stations offer firefighting and paramedic services. The AVFPD aims for a staffing ratio of 1 full time employee per 1,500 people and an estimated response time of 6 minutes. Given the District's estimated service area population of 90,000 residents,<sup>1</sup> it currently has a staffing ratio of approximately 1:1765.

As shown in **Table 2.15-1**, the nearest fully staffed AVFPD fire stations to the Project are: Station 332 (4.5 miles), Station 331 (6.0 miles), and Station 336 (6.75 miles).

**Table 2.15-1**  
**AVFPD Stations**

<b>Station No.</b>	<b>Location</b>	<b>Proximity to Project</b>
Station 331	22400 Headquarters Drive	6.0 miles
Station 332	18857 Highway 18	4.5 miles
Station 334	12143 Kiowa Road	8.15 miles
Station 336	19235 Yucca Loma Road	6.75 miles
Station 337	19305 Jess Ranch Parkway	9.25 miles

Source: Apple Valley Fire Protection District, avfpd.org (Accessed October, 2022)

The nearest fire station to the proposed Project is the Apple Valley Fire Center, located at 18809 Central Road, Apple Valley. The Fire Center, which is approximately 1.7 miles east of the Project site, is operated by the Bureau of Land Management (BLM). Through the mutual aid agreement between the AVFPD and BLM, this station would respond to an emergency on the subject property.

### Police Protection

The Department consists of 51 sworn personnel and 13 general employees. It aims to respond to high priority calls within 3 to 7 minutes.

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<sup>1</sup> Apple Valley Fire Protection District, About Us <https://avfpd.org/about-us/> (accessed December 2022).

### Parks

The nearest park to the Project site is Brewster Park, located 3.3 miles to the south.

### Educational Facilities and Services

Sycamore Rocks Elementary and Phoenix Academy are the closest AVUSD schools to the Project site.

### Libraries

The public library in the Town is the Newton T. Bass Apple Valley Library, part of the San Bernardino County Library System. The 19,142 square foot facility is located off Dale Evan Parkway, adjacent to Town Hall. The library was first established in 1946, and, as of 2008, provides Apple Valley residents with access to over 20,000 hardcopy books.<sup>2</sup> It now also provides computer stations offering internet access and access to electronic resources such as the online library catalog, subscription databases, word processing, language learning, literacy, and a large collection of historic documents and photographs.<sup>3</sup>

## **2.15.6 Project Impacts**

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

- **Fire Protection**
- **Police Protection**
- **Schools**
- **Parks (see Section 2.16)**
- **Other Public Facilities**

### Fire Protection

The AVFPD provides fire protection services to the Project area. Development of the Project would impact fire services by increasing demand on existing fire protection resources as a result of an increase in employees and an additional structure in the AVFPD's service area. The Project will be served by the Bureau of Land Management fire station at 18809 Central Road and Station 332. It is not anticipated that the Project would require the construction of new fire protection facilities.

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<sup>2</sup> Town of Apple Valley General Plan Environmental Impact Report (August 2009).

<sup>3</sup> San Bernardino County Library, Apple Valley Newton T. Bass Branch Library, <https://sbclib.org/library-locations/apple-valley-newton-t-bass-branch-library/> (accessed December 2022).



Development of the proposed Project would result in a 1,207,544 sq ft warehouse, to be staffed by an estimated 1,172 people.<sup>4</sup> The Project site is adjacent to existing industrial developments to the north and east. Buildout of the Project would not extend AVFPD's service area, but it would add an additional structure requiring fire protection. Additionally, as described in greater detail in Section 2.14, Population and Housing, if some of the jobs created by the Project are filled by new residents of the Town, then demand on AVFPD's services would be further increased.

The Project will undertake standard measures to minimize its demand on the fire protection service. These measures include compliance with local and state fire codes, compliance with the applicable building codes, and providing sprinklers, fire hydrants, as well as sufficient emergency vehicle access on-site. Prior to the issuance of permits from the Town, the Project plans will be reviewed by the Community Risk Reduction Division of the AVFPD to ensure that they comply with the District's safety standards.

While the Project will increase demand for fire services, the extent to which additional demand will be generated through the Project's provision of employment opportunities is not easily quantifiable. While the estimated 1,172 jobs created by the Project may attract some new population to Apple Valley, it can be assumed that some of the employees will be existing residents of the Town and surrounding area. While the AVFPD is currently exceeding its preferred staffing ratio of 1:1500, it is not anticipated that the population growth potentially induced by the Project would be substantial enough to meaningfully change the ratio, because the employees of the Project will increase the population of the Town by 1.5% over current conditions, if all employees were to be new residents, which is not expected.

Population growth associated with the jobs created by the Project, as well as fire protection for the proposed Project facility, would be offset in part by additional funding from tax revenue. AVFPD is a special district, funded primarily through property tax revenues and special taxes. In 2016, voters in the District approved Measure "A" for the continuation of a special parcel tax for an additional 20 years and increasing the parcel tax rate. The Project, as well as any resulting residential development, would increase both property tax and parcel tax revenues. Funding the District receives from property and special taxes can be used for operation of the District's fire protection and emergency medical services, as well as towards improving facilities and response times. Increased tax revenues directly and indirectly associated with the Project would therefore help to offset any Project-related impacts to fire services.

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<sup>4</sup> Urban Crossroads, Inc., Lafayette Street Logistics Facility VMT Analysis (November 2022).

Furthermore, in accordance with the Municipal Fee Schedule J, the Project will be required to pay the development impact fee (DIF) of \$0.089 per square foot, a total of \$107,471.40, for fire protection services. Any new housing constructed to accommodate population associated with the jobs created by the Project would also be required to pay the DIF for fire protection services. The DIF fire fee for residential units is \$740.00 per single family residence and \$924.00 per multi-family unit.<sup>5</sup> DIF funds are restricted for financing fire protection facilities and equipment needed to serve new development.<sup>6</sup>

Overall, while buildout of the Project and any resulting residential development would marginally increase demand on fire protection services, adherence to standard fire safety practices, review of Project plans by the AVFPD, and payment of taxes and fees will ensure that Project-related impacts to fire protection services will be less than significant.

### Police Protection

The Project area is served by the Apple Valley Station of the San Bernardino County Sheriff's Department. The proposed Project will not directly increase the population of the Town, however the jobs created by the Project could draw new residents. As discussed in Section 2.14, Population and Housing, the Project will generate an estimated 1,172 new jobs. With 51 officers for a Town population of 75,628,<sup>7</sup> the current officer-to-population ratio is approximately 1:1510, which is slightly below the target set in the General Plan for a ratio of 1:1500.<sup>8</sup> The addition of new residents to the Town would further lower the officer-to-population ratio by a marginal degree. In the unlikely scenario that 100% of the Project's staff are new residents of the Town, the resulting officer-to-population ratio would be approximately 1:1600.

The Project plans will be subject to review by the Police Department to ensure that they provide adequate access for police vehicles and would not interfere with such services.

Per the Town's development impact fees, the Project will be required to pay \$0.001 per square feet, or a total of \$1,207.50, towards law enforcement facilities. The Project will also increase property tax revenues in the Town, some of which goes towards funding police services. In addition, residential development built for Project employees would contribute to property tax revenues as well. These

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<sup>5</sup> Town of Apple Valley, Development Impact Fees <https://www.applevalley.org/services/building-and-safety/development-impact-fees> (accessed December 2022).

<sup>6</sup> LAFCO for San Bernardino County, Countywide Service Review for: Fire Protection/Emergency Medical Services/Dispatch (February 2020).

<sup>7</sup> California Department of Finance Table E-5 City/County Population and Housing Estimates, January 1, 2022.

<sup>8</sup> Town of Apple Valley General Plan, V-39.

fees and tax revenues would help offset any increase in demand on the police force, helping to ensure that adequate police protection services can be provided.

Based on the analysis above, the proposed Project is not anticipated to have significant impacts on police protection services such that new or expanded facilities would be needed. The Project's contributions to fees and tax revenues will ensure that any impacts would be less than significant.

Schools

The Project proposes industrial uses and is located on land zoned for Specific Plan Industrial in accordance with the NAVISP. The Project does not propose the development of any residential units. The proposed industrial development thus will not directly generate additional demand on schools.

As discussed above, the Project is estimated to create 1,172 new jobs in the Town. As described in Section 2.14, Population and Housing, in the unlikely event that 100% of those jobs are filled by new residents, that would bring a projected 1,028 households to the Town. The Apple Valley Unified School District projects a student generation rate of 0.4908 students per single family detached unit and 0.3457 students per multi-family unit.<sup>9</sup> Approximately 76.8% of housing in Apple Valley is single family detached.<sup>10</sup> Therefore, given these rates, and if the Project were to bring 1,028 new households to the Town, approximately 470 students would be generated.<sup>11</sup> As shown in **Table 2.15-2**, the Project could generate approximately 260 elementary school students, 73 middle school students, and 138 high school students.

**Table 2.15-2  
 AVUSD Student Generation Rate**

School Level	Single Family Detached Units <sup>1</sup>		Multi-Family Attached Units <sup>1</sup>		TOTAL Students Generated
	Student Generation Rate	Students per 789.5 Units	Student Generation Rate	Students per 238.5 Units	
Elementary School	0.2650	<b>209.2</b>	0.2120	<b>50.6</b>	<b>260</b>
Middle School	0.0770	<b>60.8</b>	0.0492	<b>11.7</b>	<b>73</b>
High School	0.1488	<b>117.5</b>	0.0845	<b>20.2</b>	<b>138</b>
Total	0.4908	<b>387.5</b>	0.3457	<b>82.4</b>	<b>470</b>

<sup>1</sup> Apple Valley Unified School District Residential Development School Fee Justification Study (2018).

<sup>9</sup> Apple Valley Unified School District Residential Development School Fee Justification Study (2018).

<sup>10</sup> Town of Apple Valley Housing Element (August 2022), p.26.

<sup>11</sup> 76.8% of 1,028 housing units is 789.5. It is assumed for analysis purposes that the remaining 23.2% or 238.5 units would be multi-family.

**Table 2.15-3** compares the number of students projected to be generated by the Project with the number of new students that the AVUSD projects will be generated by the construction of 10,290 new housing units by 2035.<sup>12</sup> Based on these rates, the Project would generate approximately 10% of the quantity of new students that the AVUSD expects by 2035.

**Table 2.15-3  
 Projected Student Enrollment from Future Units**

School Level	Projected Student Enrollment from Future Units <sup>1</sup>	Projected Students Generated by Project <sup>2</sup>	Project proportion of total projected students
Elementary School	2,590	260	10%
Middle School	721	73	10%
High School	1,365	138	10%
Total	4,676	470	10%

<sup>1</sup> Apple Valley Unified School District Residential Development School Fee Justification Study (2018), Table 6.

<sup>2</sup> Based on assumption that the Project generates 1,172 new jobs, drawing 1,028 new households to the Town.

As previously stated, it is unlikely that 100% of the jobs created by the proposed Project would be filled by new residents of Apple Valley. However, as shown by the evidence above, even in this worst-case scenario, the Project would fill approximately 10% of the new student enrollment project by the Apple Valley Unified School District by 2035. Additionally, the construction of new housing units associated with new households related to the Project will be required to pay into development impact school fees of \$4.79 per livable square foot.<sup>13</sup> Payment of this fee would help offset any impacts to school facilities related to new students generated by the Project.

Given this analysis, it is not anticipated that the Project will significantly impact the demand for school facilities in the Town. Impacts are anticipated to be less than significant.

<sup>12</sup> Based on estimate provided to the Town by Cooperative Strategies using information from the Southern California Association of Governments, per Apple Valley Unified School District Residential Development School Fee Justification Study (2018), p. K-22.

<sup>13</sup> Town of Apple Valley, Development Impact Fees <https://www.applevalley.org/services/building-and-safety/development-impact-fees> (accessed December 2022).

### Parks

The development of the proposed warehouse facility will not generate an increased demand for parks. The increase in population associated with employees, however, could generate an increased demand for parks if new households were to live in Town. Project-related impacts to parks, which are expected to be less than significant, are discussed in Section 2.16.

### Libraries

According to the 2001 County Master Library Facility Plan, the County's target library allocation for communities with populations between 35,000 and 100,000 residents is 0.5 to 0.6 square feet per capita. The Plan estimates that the national average is 0.46 square feet of library space per capita.<sup>14</sup> The Town's Newton T. Bass Branch Library is 19,142 square feet. With the Apple Valley's current population of 75,628, the Town's currently provides approximately 0.253 square feet of library space per capita.

If 100% of jobs created by the proposed Project were to be filled by new residents of the Town, Apple Valley would have a total population of 76,800 people. These additional residents would result in a library allocation of 0.249 square feet per capita, which is a marginal change from the existing rate. Project related impacts to library facilities would be less than significant.

### **2.15.7 Mitigation Measures**

No mitigation measures are required.

### **2.15.8 Significance After Mitigation**

The proposed Project would not result in any significant impacts to public services.

### **2.15.9 Cumulative Impacts**

The proposed Project would contribute to the incremental increase in number of structures in the Town requiring police and fire protection. If the jobs generated by the Project draw new residents to Apple Valley, then this would contribute incrementally to the Town's population growth and thus the number of people that public services must accommodate. However, given that the proposed Project aligns with the land uses and the estimated buildout population of the Town's General Plan, it can be assumed that the Project's incremental impacts will not be cumulatively considerable.

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<sup>14</sup> Town of Apple Valley General Plan Environmental Impact Report (August 2009).

The Project proposes the development of a distribution facility/warehouse in an area zoned for Industrial – Specific Plan per the North Apple Valley Industrial Specific Plan. Any residential development required to accommodate employees of the Project would be subject to the General Plan land use designations and zoning in terms of location and density. This will ensure that impacts to public services related to population growth will not exceed those anticipated by the General Plan.

Additionally, the Project, and any associated residential development, will contribute to tax revenues and development impact fees. Payment into the applicable fees and taxes will ensure that impacts to existing services will be offset, and therefore that Project impacts will not be cumulatively considerable.

## **2.16 Recreational Resources**

### **2.16.1 Introduction**

This section of the EIR describes and evaluates the potential impacts of the proposed Project to existing and future parks and recreation facilities. The potential for adverse impacts to recreational facilities were evaluated based on current facilities and existing usage of recreational parks and facilities in the Town of Apple Valley.

### **2.16.2 Thresholds of Significance**

Based upon Appendix G of the CEQA Guidelines, the proposed Project would significantly affect parks and recreational facilities if it would:

- a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

### **2.16.3 Regulatory Framework**

#### **Federal**

There are no federal regulations applicable to the proposed Project regarding parks and recreational facilities.

#### **State**

##### Quimby Act

Known as the Quimby Act, California Government Code 66477 gives cities and counties the ability to pass an ordinance that requires the dedication of land, the payment of fees in lieu, or a combination of both, for park and recreational purposes as a condition of approval of a subdivision. This legislation also establishes a minimum parkland dedication of 3 acres of parkland per 1,000 residents for new subdivision development unless the amount of existing parkland in the neighborhood already exceeds that quantity.

### California Government Code Sections 66000 – 66003

These sections of the Government Code establish the ability for local agencies to charge fees for development projects. Local agencies may levy fees to offset cost of development impacts towards facilities or improvements including, per Section 66002 (c)(7), parks and recreation facilities.

## **Regional and Local**

### Town of Apple Valley General Plan (2009)

The Parks and Recreation Element of the Town's General Plan establishes goals, policies, and programs to ensure that the parks and recreation system responds to the needs of the community and enhances local amenities.

According to the General Plan, the Town requires the dedication of land or the payment of fees for park and recreational purposes pursuant to the provisions of Government Code 66477 (Quimby Act). The required fee or land dedication depends on the density of residential development, and applies as a condition of approval to a proposed tract or parcel map, as well as to non-subdivision developments such as apartment complexes. Fees paid in lieu pursuant to the Quimby Act may be applied to the purchase of land for parks, but not for park maintenance or improvement.

The following goals and policies from the Parks and Recreation Element are applicable to the Project:

**Goal 1**            The maintenance and expansion of a well connected network of high quality parks that provides all segments of the community with a wide range of recreational opportunities.

**Policy 1.A**        The Town shall maintain a standard of 5 acres of parkland per 1,000 residents.

### Town of Apple Valley Master Plan of Parks and Recreation (2013)

From 1947 to 2001, parks and recreation services in Apple Valley were provided by the Apple Valley Recreation and Park District. The Town took over the role in 2001, and now operates facilities and programs through the Park and Recreation Department. The Master Plan of Parks and Recreation establishes the Town's current inventory of parks and recreation facilities and establishes areas where the improvement and addition of facilities is required. The 2013 Master Plan update represents the Town's 20-year strategic vision for parks and recreation facilities.



The cost of acquiring, developing and renovating parks and recreational facilities, as outlined in the Master Plan, is in part funded by the Town's Development Impact Fee for Parks and Recreation.

#### Town of Apple Valley Development Code

Section 9.71.055 of the Town of Apple Valley Development Code governs development impact fees, including the collection of development impact fees for parks and recreation, as established by Government Code Section 66000-66003. The Town collects these fees to supplement the cost of acquiring, developing and renovating parks and recreational areas as outlined in the Town of Apple Valley's Master Plan of Parks and Recreation Services.

The Town Development Code also governs the collection of fees pertaining to the Quimby Act. A dedication of five acres of land per 1,000 residents of a subdivision is established as the Town minimum in Section 9.71.055 (C).

### **2.16.4 Environmental Setting**

Regional recreational resources in the vicinity of the Town of Apple Valley include the Mojave Narrows Regional Park, the Desert Conservation Area, the San Bernardino National Forest, Rodman Mountains and Grapevine Canyon Recreation Area, Deep Creek Hot Springs, and the Stoddard Valley Open Area.

The Town of Apple Valley has a total of 370 acres of parks and open space, distributed over 17 sites, managed by the Apple Valley Park and Recreation Department.<sup>1</sup> Recreation facilities include the Town Hall Recreation Center, James Woody Community Center, a gymnasium, an equestrian center, and numerous ball fields. A system of bike paths is designated throughout the Town, and the Civic Center on 14999 Dale Evans Pkwy provides year-round activities for the community, including an amphitheater and swimming pool.

The General Plan classifies parks into four categories:

Mini Parks: Mini parks are small parks that serve nearby neighbors with basic play facilities and a small green space. They are located within walking distance of most users.

Neighborhood Parks: Neighborhoods parks are moderately-sized parks that serve nearby neighbors with basic recreation opportunities and play spaces.

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<sup>1</sup> Town of Apple Valley Master Plan of Parks and Recreation.

Community Parks: Community parks are larger, multi-purpose parks that provide both active and passive recreation opportunities and specialized facilities that appeal to the entire community. These sites typically support organized, active recreation and opportunities for large-group gatherings.

Special Use Parks: Special use parks are sites with specialized facilities that provide unique recreation opportunities. These parks often serve a special audience Town-wide.<sup>2</sup>

The Project proposes the development of a warehouse/distribution facility in the North Apple Valley Industrial Specific Plan area. The proposed development would not directly require parks or recreation facilities. However, the jobs created by the Project could attract new residents to the Town, thereby inducing demand on existing parks and recreation facilities.

### 2.16.5 Existing Conditions

As of 2013, Apple Valley's parks level of service was 4.6 acres per 1,000 residents, which is comparable to its benchmark communities such as Lancaster, Temecula, and Hesperia.<sup>3</sup> Based on an estimated current population of 75,628 and approximately 370 acres of park and recreation space, the Town's 2022 parks level of service would be 4.9 acres per 1,000 residents.

In planning the Town's future park land needs, the Apple Valley Parks and Recreation Master Plan proposes a new standard of 4.5 acres of park land per 1,000 residents. **Table 2.16-1** shows the Town's park land needs for meeting the proposed level of service (LOS) of 4.5 acres per capita based on a 2029 population estimate of 116,041 residents.

**Table 2.16-1  
 Town of Apple Valley's Future Need for Developed Park Lands**

Park Type	Existing LOS <sup>1</sup> (acres/1,000)	Proposed Standard (acres/1,000)	Future Acres Needed
Mini Parks	0.23	0.2	--
Neighborhood Parks	0.14	0.5	47.6
Community Parks	1.11	1.8	126.1
Special Use Areas	3.10	2.0	2.5
<b>Total Existing LOS</b>	<b>4.6</b>	<b>4.5</b>	<b>176.2</b>

<sup>1</sup> The existing level of service is based on a population of 74,266.  
 Source: Apple Valley Parks and Recreation Master Plan (2013), Table 5.

<sup>2</sup> These categories are based on the refined versions in the Master Plan of Parks and Recreation.

<sup>3</sup> Apple Valley Parks and Recreation Master Plan, p.15.

Based on recreation trends and participation, analysis of underserved areas, and community preferences, the Town's Master Plan of Parks and Recreation also outlined Apple Valley's needs for amenities and facilities from 2013 to 2033. **Table 2.16-2** summarizes the Town's indoor and outdoor recreation facility needs for the 20-year period.

**Table 2.16-2  
 Town of Apple Valley's Recreation Facility Needs**

Facility Type	Quantity needed
Playgrounds	9
Sports Courts (e.g. basketball, tennis, volleyball)	9
Sports Fields (baseball/softball)	9
Soccer Fields	8
Event Spaces / Large-Group Venues	3
Water Play Areas	2
Multi-Use Turf Fields	2
Skatepark	1
BMX Facilities	1
Multi-Purpose Recreation Center	1
Trails	1

Source: Apple Valley Parks and Recreation Master Plan (2013), p.23.

The Project is situated in the planning area for the North Apple Valley Industrial Specific Plan. Most of the parks and recreation resources in the Town are concentrated south of the industrial area, in proximity to areas with more residential land uses.

### 2.16.6 Project Impacts

- a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.**
- b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.**

The Project does not propose any residential development and will not directly increase the Town's population. The proposes industrial development will not include any on-site recreational facilities, nor will it directly require the construction or expansion of additional recreational facilities. However, the potential population growth associated with the jobs created by the Project could increase the demand on local recreational opportunities.

As described in more detail in Section 2.14, Population and Housing, the jobs generated by the Project would likely be filled by a mix of current and new residents of the Town. Based on an employment density factor of 1,030 square feet per employee for logistics land uses,<sup>4</sup> the Project would create approximately 1,172 new jobs. If 100% of the Project's jobs were filled by new residents, and based on a calculated average of 1.14 jobs per household<sup>5</sup> in Apple Valley, the proposed Project could attract 1,028 new households to the Town. The addition of 1,028 households, or approximately 2,971 residents,<sup>6</sup> to the Town would result in a parks level of service of 4.7 acres per 1,000 residents.<sup>7</sup> This parks level of service (LOS) is higher than the current LOS of 4.6 acres per 1,000 residents cited in the Parks and Recreation Master Plan, but lower than the estimated 4.9 acres per 1,000 residents, based on current conditions, and less than the General Plan requirement of 5 acres per thousand.

Therefore, the Town is not currently meeting the LOS required in the General Plan, and any population growth induced by the Project would further reduce the LOS by a small margin. However, even with the addition of 2,971 residents, per the above calculations, Apple Valley would only reach a population of approximately 78,599 residents. This remains significantly below the projected 2029 population of 116,041 residents, upon which the Town based its park land needs analysis (provided in **Table 2.16-1**, above).<sup>8</sup>

Furthermore, the above calculations are a conservative estimate – it is unlikely that the jobs created by the Project would be filled exclusively by new residents. It is nonetheless probable that the Project would attract some new residents to Apple Valley, thus having at least a marginal impact on the Town's parks level of service. However, payment of the Quimby Fee and Park Development Impact Fees would help to offset any Project-related impacts. Any new residential developments built to accommodate population growth related to the Project would also be required to pay these fees.

According to the Town of Apple Valley Municipal Fee Schedule, industrial projects are required to pay a Quimby Fee of \$0.01 per square foot, and a Park Development Fee of \$0.01 per square foot.<sup>9</sup> For the proposed 1,207,544 square foot warehouse development, this would result in \$12,075.44 of fees paid towards

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<sup>4</sup> Urban Crossroads, Inc., Lafayette Street Logistics Facility VMT Analysis (November 2022).

<sup>5</sup> Based on Employment Development Department estimate of 29,300 jobs in the Town of Apple Valley in August 2022, and a forecast of 25,717 households in 2022 from the Esri Demographic and Income Comparison Profile for the Town of Apple Valley.

<sup>6</sup> Based on an average household size of 2.89, according to the California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State, January 1, 2022.

<sup>7</sup> Based on the Town's inventory of approximately 370 acres of land for parks and recreation facilities.

<sup>8</sup> Apple Valley Parks and Recreation Master Plan (2013), Table 5.

<sup>9</sup> Town of Apple Valley 2021-22 Municipal Fee Schedule, Schedule J Development Impact Fees, p.70.

the Quimby Fee, and \$12,075.44 towards the Park Development Fee. Residential developments are required to pay \$3,521.81 towards both the Quimby Fee as well as the Park Development Impact Fee for detached dwelling units, or \$2,870.01 per unit for attached dwelling units.

The Town can use the Park Development Impact Fees for renovating and maintaining existing parks. Increased funding for renovation and maintenance would help ensure that any Project-related increase in the usage of existing neighborhood and regional parks or other recreational facilities will not result in substantial or accelerated physical deterioration.

The Quimby Fee can be applied exclusively to the acquisition of land for parks. The Project's direct and indirect contributions to this fee would help the Town dedicate more lands to parks, thus offsetting impacts to the parks level of service. While the construction of recreation facilities could have an adverse physical effect on the environmental, neither the Project's impacts to the level of service, nor its contributions to the Quimby Fee, would be significant enough to directly result in a new recreational facility. Physical impacts to the environment resulting from a new recreational facility would be evaluated independently. Project-related impacts would thus be less than significant.

Overall, given that the proposed development will not significantly affect the Town's parks level of service, and that the Project will contribute to increases in Town revenues and will be required to pay the Quimby and Park Development Fees for both its direct impacts and the impacts of new residential units which may be needed to house Project employees, it can be assumed that impacts to parks and recreational caused by the Project will be off-set, and that impacts will be less than significant.

#### **2.16.7 Mitigation Measures**

Mitigation measures are not required because the Project will not have direct impacts to recreational resources.

#### **2.16.8 Significance After Mitigation**

Mitigation measures are not required. Impacts are less than significant.

#### **2.16.9 Cumulative Impacts**

Buildout of the proposed Project could have an indirect impact to demand on recreational resources in the Town. Any indirect impacts will be partially offset by the payment of development impact fees, Quimby fees or facilities and

increased Town revenues. Cumulative impacts resulting from similar industrial projects in the vicinity of the Project have been accounted for in the North Apple Valley Industrial Specific Plan (NAVISP). Given that the Project aligns with the uses promoted for the Industrial – Specific Plan (I-SP) zone within which it is situated, any related impacts to park and recreational facilities will be in line with those already anticipated by the NAVISP.

Potential environmental impacts related to the increased use and development of recreational facilities will continue to be evaluated on a project-by-project basis in accordance with CEQA, including future industrial developments in the NAVISP planning area. The Town will continue to require that projects minimize the increase in demand for park and recreation spaces through the dedication of parkland and/or fee payment. These measures will ensure that the Project's and other projects' incremental impacts on parks and recreational facilities will not be cumulatively considerable.

## **2.17 Transportation and Traffic**

### **2.17.1 Introduction**

This section of the EIR describes the existing transportation conditions within the Project area and analyzes the potential impacts of the proposed industrial warehouse project on traffic, circulation, and emergency access. This discussion also sets forth mitigation measures to reduce potential impacts to acceptable levels. A Traffic Analysis<sup>1</sup> and Vehicle Miles Traveled (VMT) Analysis<sup>2</sup> were prepared by Urban Crossroads, Inc. for the proposed Project and are included in Appendix I.

The Project traffic study was prepared in accordance with the San Bernardino County Transportation Impact Study Guideline (July 9, 2019) as the Town of Apple Valley utilizes the County Guidelines, and consultation with Town staff during the traffic study scoping process. The analysis is based on a wide range of data and information, ranging from research and analysis conducted for specific projects in the area to regional-scale planning and environmental documents.

### **2.17.2 Thresholds of Significance**

According to CEQA Guidelines Appendix G, the Project would have a significant effect on transportation if it would:

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.
- b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b).
- c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- d) Result in inadequate emergency access.

### **2.17.3 Regulatory Framework**

#### **Federal**

There are no federal regulations that impact circulation in the Project area.

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<sup>1</sup> Lafayette Street Logistics Facility Traffic Analysis prepared by Urban Crossroads, Inc. November 2022.

<sup>2</sup> Lafayette Street Logistics Facility VMT Analysis, Urban Crossroads, November 2022.

## **State**

### Senate Bill 743

Effective July 1, 2020, Senate Bill (SB) 743 requires lead agencies to adopt vehicle miles traveled (VMT) as a replacement for vehicle delay-based level of service (LOS) as the new measure for identifying transportation impacts for land use projects. The SB 743 analysis and its relevance to the proposed Project are discussed in Section 2.17.6, below.

## **Regional and Local**

### Apple Valley General Plan

The following goal and policies of the Apple Valley General Plan Land Use and Circulation Elements address transportation resources and planning and are applicable to the proposed Project.

## **Land Use Element**

**LU Policy 7.A** Industrial development shall be permitted only in areas with provisions for adequate circulation, utilities, infrastructure and public services.

## **Circulation Element**

**Goal** The Town shall continue to maintain and expand a safe and efficient circulation and transportation system.

**Policy 1.C** Sidewalks shall be provided on Local Streets of 60 feet in width and on all roadways 88 feet wide or wider. In Rural Residential land use areas designated pathways may be provided as an alternate to sidewalks.

**Policy 1.E** Bus pullouts shall be designed into all new projects on arterial roadways, to allow buses to leave the flow of traffic and reduce congestion.

**Policy 1.H** New development proposals shall pay their fair share for the improvement of street within and surrounding their projects on which they have an impact, including roadways, bridges, and traffic signals.

**Policy 1.M** Encourage the expansion of an integrated public transit system.



### Apple Valley VMT Threshold

The Town of Apple Valley adopted resolution 2021-08, Thresholds of Significance for Vehicle Miles Traveled (VMT) Under the California Environmental Quality Act (May 2021) (Town Thresholds), which documents the Town's approved VMT impact thresholds. The VMT analysis presented in this EIR has been developed based on the adopted County Guidelines and Town thresholds.

### Regional Transportation Plan

The Town of Apple Valley's circulation network is made up of regional and local roadways arranged primarily in a grid network. Major regional roadways include U.S. Interstate 15 (I-15) running from the U.S.-Canadian border in Montana to southern California and State Route 18 which runs east-west through Town, and connects Apple Valley to Lucerne Valley and Yucca Valley on the east, and Victorville and beyond on the west.

Major local roadways include Dale Evens Parkway which is currently improved as a 2-lane undivided road that runs north-south through the Town from the I-15 south to Thunderbird Road. Bear Valley Road is improved as a 2- and 4-lane undivided highway extending from State Route 18 on the eastern limits of Town to its western edge. Tussing Ranch Road is improved as a 2-lane undivided east-west road which delineates the Town's southern boundary. Central Road is improved as a north-south 2-lane undivided road spanning the eastern length of the town from Quarry Road to Roundup Way. Kiowa Road is improved as a 2-lane undivided road running north-south through the middle of Town from Roundup Way to Navajo Road. And Apple Valley Road is a north-south road improved as a 2- and 4-lane roadway from Falchion Road south to State Route 18.

The Southern California Association of Governments (SCAG) prepares the Regional Transportation Plan (RTP), a long-range transportation plan and strategy for Southern California. The RTP was adopted in September 2020 and is combined with the region's Sustainable Communities Strategy (SCS) as the 2020-2045 RTP/SCS. It identifies major roadways, transit, intermodal facilities, and other components of an integrated regional circulation system for at least a 20-year forecast period. Interstate-15 in the Project area is considered part of the regionally significant arterial system for 2045 planning purposes.<sup>3</sup>

## **2.17.4 Environmental Setting**

The proposed Project is located in the northern portion of the 6,221-acre North Apple Valley Industrial Specific Plan planning area in the north portion of the Town. Most of these lands (5,109± acres) are slated for industrial development, 266 acres for commercial and 73.7 acres for the future "High Desert Corridor"

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<sup>3</sup> ConnectSoCal, Highways and Arterials Technical Report, Southern California Association of Governments, adopted September 3, 2020, Exhibit 3.

transportation project. The High Desert Corridor designates lands identified by the California Department of Transportation (CalTrans) as the future location of State Highway 220.

The environmental setting includes the partially built Dale Evans Parkway that provided primary connectivity between the Project area and the more urban portions of the community to the south. Dale Evans Parkway also extends north to a full interchange with I-15 approximately 3.5 miles to the north. Principal east-west connectivity is provided north of the Project site by Johnson Road, Quarry Road and Stoddard Wells Road. Stoddard Wells Road also has a full interchange with I-15 approximately 2.9 miles to the west. The subject property is also located 4,000 feet northwest of the nearest runway of the Apple Valley Airport.

### **2.17.5 Existing Conditions**

Baseline conditions in the vicinity of the Project site reflect those of 2022 and are summarized below. The scope of the analysis was established in consultation with the Town and its approval of Project traffic scoping package, which sets the parameters for the traffic analysis. A total of 20 intersections at and in the general vicinity of the subject property were analysed, including I-15 interchange ramps at Stoddard Wells Road.

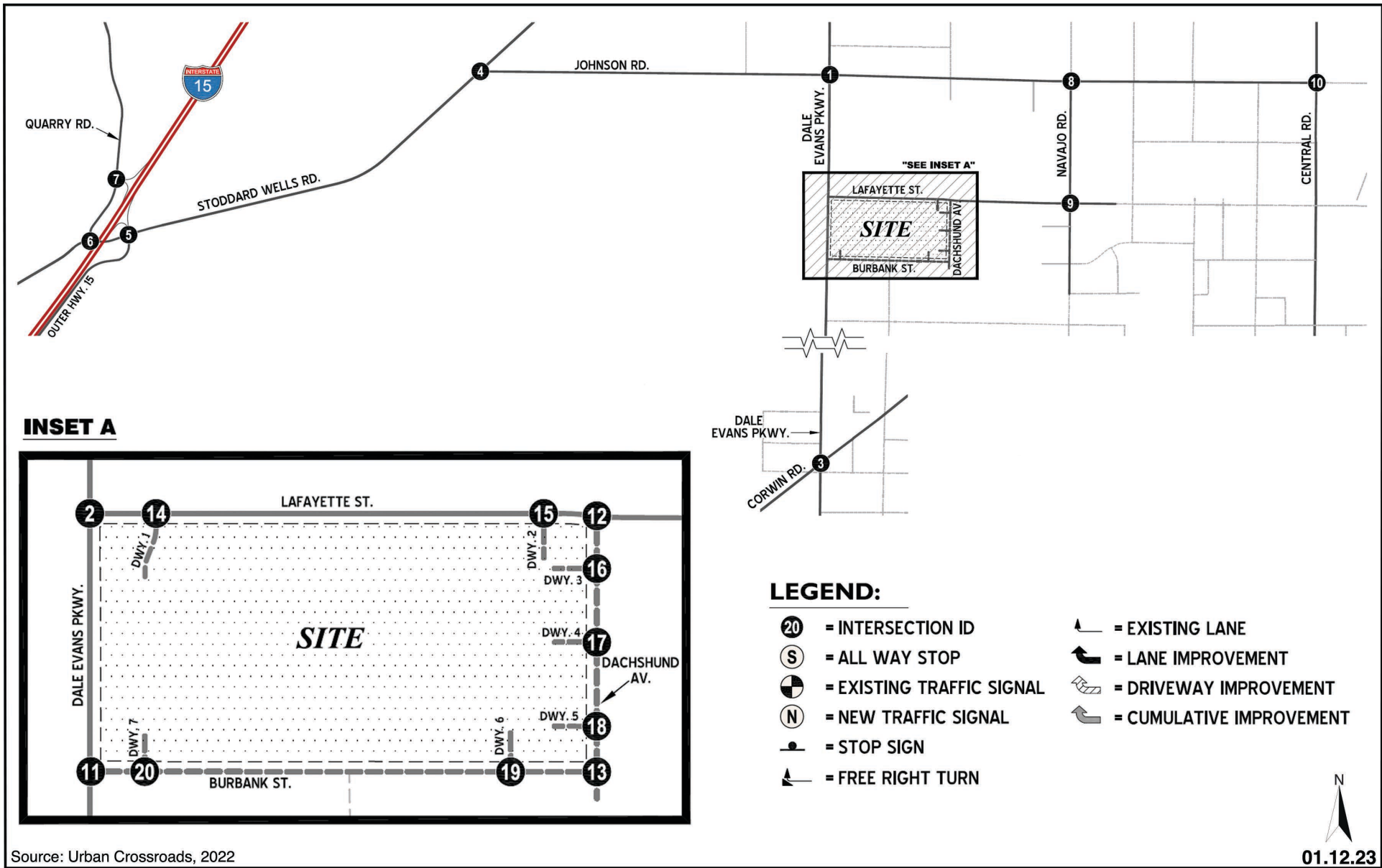
Major roadway segments also analysed include Dale Evans Parkway, Lafayette Street, Burbank Street, Dashshund Avenue and several Project access drives. Also assessed were Johnson Road to the north, Stoddard Wells Road to the west and northwest, Navajo Road, Central Road and Corwin Road. The associated intersections listed below are the critical locations within the roadway network where capacity constraints are greatest and where analysis has been focused.

**Table 2.17-1  
 Intersection Analysis Locations**

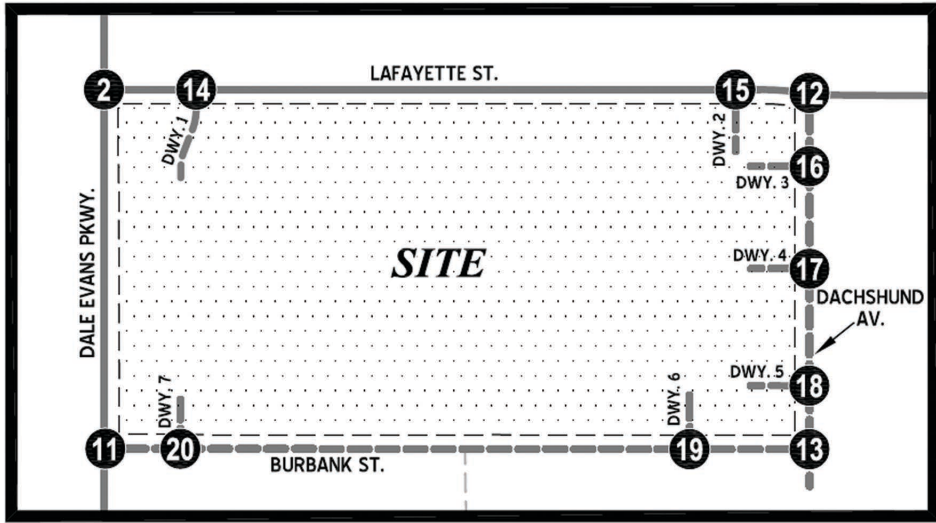
Intersection No.	Intersection Name
1	Dale Evans Pkwy @ Johnson Road
2	Dale Evans Pkwy @ Lafayette Street
3	Dales Evans Pkwy @ Corwin Road
4	Stoddard Wells Rd @ Johnson Road
5	I-15 NB Ramps @ Stoddard Wells Rd
6	Quarry Road @ Stoddard Wells Rd
7	Quarry Road @ I-15 SB Ramps
8	Navajo Road @ Johnson Road
9	Navajo Road @ Lafayette Street
10	Central Road @ Johnson Road
11	Dale Evans Pkwy @ Burbank Street

**Table 2.17-1**  
**Intersection Analysis Locations**

<b>Intersection No.</b>	<b>Intersection Name</b>
12	Dachshund Ave @ Lafayette Street
13	Dachshund Ave @ Burbank Street
14	Driveway 1 @ Lafayette Street
15	Driveway 2 @ Lafayette Street
16	Dachshund Ave @ Driveway 3
17	Dachshund Ave @ Driveway 4
18	Dachshund Ave @ Driveway 5
19	Driveway 6 @ Burbank Street
20	Driveway 7 @ Burbank Street



**INSET A**



Source: Urban Crossroads, 2022

**LEGEND:**

- ②0 = INTERSECTION ID
- ⊙S = ALL WAY STOP
- ⊙N = NEW TRAFFIC SIGNAL
- ⊙ = STOP SIGN
- ↗ = FREE RIGHT TURN
- ↔ = EXISTING LANE
- ↪ = LANE IMPROVEMENT
- ↪ (hatched) = DRIVEWAY IMPROVEMENT
- ↪ (curved) = CUMULATIVE IMPROVEMENT



01.12.23

## **Major Roadways**

### Dale Evans Parkway

This arterial roadway is designated as a “Major Divided Parkway” in the Apple Valley General Plan with an ultimate 142-foot right of way. It calls for the provision of three travel lanes in each direction, 8 to 10-foot bike/parking lane, and a 15-foot parkway with sidewalk. It is currently improved to provide one travel lane in each direction with graded shoulder; there are no curb, gutter or sidewalks improvements along this roadway. At its intersection with Lafayette Street, the parkway flares to accommodate northbound right and southbound left turn lanes. Existing daily traffic volumes range from 3,799 average daily vehicles (ADV) south of Corwin Road to 4,200 ADV just south of the future Burbank Street.

### Lafayette Street

This arterial roadway is designated as a “Secondary Road” in the Apple Valley General Plan with an ultimate 88-foot right of way. It calls for the provision of two travel lanes in each direction, an 8-foot bike/parking lane, and a 12-foot parkway with sidewalk. It is currently improved to provide one travel lane in each direction with graded shoulder; there are no curb, gutter or sidewalk improvements along this roadway. Existing daily traffic volumes are 700 ADV.

### Johnson Road

This arterial roadway is designated as a “Secondary Road” in the Apple Valley General Plan with an ultimate 88-foot right of way. It calls for the provision of two travel lanes in each direction, an 8-foot bike/parking lane, and a 12-foot parkway with sidewalk. It is currently improved to provide one travel lane in each direction with graded shoulder; there are no curb, gutter or sidewalk improvements along this roadway, except for curb immediately adjacent to the existing Walmart distribution center. Existing daily traffic volumes range from 5,200 ADV east of Dale Evans Parkway to 3,900 ADV just east of its intersection with Stoddard Wells Road.

### Stoddard Wells Road

This arterial roadway is designated as a “Major Divided Arterial” (128-foot RW & 104-foot paved section) in the Apple Valley General Plan southwest of Johnson Road. North of Johnson Road, Stoddard Wells is a “Major Road” (104-foot RW & 80-foot paved section). As a “Major Divided Arterial”, Stoddard Wells is to provide three travel lanes in each direction, an 8 to 10-foot bike/parking lane, and a 12-foot parkway with sidewalks. It is currently improved to provide one travel lane in each direction with graded shoulder; there are no curb, gutter or sidewalk improvements along this roadway. As a “Major Road”, Stoddard is to provide two travel lanes in each direction, an 8 to 10-foot bike/parking lane, and a 12-foot parkway with sidewalks. Existing daily traffic volumes range from 5,100 ADV south of Johnson Road to 400 ADV north of Johnson Road.

### Existing Truck Routes

The Town's and Caltrans' designated truck routes in the Project area include Dale Evans Parkway, Johnson Road, and Central Road. Local Truck Routes are also shown on Stoddard Wells Road, Navajo Road, Lafayette Street, and Corwin Road. These designated truck routes have been utilized in the analysis for both the proposed Project and future cumulative development projects.

### Level of Service (LOS)

Traffic operations are defined in terms of "Level of Service" (LOS). LOS is a qualitative measure of the operation of a roadway segment or intersection and considers speed, travel time, traffic delay, and freedom to maneuver. LOS measurements are described using an alphabetical scale ranging from LOS A to LOS F. LOS A represents the best or free-flowing conditions, and LOS F represents the worst conditions or system failure.

The Town of Apple Valley General Plan recommends a LOS standard of LOS C but finds that LOS D is acceptable. Intersections and roadway segments that do not meet a minimum of LOS D require improvement modifications to bring the deficiency to within acceptable LOS thresholds. For the purposes of the Project-specific traffic analysis, LOS D was considered an acceptable LOS, consistent with the Town's policies.

### Intersection Capacity Analysis

For intersections, LOS generally measures the number of seconds a vehicle is delayed as it passes through an intersection. For signalized intersections, LOS is directly related to the average control delay per vehicle and correlated to a LOS designation, as shown in Tables 2.17-2 and 2.17-3.

**Table 2.17-2  
 Signalized Intersection LOS Thresholds**

Description	Average Control Delay (seconds), V/C ≤ 1.0	Level of Service, V/C ≤ 1.0	Level of Service, V/C ≥ 1.0
Operations with very low delay occurring with favorable progression and/or short cycle length.	0 to 10.00	A	F
Operations with low delay occurring with good progression and/or short cycle lengths.	10.01 to 20.00	B	F
Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	20.01 to 35.00	C	F
Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.	35.01 to 55.00	D	F
Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	55.01 to 80.00	E	F
Operations with delays unacceptable to most drivers occurring due to over saturation, poor progression, or very long cycle lengths.	80.01 and up	F	F

**Source:** Highway Capacity Manual (6<sup>th</sup> edition)

**Table 2.17-3  
 Unsignalized Intersection LOS Thresholds**

Description	Average Control Delay (seconds), V/C ≤ 1.0	Level of Service, V/C ≤ 1.0 <sup>1</sup>
Little or no delay.	0 to 10.00	A
Short traffic delays	10.01 to 15.00	B
Average traffic delays	15.01 to 25.00	C
Long traffic delays	25.01 to 35.00	D
Very long traffic delays	35.01 to 50.00	E
Extreme traffic delays with intersection capacity extended	>50.00	F

**Source:** HMC. 6<sup>th</sup> Edition

<sup>1</sup>. If V/C is greater than 1.0 then LOS is F per HCM.

The traffic analysis calculated the existing levels of service for the 10 existing intersections in the Project area, which is depicted in Table 2.17-4. As shown in the Table, existing intersections are all operating at acceptable LOS.

**Table 2.17-4  
 Intersection Analysis for Existing Conditions (2022)**

#	Intersection	Traffic Control <sup>1</sup>	Delay <sup>2</sup> (secs.)		Level of Service	
			AM	PM	AM	PM
1	Dale Evans Pkwy. / Johnson Rd.	AWS	9.4	18.3	A	C
2	Dale Evans Pkwy. / Lafayette St.	CSS	9.6	10.1	A	B
3	Dale Evans Pkwy. / Corwin Rd.	AWS	8.1	9.0	A	A
4	Stoddard Wells Rd. / Johnson Rd.	CSS	9.9	12.6	A	B
5	I-15 NB Ramps / Stoddard Wells Rd.	CSS	10.7	18.8	B	C
6	Quarry Rd. / Stoddard Wells Rd.	CSS	9.4	10.3	A	B
7	Quarry Rd. / I-15 SB Ramps	CSS	9.1	9.7	A	A
8	Navajo Rd. / Johnson Rd.	CSS	9.1	9.9	A	A
9	Navajo Rd. / Lafayette St.	CSS	9.0	9.9	A	A
10	Central Rd. / Johnson Rd.	CSS	9.6	9.8	A	A
11	Dale Evans Pkwy. / Burbank St. (Future)					
12	Dachshund Av. / Lafayette St. (Future)					
13	Dachshund Av. / Burbank St. (Future)					
14	Dwy. 1 / Lafayette St. (Future)					
15	Dwy. 2 / Lafayette St. (Future)					
16	Dachshund Av. / Dwy. 3 (Future)					
17	Dachshund Av. / Dwy. 4 (Future)					
18	Dachshund Av. / Dwy. 5 (Future)					
19	Dwy. 6 / Burbank St. (Future)					
20	Dwy. 7 / Burbank St. (Future)					

Transit Service

The Project site and vicinity are currently served by Victor Valley Transit Authority (VVTA), a public transit agency serving various jurisdictions within the region. The VVTA operates 16 regional bus routes, 4 of which operate within the Town: VVTA Route 40 (Apple Valley North), Route 41 (Apple Valley/Victorville), Route 42 (Victor Valley College/Training Center), and Route 43 (Apple Valley/Victor Valley College).

Based on a review of the existing transit routes within the vicinity of the proposed Project, Route 42 currently runs along Dale Evans Parkway, Johnson Road, and Corwin Road. The terminus is located at Victor Valley College Regional Training Center on Navajo Road south of Johnson Road.



Transit service is reviewed and updated by VVTA periodically to address ridership, budget and community demand needs. Changes in land use can affect these periodic adjustments which may lead to either enhanced or reduced service where appropriate.

#### Apple Valley Airport (APV)<sup>4</sup>

As noted, the proposed Project is located about 4,000 feet northwest of the nearest runway of the Apple Valley Airport, which is owned by the County of San Bernardino. It is a public airport without an air traffic control tower but with approach/departure radar service. The airport was built in 1970 and has two runways: (1) 18/36: 6,498 x 150 ft (1,981 x 46 m), and (2) 8/26: 4,099 x 60 ft (1,249 x 18 m), both paved with asphalt. In 2022, there were 115 aircraft based at APV of which 108 are single-engine airplanes, as well as five multi-engine aircraft and two helicopters. There are an average of 103 operations (takeoffs and landings) per day.<sup>5</sup>

### **2.17.6 Project Impacts**

This section analyses the traffic volumes that are expected to be generated by the Project, as well as the Project's trip assignment onto the study area roadway network. The Project is proposed to consist of 1,207,544 square feet (sf) of high cube warehouse/distribution use, with the potential for 15% of that square footage to be refrigerated warehousing space. The Project is evaluated in a single phase. For the purposes of the traffic analysis, trips associated with the Project are determined assuming 1,026,412 square of high cube warehouse floor area (85% of total), and 181,132 square feet of cold storage (15% of total).

Vehicular access will be provided via two auto access points along Lafayette Street, three full access points along the future Dachshund Avenue, and two auto access points along the future Burbank Avenue. Regional access to the Project site is available from the I-15 Freeway via Stoddard Wells Road and Dale Evans Parkway interchanges, with the Stoddard Wells Road interchange expected to accommodate the bulk of I-15 Project traffic.

#### Project Trip Generation

The Project's trip generation represents traffic both attracted to and produced by the proposed warehouse development. To develop the traffic characteristics of the high-cube warehouse land use for the proposed Project, trip-generation

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<sup>4</sup> Aeronautical Information Services, Federal Aviation Administration, effective date 11.1.22.

<sup>5</sup> FAA Airport Information, effective 11.3.22, Airnav.com. Access 11.18.22.  
<http://www.airnav.com/airport/KAPV>

statistics published in the “TUMF High-Cube Warehouse Trip Generation Study”<sup>6</sup> are used. The purpose of this study was to gather enough data to develop reliable trip generation rates for warehousing projects for use in traffic impact studies in the Inland Empire.

In addition, the South Coast Air Quality Management District (SCAQMD) recommends the use of 0.64 truck trips per 1,000 square feet, which would account for variations in future users. For the remaining high-cube cold storage portion of the proposed Project, the trip generation rates published by the Institute of Transportation Engineers (ITE) as provided in their Trip Generation Manual, 11th Edition (2021) have been utilized. The truck percentages were further broken down by axle type per the SCAQMD recommended truck mix.

All truck trips were converted into passenger car equivalent (PCE) to represent the effect large trucks, buses, and recreational vehicles have on traffic flow. Trucks occupy the same space as two or more passenger cars and take much more time to accelerate and slow-down. PCE factors used are consistent with the values recommended for use in the Town’s Traffic Study Guidelines. The Project will generate 2,569 daily trips, and 4,052 PCE trips per day.

#### Project Trip Distribution

The Project trip distribution and assignment process represents the directional orientation of traffic to and from the Project site and is heavily influenced by the geographical location of the site, the location of surrounding uses, and the proximity to the regional freeway system. Approximately 50 percent of Project-related passenger car traffic will travel on Stoddard Wells Road and Johnson Road, while about 35 percent will use Dale Evans Parkway to the south and 10 percent will use Dale Evans Parkway north of Johnson Road. Project truck traffic closely matches passenger car distributions, excepting that the Dale Evans Parkway north/south split is 15 percent and 25 percent respectively (also see Traffic Analysis Exhibits 4-1 and 4-2 in Appendix I of this EIR. It should be noted that use of public transit, walking or bicycling have not been included as part of the Project’s estimated trip generation.

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.**

#### LOS Policies

The following analysis is provided to determine whether the Project would result in an inconsistency with General Plan policy. For the analysis of impacts associated with VMT, the current measure for traffic impacts, please see question (b) below.

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<sup>6</sup> “TUMF High-Cube Warehouse Trip Generation Study”, WSP, January 29, 2019.

The Apple Valley General Plan establishes LOS D as the minimum peak hour system performance standard for the Town's circulation network. The San Bernardino County Congestion Management Plan (CMP) establishes LOS E as the minimum LOS standard for CMP designated roadways.

The Project-specific traffic analysis projected traffic conditions for Horizon Year 2040 without and with the proposed Project. The analysis was based on the San Bernardino County Transportation Analysis Model (SBTAM), the sub-regional model for San Bernardino County, adjusted for the Town's current General Plan and traffic analysis zones (TAZ). Traffic projections for Horizon Year (2040) without Project conditions were derived based on growth from interim year conditions, known cumulative projects, and from the SBTAM. The traffic forecasts reflect the area-wide growth anticipated between Existing (2022) conditions and Horizon Year (2040) traffic conditions. The Horizon Year (2040) With Project scenario represents changes proposed by the Project. The Horizon Year analysis was used to determine if improvements funded through regional transportation mitigation fee programs, such as the Transportation Uniform Mitigation Fee (TUMF) program, could accommodate the long-range cumulative traffic at the target LOS identified in the Apple Valley General Plan.

#### Project Impacts: Opening Year (2024)

Future year traffic forecasts have been based upon background (ambient) growth at 2% per year for 2024 traffic conditions. The total ambient growth is 4.04% for 2024 traffic conditions, approximating regional traffic growth. This ambient growth rate is added to existing traffic volumes to account for area-wide growth not reflected by cumulative development projects. Ambient growth has been added to daily and peak hour traffic volumes on surrounding roadways, in conjunction with traffic generated by the development of future projects that have been approved but not yet built and/or for which development applications have been filed and are under consideration by governing agencies. The traffic generated by the proposed Project has been manually added to the non-project cumulative traffic.

Based on this methodology, the Project traffic was distributed on Town streets, and the potential changes in LOS identified for each of the Project area intersections. As shown in Table 2.17-5, LOS is expected to remain at acceptable levels, except for the intersection of Dale Evans Parkway and Johnson Road, and the northbound I-15 ramps and Stoddard Wells Road, where levels would drop to LOS F in the PM peak hour, with or without the Project. Although the Project would contribute additional traffic to these two intersections, they will operate at an unacceptable LOS without the Project, unless a traffic signal is installed at each intersection. There will therefore be a significant impact which requires mitigation. As identified in Table 2.17-5, with installation of a traffic signal, both intersections operate at LOS D during the PM peak hour. In order to mitigate its impact to these

intersections, the traffic study determined that the Project must contribute its fair share to these improvements, which is reflected in Mitigation Measure TRF-19. With implementation of this mitigation measure, impacts of the Project on opening year traffic conditions will be reduced to less than significant levels.

#### Project Impacts: 2040 Horizon

The adopted Southern California Association of Governments (SCAG) Connect SoCal: Demographics and Growth Forecast<sup>7</sup> growth forecasts for the Town of Apple Valley indicates a population of 74,300 in 2016 and 101,400 in 2045, or a 36.5% increase over the 29-year period. The change in population is less than a 2.0% growth rate, compounded annually. Similarly, growth in employment over the same 29-year period is projected to increase by 67.8%.

Horizon Year (2040) turning volumes were calculated and compared to Opening Year Cumulative (2024) volumes to ensure a minimum traffic growth, which includes any additional growth between Opening Year Cumulative (2024) and Horizon Year (2040) traffic conditions not accounted for by the traffic generated by cumulative development projects and assumed ambient growth rates. Future estimated peak hour traffic data was used for new intersections and intersections with an anticipated change in travel patterns to further refine the Horizon Year (2040) peak hour forecasts.

Table 2.17-6 compares intersection LOS during the peak hours for Horizon Year (2040) Without Project and Horizon Year (2040) With Project traffic conditions. As shown below, with improvements the Project's impacts will not cause any of the potentially affected intersections to operate at unacceptable levels of service in 2024 Opening Year or in the 2040 Horizon year. To address 2024 impacts with or without the Project, traffic signals will be needed at the intersection of the I-15 NB ramps at Stoddard Wells Road and at the intersection of Dale Evans Parkway and Johnson Road, as described above.

For the 2040 Horizon year, in addition to the two aforementioned intersections, six additional intersections will require signalization and lane improvements, with or without the Project, as shown in Table 2.17-6 to continue to operate at LOS D or better in 2040. These include signals at Dale Evans Parkway intersections with Lafayette Street and Corwin Road. Signals would also be required at the intersections of Johnson Road at Stoddard Wells Road and Navajo Road. Mitigation Measure TRF-19 addresses all of the Project's fair share contributions to these intersections, and provides the Town with a feasible implementation tool to assure that impacts are reduced to less than significant levels. Because all LOS remain acceptable with mitigation and consistent with General Plan policy, Project-related long-term impacts to intersection operations will be less than significant.

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<sup>7</sup> Op. cit. 2020.

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**Table 2.17-5  
 Intersection Analysis for Opening Year (2024) Cumulative Conditions**

#	Intersection	Traffic Control <sup>1</sup>	2024 w/o Project				2024 w/ Project				
			Delay <sup>2</sup> (secs.)		Level of Service		Delay <sup>2</sup> (secs.)		Level of Service		
			AM	PM	AM	PM	AM	PM	AM	PM	
1	Dale Evans Pkwy. / Johnson Rd.										
	-Without Improvements	AWS	11.2	>80	B	F	13.4	>80	B	F	
	-With Improvements	<b>TS</b>	21.3	29.9	C	C	23.1	38.9	C	D	
2	Dale Evans Pkwy. / Lafayette St.	CSS	10.4	10.9	B	B	10.7	11.5	B	B	
3	Dale Evans Pkwy. / Corwin Rd.	AWS	8.8	10.8	A	B	9.3	12.6	A	B	
4	Stoddard Wells Rd. / Johnson Rd.	CSS	11.6	25.3	B	D	12.7	34.9	B	D	
5	I-15 NB Ramps / Stoddard Wells Rd.										
	-Without Improvements	CSS	19.7	>80	C	F	32.7	>80	D	F	
	-With Improvements	<b>TS</b>	13.0	30.7	B	C	14.2	38.6	B	D	
6	Quarry Rd. / Stoddard Wells	CSS	10.0	12.1	B	B	10.1	13.2	B	B	
7	Quarry Rd. / I-15 SB Ramps	CSS	9.8	11.2	A	B	9.9	12.1	A	B	
8	Navajo Rd. / Johnson Rd.	CSS	9.4	10.4	A	B	9.5	10.4	A	B	
9	Navajo Rd. / Lafayette St.	CSS	9.0	10.0	A	B	9.1	10.0	A	B	
10	Central Rd. / Johnson Rd.	CSS	10.1	10.0	B	B	10.3	10.2	B	B	
11	Dale Evans Pkwy. / Burbank St.	<b>CSS</b>	-	-	-	-	11.4	13.8	B	B	
12	Dachshund Av. / Lafayette St.	<b>CSS</b>	-	-	-	-	9.2	9.6	A	A	
13	Dachshund Av. / Burbank St.	<b>CSS</b>	-	-	-	-	8.7	8.7	A	A	
14	Dwy. 1 / Lafayette St.	<b>CSS</b>	-	-	-	-	9.4	10.0	A	B	
15	Dwy. 2 / Lafayette St.	<b>CSS</b>	-	-	-	-	9.3	9.8	A	A	
16	Dachshund Av. / Dwy. 3	<b>CSS</b>	-	-	-	-	9.1	9.3	A	A	
17	Dachshund Av. / Dwy. 4	<b>CSS</b>	-	-	-	-	8.9	8.9	A	A	
18	Dachshund Av. / Dwy. 5	<b>CSS</b>	-	-	-	-	8.8	9.0	A	A	
19	Dwy. 6 / Burbank St.	<b>CSS</b>	-	-	-	-	8.5	8.6	A	A	
20	Dwy. 7 / Burbank St.	<b>CSS</b>	-	-	-	-	8.5	8.6	A	A	

<sup>1</sup> TS = Traffic Signal; CSS = Cross-Street Stop; AWS = All Way Stop

<sup>2</sup> Per the Highway Capacity Manual (6th Edition), overall average intersection delay and level of service are shown for intersections with a traffic signal or all way stop control. For intersections with cross street stop control, the delay and level of service for the worst individual movement (or movements sharing a single lane) are shown.

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**Table 2.17-6  
 Intersection Analysis for Horizon Year (2040) Conditions**

#	Intersection	Traffic Control	Intersection Approach Lanes <sup>2</sup>												2040 w/o Project Delay <sup>3</sup> (secs.)		Level of Service		2040 w/ Project Delay <sup>3</sup> (secs.)		Level of Service		
			Northbound			Southbound			Eastbound			Westbound			AM	PM	AM	PM	AM	PM	AM	PM	
			L	T	R	L	T	R	L	T	R	L	T	R	L	T	R	AM	PM	AM	PM	AM	PM
1	Dale Evans Pkwy. / Johnson Rd.																						
	- Without Improvements	AWS	1	1	1	1	1	0	0	1!	0	0.5	0.5	1>>	>80	>80	F	F	>80	>80	F	F	
	- With Improvements	<b>TS</b>	1	<b>2</b>	<b>1&gt;</b>	1	<b>2</b>	0	<b>1</b>	<b>2</b>	0	<b>1</b>	<b>2</b>	1>>	44.0	44.1	D	D	48.9	48.8	D	D	
2	Dale Evans Pkwy. / Lafayette St.																						
	- Without Improvements	CSS	0	1	1	1	1	0	0	0	0	0	0	1!	0	>80	>80	F	F	>80	>80	F	F
	- With Improvements	<b>TS</b>	<b>1</b>	<b>2</b>	0	1	<b>2</b>	0	<b>1</b>	<b>2</b>	0	<b>1</b>	<b>2</b>	0	47.7	37.8	D	D	51.9	49.7	D	D	
3	Dale Evans Pkwy./Corwin Rd.																						
	- Without Improvements	AWS	0	1!	0	0	1!	0	0	1!	0	0	1!	0	>80	>80	F	F	>80	>80	F	F	
	- With Improvements	<b>TS</b>	<b>1</b>	<b>2</b>	0	<b>1</b>	<b>2</b>	0	<b>1</b>	<b>2</b>	0	<b>1</b>	<b>2</b>	0	13.8	13.7	B	B	15.0	14.2	B	B	
4	Stoddard Wells Rd./Johnson Rd.																						
	- Without Improvements	CSS	0	1	0	0.5	0.5	0	0	0	0	0	0	1!	0	32.5	>80	D	F	33.6	>80	D	F
	- With Improvements	<b>TS</b>	0	<b>2</b>	0	<b>1</b>	<b>2</b>	0	0	0	0	<b>1</b>	0	1	13.5	17.7	B	B	14.0	22.5	B	C	
5	I-15 NB Ramps/Stoddard Wells Rd.																						
	- Without Improvements	CSS	0	1!	0	0	1!	0	0	1!	0	0	1!	0	>80	>80	F	F	>80	>80	F	F	
	- With Improvements	<b>TS</b>	<b>1</b>	1	0	<b>1</b>	1	0	0.5	<b>1.5</b>	0	0.5	<b>1.5</b>	0	34.1	36.3	C	D	35.7	45.6	D	D	
6	Quarry Rd./Stoddard Wells Rd.																						
	- Without Improvements	CSS	0	0	0	0	1!	0	0.5	<b>1.5</b>	0	0	<b>2</b>	0	11.2	13.5	B	B	11.3	14.5	B	B	
7	Quarry Rd. / I-15 SB Ramps																						
	- Without Improvements	CSS	0	1	0	0.5	0.5	0	0	0	0	0	1!	0	10.9	16.6	B	C	12.0	19.4	B	C	
8	Navajo Rd. / Johnson Rd.																						
	- Without Improvements	CSS	0	1!	0	0	0	0	0	1	0	0.5	0.5	0	>80	>80	F	F	>80	>80	F	F	
	- With Improvements	<b>TS</b>	<b>1</b>	<b>2</b>	0	<b>1</b>	<b>2</b>	0	<b>1</b>	<b>2</b>	0	<b>1</b>	<b>2</b>	0	18.9	20.8	B	C	19.0	21.0	B	C	
9	Navajo Rd. / Lafayette St.																						
	- Without Improvements	CSS	0	1!	0	0	1!	0	0	1!	0	0	1!	0	>80	>80	F	F	>80	>80	F	F	
	- With Improvements	<b>TS</b>	0	<b>2</b>	0	0	<b>2</b>	0	0	<b>2</b>	0	0	<b>2</b>	0	23.0	23.7	C	C	23.1	24.1	C	C	
10	Central Rd. / Johnson Rd.																						
	- Without Improvements	CSS	0	1!	0	0	1!	0	0	1!	0	0	1!	0	>80	>80	F	F	>80	>80	F	F	
	- With Improvements	<b>TS</b>	<b>1</b>	<b>2</b>	0	<b>1</b>	<b>2</b>	0	<b>1</b>	1	<b>1</b>	<b>1</b>	1	0	33.5	48.2	C	D	34.2	51.1	C	D	
11	Dale Evans Pkwy. / Burbank St.																						
	- Without Improvements	<b>CSS</b>	0	<b>2</b>	0	0.5	<b>1.5</b>	0	0	0	0	0	<b>1!</b>	0	22.4	17.7	C	C	33.4	34.3	D	D	
12	Dachshund Av. / Lafayette St.																						
	- Without Improvements	<b>CSS</b>	<b>1</b>	0	<b>1</b>	0	0	0	0	<b>2</b>	0	0.5	<b>1.5</b>	0	25.8	20.3	D	C	34.8	33.3	D	D	
13	Dachshund Av. / Burbank St.																						
	- Without Improvements	<b>CSS</b>	<b>0.5</b>	<b>0.5</b>	0	0	<b>1</b>	0	0	<b>1!</b>	0	0	0	0	9.5	9.6	A	A	10.1	10.2	B	B	
14	Dwy. 1 / Lafayette St.																						
	- Without Improvements	<b>CSS</b>	0	<b>1!</b>	0	0	0	0	0	<b>2</b>	0	0.5	<b>1.5</b>	0	-	-	-	-	-	29.4	29.5	D	D
15	Dwy. 2 / Lafayette St.																						
	- Without Improvements	<b>CSS</b>	0	<b>1!</b>	0	0	0	0	0	<b>2</b>	0	0.5	<b>1.5</b>	0	-	-	-	-	-	30.7	31.9	D	D
16	Dachshund Av. / Dwy. 3																						
	- Without Improvements	<b>CSS</b>	<b>0.5</b>	<b>0.5</b>	0	0	<b>1</b>	0	0	<b>1!</b>	0	0	0	0	-	-	-	-	-	10.6	11.2	B	B
17	Dachshund Av. / Dwy. 4																						
	- Without Improvements	<b>CSS</b>	<b>0.5</b>	<b>0.5</b>	0	0	<b>1</b>	0	0	<b>1!</b>	0	0	0	0	-	-	-	-	-	10.2	10.5	B	B
18	Dachshund Av. / Dwy. 5																						
	- Without Improvements	<b>CSS</b>	<b>0.5</b>	<b>0.5</b>	0	0	<b>1</b>	0	0	<b>1!</b>	0	0	0	0	-	-	-	-	-	10.2	10.7	B	B

**Table 2.17-6  
 Intersection Analysis for Horizon Year (2040) Conditions**

#	Intersection	Traffic Control	Intersection Approach Lanes <sup>2</sup>												2040 w/o Project		2040 w/ Project					
			Northbound			Southbound			Eastbound			Westbound			Delay <sup>3</sup> (secs.)		Level of Service					
			L	T	R	L	T	R	L	T	R	L	T	R	AM	PM	AM	PM				
19	Dwy. 6 / Burbank St.	CSS	0	0	0	0	1!	0	0.5	0.5	0	0	1	0	-	-	-	-	8.7	8.7	A	A
20	Dwy. 6 / Burbank St.	CSS	0	0	0	0	1!	0	0.5	0.5	0	0	1	0	-	-	-	-	8.7	8.8	A	A

<sup>1</sup> TS = Traffic Signal; CSS = Cross-Street Stop; AWS = All Way Stop  
<sup>2</sup> When a right turn is designated, the lane can either be striped or unstriped. To function as a right turn lane there must be sufficient width for right turning vehicles to travel outside the through lanes.  
 L = Left; T = Through; R = Right; d = Defacto Right Turn Lane; 0.5 = Shared Lane; 1! = Shared Left/Through/Right lane; > = Right Turn Overlap Phasing  
 >> = Free-Right Turn; 1 = Improvement  
<sup>3</sup> Per the Highway Capacity Manual (6th Edition), overall average intersection delay and level of service are shown for intersections with a traffic signal or all way stop control. For intersections with cross street stop control, the delay and level of service for the worst individual movement (or movements sharing a single lane) are shown.

### Congestion Management Plan

The San Bernardino County CMP threshold of deficiency is based on maintaining a level of service standard of LOS E or better, where feasible, except where an existing LOS F condition is identified in the CMP document. However, in an effort to overstate as opposed to understate potential deficiencies, for purposes of this analysis, LOS D has been utilized for the CMP intersections for the purposes of this analysis. No CMP intersections potentially affected by the proposed Project will exceed LOS D with planned improvements.

#### **b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b).**

CEQA Guidelines Section 15064.3 states that “generally, vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts. For the purposes of this section, ‘vehicle miles traveled’ refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel.” A lead agency may use models or other methods to analyze a project’s VMT quantitatively or qualitatively.

According to CEQA Guidelines Section 15064.3(b)(1), for land use projects (such as the proposed Project), “vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should also be considered to have a less than significant transportation impact.”

The Governor’s Office of Planning and Research (OPR) released a Technical Advisory on Evaluating Transportation Impacts in CEQA (December of 2018). Based on OPR’s Technical Advisory, the County of San Bernardino adopted Transportation Impact Study Guidelines (July 2019) that document the County’s VMT analysis methodology. In addition, the Town of Apple Valley adopted Resolution 2021-08, Thresholds of Significance for Vehicle Miles Traveled (VMT) Under the California Environmental Quality Act (May 2021) that document the Town’s approved VMT impact thresholds. The Town VMT threshold, as discussed below, is 26.41 VMT per service population and has been developed based on the adopted County Guidelines and Town Thresholds. Also see the Project VMT analysis in Appendix I<sup>8</sup>

The VMT analysis performed for the proposed Project indicated that it did not meet any of the three (3) general screening thresholds that can be used to identify when a proposed land use project is anticipated to result in a less than

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<sup>8</sup> Lafayette Street Logistics Facility VMT Analysis, prepared by Urban Crossroads, Inc. November 15, 2022.



significant impact. The thresholds apply to projects that generate fewer than 110 daily vehicle trips, projects in mapped areas with low VMT that tend to exhibit similarly low VMT, and projects located within ½ mile of an existing major transit stop or along a high-quality transit corridor. Therefore, a more detailed project-level VMT analysis was conducted.

Project VMT was calculated using the San Bernardino County Transportation Analysis Model (SBTAM) and associated socio-economic data. Socio-economic data adjustments were made for the base year and cumulative development to reflect the Project's proposed land use (logistics) and using the origin-destination (OD) trip matrices. Project-generated VMT accounts for all trips that either originate or end within the Project's Traffic Analysis Zones (TAZs) and includes all trips that have one trip end outside the boundary. The VMT value was then normalized by dividing by the Project's service population (SP), which in this case is employment. Table 2.17-7 below presents the key inputs for the calculation of project generated VMT per service population (SP), resulting in a Project generated VMT per SP of 39.72 for baseline and 56.77 for cumulative conditions.

**Table 2.17-7  
 Project VMT per Service Population**

	<b>Baseline</b>	<b>Cumulative</b>
Project-generated VMT	45,372	64,590
Service Population	1,172	1,172
VMT per Service Population	39.72	56.77
<b>Town VMT per SP Threshold</b>	<b>26.41</b>	<b>26.41</b>
Potentially Significant?	Yes	Yes

The following table compares Project-generated VMT and Project VMT per Service Population (SP) for both Without Project and With Project conditions.

**Table 2.17-8  
 Project Town-Wide VMT per Service Population**

	<b>Baseline</b>		<b>Cumulative</b>	
	<b>Without Project</b>	<b>With Project</b>	<b>Without Project</b>	<b>With Project</b>
Service Population (SP)	91,113	92,285	126,806	127,978
VMT	765,426	778,183	1,206,225	1,226,067
VMT per SP	8.40	8.43	9.51	9.58
Change in VMT per SP	0.03		0.07	
Potentially Significant?	Yes		Yes	

Source: Lafayette Street Logistics Facility VMT Analysis, prepared by Urban Crossroads, Inc. November 15, 2022. Tables 3 & 4.

As show in Tables 2.17-7 and 2.17-8, the Project would result in a net increase in Project-generated VMT per service population. The proposed Project is anticipated to increase baseline VMT per SP by 0.03, or 0.35 percent, and exceed cumulative VMT by 0.07, or 0.66 percent. Mitigation measures were proposed in the analysis to reduce the VMT impacts of the Project, which are provided in Mitigation Measures VMT-1 through VMT-5, below and include commute trip reduction programs, dedicated car/van pooling parking, bike parking and lockers and installation of electric vehicle chargers. However, because the benefits of the implementation of these measures cannot be quantified, the Project will nonetheless conflict with CEQA Guidelines Section 15064.3(b). The Project VMT analysis finds that the Project experiences a potentially significant VMT impact for project-generated VMT per service population and for project effects on VMT as compared to the Town's adopted impact threshold.

Implementation of feasible VMT reduction measures, including those set forth below, would not definitively reduce Project VMT or Project VMT impacts. Therefore, even with implementation of these reduction measures, the Project VMT impact is assumed to exceed the Town VMT threshold. The Project VMT impact is therefore considered significant and unavoidable.

**c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).**

The Project traffic analysis identified potential design hazards that could affect safety and the long-term integrity of the street improvements. Specifically, the typical wide turning radius of large trucks will require a greater radius at intersections that will be used by large trucks. A truck turning template was used to determine appropriate curb radii and to verify that trucks will have sufficient space to execute turning maneuvers. A WB-67 truck (53-foot trailer) was used for the purposes of this analysis. Based on this analysis, the curb radius should be increased to 50 feet to accommodate the ingress and egress of heavy trucks. This modification was made to the site plan, but is also provided in Mitigation Measure TRF-1, to assure that the Project is implemented correctly.

No other hazards, design inadequacies or use/traffic incompatibilities have been identified, but the traffic analysis did make several assumptions regarding site design that if not implemented, would result in inadequate design. As with Mitigation Measure TRF-1, these are provided as mitigation measures below, to assure that the assumptions remain in the Project site plan and are implemented in construction. These are shown as Traffic Control Mitigation Measures TRF-2 through TRF-18, below.

With implementation of the mitigation measures provided below, there will be no significant increase in hazards from implementation of the Project, and impacts will be reduced to less than significant levels.

**d) Result in inadequate emergency access.**

The proposed Project does not propose any physical changes or impacts to the local or regional roadway network that would result in inadequate emergency access. The proposed Project would continue a pattern of industrial park development consistent with the North Apple Valley Industrial Specific Plan and will take optimum travel routes to the regional roadway network. In addition to substantial roadway expansions, the Project will also facilitate new and expanded sidewalks, landscape treatments, signage, and enhanced road graphics. In addition to being bounded by streets, the Project provides several points of access that can be used by emergency responders to access the site and building.

As required, the Town Fire and Police Departments and other appropriate agencies are expected to review site-specific traffic control plans and inspect the new development to assure adequate emergency access is provided including, but not limited to, adequate vehicular access and turn-around spaces, fire lanes, signage, secondary access points, and access to gated and locked entrances. Proposed driveways and segregation of traffic by type, and future bus turnouts will enhance overall roadway efficiency and safety and result in net positive benefits for emergency access. Project-related impacts to emergency access would be less than significant, and no mitigation is required.

### **2.17.7 Mitigation Measures**

#### **VMT Reduction Measures**

Potential commute trip reduction strategies have been considered for the purposes of reducing Project-related VMT impacts (i.e., commute trips) determined to be potentially significant. As the future building tenants are not known for the Project, the effectiveness of each commute trip reduction measure may be limited. The Project shall implement the following measures that have the potential to reduce VMT, although no quantified benefit can be taken at this time. Potential VMT reduction measures that shall be implemented are as follows:

**VMT-1** The Project shall implement a Voluntary Commute Trip Reduction (CTR) measure. The purpose of the CTR would be to encourage alternative modes of transportation such as carpooling, which would reduce VMT. A proposed CTR program for this project could include providing on-site

and/or online commute information services including information on available transit and ride coordination for employees.

- VMT-2** The Project shall provide designated carpool/vanpool parking in desirable locations on-site to encourage and facilitate employees to carpool/vanpool to work and reduce VMT.
- VMT-3** The Project shall install end-of-trip facilities, including bicycle parking and lockers, which encourage and facilitate employees to use alternative modes of transportation and thus reduce VMT.
- VMT-4** The Project shall install on-site electric vehicle charging stations beyond what is required by the California Green Building Code Standards (CALGreen), as amended, at designated parking areas. Although this measure would not directly reduce VMT, it would reduce greenhouse gas (GHG) emissions.
- VMT-5** The Project shall install sidewalks along the Project frontage on Lafayette Street and provide connections to existing and future bus stops to improve multi-modal access.

### **Design Mitigation**

- TRF-1** The curb radius at Driveways 3 and 5 on Dachshund Avenue shall be increased to 50 feet to accommodate the ingress and egress of heavy trucks (also see Traffic Analysis Exhibit 1-4; Appendix I).

### **Traffic Control Mitigation**

The following design assumptions shall be maintained/incorporated into Project design to assure safe traffic operations on and adjacent to the site. Please note that driveway and intersection numbers correspond to the nomenclature used in Appendix I, and improvements are shown in Exhibit 1-3 of that document.

- TRF-2** The Project shall widen Dale Evans at its ultimate easterly half-section width as a Major Divided Parkway (142-foot right-of-way) with the Town's standard, from Lafayette Street to Burbank Street.
- TRF-3** The Project shall construct Lafayette Street at its ultimate southerly half-section width as a Secondary Road (88-foot right-of-way) with the Town's standard, from Dale Evans Parkway to Dachshund Avenue.

- TRF-4** The Project shall construct Burbank Street at its ultimate northerly half-section plus one lane as an Industrial & Commercial Local Street (66-foot right-of-way) with the Town's standard, from Dale Evans Parkway to Dachshund Avenue.
- TRF-5** The Project shall construct Dachshund Avenue at its ultimate westerly half-section plus one lane as a Secondary Road (88-foot right-of-way) with the Town's standard, from Lafayette Street to Burbank Street.
- TRF-6** Dale Evans Parkway & Lafayette Street (#2) – In order to serve opening year cumulative conditions, Project shall provide a 200-foot westbound left turn pocket on Lafayette Street approaching Dale Evans Parkway. Cross-street stop sign control will adequately serve this intersection for opening year cumulative conditions; however, horizon year (2040) projections indicate the need for a traffic signal at this location. Project shall make a fair share contribution towards the future traffic signal consistent with Table 2.17-9.
- TRF-7** Dale Evans Parkway & Burbank Street (#11) – Project shall provide a westbound cross-street stop sign control to adequately serve future traffic conditions with the Project at this local street intersection.
- TRF-8** Dachshund Avenue & Lafayette Street (#12) – Project shall provide a 150-foot northbound left turn lane on Dachshund Avenue approaching Lafayette Street. Project shall install cross-street stop sign control to adequately serve this intersection for opening year cumulative and long-range future conditions.
- TRF-9** Driveway 1 & Lafayette Street (#14) – Driveway 1 shall be located 350 feet east of Dale Evans Parkway, centerline-to-centerline. Project Driveway 1 is to be restricted to passenger cars only (no large trucks). Cross-street stop sign control will adequately serve future traffic conditions at this driveway location.
- TRF-10** Driveway 2 & Lafayette Street (#15) – Project shall provide a cross-street stop sign control to adequately serve future traffic conditions at this driveway location. Project Driveway 2 is to be restricted to passenger cars only (no large trucks).
- TRF-11** Dachshund Avenue & Driveway 3 (#16) – Driveway 3 will function as a large truck access to the Project from Lafayette Street via Dachshund Avenue. Cross-street stop sign control will adequately serve future traffic conditions at this driveway location.

- TRF-12** Dachshund Avenue & Driveway 4 (#17) – Project shall install a cross-street stop sign control to adequately serve future traffic conditions at this driveway location. Project Driveway 4 is to be restricted to passenger cars only (no large trucks).
- TRF-13** Dachshund Avenue & Driveway 5 (#18) – Driveway 18 will function as a large truck access to the Project from Lafayette Street or Burbank Street via Dachshund Avenue. Project shall install cross-street stop sign control to adequately serve future traffic conditions at this driveway location. To accommodate large trucks, adjust the Driveway 5 / Dachshund Avenue on-site curb returns to 50-foot radii as indicated on Exhibit 1-4 of the Project Traffic Analysis.
- TRF-14** Driveway 6 & Burbank Street (#19) – Project shall install cross-street stop sign control to adequately serve future traffic conditions at this driveway location. Project Driveway 6 is to be restricted to passenger cars only (no large trucks).
- TRF-15** Driveway 7 & Burbank Street (#20) – Project shall install cross-street stop sign control to adequately serve future traffic conditions at this driveway location. Project Driveway 7 is to be restricted to passenger cars only (no large trucks).
- TRF-16** On-site traffic signing and striping shall be implemented in substantial conformance with the provisions of the California Manual on Uniform Traffic Control Devices (CA MUTCD) and in conjunction with detailed construction plans for the Project site.
- TRF-17** Sight distance at each project access point shall be reviewed with respect to standard Caltrans and Town of Apple Valley sight distance standards at the time of preparation of final grading, landscape, and street improvement plans.
- TRF-18** Project improvements may include a combination of fee payments to established programs (e.g., DIF), construction of specific improvements, payment of a fair share contribution toward future improvements or a combination of these approaches. Improvements constructed by the Project may be eligible for a fee credit or reimbursement through the program where appropriate (to be determined at the Town of Apple Valley's discretion).
- TRF-19** When off-site improvements are identified with a minor share of responsibility assigned to the Project, the Town may elect to collect a fair share contribution toward future improvements. Detailed fair share

calculations for each peak hour, are provided in Table 2.17-9 below for the applicable deficient intersections. Improvements included in a defined program and constructed by development may, at the Town's discretion, be eligible for a fee credit or reimbursement through the program where appropriate.

**Table 2.17-9  
 Project Fair Share Calculations**

#	Intersection	Existing (2022) Traffic	HY (2040) w/ Project Traffic	Project Only Traffic	Total New Traffic <sup>1</sup>	Project Fair Share (%) <sup>2</sup>
1	Dale Evans Pkwy. / Johnson Rd.					
	• AM Peak Hour	510	2,240	145	1,730	8.4%
	• PM Peak Hour	771	2,922	189	2,151	<b>8.8%</b>
2	Dale Evans Pkwy. / Lafayette St.					
	• AM Peak Hour	268	3,429	144	3,161	4.6%
	• PM Peak Hour	411	3,659	189	3,248	<b>5.8%</b>
3	Dale Evans Pkwy. / Corwin Rd.					
	• AM Peak Hour	288	1,421	66	1,133	5.8%
	• PM Peak Hour	426	1,688	89	1,262	<b>7.1%</b>
4	Stoddard Wells Rd. / Johnson Rd.					
	• AM Peak Hour	277	1,196	115	919	<b>12.5%</b>
	• PM Peak Hour	406	1,660	150	1,254	12.0%
5	I-15 NB Ramps / Stoddard Wells Rd.					
	• AM Peak Hour	317	1,057	115	740	15.5%
	• PM Peak Hour	477	1,315	150	838	<b>17.9%</b>
6	Quarry Rd. / Stoddard Wells Rd.					
	• AM Peak Hour	182	427	27	245	11.0%
	• PM Peak Hour	258	841	108	583	<b>18.5%</b>
8	Navajo Rd. / Johnson Rd.					
	• AM Peak Hour	130	1,759	18	1,629	1.1%
	• PM Peak Hour	197	1,819	24	1,622	<b>1.5%</b>
9	Navajo Rd. / Lafayette St.					
	• AM Peak Hour	68	1,558	18	1,490	1.2%
	• PM Peak Hour	121	1,432	24	1,311	<b>1.8%</b>
10	Central Rd. / Johnson Rd.					
	• AM Peak Hour	119	1,831	18	1,712	1.1%
	• PM Peak Hour	198	1,954	24	1,756	<b>1.4%</b>

**Table 2.17-9  
 Project Fair Share Calculations**

#	Intersection	Existing (2022) Traffic	HY (2040) w/ Project Traffic	Project Only Traffic	Total New Traffic <sup>1</sup>	Project Fair Share (%) <sup>2</sup>
11	Dale Evans Pkwy. / Burbank St.					
	• AM Peak Hour	247	2,023	68	1,776	3.8%
	• PM Peak Hour	375	2,226	89	1,851	<b>4.8%</b>
12	Dachshund Av. / Lafayette St.					
		37	1,473	115	1,436	8.0%
	• AM Peak Hour	61	1,604	152	1,543	<b>9.9%</b>
	• PM Peak Hour					
13	Dachshund Av. / Burbank St.					
		0	272	42	272	15.4%
	• AM Peak Hour	0	304	54	304	<b>17.8%</b>
	• PM Peak Hour					

<sup>1</sup> Total New Traffic = (Horizon Year 2040 with Project - Existing Traffic)

<sup>2</sup> Project Fair Share % = (Project Only Traffic / Total New Traffic)

### 2.17.8 Significance After Mitigation

The proposed Project is consistent and compatible with much of the type of development planned for in the North Apple Valley Industrial Specific plan area. It is strategically located to take advantage of a near-by regional and inter-regional roadway network well suited to the proposed Project. All areas of potential adverse impact shall be mitigated to levels of insignificance with the exception of vehicle miles traveled. As noted above, even with the implementation of the above mitigation measures, the Project may still exceed County and Town thresholds for VMT per service population, both on a project and cumulative level. Therefore, a statement of overriding considerations will be required if the Town wishes to approve the Project.

### 2.17.9 Cumulative Impacts

Impacts of the proposed Project on the local transportation system were evaluated using the SBTAM, which takes into consideration the cumulative growth throughout the Town and adjacent jurisdictions and unincorporated County areas. The Project-specific traffic analysis indicates that the Project would result in a 0.35 percent increased level of impacts in terms of trips and VMTs generated per service population.



The proposed Project is anticipated to increase baseline VMT per SP by 0.03 or 0.35 percent, and exceed cumulative VMT by 0.07 or 0.66 percent. With the aforementioned mitigation measures, the Project will nonetheless conflict with CEQA Guidelines Section 15064.3(b). The Project VMT analysis finds that the Project experiences a potentially significant VMT impact for project-generated VMT per service population and for project effects on VMT as compared to the Town's adopted impact threshold.

## **2.18 Tribal Cultural Resources**

### **2.18.1 Introduction**

This section evaluates the potential for the proposed Project to result in adverse impacts to Native American tribal cultural resources. Cultural resources are also discussed in Section 2.6 of this DEIR. This section is based on a variety of information and research, including the Town's tribal consultation for this Project under AB 52, literature searches, cultural resource surveys and reports within and in proximity to the Project planning area, as well as the Town General Plan and other Town resource documents.

### **2.18.2 Thresholds of Significance**

#### **Tribal Cultural Resources**

According to recent Appendix G of the CEQA Guidelines, the Project would have a significant effect on tribal cultural resources if it would:

- a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
  - i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k), or
  - ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code 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.

### **2.18.3 Regulatory Framework**

#### **Federal**

There are no federal regulations relevant to the proposed project.

### National Register of Historic Places

Authorized under the NHPA, the National Register of Historic Places is the nation's official list of cultural resources that qualify for preservation. Properties listed in the Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture. The following criteria are used to determine eligibility for inclusion in the National Register. These criteria have been developed by the National Park Service as provided for in the NHPA:

- a) Are associated with events that have made a significant contribution to the broad patterns of our history;
- b) Are associated with the lives of persons significant in our past;
- c) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d) That yielded, or may be likely to yield, information important in prehistory or history (36 CFR 60.4).

No historic properties listed in the National Register of Historic Places were identified or known to occur in the planning area and vicinity. There are a few sites eligible for listing in the National Register and will be further discussed below.

### **State**

#### California Public Resources Code

The California Environmental Quality Act (CEQA) is the principal statute governing the environmental review of projects within the State. The State of California's Public Resources Code (PRC) establishes the definitions and criteria for "historical resources," which require similar protection to what the NHPA mandates for historic properties. According to PRC Section 5020.1(j), an "historical resource includes, but is not limited to, any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California."

If a lead agency determines that an archaeological site is an historical resource, the provisions of PRC Section 21084.1 and CEQA Guidelines Section 15064.5 would apply. If an archaeological site does not meet the CEQA Guidelines criteria for a historical resource, then the site may meet the threshold of PRC Section 21083 regarding unique archaeological resources.

In addition, PRC Section 5097.98 states that if Native American human remains are identified within a project area, the landowner must notify and consult with the Native American Most Likely Descendant (MLD), as identified by the NAHC, to develop a plan for proper treatment and/or removal of the human remains and associated burial of artifacts. These procedures are also addressed in Section 15046.5 of the CEQA Guidelines and within the California Health and Safety Code (see discussion below).

#### Assembly Bill 52

Assembly Bill (AB) AB 52 was passed by the California Legislature and signed into law by the Governor in 2015. It established a new category of resources in the California Environmental Quality Act called Tribal Cultural Resources. (Public Resources Code § 21074.) “Tribal cultural resources” are either of the following:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

- (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
- (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 establishes a formal project consultation process for California Native American tribes and lead agencies regarding tribal cultural resources, referred to as government-to-government consultation. Per Public Resources Code Section 21080.3.1.(b), the AB52 consultation process must begin prior to release of an environmental impact report, mitigated negative declaration, or negative declaration. Native American tribes to be included in the formal consultation process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

#### California Register of Historical Resources

For CEQA purposes, “historical resources” applies to any such resources listed in or determined to be eligible for listing in the California Register of Historical Resources, included in a local register of historical resources, or determined to be historically significant by the Lead Agency (Title 14 CCR Section 15064.5(a)(1)-(3)). CEQA guidelines mandate that “generally a resource shall be considered by the lead agency to be ‘historically significant’ if the resource meets the criteria for

listing on the California Register of Historical Resources" (Title 14 CCR Section 15064.5(a)(3)). A resource may be listed in the California Register if it meets any of the following criteria:

- 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 the State's 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. (Public Resources Code section 5024.1(c))

#### California Health and Safety Code

The California Health and Safety Code Section 7050.5 regulates the treatment of human remains. According to the Code, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined that the remains are not subject to further investigation. If the coroner recognizes or has reason to believe that the human remains are those of a Native American, he or she shall contact the NAHC to determine the Most Likely Descendant (MLD). Consultation with the designated MLD will determine the final disposition of the remains.

### **Local**

#### Apple Valley General Plan

The Apple Valley General Plan sets forth goals, policies, and programs that preserve important cultural resources in the Archaeological and Historic Resources section of the Conservation and Open Space Element. Relevant policies include the following:

**Goal 1** The Town will conserve and protect natural resources within the planning area.

**Goal 4** The Town will encourage and support the preservation of historic and cultural resources.

**Policy 4.1** The Town will require that archaeological resources in the planning area are preserved or salvaged if threatened by new development.

**Policy 4.2** The Town will require that prehistoric and historic archaeological resources, and historic structures, will be inventoried in identified areas and evaluated according to CEQA regulations and

appropriate California Office of Historic Preservation guidelines prior to the adoption of mitigation measures and the acceptance of conditions of approval and permit approvals.

**Policy 6.2** The Town will encourage development of additional cultural facilities to meet the needs of the community.

#### **2.18.4 Environmental Setting**

As noted in Section 2.6 of this EIR, a cultural resources records search and a Native American Sacred Lands File search were conducted, pursued historical background research, and carried out an intensive-level field survey. A comprehensive cultural and historic resources report<sup>1</sup> was also prepared and is available to qualified professionals for review at Town Hall.

The climate and environment of the Apple Valley area is typical of the high desert region, and its higher elevation than the Colorado Desert to the southeast. The climate is marked by extremes in temperature and aridity, with summer highs reaching well over 110°F and winter lows dipping below freezing. Average annual precipitation is less than five inches, most of which occurs during the winter months and occasional monsoon storms in summer.

Archaeologists have devised chronological frameworks on the basis of artifacts and site types that date back some 12,000 years to understand the evolution of Native American cultures prior to European contact. Currently, the chronology most frequently applied in the Mojave Desert divides the region's prehistory into five periods marked by changes in archaeological remains, reflecting different ways in which Native peoples adapted to their surroundings.

Archaeologists have identified small mobile groups of hunters and gatherers that inhabited the Mojave Desert during the Lake Mojave sequence. From about 1,500 years ago, habitation was characterized by seasonal group settlements near accessible food resources and increased exploitation of plant foods, as evidenced by groundstone artifacts.

The Apple Valley area is near the presumed boundary between the traditional territories of the Serrano and the Vanyume peoples. The number of Vanyumes was apparently never large and dwindled rapidly between 1820 and 1834, when southern California Indians were removed to the various missions and their *asistencias*, and the group virtually disappeared well before 1900. As a result, very little is known about the Vanyume today.

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<sup>1</sup> Phase I Historical/Archaeological Resources Survey for The Development at Dale Evans and Lafayette, prepared by CRM TECH, October 10, 2022.

Prior to contact with European settler and missionaries, the Serrano were primarily gatherers and hunters, and occasional fishers, who settled mostly where flowing water emerged from the mountains. Contact with Europeans may have occurred as early as 1771 or 1772, but Spanish influence on Serrano lifeways was minimal until the 1810s when a mission *asistencia* (smaller sub-missions of Catholic missions) was established on the southern edge of Serrano territory.

By 1834, most of the Serrano in the western portion of their traditional territory were removed to the nearby missions. Also at this time, a series of punitive expeditions in 1866-1870 resulted in the death or displacement of almost all remaining Serrano population in the San Bernardino Mountains. Today, most Serrano descendants are affiliated with the Yuhaaviatam of San Manuel Nation (formerly known as the San Manuel Band of Mission Indians), the Morongo Band of Mission Indians, or the Serrano Nation of Indians.

### **2.18.5 Existing Conditions**

Existing conditions with regard to Tribal and other cultural resources are discussed at length in Section 2.6 of this EIR and are summarized below. Much of the Project area retains its natural character with expanses of undeveloped land. The terrain in the Project area is relatively level, with elevations ranging between 3,018 and 3,036 feet above mean sea level following a gentle upward slope toward Bell Mountain to the southwest, interrupted by an arroyo running roughly perpendicular to the general slope.

The surface soil consists of quaternary alluvial fan sediments of well-sorted, angular, coarse-grained sand, gravels, and cobbles of quartz and sandstone. In its natural state, the Project site vegetation includes creosote, stick cholla, black sage, and saltbrush, along with other small desert shrubs and grasses. No natural water sources or ethnobotanically important vegetation was identified in the area.

#### Records and Literature Search

An historical/archaeological resources records search was conducted at the South Central Coastal Information Center (SCCIC) located on the campus of California State University, Fullerton; the SCCIC is the designated cultural resource records repository for the County of San Bernardino. The search included examination of digitized maps and records on file at the SCCIC for previously identified cultural resources in or near the Project area and existing cultural resources reports within a one-mile radius of the Project area.

A request was also filed with the State of California Native American Heritage Commission (NAHC) for a records search of their Sacred Lands File. The NAHC is the State of California's trustee agency for the protection of "tribal cultural

resources and is tasked with identifying and cataloging properties of Native American cultural value, including places of special religious, spiritual, or social significance and known graves and cemeteries throughout the state.

No cultural resources were previously recorded within or adjacent to the Project area.

#### Field Surveys

The Project site was walked by qualified professional archaeologists and surveyed the subject and surrounding properties on the basis of published literature in local and regional history, historic maps of the Apple Valley area, and aerial/satellite photographs of the Project vicinity. Where potentially important artifacts and/or features were identified, the surrounding area was more intensively inspected for additional artifacts or features, and the locational data were collected with a GPS mapping system. Clusters of artifacts and/or features that comprise archaeological sites were flagged for further inspection and recordation upon completion of the survey. Field recording procedures were subsequent undertaken to produce, at a minimum, a description of the site and its features and/or loci, a sketch map, and a location map.

From the historical sources consulted the Project area remained unsettled and essentially undeveloped throughout the historic period. In the 1850s, when the U.S. government conducted the first systematic land survey in the Victor Valley, no human-made features of any kind were noted in or near the Project area. By the 1920s-1930s, a number of roads and scattered buildings had appeared in the Apple Valley area, including a segment of what is now Dale Evans Parkway, but no other human-made features were present in the immediate vicinity of the Project location.

#### AB 52 Consultation

As required by State law, the Town conducted tribal consultation for the Project. Under AB 52, the Town consults with those tribes that have requested to be contacted for consultation. The Town has four such requests on file from the Cabazon Band of Mission Indians, the Cahuilla Band of Indians, the San Manuel Band of Mission Indians, and the Twenty-nine Palms Band of Mission Indians. Consultation requests were sent to all four tribes on January 18, 2023, along with a copy of the Project cultural resources report. The results of consultation are described below in the impact analysis.



### **2.18.6 Project Impacts**

- a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**
- i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or**
  - ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code 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.**

Development of the proposed Project will result in the mass grading of the entire property and portions of adjoining roads. During the site survey, five previously unrecorded cultural resources were identified within the Project area, including one prehistoric isolate. These localities were recorded into the California Historical Resources Inventory, the one resource of potential tribal cultural significance is described below and the others are described in Section 2.6 of this EIR.

Isolate 3902-05: This prehistoric isolate is a small white-and-grey chert core exhibiting two flake scars and one microflake scar. A third face has been broken off completely. Approximately 30 percent of the cortex remains intact. As a single artifact does not meet the guideline set forth by the California Office of Historic Preservation due to the lack of contextual integrity and not considered potential archaeological or "historical resources". Therefore, the Project will not result in a substantial adverse change in the significance of a tribal cultural resource or a resource the Town considers significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1(k). Impacts will be less than significant.

#### AB 52 Consultation

As described above, the Town requested tribal consultation from its four requesting tribes, and provided the tribes with 30 days in which to respond. At the close of that time period, which ended on February 18, 2023, no responses were received from the tribes.

### **2.18.7 Mitigation Measures**

As discussed above and as set forth in the Project cultural resources study, the Project will not adversely affect tribal cultural resources and no specific mitigation is required. Nonetheless, the mitigation measure set forth in Section 2.6 of this EIR and again set forth below will further ensure that impacts to tribal cultural resources are less than significant, should tribal remains be identified during construction activities.

**CUL-1** Should buried human remains be discovered during grading or other construction activity, in accordance with State law, the County coroner shall be contacted. If the remains are determined to be of Native American heritage, the Native American Heritage Commission and the appropriate local Native American Tribe shall be contacted to determine the Most Likely Descendant (MLD).

### **2.18.8 Significance After Mitigation**

The Project will not have a significant impact on tribal cultural resources, and impacts will be less than significant.

### **2.18.9 Cumulative Impacts**

As noted in Section 2.6.9, the geographic scope of analysis of potential cumulative impacts on tribal resources includes the Project site and surrounding area, and traditional use areas of the Serrano people in the Victor Valley. The proposed Project would contribute considerably to cumulative impacts if it were to have a substantial or significant adverse effect on Tribal cultural resources.

Cultural resources surveys conducted in and near the planning area evaluated a wide range of literature, data, and information on historic, tribal, and other archaeological resources and generated a baseline of knowledge and understanding of these resources. While it is very unlikely that Project development may contribute to regional losses of Tribal cultural resources, the implementation of the mitigation measure set forth in Section 2.6 will further ensure that impacts to Tribal cultural resources are less than significant.

As other projects are developed in the NAVISP and throughout the Town, cultural resource surveys and tribal consultations will continue to be required through the Town's build out. Should resources be identified elsewhere, they would require mitigation to ensure that there is no cumulative loss of significant tribal resources in the area. This Town requirement, along with the requirements of AB 52 assure that there will not be cumulative impacts associated with tribal cultural resources. As a result, the proposed Project's incremental impacts to Tribal cultural resources would not be cumulatively considerable.

## **2.19 Utilities and Service Systems**

### **2.19.1 Introduction**

This section of the EIR discusses potential impacts to utilities and service systems, including water supply, wastewater and sewer service, electricity and natural gas, storm drainage, and solid waste disposal resulting from implementation of the proposed Project. A wide range of available resources, including the Town's General Plan, the North Apple Valley Industrial Specific Plan, the San Bernardino countywide integrated waste management plan, Liberty Utilities' urban water management plan, and the Town's sewer system management plan have been used in researching and analyzing the Project and its potential impacts. These include detailed analysis of existing utility lines, future extensions, and capacity.

### **2.19.2 Thresholds of Significance**

According to CEQA Guidelines Appendix G, the proposed Project would have significant impacts on utilities and service systems if it would:

- a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
- b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.
- c) Result in a determination by the 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 and reduction statutes and regulations related to solid waste.

### **2.19.3 Regulatory Framework**

#### **Federal**

No federal regulations relative to utilities and service systems would be applicable to the proposed Project.

#### **State**

##### California Integrated Waste Management Act of 1989

The California Integrated Waste Management Act of 1989 (Public Resources Code, Division 30), enacted through Assembly Bill (AB) 939 and modified by subsequent legislation, required all California cities and counties to implement programs to reduce, recycle, and compost at least 50% of wastes by the year 2000 (Public Resources Code Section 41780). CalRecycle determines compliance with this mandate to divert generated waste, including both disposed and diverted waste.

In 2007, Senate Bill (SB) 1016 amended AB 939 to establish a per capita disposal measurement system. The per capita disposal measurement system is based on a jurisdiction's reported total disposal of solid waste divided by its population. California's Integrated Waste Management Board sets a target per capita disposal rate for each jurisdiction. Each jurisdiction must submit an annual report to California's Integrated Waste Management Board with an update of its progress in implementing diversion programs and its current per capita disposal rate.

##### California Assembly Bill 341

In October 2011, Assembly Bill 341 was signed into law, setting a 75% recycling goal for California by year 2020. The legislation mandates that all California commercial or public entities that generate 4 or more cubic yards of solid waste per week, and multifamily dwellings of 5 or more units, must arrange recycling services by and following July 1, 2012. Individual jurisdictions determined compliance measures and due dates. Per Public Resources Code Section 41821 (annual reporting), each jurisdiction is required to electronically report the progress achieved which is reviewed by CalRecycle.

##### CALGreen Code

CALGreen Code Section 4.408.1 (construction waste management) mandates recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with Section 4.408.2. Section 4.408.2 (construction waste management plan) requires a construction waste management plan submitted for the project, signed by the owner, in

conformance with Items 1 through 5 prior to issuance of a building permit. The construction waste management plan shall be updated as necessary upon approval by the enforcing agency and shall be available during construction for examination by the enforcing agency.

#### Senate Bill 221

SB 221, enacted in 2001 and codified in Government Code Section 66473.7, requires a county, city, or local agency to include a condition to any tentative subdivision map that a sufficient water supply will be available to serve the subdivision. The term “sufficient water supply” is defined as the total water supplies available during a normal year, single dry year, and multiple dry years within a 20-year projection that would meet the proposed subdivision’s projected water demand, in addition to existing and planned future water uses, including agricultural and industrial uses, within the specified service area. SB 221 further requires any verification of “projected” water supplies to be based on entitlement contracts, capital outlay programs, and regulatory permits and approvals.

### **Regional and Local**

#### County of San Bernardino Countywide Integrated Waste Management Plan

The Countywide Integrated Waste Management Plan (CIWMP) was prepared in accordance with the California Integrated Waste Management Act of 1989 (AB 939). To attain the reduction goals, AB 939 established a hierarchy of preferred waste management practices from source reduction, recycling and composting to disposal.<sup>1</sup> The Countywide Summary Plan, the final element of the CIWMP, contains goals and policies as well as a summary of integrated waste management issues faced by the County. It summarizes waste management programs and the steps needed to cooperatively implement programs among the County’s jurisdictions and continue to meet the statewide diversion mandates. The following goals and objectives from the IWMP are applicable to the proposed Project:

**Goal 1** Achieve IWM Act objectives of 25%/50% diversion by 1995/2000, respectively.

**Objective 1** Divert 25% of the adjusted 1990 based year tonnage by 1995 and 50% by the year 2000.

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<sup>1</sup> County of San Bernardino – Countywide Summary Plan - Countywide Integrated Waste Management Plan, revised April 2018. <http://cms.sbcounty.gov/Portals/50/solidwaste/SWAT/Engineering/SB-County-Final-Draft-Summary-Plan-SP-for-SWAT-07-2018r.pdf?ver=2018-07-10-135812-593>.

Town of Apple Valley General Plan

The Town of Apple Valley General Plan includes goals, policies, and programs to provide adequate utility services, promote water and energy conservation, reduce the generation of solid waste, and improve recycling programs that divert valuable resources from the waste stream to productive use. Policies and programs are found in the Water, Wastewater and Utilities Element. Those that are relevant to the proposed Project include the following:

**Goal** The provision of a range of water, wastewater and other utility services and facilities that is comprehensive and adequate to meets the Town's near and long-term needs in a cost-effective manner.

**Policy 1.A** The Town shall coordinate with the various domestic water service providers to ensure that local and regional domestic water resources and facilities are protected from over-exploitation and contamination.

**Program 1.A.2** The Town, along with the Apple Valley Ranchos Water Company, Golden State Water Company, and other water services providers, shall continue and augment their water conservation initiatives by expanded efforts that promote the use of water efficient landscaping in all development, as well as water-efficient technologies in new construction or structures that undergo significant remodeling.

**Program 1.A.3** The Town shall, along with the various water services providers, evaluate and implement appropriate actions and regulations to facilitate the retrofitting of residential and commercial landscaping/irrigation and appliances and processes that use water so as to substantially increase water use efficiencies.

**Program 1.A.4** The Town shall coordinate with the various water service providers to ensure that water customers are provided with conservation incentives, including free information on water use and conserving technologies, rate structures that encourage conservation, discounts on advanced irrigation controllers, and other incentives.

**Policy 1.B** The Town shall continue to require sewer connection where feasible at the time that a lot is developed, or when service becomes available.

**Program 1.B.3** The Town and its Departments of Public Works and Building and Safety shall continue to require that, to the greatest extent feasible, new development extend and connect to sewer lines. Should on-lot septic systems be required, the Town shall require the installation of “dry sewers” and the payment of connection fees for future sewer main extensions.

**Policy 1.D** The Town shall confer and coordinate with service and utility providers to ensure the timely expansion of facilities so as to minimize or avoid environmental impacts and disturbance of existing improvements. Planning efforts shall include design and siting of support and distribution facilities.

**Program 1.D.1** The Town may require and otherwise shall encourage that subsurface transmission facilities, including underground utility lines, be consolidated to limit disruption to traffic and roadways from those facilities.

**Policy 1.E** The Town shall encourage and support the integration of energy conservation technologies throughout the community.

**Program 1.E.1** The Town shall explore and implement, where appropriate, actions and regulations facilitating conservation strategies by business and residential development, as well as implementing technology during remodeling or retrofitting to increase energy use efficiencies to the greatest extent practicable.

**Policy 1.F** The Town and its solid waste disposal service provider shall continue to consult and coordinate to maintain and surpass, where possible, the provisions of AB 939 by means of expanded recycling programs to divert resources from the waste stream that can be returned to productive use.

**Policy 1.G** To the greatest extent feasible, the Town shall encourage commercial and industrial establishments to minimize the amount of packaging and potential waste associated with product manufacturing and sales.

**Policy 1.H** Power and other transmission towers, cellular communication towers and other major utility facilities shall be designed and sited so that they result in minimal impacts to viewsheds and minimally pose environmental hazards.

### 2.19.4 Environmental Setting

Table 2.19-1 shows the service providers that will supply utilities to the proposed Project:

**Table 2.19-1  
 Project Utility Providers**

Utility / Service System	Provider
Domestic Water	Liberty Utilities – Apple Valley
Wastewater Service	Town of Apple Valley Public Works Wastewater Division / Victor Valley Wastewater Reclamation Authority
Electricity	Southern California Edison
Natural Gas	Southwest Gas Corporation
Solid Waste Management	Burrtec Waste Industries, Inc.
Telecommunications	Frontier Communications, Charter Communications

### 2.19.5 Existing Conditions

#### Domestic Water

The Town does not receive its domestic water service from a single source; rather, a total of 13 public and private company’s provide service to different areas of the Town. Liberty Utilities - Apple Valley (Liberty), the Town’s largest water provider, provides service to the Specific Plan area and the proposed Project site.

The Mojave Water Agency (MWA) is Watermaster of the adjudicated Mojave Basin in which the Project site is located. The MWA provides water supplies to urban retail water purveyors, including Liberty Utilities – Apple Valley. In 2020, Liberty’s system-wide water supply/demand totaled 14,979 acre-feet for 20,957 connection.<sup>2</sup> The system serves approximately 50 square miles that encompasses approximately 81% of the Town’ corporate limits and portions of the surrounding area through a network of 475 miles of underground pipe.

In 2020, the Liberty - Apple Valley system obtained 100% of its source water from 18 deep wells located throughout the service area. These wells draw water from the deep Alto sub-unit of the Mojave ground water basin, which is recharged from snowmelt from the San Bernardino Mountains to the south and the Mojave River to the west. MWA also imports water from the California State Water Project to spread in the Mojave River to help recharge the groundwater.

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<sup>2</sup> Liberty Utilities – Apple Valley 2020 Urban Water Management Plan Final Draft, June 2021.



### Wastewater Service

The Town's Department of Public Works Wastewater Division operates and maintains approximately 140 miles of collector sewer, trunk lines and interceptors, as well as nine sewer lift (pump) stations. The Town is a member of the Victor Valley Wastewater Reclamation Authority (VWVRA), a joint power agency. VWVRA operates a regional interceptor sewer system and wastewater reclamation plants.

The Town's sewer system conveys wastewater to the Regional Wastewater Reclamation Facility (RWWRF) operated by VWVRA in Victorville. The plant currently treats approximately 10.7 million gallons per day (mgd) and has a design capacity of 18 mgd, with planned future expansions.<sup>3</sup> In addition, the Apple Valley Subregional Water Recycling facility located at Brewster Park was completed in 2018. It can produce one million gallons per day of recycled water, which is used to irrigate Brewster Park and the Civic Center Park. The facility only treats wastewater and returns solid waste to the sewer line where it continues to the RWWRF in Victorville for treatment.

The nearest sewer line to the Project site is in Navajo Road, which is located approximately 2,700 feet east of the Project site and at an elevation that is 45 feet higher. The development plans to construct an on-lot sewage holding system and on-site lift station that will pump effluent along Lafayette Street to the Navajo Road gravity sewer line from which sewage will be conveyed to the area wastewater treatment facility.<sup>4</sup>

### Electricity

Southern California Edison (SCE) provides electric power services to the Town of Apple Valley. SCE's energy sources include nuclear, natural gas, geothermal, biomass, wind, solar, and hydroelectricity. According to the Town of Apple Valley Climate Action Plan 2019 Update, Town-wide electricity demand in Apple Valley in 2019 was 329,848,695 kilowatt-hours (KWh). This includes electricity consumed by municipal buildings, residential, commercial, agricultural, and industrial land uses, as well as streetlights and traffic signals.<sup>5</sup> Apple Valley also receives electricity through the Apple Valley Choice Energy (AVCE) project. The program allows residents and commercial customers to receive energy from a higher proportion of renewable sources than that provided by SCE.

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<sup>3</sup> Final Interceptor Risk Analysis, prepared for: Victor Valley Water Reclamation Authority, June 2021.

<sup>4</sup> Dale Evans and Lafayette Conceptual Grading Plan prepared by Merrell Johnson Companies (December 2022).

<sup>5</sup> Town of Apple Valley Climate Action Plan 2019 Update, adopted May 2021.

### Natural Gas

Southwest Gas Corporation (SWG) provides Natural Gas services to the Town of Apple Valley through a series of pipelines of various sizes and pressure capacities. SWG provides natural gas service to more than 2 million customers in Arizona, Nevada, and portions of California. SWG has a network of high-pressure natural gas corridors, and the nearest of which is immediately north of the Wal-Mart warehouse facility, approximately 2600 ft north of the Project site. The gas line runs along Johnson Road from Dachshund Avenue to Dale Evans Parkway, then runs north up Dale Evans Parkway.<sup>6</sup> The Project would require an extension of the existing natural gas line in the Dale Evans Parkway right of way, extending approximately 2,600 feet from the subject site to the intersection of Dale Evans and Johnson Road.

According to the Town of Apple Valley Climate Action Plan 2019 Update, Town-wide natural gas demand in Apple Valley in 2019 was 15,526,732 therms. This includes natural gas consumed by municipal buildings, residential, commercial, agricultural, and industrial land uses, as well as power plants.<sup>7</sup>

### Solid Waste Management

The Town contracts with Burrtec Waste Industries for solid waste collection and disposal services. Burrtec's waste disposal service in Apple Valley collects non-hazardous solid waste and hauls it to the Victorville Landfill, located at 18600 Stoddard Wells Road. The landfill is operated by San Bernardino County. With 341 disposal acres out of 491 total acres, Victorville Landfill is permitted to receive up to 3,000 tons daily.<sup>8</sup> Its remaining capacity is estimated at 79,400,000 cubic yards,<sup>9</sup> and the estimated closing date is October 2047.<sup>10</sup>

### Telecommunications

Frontier and Charter Communications provide the Town of Apple Valley with telephone, internet, cable television, and other telecommunication services. An existing fiber optic line runs along the Dale Evans Parkway right of way.

## **2.19.6 Project Impacts**

The proposed Project would increase demand for water, wastewater services, stormwater management, electric power, natural gas and telecommunications. The Project proposes the development of approximately 78 acres of vacant land to include a 1,207,544 square foot warehouse and 828,493 square feet of irrigated

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<sup>6</sup> Town of Apple Valley, North Apple Valley Industrial Specific Plan (2006), p.IV-23.

<sup>7</sup> Town of Apple Valley Climate Action Plan 2019 Update, adopted May 2021.

<sup>8</sup> <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1870?siteID=2652>, accessed October 15, 2021.

<sup>9</sup> Ibid.

<sup>10</sup> County of San Bernardino Solid Waste Facility Permit, Facility Number 36-AA-0045, issued June 2, 2010.

land use. The Project site is located in proximity to existing water and sewer lines and is within the Apple Valley service area for wastewater treatment, electricity, natural gas, solid waste disposal, and telecommunications.

- a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. (see Section 2.10 addressing stormwater)**
- 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.**

Domestic Water Supply

The Project site is located within the water service area boundary for Liberty Utilities – Apple Valley (public water system CA3610003), a retail water purveyor that receives supplies from the Mojave Water Agency (MWA). As calculated in the Water Supply Assessment (WSA) prepared for the Project (see Appendix J), the total projected water demand for the proposed development is 65.42 acre-feet per year. Table 2.19-2, below, shows the estimated water demand broken down by Project land use.

**Table 2.19-2  
 Project Water Demand**

<b>Planning Area</b>	<b>Land Area (square feet)</b>	<b>Indoor Commercial and Industrial Demand (AFY)</b>	<b>Outdoor Irrigation Demand (AFY)</b>	<b>Total Water Demand (AFY)</b>
Office	60,377	6.49	--	6.49
Warehouse	1,147,167	11.97	--	11.97
Project Wide	828,493	--	46.96	46.96
<b>TOTAL</b>	<b>--</b>	<b>18.46</b>	<b>46.96</b>	<b>65.42</b>

Source: "Water Supply Assessment for the Development at Lafayette Street and Dale Evans Parkway" prepared by Terra Nova Planning and Research (November 2022).

Liberty Utilities' actual domestic water demand (water delivered) for 2020 was 10,067 acre-feet (AF), and the projected water demand in 2045 is 13,948 AF.<sup>11</sup> The Project's water demand of 62.45 AFY therefore accounts for approximately 1.69 percent of the expected total planned increase in demand by 2045.

It is estimated that construction of the Project will take approximately 2 years, suggesting that it could be operational by the end of 2024/beginning of 2025.<sup>12</sup> Liberty Utilities' total projected water supplies for 2025 is 15,846 AF.<sup>13</sup> The Project's estimated water demand would account for 0.41% of Liberty Utilities' total projected water supply for that year.

Analysis of the water provider's projected water supplies and demand for normal, single-dry, and multiple dry years indicate that Liberty Utilities will be able to meet demand in those conditions for the next 25 years.<sup>14</sup> Given the small increment of Liberty Utilities' projected water supply for 2025 that would be used by the proposed Project, it can be assumed that adequate water supplies would be available to serve the Project. Furthermore, the Project would connect to the existing 16" water mains in the Burbank Avenue and Dachshund Avenue right of ways. Given that Liberty Utilities has adequate supplies to meet the Project's demand, and that the subject site has access to existing infrastructure, it is not anticipated that the Project would require the relocation or construction of new or expanded water facilities. Impacts are thus anticipated to be less than significant.

Wastewater Services

Table 2.19-2 shows that, based on the wastewater generation factor of 1,500 gallons per day per acre for industrial land uses, the proposed Project would generate 116,925 gallons of wastewater per day.

**Table 2.19-3  
 Project Wastewater Generation**

Land Use	Daily Wastewater Generation Factor <sup>1</sup>	Proposed Development	Projected Wastewater Generated
Industrial	1,500 GPD/Acre*	77.95 Acres	116,925 GPD

<sup>1</sup> Source: Town of Apple Valley Sewer System Management Plan (2019).

\* GDP = Gallons Per Day

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<sup>11</sup> "Water Supply Assessment for the Development at Lafayette Street and Dale Evans Parkway" prepared by Terra Nova Planning and Research (November 2022).  
<sup>12</sup> Air Quality and Greenhouse Gas Report prepared for the Project, see Appendix B.  
<sup>13</sup> "Water Supply Assessment for the Development at Lafayette Street and Dale Evans Parkway".  
<sup>14</sup> Ibid.

A lift station and force main will be constructed in the Lafayette Street right of way to connect the Project to the nearest sewer line, in the Navajo Road right of way. Upon connection to the existing sewer system, wastewater will be conveyed to the new Apple Valley Sub-Regional Wastewater Treatment Plant as well as the Regional Wastewater Reclamation Facility (RWWRf), both operated by the Victor Valley Wastewater Reclamation Authority (VWVRA). The Apple Valley Sub-Regional Plant has a 1 mgd (million gallons per day) capacity, treating a portion of local wastewater for irrigation use, while the remainder and all solids will continue to the main RWWRf.<sup>15</sup> The RWWRf has a design capacity of 18 mgd and currently treats approximately 10.7 mgd.<sup>16</sup> As shown in Table 2.19-2, the Project is estimated to produce 116,925 gallons per day, or 0.117 million gallons per day, of wastewater. The Project's wastewater generation would therefore represent approximately 11.7% of the Apple Valley Sub-Regional Plant's capacity or 0.6% of the RWWRf's total capacity. The Project would marginally increase the amount treated at RWWRf from 10.7 mgd to 10.8 mgd, which remains far below the facility's design capacity.

Based on the above analysis, it is not anticipated that new or expanded wastewater facilities would be required for the proposed Project. However, the Project would require the construction of sewage holding tanks on-site as well as the construction of a lift station and force main that will connect to the existing sewer line in Navajo Road, approximately 2,700 feet east of the subject property. Sewer construction plans must be designed based on and will be reviewed for compliance with the San Bernardino County Special District Department Standards for Sanitary Sewers. Sewer system plans will also be reviewed by the Town. The Town's plan check process includes thorough review of plans for development projects to ensure that sewers are properly designed. Based on existing facilities and capacities, and improvements to be constructed by the developer, impacts of the proposed Project on the existing sewer system will be less than significant.<sup>17</sup>

In conclusion, the Project is not expected to require the relocation of expansion of wastewater treatment facilities, and thus no such construction could cause significant environmental effects. Comparison of the Project's estimated wastewater generation with the capacity of the VWVRA suggests that the provider has adequate capacity to serve the new development. Plan review by the Town's Public Works Manager and Town Engineer will ensure that any Project-related impacts on the existing sewer system are properly mitigated prior to approval. Overall, impacts are expected to be less than significant.

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<sup>15</sup> W.M. Lyles Co., Victor Valley Wastewater Reclamation Authority, Subregional Water Reclamation Plans Project, <https://wmlylesco.com/project/victor-valley-subregional-water-reclamation-plants/> (accessed December 2022).

<sup>16</sup> FINAL Interceptor Risk Analysis, prepared for Victor Valley Water Reclamation Authority (June 2021).

<sup>17</sup> Town of Apple Valley Sewer System Management Plan (2019).

### Stormwater Drainage

The Project site is approximately 77.95-acres and is currently vacant. Two unnamed drainages run through the Project site in a generally north to south direction; however, the drainage features do not fully traverse the site and lose definition and begin to sheet flow on the south as they leave the subject property. The site also takes on overflow and diverted flows from the warehouse development on the north side of Lafayette Street. These flows are shunted around the existing warehouse and detained in a spreading basin on the south from which flows are meant to discharge in a manner similar to the original, natural condition.

As discussed in Section 2.11, the development proposes a similar solution with the addition of a drainage channel along the north, west, and southern sides of the property. Off-site flows would be intercepted at the low point on Lafayette Street and conveyed through the on-site channels to retention basins along the southern frontage of the property. Runoff flows will exit the Project site along the southern property line in a manner comparable to the existing, natural condition, following the current flow path.<sup>18</sup>

The property is bordered by Dale Evans Parkways and Lafayette Street, which are both paved roads, and Burbank Avenue, a graded, unpaved road. Off-site flows from the west and northwest are intercepted by Dale Evans Parkway and Lafayette Street, where they are conveyed to a low point on Lafayette.

The Project would not require the construction or expansion of any off-site stormwater drainage infrastructure, and thus no such facilities could have adverse effects on the environment. Any impacts related to the on-site drainage channel will be analyzed throughout this document in conjunction with the rest of the proposed development. Impacts related to drainage will be less than significant.

### Electricity and Natural Gas

The Project will receive electric services from Southern California Edison (SCE) and natural gas from Southwest Gas (SWG). According to the Town's Climate Action Plan 2019 Update, Town-wide electricity demand in Apple Valley in 2019 was 329,848,695 KWh.<sup>19</sup> In the same year, the Town used 15,526,732 therms of natural gas.<sup>20</sup> Table 2.19-4 shows the Project's estimated annual use of electricity and natural gas.

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<sup>18</sup> Hydrology Study for Redwood West, prepared by Merrell-Johnson Companies (September 2022).

<sup>19</sup> Town of Apple Valley 2019 Climate Action Plan Update, Table 4.

<sup>20</sup> Ibid., Table 5.

**Table 2.19-4  
 Project Electricity and Natural Gas Consumption**

<b>Land Use</b>	<b>Electricity Use (KWh/yr)</b>	<b>Natural Gas Use (therms/yr)</b>
Parking Lot	214,900	0.00
Refrigerated Warehouse	7,216,300	93,722
Unrefrigerated Warehouse	2,381,280	20,636
<b>Total</b>	<b>9,812,480</b>	<b>114,358</b>

Source: CalEEMod 2020.4.0 (see Appendix B for full output).

Operation of the proposed Project is estimated to use approximately 114,358 therms per year of natural gas.<sup>21</sup> This represents approximately 0.7% of the Town's total 2019 natural gas usage of 15,526,732 therms.<sup>22</sup>

The nearest gas line to the Project is at the corner of Johnson Road and Dale Evans Parkway, approximately 2,600 feet north of the subject property.<sup>23</sup> An extension would be required to connect the Project to the existing Southwest Gas system, which is expected to occur within the disturbed and partially improved Dale Evans Parkway. No significant impacts to biological, cultural or other resources are expected to result from the installation of the natural gas line to the Project site. Other than the extension of the gas lines to connect to the Project site, no additional or expanded natural gas facilities are expected to be required in order to supply the Project's natural gas use.

Operation of the proposed Project is estimated to consume approximately 9,812,480 KWh per year of electricity. This represents approximately 2.97% of the total 329,848,695 KWh used by the Town in 2019.<sup>24</sup> The Project proposes the addition of an underground power line in the Lafayette Street right of way, connecting to the existing line on Navajo Street. Given that the extension of the line would occur in the disturbed and partially improvement Lafayette Street, no significant impacts to biological, cultural, or other resources would be expected to occur. It is not otherwise anticipated that the Project would require the expansion or construction of new electricity facilities.

Telecommunications

The Project site is situated within Frontier Communications' and Charter Communications' services areas for telecommunications services. The Project will

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<sup>21</sup> Based on total of 11,433,050 kBTU/yr for refrigerated and unrefrigerated warehouse uses, estimated in CalEEMod. See Appendix B for full CalEEMod results.  
<sup>22</sup> Town of Apple Valley 2019 Climate Action Plan Update, Table 5.  
<sup>23</sup> Town of Apple Valley, North Apple Valley Industrial Specific Plan (2006), p.IV-23.  
<sup>24</sup> Town of Apple Valley 2019 Climate Action Plan Update.

connect to the existing fiber optic line in Dale Evans Parkway immediately west of the subject property. No new backbone infrastructure is expected to be required, and thus no impacts are anticipated.

**d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.**

**e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.**

The proposed Project would generate solid waste during the construction and operations phases. Solid waste generation associated with construction of the Project would be short-term and local landfills have sufficient capacity to accommodate it. All construction debris must be disposed of in accordance with local and state requirements. Per the County of San Bernardino IWM Plan, construction material must be disposed of at an appropriate CDI debris processing facility. As required by CalGreen, a minimum of 65% of construction waste materials will be reused or recycled, and a construction waste management plan must be prepared and submitted to the Town during the building permit application process.

Table 2.19-5 shows the estimated waste that the Project would generate daily once operational. Using solid waste generation factors provided by CalRecycle, operation of the proposed Project is estimated to result in the generation of approximated 17,147.12 pound of solid waste per day.

**Table 2.19-5  
 Project Operations Estimated Solid Waste Generation**

Land Use	Daily Generation Rate	Proposed Development	Total (pounds per day)
Industrial	1.42 lb / 100 sq ft / day	1,207,544 sq ft	17,147.12
<b>With 50% solid waste diversion:</b>			<b>8,573.56</b>

Source: Estimated Solid Waste Generation Rates for Warehouse/Manufacturing (May 1997), CalRecycle <https://www2.calrecycle.ca.gov/wastecharacterization/general/rates> (accessed December 2022).

Assembly Bill 939 requires a 50% diversion of solid waste from landfills. Accounting for this diversion, the Project is estimated to generate 8,573.56 pounds of solid waste per day, or 1,564.67 tons per year. Victorville Sanitary Landfill, which serves the Project area, has a remaining capacity of about 79,400,000 cubic yards as of 2020. The Project would contribute approximately 0.04% annually to the remaining



capacity.<sup>25</sup> Based upon estimates of the Project operational waste stream, it would not exceed the landfill capacity or constitute a significant demand for remaining landfill capacity. Recyclable materials generated by the Project will be transported to Burrtec's material recovery facility in Victorville for recycling and reuse.

The Project, well as the Town of Apple Valley, Burrtec, and the Victorville Landfill are required to comply with all applicable solid waste management statutes and regulations. The Project will also comply with all applicable solid waste policies in the County of San Bernardino Integrated Waste Management Plan and the Town of Apple Valley General Plan. The proposed Project will not interfere with the County's compliance with AB 939 or other applicable regulations. Project impacts related to solid waste would be less than significant.

#### **2.19.7 Mitigation Measures**

Impacts will be less than significant. No mitigation measures are required.

#### **2.19.8 Significance After Mitigation**

Impacts will be less than significant.

#### **2.19.9 Cumulative Impacts**

The EIR for the Town's General Plan (GP) states that future development resulting from buildout of the GP is expected to increase the demand for utilities incrementally and cumulatively. The proposed Project aligns with the Industrial – Specific Plan designation as set forth in the North Apple Valley Industrial Specific Plan and the General Plan. It can therefore be assumed that the Project aligns with the Town's General Plan buildout assumptions and would contribute incrementally and cumulatively to the demand on utilities.

As discussed in Sections 2.19.6(a-e) above, increases in demand on individual utilities resulting from the Project would be relatively small. The Project's water demand would represent 1.69 percent of Liberty Utilities' planned increases in water supply by 2045. The Project's wastewater generation would represent 0.6% of the Regional Wastewater Reclamation Facility's total capacity. The electricity use by the Project would represent 2.97% of the Town's total usage in 2019, and the Project's natural gas use would represent 0.7% of the town-wide gas use in 2019. In terms of solid waste, the Project would contribute approximately 0.04% annually to demand for the remaining capacity of the Victorville Landfill.

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<sup>25</sup> Assumes that 1 CY of commercial and residential recyclable solid waste is equivalent to 100 lbs. (averaged). "Volume to Weight Conversion Factors," US EPA Office of Resource. Conversion and Recovery (April 2016).

While these increases represent cumulative contributions to demand on utilities, the utilities providers' plans and policies would ensure that increases would not be cumulatively considerable. For example, according to Liberty Utilities' Urban Water Management Plan, the domestic water service provider has adequate supplies for meet demand during normal, single-try, and multiple-dry years over the next 25 years. Likewise, both Southern California Edison and Southwest Gas have policies and programs to ensure their ability to provide continued, adequate energy to users. Impacts would therefore not be cumulatively considerable.



# THE DEVELOPMENT AT DALE EVANS AND LAFAYETTE

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## DRAFT ENVIRONMENTAL IMPACT REPORT

### 3. ALTERNATIVE PROJECTS ANALYSIS

#### 3.1. Introduction

While Section 2 provides a detailed analysis of a full range of potential impacts associated with the proposed Project, this section of the EIR addresses the potential impacts associated with the development of alternatives to the proposed Project.

As required by CEQA Guidelines (Section 15126.6), Section 3 sets forth the key objectives that this Project seeks to fulfill. CEQA requires the analysis of “a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project” (Guidelines, Section 15126.6(c)). This section also states that the EIR “must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.”

An EIR is not required to consider alternatives which are infeasible. Therefore, this section of the EIR describes and analyzes the potential impacts of three potentially feasible alternatives: Alternative A: No project, no development; Alternative B: 100% high cube, and Alternative C: 900,000 square foot development, 100% high cube.

To provide a basis for comparison with each of the areas of environmental impact that were analyzed in Section 2, the same resource topics are considered in this section for each alternative.

Where mitigation is required for an alternative and the same mitigation measures required for the proposed Project in Section 2 apply, a reference to the appropriate Section 2 mitigation measures is made. If additional mitigation measures are required for an alternative, the alternative-specific mitigation measures are listed in this section.

### **3.1.1. Statement of Project Goals and Objectives**

CEQA Guidelines Section 15126.6 states that an EIR must describe and evaluate a reasonable range of alternatives to a project that would feasibly attain most of the project's basic objectives, but that would avoid or substantially lessen any identified significant adverse environmental effects of the project. The EIR should also evaluate the comparative merits of the project. Specifically, Section 15126.6 sets forth criteria for selecting and evaluating alternatives. A Draft EIR may support a determination of No Significant Impacts from implementation of the proposed Project with the implementation of mitigation measures set forth in this EIR.

Pursuant to CEQA Guidelines Section 15124(b), the project description includes a statement of objectives. These objectives are intended to explain the purpose of the project, and to aid the decision-makers in preparing findings or a statement of overriding considerations, if necessary.

The project objectives identify the purpose of the Project. As described in Section 1, the following objectives have been developed for the Project.

- A. Support and implement the goals of the North Apple Valley Industrial Specific Plan.
- B. Provide new jobs to reduce Town residents' dependence on employment outside the community.
- C. Limit the intrusion of heavy commercial vehicles into Town neighborhoods by siting the Project in close proximity to Interstate-15 interchanges at Stoddard Wells Road and Dale Evans Parkway.
- D. Improve adjacent streets to improve traffic flow and connections to other lands within the Specific Plan boundary.
- E. Create an attractive streetscape on Dale Evans Parkway, to enhance the aesthetic appearance of this roadway and of the Specific Plan as a whole.

- F. Create sufficient buffers, through setbacks, walls and landscaping to the multi-family residential lands planned for the future on the west side of Dale Evans Parkway.

### **3.1.2. Summary of Alternatives**

Three alternatives have been developed for analysis in this Section. All alternatives were selected because they have the potential to reduce the impacts of the proposed Project. However, it is important to note that with the exception of Vehicle Miles Traveled, all impacts associated with the proposed Project are either less than significant, or can be mitigated to less than significant levels.

#### **3.1.3. Alternative A – “No Project, no development” Alternative**

Under this alternative, no development would occur and the site would remain vacant. There would be no additional warehouse space proposed, and no increase in demand for services.

#### **3.1.4. Alternative B – “100% high cube” Alternative**

Under this alternative, there would be no refrigerated component to the Project, and the entire building would be used as a high cube warehouse. This alternative was included to consider whether the elimination of refrigerated warehouse space would reduce impacts associated with the Project.

#### **3.1.5. Alternative C – “900,000 square foot development, 100% high cube” Alternative**

Under this alternative, the building would be reduced by 25%, resulting in a high cube warehouse of approximately 900,000 square feet. This alternative was selected because the proposed Project includes maximum allowable building coverage, and a reduction in building size could reduce impacts associated with the proposed Project.

#### **3.1.6. Other Alternatives Considered But Not Further Analyzed**

It is important to note that since the Project as proposed is consistent with the General Plan and NAVISP, a No Project/Existing General Plan alternative was considered but not analyzed, since this alternative would be equivalent to the proposed Project.

The Alternative Site alternative was also considered, but no alternative site was owned by the Project proponent or immediately available for sale on Dale Evans Parkway, or met the Project objectives in this area of the Town.

### **3.2. Alternative Projects Analysis Summary**

This section analyzes the environmental categories and thresholds set forth in Appendix G of the CEQA Guidelines. First, existing conditions are summarized and reference made to the corresponding Section 2 discussion where more detail is provided. Then, each impact threshold is cited and the effects of each alternative analyzed. The need for mitigation is discussed, and an assessment of the environmentally superior alternative for that issue area is provided. Section 3.20 contains a comparison of the alternatives overall, and determines the superior alternative.

### **3.3 Aesthetics**

#### **3.3.1 Introduction**

This discussion examines the potential impacts of the project alternatives on aesthetic resources pursuant to CEQA, and assesses the impacts of the alternatives on the scenic quality of the location in which it occurs. Aesthetic impacts could occur if a proposed project, either during its construction or operation, would alter the scenic vistas or visual character of the area as viewed from the public realm. This section also addresses the impacts of the alternatives from light and glare emitted during and after its construction.

#### **3.3.2 Existing Conditions**

Apple Valley and much of the Victor Valley are located primarily on alluvial slopes of the Mojave River floodplain, at the southern edge of the Mojave Desert. The topography gradually inclines towards the San Bernardino Mountains to the south as well as to the scattered knolls and mountains to the north and east of the Town.

Viewsheds in the area are characterized by uninterrupted expanses of broad skies and panoramic vistas of distant mountains, as well as views associated with the Mojave River that include areas of riparian forest and the bluffs and terraces of the floodplain. The low-lying terrain surrounding the Town allows unobstructed views in all directions, creating a sense of openness and spaciousness that is enhanced by the muted colors of the desert landscape. Within the Town, State Highway 18 is designated as an "Eligible State Scenic Highway." Highway 18 is located approximately 5 miles south of the Project site.

Important natural visual resources include uninterrupted expanses of 'wide skies' and panoramic vistas of distant mountains, and low-lying landscape that allows unobstructed, distant views in all directions creating a prevailing sense of openness and spaciousness.

Although the visual character of most parts of Town have been impacted to some extent by residential, commercial and industrial development, many acres of undeveloped desert lands remain. The aesthetic quality of existing development in the Town and vicinity is inconsistent, with the built form being representative of several different periods of time and various standards of development.

For additional information on the evaluation of aesthetic resources, please see Section 2.3.

### **3.3.3 Alternatives Impact Analysis**

The site is located 2.4± miles southeast of US Interstate-15 (I-15), with intervening lands being vacant desert. The surrounding lands are relatively flat with notable elevated terrain to the southwest and east. The west end of the site is at an elevation of 3,040± feet above sea level. Views from the site at Dale Evans Parkway include an eroded volcanic cinder cone 2,000± feet to the southwest that rises to 3,880 feet above mean sea level and more than 800 feet above the west end of the site.

The closest approach of the Apple Valley Airport is located 4,000± feet to the southeast. An extensive hilly area located approximately 2.75 miles to the east and southeast has terrain ranging from 3,200 feet to almost 5,000 feet, or 2,000± feet higher than the subject property. Also see Exhibit 2.3-1.

The subject property is located adjacent to two large warehouse operations (Walmart and Big Lots), which have established the scale and character of development in this portion of the industrial park.

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

##### **Alternative A – No project, no development**

There would be no site disturbance or construction on the subject property under the Alternative A scenario. Therefore, there would be no impact to any scenic vista or other scenic resources. This alternative would reduce the already less than significant impacts of the Project, but would not implement any of the Project objectives.

##### **Alternative B – 100% high cube**

The Alternative B project will cover approximately 35% of the 78±-acre site with building and although there would be no refrigerated warehouse space provided under this alternative, the visual effects of this alternative would be the same as those associated with the proposed Project. The maximum building height would be 50 feet above finished floor. The single building would be centrally located on the lot and set back from the property lines, and would be surrounded by landscaped drainage retention basins and parking facilities. This alternative would have the same impacts as the proposed Project, and would also implement the Project objectives.



**Alternative C - 900,000 square foot development, 100% high cube**

Alternative C would cover approximately 25% less land than the proposed Project but would likely still involve disturbance to the entire 78±-acre site. There would be no refrigerated warehouse space provided under this alternative. The visual effects of Alternative C would be comparable to or somewhat less than that associated with the proposed Project or Alternative B, because the mass of the building would be reduced. The maximum building height would be expected to remain at 50 feet above finished floor.

The single building could presumably be located farther east on the lot and set back from the property lines. Under this alternative the building site would be surrounded by landscaped drainage retention basins and parking facilities. This reduction in building size could result in larger areas of landscaping, since the building would likely require less parking. Alternative C's impacts to aesthetic resources would be less than significant, and marginally less than the less than significant impacts associated with the proposed Project.

***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?***

**Alternative A – No project, no development**

Alternative A would result in no new site disturbance or development on the 78± acre site. Therefore, the character and public views of the area would be unaffected, and there would be no conflicts with Town zoning or other regulations governing scenic quality. This alternative would reduce the less than significant impacts associated with the proposed Project, but would meet none of the Project objectives.

**Alternative B – 100% high cube**

Although development in the NAVISP area has been limited, the intent of the document and its long-term goals are for an urbanized, industrial landscape. As noted in Section 2.3, the character of the surrounding areas has already been established by two large warehouse developments (Walmart and Big Lots), which are located adjacent to the subject property on its north and east sides, and are of a consistent form and scale to the proposed Project.

Alternative B would be a visual extension of these two developments, and would result in the proposed building being 1,200± feet south of the Walmart building and 580± feet west of the Big Lots building. As described above, impacts to public views will be limited. Alternative B is consistent with both the existing visual

character in its immediate vicinity, and the overall character envisioned in the NAVISP and the Town's General Plan.

Alternative B would be expected to remain consistent with the development standards and design guidelines set forth in the NAVISP. The one building under Alternative B would cover approximately 35% of the site with one centrally located building. The maximum building height will be 50± feet above finished floor. Under Alternative B the single building would be centrally located on the lot, would be set back from the property lines, and would be surrounded by landscaped drainage retention basins and parking facilities. Enhanced landscaping will be provided along the frontage along Dale Evans Parkway, as required in the NAVISP, to enhance the public view of travelers along this roadway. Project impacts on the existing visual character of the area and the quality of public views will be less than significant, and would be equivalent to the impacts associated with the proposed Project.

**Alternative C - 900,000 square foot development, 100% high cube**

Under Alternative C the warehouse building would cover approximately 25% less land than the proposed Project but would likely still involve disturbance to the entire 78±-acre site. The visual effects of Alternative C on the surrounding character and quality of the viewshed would be comparable to or somewhat less than that associated with the proposed Project or Alternative B. The maximum building height would be 50 feet above finished floor. The single building could presumably be located farther east on the lot and set back further from the property lines, and could provide greater areas of landscaping. Alternative C's impacts to the scenic character and quality of the area would be less than significant, and marginally less than those associated with the proposed Project.

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

**Alternative A – No project, no development**

The Alternative A scenario would result in no site disturbance or development. No new sources of light or glare would be provided, because no development would occur, and there would be no impacts to visibility or the night sky.

**Alternative B – 100% high cube**

The site is located on a major roadway, within the NAVISP, which is planned for industrial uses. Lighting on the subject site will be required to be consistent with the standards of the NAVISP and the Town's Development Code. The Town will condition the Project to conform to the related standards and guidelines set forth in the NAVISP addressing all project lighting, including architectural and security lighting, landscape and parking lot lighting, and any and all signage lighting.

A lighting plan would be required to ensure that lighting levels and intensity meet standards and do not exceed functional requirements of safety, security, and identification. The lighting plan for Alternative B will also be required to comply with the Town's Dark Sky Policy and must assure that all parking lot lighting uses full cutoff shielding and prevents spillage onto adjacent streets and properties, consistent with both the NAVISP and Development Code.

Conformance with the NAVISP lighting standards and Development Code will ensure that the Alternative B impacts do not create new sources of light or glare that would adversely affect day or nighttime views. Impacts will be less than significant, and equivalent to those of the proposed Project.

**Alternative C - 900,000 square foot development, 100% high cube**

Impacts associated with the Alternative C scenario could be somewhat less than those potentially associated with the proposed Project and Alternative B. As with the proposed Project and Alternative B, Alternative C would be developed on a major roadway and within the NAVISP, which is planned for industrial uses. Lighting on the subject site will be required to comply with NAVISP development standards and the Town's Development Code. The Town will condition the Project to conform to the related standards and guidelines set forth in the NAVISP addressing all project lighting, including architectural and security lighting, landscape and parking lot lighting, and any and all signage lighting. However, because of the smaller building footprint, it would be expected that building lighting would be less, and that lights from passing vehicles would be reduced.

Regardless of the development scenario, a lighting plan would be required to ensure that lighting levels and intensity meet standards and do not exceed functional requirements of safety, security, and identification. The lighting plan for Alternative C would also be required to comply with the Town's Dark Sky Policy and must assure that all parking lot lighting uses full cutoff shielding and prevents spillage onto adjacent streets and properties, consistent with both the NAVISP and Development Code.

Conformance with the NAVISP lighting standards and Town Development Code will ensure that the Alternative C impacts do not create new sources of light or glare that would adversely affect day or nighttime views. Impacts will be less than significant, and somewhat less than those associated with the proposed Project.

### **3.3.4 Mitigation Measures**

Impacts associated with aesthetics will be less than significant for all project alternatives. No mitigation measures are required.

### **3.3.5 Environmental Superior Alternative**

Alternative A would result in no site disturbance or development. There would be no lighting or structures that could obstruct views or degrade the character of the area. Alternative C would have impacts comparable to but conceivable less than those associated with the proposed project or Alternative B, because of the reduced scale, mass and footprint of this alternative. Therefore, Alternative A would be the environmentally superior alternative, but Alternative C would be environmentally superior when Project objectives are considered.

### 3.4 Air Quality

#### 3.4.1 Introduction

The following section analyses the potential impacts of the Project alternatives on air quality.

#### 3.4.2 Existing Conditions

The subject property is located within the Mojave Desert Air Basin (MDAB) and is managed by the Mojave Desert Air Quality Management District (MDAQMD). Air quality in the Mojave Desert Air Basin has been impacted by local and regional emissions associated with increased development, population growth, and vehicle emissions. In the Project area, MDAQMD regulates air quality and implements applicable state and federal policies and regulations.

**Table 3.4-1** shows the West Mojave Desert's attainment status for the criteria air pollutants, as designated by the United States Environmental Protection Agency. The West Mojave Desert is designated as being in nonattainment for regional levels of particulate matter (PM<sub>10</sub>) and ozone (O<sub>3</sub>). Under the federal Clean Air Act, the MDAB is designated as being in "moderate" ozone non-attainment.

**Table 3.4-1  
West Mojave Desert Regional Attainment Status**

<b>Criteria Pollutant</b>	<b>Attainment Status</b>
Ozone (O <sub>3</sub> )	Nonattainment
Carbon Monoxide (CO)	Attainment
Fine Particulate Matter (PM <sub>2.5</sub> )	Attainment
Particulate Matter (PM <sub>10</sub> )	Nonattainment (Moderate)
Nitrogen Dioxide (NO <sub>2</sub> )	Attainment
Lead (Pb)	Attainment
Sulfur Dioxide (SO <sub>2</sub> )	Attainment

Source: EPA Green Book (September 2022)

Please see Section 2.4 for a detailed description of the regulatory framework and existing air quality conditions relating to the Project area.

### 3.4.3 Alternatives Impact Analysis

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

##### **Alternative A – No project, no development**

Alternative A proposes no development on the subject property. It would therefore generate no air pollution and would not conflict with or obstruct the implementation of air quality plans. There would be no impacts. Because there would be no increase in air emissions, this Alternative would be superior to the proposed Project and Alternatives B and C.

##### **Alternative B – 100% high cube**

Alternative B proposes the development of a 1,207,544 square foot warehouse to be used for unrefrigerated warehousing. It would potentially emit criteria air pollutants during construction and operations.

According to the MDAQMD CEQA Guidelines, a project is considered conforming if it “complies with all proposed control measures that are not yet adopted from the applicable plan(s) and is consistent with the growth forecasts in the applicable plan(s).” As described in greater detail for the proposed Project in Section 2.4.3(a), Alternative B would comply with all applicable MDQAMD control measures and is consistent with the growth forecasts used in the District's air quality plans.

The District's air quality plans are based in part on growth forecasts development by the Southern California Association of Governments (SCAG). The 2020 SCAG Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) forecasts that by 2045, the Town of Apple Valley will have 37,400 households and a population 101,400.<sup>1</sup> According to the Town's 2009 General Plan, Apple Valley has the potential to accommodate 31,716 additional dwelling units and 96,829 additional residents in the Town boundaries through buildout of the General Plan.<sup>2</sup> MDAQMD states that conformity 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.<sup>3</sup> The warehouse development proposed under Alternative B is consistent with the Industrial – Specific Plan zone assigned to the property in the North Apple Valley Industrial Specific Plan. It can thus be assumed that Alternative B conforms with the growth forecast used in the MDAQMD's air quality plans.

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<sup>1</sup> SCAG 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy, Demographics and Growth Forecast Technical Report, Jurisdiction-Level Growth Forecast.

<sup>2</sup> Town of Apple Valley General Plan (2009), page II-2.

<sup>3</sup> MDAQMD California Environmental Quality Act (CEQA) and Federal Conformity Guidelines (February 2020).

Alternative B would comply with all applicable air quality control measures. According to the Apple Valley General Plan, the Town is subject to the provisions of the MDAQMD Rule Book, and, according to Policy 1.D, would review all development proposals to avoid any adverse impacts to local and regional air quality.<sup>4</sup> Furthermore, the proposed development would be subject to MDAQMD Rule 201, which requires a permit from the Air Pollution Control Office prior to any construction activities, and Rule XIII, which requires preconstruction review of all new facilities to ensure they do not interfere with the attainment and maintenance of ambient air quality standards. Review by the Town and the Air Quality Management District will ensure that construction and operation of the development proposed under Alternative B would comply with all applicable control measures.

Based on the above evidence, it can be concluded that Alternative B would not conflict with or obstruct implementation of the applicable air quality plan, and that impacts will therefore be less than significant. Alternative B's impacts would be equivalent to those of the proposed Project as it relates to conformance and implementation of air quality plans.

**Alternative C – 900,000 square foot development, 100% high cube**

Alternative C proposes the development of a 900,000 square foot unrefrigerated warehouse distribution facility. For the same reasons provided for Alternative B, above, Alternative C would not conflict with or obstruct the implementation of the applicable air quality plan. The development proposed under Alternative C aligns with the growth forecasts provided by the SCAG and used in MDAQMD's air quality plans. The development plans would be subject to review by both the Town of Apple Valley and the MDAQMD to ensure that it is compliant with the MDAQMD rule book. Impacts would be less than significant. Alternative C's impacts would be equivalent to those of the proposed Project as it relates to conformance and implementation of air quality plans.

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

**Alternative A – No project, no development**

Alternative A proposes no development on the subject property. It would therefore generate no air pollution and would make no contributions to the net increase of any criteria pollutants. There would be no impacts. Because there would be no increase in air emissions, this Alternative would be superior to the proposed Project and Alternatives B and C.

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<sup>4</sup> Ibid., p. III-78.

**Alternative B – 100% high cube**

As described in greater detail in the Air Quality and Greenhouse Gas Report prepared for the Project (see Appendix B), air quality emissions were projected for Alternative B using the California Emissions Estimator Model (CalEEMod) Version 2020.4.0. The assumptions used for this alternative are consistent with the proposed Project in terms of use and traffic, except that refrigeration would not be included in this alternative. The development proposed under Alternative B would release criteria air pollutants during its construction and operations, as shown in **Table 3.4-2** and **Table 3.4-3**, respectively.

**Table 3.4-2  
 Alternative B – Maximum Daily Construction-Related Emissions Summary  
 (pounds per day)**

<b>Construction Emissions</b>	<b>CO</b>	<b>NO<sub>x</sub></b>	<b>ROG</b>	<b>SO<sub>2</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
<b>Daily Maximum<sup>1</sup></b>	69.43	36.28	121.47	0.20	15.04	5.32
<b>MDAQMD Threshold</b>	548	137	137	137	82	65
<b>Exceeds?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

<sup>1</sup> Average of winter and summer daily maximum emissions.

Note: PM<sub>10</sub> and PM<sub>2.5</sub> emissions reflect standard dust control measures per MDAQMD Rule 403.

The above table shows that the emissions generated by the construction of Alternative B would not exceed the MDAQMD thresholds for any criteria air pollutants. The data in **Table 3.4-3** represents daily unmitigated emissions over the 2-year construction period, including winter and summer conditions, and assuming that standard dust control measures have been applied to the particulate matter emissions per MDAQMD Rule 403. Given that MDAQMD's thresholds for criteria air pollutants will not be exceeded during unmitigated construction activities, impacts are anticipated to be less than significant.

**Table 3.4-3  
 Alternative B – Maximum Daily Operational-Related Emissions Summary  
 (pounds per day)**

<b>Operational Emissions</b>	<b>CO</b>	<b>NO<sub>x</sub></b>	<b>ROG</b>	<b>SO<sub>2</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
<b>Daily Max. (Passenger Car)<sup>1</sup></b>	42.0477	2.9933	36.2397	0.1511	20.2074	5.4443
<b>Daily Max. (Trucks)<sup>1</sup></b>	40.3578	119.5079	37.3125	0.66795	28.9903	9.1847
<b>Daily Max. (Total)</b>	82.41	122.51	73.55	0.82	49.20	14.63



**Table 3.4-3**  
**Alternative B – Maximum Daily Operational-Related Emissions Summary**  
**(pounds per day)**

<i>Operational Emissions</i>	<b>CO</b>	<b>NO<sub>x</sub></b>	<b>ROG</b>	<b>SO<sub>2</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
<b>MDAQMD Threshold</b>	548	137	137	137	82	65
<b>Exceeds?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

<sup>1</sup> Average of winter and summer daily maximum emissions.

As shown in **Table 3.4-3**, projected emissions during the operation of Alternative B would not exceed the MDAQMD thresholds for any criteria air pollutants. Impacts related to operational emissions can thus be assumed to be less than significant. Air emissions would be marginally reduced when compared to the proposed Project, and somewhat greater than Alternative C. However, all development scenarios, including the proposed Project and Alternatives B and C, result in less than significant impacts relating to air emissions, because all three are below MDAQMD thresholds.

Cumulative Contribution – Non-Attainment Criteria Pollutants

Given the dispersing nature of pollutant emissions and aggregate impacts from nearby jurisdictions, cumulative air quality is evaluated on a regional scale. As previously mentioned, the West Mojave Desert portion of the Mojave Desert Air Basin is a designated non-attainment region for PM<sub>10</sub> and ozone. Any development resulting in emissions of PM<sub>10</sub>, ozone, or ozone precursors would, to some extent, contribute to the existing regional non-attainment.

The MDAQMD does not currently provide thresholds of significance for the cumulative emissions of multiple projects. A project's potential cumulative contributions can instead be analyzed using the criteria for project-specific impacts, assuming that if an individual development generates less than significant construction and operational emissions, then it would not generate a cumulatively considerable increase in non-attainment criteria pollutants. Therefore, given that both the construction and operation of Alternative B would not result in emissions exceeding the MDAQMD significance threshold, it can be assumed that impacts to non-attainment related to the proposed development would not be cumulatively considerable. Air emissions would be marginally reduced when compared to the proposed Project, and somewhat greater than Alternative C, but cumulative impacts would remain less than significant.

**Alternative C – 900,000 square foot development, 100% high cube**

The air quality emissions were projected for Alternative C using the California Emissions Estimator Model (CalEEMod) Version 2020.4.0. Assumptions were

reduced for this alternative based on its reduced size, and the lack of refrigerated warehousing in the building. The development proposed under Alternative C would release criteria air pollutants during its construction and operations, as shown in **Table 3.4-4** and **Table 3.4-5**, respectively.

**Table 3.4-4**  
**Alternative C – Maximum Daily Construction-Related Emissions Summary**  
**(pounds per day)**

<b>Construction Emissions</b>	<b>CO</b>	<b>NO<sub>x</sub></b>	<b>ROG</b>	<b>SO<sub>2</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
<b>Daily Maximum<sup>1</sup></b>	60.21	34.57	91.24	0.17	11.56	5.32
<b>MDAQMD Threshold</b>	548	137	137	137	82	65
<b>Exceeds?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

<sup>1</sup> Average of winter and summer daily maximum emissions.

Note: PM<sub>10</sub> and PM<sub>2.5</sub> emissions reflect standard dust control measures per MDAQMD Rule 403.

The above table shows that the emissions generated by the construction of Alternative C would not exceed the MDAQMD thresholds for any criteria air pollutants. The data in **Table 3.4-4** represents daily unmitigated emissions over the 2-year construction period, including winter and summer conditions, and assuming that standard dust control measures have been applied to the particulate matter emissions per MDAQMD Rule 403. Given that MDAQMD's thresholds for criteria air pollutants will not be exceeded during unmitigated construction activities, impacts are anticipated to be less than significant.

**Table 3.4-5**  
**Alternative C – Maximum Daily Operational-Related Emissions Summary**  
**(pounds per day)**

<b>Operational Emissions</b>	<b>CO</b>	<b>NO<sub>x</sub></b>	<b>ROG</b>	<b>SO<sub>2</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
<b>Daily Max. (Passenger Car)<sup>1</sup></b>	31.33945	2.23095	27.0116	0.11265	15.0609	4.0577
<b>Daily Max. (Trucks)<sup>1</sup></b>	29.80645	88.2485	27.7878	0.49325	21.4066	6.7823
<b>Daily Max. (Total)</b>	61.15	90.48	54.80	0.61	36.47	10.84
<b>MDAQMD Threshold</b>	548	137	137	137	82	65
<b>Exceeds?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

<sup>1</sup> Average of winter and summer daily maximum emissions.

As shown in **Table 3.4-5**, projected emissions during the operation of Alternative C would not exceed the MDAQMD thresholds for any criteria air pollutants. Impacts related to operational emissions can thus be assumed to be less than significant. Alternative C would result in lower emissions than both the proposed Project and Alternative B.

#### Cumulative Contribution – Non-Attainment Criteria Pollutants

Given the dispersing nature of pollutant emissions and aggregate impacts from nearby jurisdictions, cumulative air quality is evaluated on a regional scale. As previously mentioned, the West Mojave Desert portion of the Mojave Desert Air Basin is a designated non-attainment region for PM<sub>10</sub> and ozone. Any development resulting in emissions of PM<sub>10</sub>, ozone, or ozone precursors would, to some extent, contribute to the existing regional non-attainment.

As explained above, for Alternative B, a project's potential cumulative contributions can instead be analyzed using the criteria for project-specific impacts, assuming that if an individual development generates less than significant construction and operational emissions, then it would not generate a cumulatively considerable increase in non-attainment criteria pollutants. Given that both the construction and operation of Alternative C would not result in emissions exceeding the MDAQMD significance threshold, it can be assumed that impacts to non-attainment related to the proposed development would not be cumulatively considerable. Air emissions would be reduced when compared to the proposed Project, and somewhat less than Alternative B, making Alternative C the least impactful as it relates to cumulative impacts.

#### ***c) Expose sensitive receptors to substantial pollutant concentrations?***

##### **Alternative A – No project, no development**

Alternative A proposes no development on the subject property. It would therefore generate no air pollution and not expose any sensitive receptors to pollutants. There would be no impacts. Because there would be no increase in air emissions, this Alternative would be superior to the proposed Project and Alternatives B and C.

##### **Alternative B – 100% high cube**

According to the MDAQMD CEQA Guidelines, projects within a specified distance of a sensitive receptor must be evaluated using significance threshold criteria number 4:

- (4) [A project is significant if it] Exposes sensitive receptors to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million and/or a Hazard Index (HI) (non-cancerous) greater than or equal to 1.

The threshold distances from sensitive receptors, as specified by the MDAQMA are as follows:

- Any industrial project within 1000 feet;
- A distribution center (40 or more trucks per day) within 1000 feet;
- A major transportation project (50,000 or more vehicle per day) within 1000 feet;
- A dry cleaner using perchloroethylene within 500 feet;
- A gasoline dispensing facility within 300 feet.<sup>5</sup>

The development proposed under Alternative B, like the proposed Project, is considered an industrial land use and proposes a distribution center with more than 40 truck trips projected per day. According to projections from CalEEMod, Alternative B would generate approximately 780 daily truck trips.<sup>6</sup> Properties adjacent to the subject property are either vacant, such as those to the south and west, or occupied by similar distribution facilities, such as those to the north and east.

The MDAQMD considers residences, schools, daycare centers, playground, and medical facilities as sensitive receptor land uses. The proposed development is located within the North Apple Valley Industrial Specific Plan area and is not within 1,000 feet of any sensitive receptors. The nearest existing sensitive receptor land uses are the Fresenius Medical Care Distribution facility and the Victor Valley Community College, which are located approximately 2,700 feet west and northwest of the site, respectively.

Given that Alternative B is well beyond the specified distance from any sensitive receptor land uses, it does not need to be evaluated using significance criteria number 4, stated above. The proposed development under Alternative B is thus not anticipated to expose sensitive receptors to substantial pollutant concentrations, and impacts can be considered less than significant. As with both the proposed Project and Alternative C, impacts would be less than significant, and none of the alternatives would impact sensitive receptors.

### Health Impacts

As described in greater detail in Section 2.4.6(c), it is currently scientifically impossible to calculate the degree to which an individual's health would be impacted by exposure to various levels of criteria pollutant emissions. While MDAQMD, and the field of study in general, do not have methodologies available to analyze the specific health consequences of a project's emissions, the District

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<sup>5</sup> MDAQMD California Environmental Quality Act (CEQA) and Federal Conformity Guidelines (February 2020).

<sup>6</sup> Full CalEEMod outputs for the Project and alternatives are available in Appendix B.

does recommend the use of tools such as CalEEMod for the purposes of project evaluation. Given these limitations, the extent to which the proposed development poses a health risk is uncertain, but unavoidable. However, the emissions expected from Alternative B based on projections developed using CalEEMod indicate that the development is below the MDAQMD thresholds. Furthermore, application of the MDAQMD sensitive receptor guidelines also indicate that Alternative B is not within the threshold distance. Based on these findings, it is therefore anticipated that the impacts and associated health effects resulting from criteria pollutants emitted by Alternative B would overall be less than significant.

**Alternative C – 900,000 square foot development, 100% high cube**

As described for Alternative B above, according to the MDAQMD CEQA Guidelines, if a distribution center with more than 40 truck trips per day is located within 1,000 feet of a sensitive receptor, then it must be evaluated using significance threshold criteria number 4:

- (4) [A project is significant if it] Exposes sensitive receptors to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million and/or a Hazard Index (HI) (non-cancerous) greater than or equal to 1.

Alternative C proposes a smaller building footprint than Alternative B and the Project, and thus would result in fewer truck trips per day during operations. According to CalEEMod projections, Alternative C would generate approximately 576 daily truck trips.<sup>7</sup> However, as described above, the subject property is not within 1,000 feet of any sensitive receptor land uses. The nearest sensitive receptors would be the Fresenius Medical Care Distribution facility and the Victor Valley Community College, which are located approximately 2,700 feet west and northwest of the site, respectively. Alternative C is thus well beyond the specified distance from any sensitive receptor land uses, and therefore does not need to be evaluated using significance criteria number 4, stated above. Alternative C would therefore be anticipated to have less than significant impacts related to sensitive receptors.

Health Impacts

As described above, while there is currently no consensus on appropriate methodologies to assess the air quality impacts of a project on a specific individual's health, MDAQMD recommends the use of tools such as CalEEMod for the purposes of project evaluation.

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<sup>7</sup> Full CalEEMod outputs for the Project and alternatives are available in Appendix B.

While the extent to which the proposed development poses a health risk is uncertain, but unavoidable, the emissions expected from Alternative C based on projections developed using CalEEMod indicate that the development is below the MDAQMD thresholds. Furthermore, application of the MDAQMD sensitive receptor guidelines also indicate that Alternative C is not within the threshold distance. Based on these findings, it is anticipated that the impacts and associated health effects resulting from criteria pollutants emitted by Alternative C would overall be less than significant.

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

**Alternative A – No project, no development**

Alternative A proposes no development on the subject property. It therefore would not generate any emissions, including those that lead to odors, and would not have adverse effects on people. There would be no impacts.

**Alternative B – 100% high cube**

As stated in Section 2.4.6(d), land uses, such as chemical plants, composting operations, landfills, refineries, and wastewater treatment plants can be sources of odors that, while not necessarily physically harmful, may be unpleasant and distressing to the public. The warehouse distribution facilities proposed by the Project and Alternatives B and C would not include any industrial production or processing activity. While the proposed warehouse may produce some odors, it is not anticipated to produce any objectionable odors long term. Additionally, while some odors may be generated on site during the construction process, their production will be short term. As discussed in section (c) above, there are no sensitive receptors in the immediate vicinity of the subject property, and adjacent sites are either similar distribution facilities or are vacant. Any odors generated on site during construction or operations are expected to be dispersed below detectable levels quickly with increasing distance from the construction site. Therefore, any odors temporarily produced during construction of the development would disperse to undetectable levels before reaching any sensitive receptors. There are no nearby land uses that would be likely to be impacted by any nuisance related to odors. Given these facts, Alternative B would have less than significant impacts related to emissions such as odors. Given that Alternative B would result in a distribution warehouse, as would the proposed Project and Alternative C, the impacts associated with odors under all scenarios would be equivalent and less than significant.

**Alternative C – 900,000 square foot development, 100% high cube**

For the same reasons stated above, Alternative C would not result in the emission of odors that would adversely affect a substantial number of people. Any odors

generated on site during construction or operations are expected to disperse to undetectable levels with increased distance from the subject site. There are no nearby sensitive receptor land uses that would be likely to be impacted by any nuisance related to odors. Impacts would be less than significant. Given that Alternative C would result in a distribution warehouse, as would the proposed Project and Alternative B, the impacts associated with odors under all scenarios would be equivalent and less than significant.

#### **3.4.4 Mitigation Measures**

Impacts to air quality resulting from Alternatives A, B, and C would be less than significant. Mitigation measures are not necessary.

#### **3.4.5 Environmental Superior Alternative**

Alternative A proposes no development, and thus would result in no emissions of criteria air pollutants. Unlike Alternative A, Alternative C would achieve most of the Project objectives. The reduced building footprint proposed in Alternative C would have lower emissions than Alternative B due to less building area to construct and fewer vehicle trips expected during operations. Both Alternative B and Alternative C would have less than significant impacts associated with air quality. However, Alternative C has the lowest criteria pollutant emissions compared to both the proposed Project and Alternative B, and is therefore the overall superior build alternative with regard to air quality impacts.

## **3.5 Biological Resources**

### **3.5.1 Introduction**

The following section analyses the potential impacts to biological resources associated with the Project alternatives for the Development at Dale Evans and Lafayette. The documentation used for this section is consistent with that used in Section 2.5, including site-specific biological resource and jurisdictional delineation studies.

### **3.5.2 Existing Conditions**

The proposed Project is in the southwest portion of the Mojave Desert, north of the San Bernardino Mountains and east of the Mojave River. The Mojave River is more than six miles west of the Project site, and there are no other major watercourses in the area.

Currently, the Project site is vacant, undeveloped desert land. While the site is undeveloped, the land shows signs of human disturbance, such as the mechanical disturbance of soil, vegetation removal, off-road vehicle tracks, and trash dumping. Regardless, the site still provides habitat and potential wildlife corridors.<sup>1</sup>

The eastern portion of the subject property was formerly utilized by the U.S. Army as part of a practice aerial bombing range and is currently listed as the Victorville Precision Bombing Range No. 1 (PBR No.1) on the Formerly Used Defense Sites (FUDS), unexploded ordinance (UXO), and Envirostor databases.<sup>2</sup> A Phase 1 ESA prepared for the Project determined that the remaining munitions debris is not energetic or intact, and therefore poses no risk of upset or accident (please also see Sections 2.10 and 3.10, Hazards and Hazardous Materials).

The Project site is entirely within the boundaries of the Apple Valley MSHCP/NCCP (also see Section 2.5) and the planning area for the North Apple Valley Industrial Specific Plan (NAVISP). Two unnamed drainages run through the site north-south, which may be considered jurisdictional waters by CDFW and RWQCB.

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<sup>1</sup> "Dale Evans/Lafayette Warehouse/Distribution Facility Project Biological Resources Assessment and Survey Results, Town of Apple Valley, San Bernardino County, California" Wood Environment & Infrastructure, Inc., September 15, 2022

<sup>2</sup> "Phase 1 Environmental Site Assessment, SkyView Property – Lafayette Street, Apple Valley, California" Northgate Environmental Management, Inc. September 14, 2022.



### **3.5.3 Alternatives Impact Analysis**

- 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 Game or U.S. Fish and Wildlife Service.**

#### **Alternative A – No project, no development**

Alternative A would result in the continuation of existing conditions. The property would remain vacant but heavily disturbed. There would be no adverse effect, either directly or indirectly, or through habitat modification, on any special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. There would be no impacts. Alternative A, because it would result in no site disturbance, is the environmentally superior alternative.

#### **Alternative B – 100% high cube**

Alternative B would result in impacts comparable to those of the proposed Project. The entire site would still be disturbed for the development, and the building footprint would remain the same. An additional survey for special status plants and transplanting of the cacti covered by the Town's Native Plant Ordinance would still be required to avoid impacts to special status plants. Preconstruction surveys would be required to ensure that no milkweed/monarch butterflies or caterpillars, desert tortoise, nesting birds, or burrowing owl are present on site.

Overall, the special status plants, insects, birds, and other wildlife with the potential to occur on the Project site could be significantly impacted if mitigation measures BIO-1 to BIO-14 set forth in Section 2.5 were not applied, and would be necessary to reduce impacts to less than significant levels. Thus, as is the case for the proposed Project, the impacts of Alternative B would be less than significant with mitigation.

#### **Alternative C – 900,000 square foot development, 100% high cube**

Similar to Alternative B, Alternative C would result in effectively the same impacts to candidate, sensitive, or special status species as the proposed Project. While Alternative C proposes an approximately 25% smaller building footprint, the entire site would still most likely be disturbed for the Project's development. While it is possible that the smaller building footprint would facilitate the avoidance of cacti covered by the Native Plant Ordinance, the large scale of the proposed warehouse suggests that most, if not all, of the cacti on site would still require transplanting. A subsequent survey would still be recommended to determine the population size of any special status plants on the site, and to check any on-site

milkweed for the presence of monarch caterpillars. If construction is to occur between February 1 and August 31, nesting bird surveys would be required prior to site disturbance. Burrow and breeding season surveys for burrowing owl would also be required.

Overall, Alternative C would require mitigation measures to ensure that impacts to candidate, sensitive, or special status species would be less than significant. Application of Section 2.5 mitigation measure BIO-1 to BIO-14 would still be required. Consistent with the proposed Project, impacts associated with Alternative C would be less than significant with mitigation.

***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 Game or U.S. Fish and Wildlife Service.***

#### **Alternative A – No project, no development**

Alternative A would result in no impacts to riparian or other sensitive habitat that may occur on the Project site. The two drainages which, as discussed in Section 2.5 are partially under the jurisdiction of the RWQCB and CDFW, would remain unaffected if there were to be no project. There would thus be no Project-related impacts to these drainages, and thus Section 2.5 mitigation measures BIO-13 and BIO-14 would not be required. Unlike the proposed Project, Alternative A would have no impacts to riparian habitat or sensitive natural communities.

#### **Alternative B – 100% high cube**

Alternative B would result in the same potential effects on riparian or other sensitive natural communities as the proposed Project. The two drainages which occur on the site, partially under RWQCB and CDFW jurisdiction, would still be disturbed by the development of the property. As with the proposed Project, Alternative B would require CWA Section 401 Certification from the RWQCB and a Streambed Alternation Agreement from the CDFW, as described in Section 2.5 mitigation measure BIO-13 and BIO-14.

Overall, Alternative B would have the same potential impacts to sensitive communities associated with the drainages. With mitigation measures BIO-13 and BIO-14, impacts would be less than significant.

#### **Alternative C – 900,000 square foot development, 100% high cube**

Alternative C would have similar impacts to riparian habitat or other sensitive communities as the proposed Project and Alternative B. While the building footprint proposed under Alternative C is approximately 25% smaller than the proposed 1,207,544 square foot structure, the 900,000 square foot warehouse would still have the potential to impact habitats associated with the two drainages on site. As described for Alternative B, above, Section 2.5 mitigation

measures BIO-13 and BIO-14 would still be required prior to any disturbance of the two intermittent channels, in order to comply with the RWQCB and CDFW requirements. As described in greater detail in Section 2.5, impacts associated with Alternative C, as with the proposed Project, would be less than significant with mitigation.

***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.***

**Alternative A – No project, no development**

Alternative A would result in the continuation of current conditions on the Project site. There are no state or federal wetlands on the Project site. The two intermittent drainages crossing the site would not be affected, and there would be no removal, filling, or hydrological interruption of the drainages. No mitigation measures would be necessary, and there would be no Project-related impacts.

**Alternative B – 100% high cube**

There are no wetlands on the subject property. Alternative B would have the same impacts to wetlands as the proposed Project. The conversion of high cube and cold storage into 100% high cube, as proposed by Alternative B, would have no impact on the footprint of the proposed warehouse. The majority of the property would still be disturbed during project buildout, including the two intermittent channels. Portions of these channels are under the jurisdiction of the RWQCB and CDFW, and therefore, as discussed for threshold b), above, Section 2.5 mitigation measures BIO-13 to BIO-14 would still be required in order to obtain the proper authorization to disturb the channels, and to mitigate impacts. Overall, the potential impacts of Alternative B would be less than significant with mitigation.

**Alternative C – 900,000 square foot development, 100% high cube**

Alternative C would have similar effects on protected wetlands as the proposed Project. As noted above, there are no state or federal wetlands on the Project site. Nonetheless, while Alternative C proposes a smaller building footprint, site coverage remains relatively high, and the whole site will be disturbed for grading related to Project buildout regardless. Given that the two drainages, while intermittent, transect the site roughly north-south, Alternative C would inevitably require the removal, filling, or other interruption of the channels. Therefore, as described for Alternative B, the same Section 2.5 mitigation measures (BIO-13 and BIO-14) would still be required to ensure that impacts would be less than significant.

***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.***

**Alternative A – No project, no development**

Alternative A would leave the subject site in its current condition. It would not result in any interference with the movement of fish or wildlife, with the migration of wildlife, or with wildlife nursery sites. There would be no impact.

**Alternative B – 100% high cube**

While Alternative B proposes a change in the operations of the proposed warehouse, it would have no implications for the building footprint, site coverage, or the degree to which the Project site would be disturbed during buildout. The site is surrounded by open and undeveloped desert lands to the south and west, and developed lands to the north and east. Development of the site, under Alternative B as with the Project as proposed, would incrementally limit the ability of various species to use the site as a movement corridor. However, these impacts, given the context in which it is proposed, will be less than significant. Impacts to the movement of fish or wildlife, migratory corridors, or nursery sites would therefore be the same as those described for the proposed Project in Section 2.5, and would be less than significant with the implementation of mitigation measures BIO-1 through BIO-12.

No migratory fish occur on the subject site, and none would be impacted. Comparable to the proposed Project, Alternative B would have the potential to impact nesting migratory birds protected by the MBTA. While the subject property is not considered pristine habitat, and is not located in or near important linkage areas, it could still provide some wildlife corridor function. Therefore, mitigation measures BIO-1 to BIO-12 would be required to minimize any impacts to nesting migratory birds and other wildlife that may use the site as a corridor for movement. With mitigation, impacts associated with Alternative B would be less than significant, and consistent with those of both the proposed Project and Alternative C, since all three result in disturbance of the entire site.

**Alternative C – 900,000 square foot development, 100% high cube**

The reduction in building footprint square footage proposed in Alternative C would not make a meaningful difference to impacts on wildlife movement compared with those expected from the proposed Project or Alternative B. Alternative C would still necessitate the disturbance of the entire property, and thus would still require mitigation measures to ensure no interference with nesting birds protected by the MBTA. The site, as stated above, is not known to be an important linkage for wildlife but which could still provide some function as a corridor for migration. Disturbance of the site and the development of a building

with lower site coverage would still have the potential to interfere with the movement of wildlife. Therefore, as is the case with the proposed Project, mitigation measures BIO-1 to BIO-12 would be required for Alternative C in order to reduce any impacts resulting from the potential interference with wildlife movement.

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

**Alternative A – No project, no development**

Alternative A proposes no changes to the existing conditions. It would thus not result in any impacts to biological resources that would conflict with any local policies or ordinances, including the Town's native plant regulations. There would be no impacts.

**Alternative B – 100% high cube**

The conditions resulting from Alternative B would result in the same impacts to biological resources as the proposed Project. In both instances, the warehouse is proposed for development in an area designated for industrial development. Both the Project and Alternative B would comply with the landscaping policies set forth in the NAVISP, and upon implementation of mitigation measure BIO-2 in Section 2.5, with the Town's Native Plant Ordinance. Alternative B would not conflict with any local policies or ordinances protecting biological resources, and would result in less than significant impacts with the implementation of mitigation measures.

**Alternative C – 900,000 square foot development, 100% high cube**

The reduction in building footprint proposed in Alternative C would have no impact on the Project's compliance with local policies or ordinances protecting biological resources. Therefore, as with Alternative B and the Project as proposed, Alternative C will implement BIO-2 from Section 2.5, and will comply with all applicable policies and ordinances protecting biological resources. As with both the proposed Project and Alternative B, impacts would be less than significant with the implementation of mitigation measures.

***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.***

### **Alternative A – No project, no development**

Alternative A proposes no changes to the existing biological conditions, so could not create any conflicts with approved conservation plans. The Apple Valley MSCHP/NCCP has not yet been adopted. There would therefore be no impacts.

### **Alternative B – 100% high cube**

Apple Valley's MSHCP/NCCP has not yet been adopted. However, as is the case with the proposed Project, Alternative B would be required to adhere to the policies set forth in the local habitat and natural community conservation plan once it is adopted by the town. Impacts would be less than significant, and consistent with the impacts of both the proposed Project and Alternative C.

### **Alternative C – 900,000 square foot development, 100% high cube**

Apple Valley's MSHCP/NCCP has not yet been adopted. However, as is the case with the proposed Project, Alternative C would be required to adhere to the policies set forth in the local habitat and natural community conservation plan once it is adopted by the Town. Impacts would be less than significant, and consistent with the impacts of both the proposed Project and Alternative B.

## **3.5.4 Mitigation Measures**

As with the proposed Project, the mitigation measures set forth in Section 2.5.4 of this EIR will be necessary to reduce the potential impacts of Alternatives B and C to less than significant levels.

## **3.5.5 Environmental Superior Alternative**

Alternative A proposes no project or development, and thus would have no impacts to biological resources. Alternatives B and C, like the proposed Project, would result in the disturbance of the entire property. The difference in operations of the warehouse facility, whether 100% high cube, or a mix of high cube and cold storage, is not expected to change the potential level of impacts to biological resources. The reduction in building square footage proposed in Alternative C is also not expected to significantly change the level of potential impacts to biological resources, because the entire site would still mostly be disturbed during construction and operations. Alternatives B and C, as well as the proposed Project, will all be required to comply with the same local, state, and federal regulations, and will require implementation of the same mitigation measures. Accordingly, they will all have essentially the same potential impacts to biological resources, and thus there is no environmentally superior alternative.

## **3.6 Cultural Resources**

### **3.6.1 Introduction**

This section of the EIR analyzes the potential impacts associated with the Project alternatives based on cultural or historical resources within or near the Project area. This section is based on a variety of cultural and historic resource surveys and reports within and in proximity to the Project area, as well as the Town General Plan and other Town resource documents.

### **3.6.2 Existing Conditions**

The Project area is located within an expanse of undeveloped lands and is contiguous to existing warehouse development. The terrain in the Project area is relatively level, with elevations ranging between 3,020 and 3,040 feet above mean sea level, following a gentle upward slope toward Bell Mountain to the southwest, interrupted by an arroyo running roughly perpendicular to the general slope. The surface soil forms a desert pavement that covers much of the undisturbed ground surface. In its natural state, the Project area is part of the Creosote Scrub Plant Community comprised of creosote, stick cholla, black sage, and saltbrush, along with other small desert shrubs and grasses. No natural water sources or ethnobotanically important vegetation was identified in the area.

An historical/archaeological resources records search was conducted and included examination of digitized maps and records on file at the South Central Coastal Information Center (SCCIC) for previously identified cultural resources in or near the Project area and existing cultural resources reports within a one-mile radius of the Project area. In addition, a request was filed with the State of California Native American Heritage Commission (NAHC) for a records search of their Sacred Lands File.

Historical resource research included review of published literature in local and regional history, historic maps of the Apple Valley area, and aerial/satellite photographs of the Project vicinity. Among the maps consulted for the Project study were the U.S. General Land Office's (GLO) land survey plat maps dated 1857 and the U.S. Geological Survey's (USGS) topographic maps dated 1934-1993.

No cultural or historic resources have been previously recorded within or adjacent to the Project area.

The subject property is located within the WWII-era military training activities area on the Victorville Precision Bombing Range (PBR) No. 1, which encompassed the entire Project area and most of Section 21. Victorville PBR No. 1 was one of more than 20 similar bombing practice ranges established across the Mojave Desert during World War II (WW II) in association with the nearby Victorville Army Airfield.

Site surveys identified historic resources and one cultural resource, including the aforementioned portion of the WWII bombing range, and historic era metal cans. A prehistoric isolate was also identified as a small white-and-grey chert core exhibiting two flake scars and one microflake scar.

### **3.6.3 Alternatives Impact Analysis**

Development of the proposed Project will result in the mass grading of the entire property and portions of adjoining roads. During the site survey, five previously unrecorded cultural resources were identified within the Project area, including two sites of historical origin, two historic-period isolates, and one prehistoric isolate. These localities were recorded into the California Historical Resources Inventory and are described in Section 2.6 of this EIR.

#### ***a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5.***

##### **Alternative A – No project, no development**

Under Alternative A there would be no grubbing, grading, excavation of other site disturbance. The site would remain in its current state. Therefore, there would be no substantial adverse change to an historical resource.

##### **Alternative B – 100% high cube**

Impacts associated with Alternative B would essentially be the same as those associated with the proposed Project. Identified historical artifacts do not meet the significance guideline set forth by the California Office of Historic Preservation and require no further consideration in the CEQA-compliance process. The WW II era Victorville PBR No. 1 does not demonstrate a particularly close or important association with historical events, especially since it remained in service only from 1943 to 1944. Furthermore, the removal of the eastern half of the target in 2017 has significantly compromised the historic integrity of Site 3902-1H and its ability to relate to the period of its brief military service. Therefore, Alternative B would not cause a substantial adverse change in the significance of an historical resource pursuant to CEQA § 15064.5 and impacts will be less than significant, and consistent with the impacts associated with the proposed Project and Alternative C.



**Alternative C – 900,000 square foot development, 100% high cube**

Impacts associated with Alternative C have the potentially to be marginally less than those associated with the proposed Project and Alternative B, if a smaller development area resulted. Regardless of a reduced building footprint and possibly less extensive site disturbance, the identified historical artifacts do not meet the significance guidelines set forth by the California Office of Historic Preservation and require no further consideration in the CEQA-compliance process. The WW II era Victorville PBR No. 1, which has been substantially compromised and does not demonstrate a particularly close or important association with historical events. Therefore, Alternative C would not cause a substantial adverse change in the significance of an historical resource pursuant to CEQA § 15064.5 and impacts will be less than significant and consistent with those of the proposed Project and Alternative B.

***b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.***

**Alternative A – No project, no development**

Under Alternative A there would be no grubbing, grading, excavation of other site disturbance. The site would remain in its current state. Therefore, there would be no substantial adverse change to an archaeological resource pursuant to § 15064.5.

**Alternative B – 100% high cube**

Impacts associated with Alternative B would essentially be the same as those associated with the proposed Project. As discussed above and in the Project cultural resources report, the proposed Project will impact (cause removal of) a small white-and-grey chert core exhibiting two flake scars and one microflake scar (Isolate 3902-05). As a single artifact this isolate does not qualify as an archaeological site, nor does it meet the guideline set forth by the California Office of Historic Preservation due to the lack of contextual integrity. It is not considered a potential “historical resource” and requires no further consideration. Therefore, the Alternative B project will not result in a substantial adverse change in the significance of an archaeological resource and impacts will be less than significant, consistent with those of the proposed Project and Alternative B.

**Alternative C – 900,000 square foot development, 100% high cube**

Impacts associated with Alternative C have the potential to be modestly less than those associated with the proposed Project, if the development area were reduced. As noted, Alternative C will impact a small chert core and one microflake scar (Isolate 3902-05), which does not qualify as an archaeological site, nor does it meet the guideline set forth by the California Office of Historic Preservation due to the lack of contextual integrity. It is not considered a potential “historical resource” and requires no further consideration. Therefore, the

Alternative C project will not result in a substantial adverse change in the significance of an archaeological resource and impacts will be less than significant, consistent with those of the proposed Project and Alternative B.

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

**Alternative A – No project, no development**

Under Alternative A there would be no grubbing, grading, excavation of other site disturbance. The site would remain in its current state. Therefore, there would be no potential for the disturbance of human remains.

**Alternative B – 100% high cube**

No evidence of human remains, human burials or cremations, or signs of a formal (or informal) cemetery were identified from the Project cultural resources literature review and field surveys. Nonetheless, as with the proposed Project, should any human remains be encountered during site excavation, California Health and Safety Code Section 7050.5 requires that all excavation stop, and that the County Coroner inspect the site. Should the remains be identified as Native American by the coroner, the NAHC is required to contact the most likely descendant, and that descendant may recommend appropriate burial. This requirement, reflected in Section 2.6 Mitigation Measure CUL-1, would apply to Alternative B, and will assure that impacts associated with human remains are less than significant. Impacts under Alternative B would therefore be the same as those under the proposed Project.

**Alternative C – 900,000 square foot development, 100% high cube**

Although the potential for modestly reduced site disturbance could be associated with the Alternative C development scenario, the potential for impacts to human remains would be low, and equivalent to that of the proposed Project and Alternative B. Mitigation Measure CUL-1 would apply, and impacts would be comparable to those associated with the other “build” alternatives, including the proposed Project.

**3.6.4 Mitigation Measures**

For either of the build alternatives, including the proposed Project the mitigation measure contained in Section 2.6, requiring compliance with California Health and Safety Code Section 7050.5 would apply in order to assure that impacts to buried remains are reduced to less than significant levels.

**3.6.5 Environmental Superior Alternative**

As noted in Section 2.6 and in this section, the site does not harbor sensitive historical or archaeological resources. Neither is it expected to contain human remains of either modern or prehistoric eras. Given that there is low, potential for resources to be discovered during site disturbance, Alternative A would be considered the environmentally superior alternative.

## **3.7 Energy Resources**

### **3.7.1 Introduction**

The following section analyses the potential impacts to energy resources associated with the Project alternatives.

### **3.7.2 Existing Conditions**

#### Electricity

According to the California Energy Consumption Database, county-wide electricity use in San Bernardino County in 2021 was 16,180.81 million kWh.<sup>1</sup> The Town of Apple Valley Climate Action Plan 2019 Update estimates that Town-wide electricity demand was 329,848,695 kilowatt-hours (kWh) in 2019. This includes electricity consumed by municipal buildings, residential, commercial, agricultural, and industrial land uses, as well as streetlights and traffic signals.<sup>2</sup>

The Project site and Apple Valley are located within the service area of Southern California Edison (SCE), a subsidiary of Edison International, a public utility holding company based in Rosemead, California. Southern California Edison provides energy services to over 15 million residents in much of Southern California, including the Town, with a service territory of approximately 50,000 square miles. Southern California Edison's (SCE) energy sources include nuclear, natural gas, geothermal, biomass, wind, solar, and hydroelectricity.

#### Natural Gas

The California Energy Consumption Database estimates that county-wide natural gas use in San Bernardino County was 561.36 million therms in 2021.<sup>3</sup> According to the Town's Climate Action Plan, Town-wide natural gas demand in Apple Valley was 15,526,732 therms in 2019. This includes natural gas consumed by municipal buildings, residential, commercial, agricultural, and industrial land uses, as well as power plants.<sup>4</sup> Southwest Gas Corporation (SWG) provides Natural Gas services to the Town of Apple Valley through a series of pipelines of various sizes and pressure capabilities. SWG provides natural gas service to more than 2 million customers in Arizona, Nevada, and portions of California.

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<sup>1</sup> California Energy Commission, California Energy Consumption Database, <http://www.ecdms.energy.ca.gov/Default.aspx> (accessed December 2022).

<sup>2</sup> Town of Apple Valley Climate Action Plan 2019 Update, adopted May 2021.

<sup>3</sup> California Energy Commission, California Energy Consumption Database, <http://www.ecdms.energy.ca.gov/Default.aspx> (accessed December 2022).

<sup>4</sup> Town of Apple Valley Climate Action Plan 2019 Update, adopted May 2021.

### Transportation Energy

Most transportation energy in Apple Valley is provided by petroleum in the form of gasoline and diesel fuel. However, alternative fuels, including natural gas, biodiesel, hydrogen, and electricity, are progressively becoming more widely adopted. According to the Town's CAP, the total Town-wide vehicle miles traveled in 2019 was approximately 925,551,631 miles.<sup>5</sup>

### **3.7.3 Alternatives Impact Analysis**

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

#### **Alternative A – No project, no development**

Alternative A proposes no development of the subject property. The site would remain vacant and undeveloped and would involve no construction or operations. No energy resources would be consumed, and there would thus be no impacts.

#### **Alternative B – 100% high cube**

Alternative B proposes the same scale of development as the proposed Project, but with the cold storage component of the warehouse replaced by all unrefrigerated high cube storage. Alternative B would consume energy resources during construction and operations.

#### Alternative B Construction Energy Demand

The energy use during construction anticipated for Alternative B would be the same as described for the Project in Section 2.7.6(a). To summarize, Alternative B would consume electricity for construction activities such as powering outdoor lighting, operating hand tools and other equipment, and charging electronic equipment, and powering temporary worksite trailers. Compliance with guidelines from Southern California Edison, the Town's General Plan, and the Town's Climate Action Plan would ensure that electricity use during construction would not be inefficient or wasteful. Alternative B would not use natural gas during construction, but would require the use of gasoline and diesel fuels for the transport of construction workers, construction materials, and the operation of heavy duty construction equipment. While it is projected that 971 worker trips and 299 vendor trips would be generated over the two-year Project construction period, it is assumed that most construction workers will live locally, and thus workers' commutes would already be accounted for in the Apple Valley's community wide VMT assumptions. Energy use during construction would be temporary and would not be wasteful or inefficient.

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<sup>5</sup> Ibid.

Alternative B Operations – Energy and Natural Gas Use

The 1,207,544 square foot warehouse facility proposed for Alternative B would be comprised of unrefrigerated warehouse space and offices. It would consume energy during operations for activities including general space heating and cooling, lighting, employee transportation, and vehicle transportation for product distribution.

As shown in Table 3.7-1, Alternative B is estimated to consume a total of 3,016,400 kilowatts per year of electricity and 2,427,160 kBTU (24,277.40 therms) per year of natural gas.

**Table 3.7-1  
 Alternative B Operational Energy Consumption**

<b>Land Use</b>	<b>Electricity Use (kWh/yr)</b>	<b>Natural Gas Use (kBTU/yr)</b>
Parking Lot	214,900	0.00
Unrefrigerated Warehouse	2,801,500	2,427,160
<b>Total</b>	<b>3,016,400</b>	<b>2,427,160</b>

Source: CalEEMod 2020.4.0 (see Appendix B for full output).

The annual electricity use of 3,016,400 kWh estimated for Alternative B would represent approximately 0.9% of the total 329,848,695 kilowatt-hours used by the Town in 2019.<sup>6</sup> Alternative B is projected to use 2,427,160 kBTU (24,277 therms) per year of natural gas, which represents approximately 0.16% of the Town's total natural gas consumption of 15,526,732 therms in 2019.<sup>7</sup> In total, Alternative B would use 30% of the electricity used by the proposed Project, and 21% of the natural gas, due to the elimination of refrigerated storage, which generates high demand for energy. As with all build alternatives, Alternative B will be required to comply with the California Code of Regulations Title 24 standards, including applicable regulations in Part 6, the California Energy Code, and Part 11, the California Building Standards.

Notably, the Project will be subject to §140.10 of Part 6 of Title 24, which requires the installation of photovoltaic systems and storage batteries, and §120.6, which imposes performance requirements for refrigerated warehouses. Furthermore, the Renewables Portfolio Standard requires that electricity providers procure 60% of electricity from renewable sources by 2030 and 100% by 2045.<sup>8</sup> As a result, any operational electricity needs not met by the development's on-site photovoltaic system will be sourced from an increasing share of renewable sources.

<sup>6</sup> Town of Apple Valley 2019 Climate Action Plan Update.

<sup>7</sup> Ibid.

<sup>8</sup> Senate Bill 100 Joint Agency Report, Achieving 100 Percent Clean Electricity in California (2021).

Compliance with these measures will ensure that the electricity and natural gas consumption resulting from Alternative B would not be wasteful, inefficient, or unnecessary. Impacts would be less than significant, and considerably less than those of the proposed Project.

#### Alternative B Operations – Transportation Energy Use

Alternative B would also result in the consumption of petroleum and diesel fuels during operations for activities such as employee vehicle commutes and vehicle trips for product distribution. Vehicle Miles Traveled (VMT) associated with Alternative B would be the same as those resulting from the Project, as described in Section 2.7.6(a). Energy use for truck TRUs would be reduced, since refrigeration would not be necessary on trucks traveling to and from the facility, but TRU energy use is not a significant percentage of the energy use of trucks. It is assumed that most employees would be local, and thus passenger vehicle trips would average 14.7 miles in length. Truck trips for distribution purposes are expected to be more regional in nature, and thus are assumed to average 40 miles in length.

Based on an annual VMT of 18,432,060 during the operation of Alternative B,<sup>9</sup> the proposed development would represent approximately 2% of the Town-wide total VMT in 2019.<sup>10</sup> However, it should be noted that VMTs are regional in nature, and therefore not all trips would occur solely within the boundaries of Apple Valley.

While Alternative B would contribute to the Town's VMTs, increased fuel efficiency and shift to non-fossil fuels over time, in accordance with increasingly stringent CARB regulations, would result in lower emissions and less petroleum fuels required per mile traveled. Alternative B would not conflict or interfere with the implementation of these fuel efficiency standards, and will not be wasteful, inefficient, or unnecessary in its consumption of transportation energy resources during operation. Impacts would therefore be less than significant.

#### **Alternative C – 900,000 square foot development, 100% high cube**

Alternative C proposes a reduced building footprint of 900,000 square feet, and no cold storage in the warehouse. It would consume energy during construction and operations. The energy used during construction of Alternative C would be the same as described above for Alternative B, though potentially marginally less due to the reduced building footprint.

The 900,000 square foot warehouse in Alternative C would be comprised of unrefrigerated warehouse space and offices. Like Alternative B, it would consume energy during operational activities such as general space heating and cooling,

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<sup>9</sup> As projected in CalEEMod, output table 4.2 (Appendix B).

<sup>10</sup> Town-Wide VMT Total of 925,551,631 in 2019, per the Town of Apple Valley 2019 Climate Action Plan, Table 6.

lighting, employee transportation, and vehicle transportation for product distribution.

**Table 3.7-2  
 Alternative C Operational Energy Consumption**

<b>Land Use</b>	<b>Electricity Use (kWh/yr)</b>	<b>Natural Gas Use (kBTU/yr)</b>
Parking Lot	161,140	0.00
Unrefrigerated Warehouse	2,088,000	1,809,000
<b>Total</b>	<b>2,249,140</b>	<b>1,809,000</b>

Source: CalEEMod 2020.4.0 (see Appendix B for full output).

As shown in Table 3.7-2, Alternative C is projected to consume 2,249,140 kilowatt-hours (kWh) per year of electricity, which represents 0.7% of the Town's total electricity use of 329,848,695 kWh in 2019.<sup>11</sup> The 1,809,000 kBTU (18,094 therms) per year of natural gas projected to be used by Alternative C represents approximately 0.12% of the total 15,526,732 therms used by the Town in 2019.<sup>12</sup> In total, Alternative C would use 23% of the electricity used by the proposed Project, and 16% of the natural gas, due to the elimination of refrigerated storage and the reduction in building area, which substantially reduce the demand for energy.

As with all build alternatives, compliance with state energy standards, such as the California Building Code, Energy Code, and Title 24 Energy Efficiency Standards, will ensure that the electricity and natural gas consumption resulting from development of Alternative C would not be wasteful, inefficient, or unnecessary.

Alternative C Operations – Transportation Energy Use

Alternative C would also result in the consumption of gasoline and diesel fuels during operations for activities such as employee vehicle commutes and vehicle trips for product distribution. As described in Section 2.7.6(a), it is assumed that most employees would be local, and thus passenger vehicle trips would average 14.70 miles in length. Truck trips for distribution purposes are expected to be more regional in nature, and thus are assumed to average 40 miles in length. Based on an annual operational VMT of 13,662,078 miles, Alternative C<sup>13</sup> would represent approximately 1.5% of the Town-wide total VMT in 2019.<sup>14</sup> Energy use for truck TRUs would be reduced, since refrigeration would not be necessary on trucks traveling to and from the facility, but TRU energy use is not a significant percentage of the

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<sup>11</sup> Town of Apple Valley 2019 Climate Action Plan Update.

<sup>12</sup> Town of Apple Valley 2019 Climate Action Plan Update.

<sup>13</sup> As projected in CalEEMod, output table 4.2 (Appendix B).

<sup>14</sup> Town-Wide VMT Total of 925,551,631 in 2019, per the Town of Apple Valley 2019 Climate Action Plan, Table 6.



energy use of trucks. Because of the smaller building footprint and reduced employee and operational trips, Alternative C would use less fuel energy than either the proposed Project or Alternative B.

However, it should be noted that VMTs are regional in nature, and therefore not all trips would occur solely within the boundaries of Apple Valley. While Alternative C would contribute to the Town's VMTs, increased fuel efficiency over time would result in lower emissions and less fuel energy required per mile traveled. Alternative C would not conflict or interfere with the implementation of these fuel efficiency standards, and will not be wasteful, inefficient, or unnecessary in its consumption of transportation energy resources during operation. Impacts would therefore be less than significant.

***b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.***

**Alternative A – No project, no development**

Alternative A would not consume any energy resources and would thus not conflict with or obstruct any state or local plans for renewable energy or energy efficiency. There would be no impacts.

**Alternative B – 100% high cube**

Like the proposed Project, Alternative B would be designed, built, and operated in accordance with all applicable regulations that would reduce the energy demand associated with the proposed development. Compliance with these regulations would ensure that Alternative B does not conflict with any applicable energy, efficiency and conservation standards. Such standards and regulations include the California Building Code, California Green Building Code, and 2022 Energy Code. As stated above, Alternative B would be required to comply with §140.10 of the Energy Code, which requires the installation of photovoltaic systems and batteries. It would also be required to comply with §120.6, which imposes performance requirements, including insulation, evaporator, and condenser design standards, for refrigerated warehouses.

The Alternative B project would also be subject to all applicable policies in the Town of Apple Valley General Plan Energy and Mineral Resources Element, as well as the Town's 2019 Climate Action Plan. Adherence to the applicable state standards and compliance with Town policies would ensure that Alternative B would not conflict with or obstruct any applicable plans for renewable energy or energy efficiency. Impacts would be less than significant and consistent with both the proposed Project and Alternative C.

**Alternative C – 900,000 square foot development, 100% high cube**

As described for Alternative B, above, Alternative C would be designed, built, and operated in accordance with all applicable regulations that would reduce the energy demand associated with the proposed development.

Alternative C would be required to comply with state regulations, such as the California Building Code, the California Green Building Code, and Energy Code, as well as with applicable local policies, such as those in the Town's General Plan and Climate Action Plan. Adherence to the applicable state standards and compliance with Town policies would ensure that the Alternative C would not conflict with or obstruct any applicable plans for renewable energy or energy efficiency. Impacts would be less than significant. Because of the smaller building footprint, Alternative C would have a lesser impact on energy resources than either the proposed Project or Alternative B, and all scenarios would result in less than significant impacts.

**3.7.4 Mitigation Measures**

All three alternatives would have less than significant impacts regarding energy resources. No mitigation measures would be required.

**3.7.5 Environmental Superior Alternative**

Alternative A, which proposes no project or development, would not use any energy resources, and thus would have no environmental impacts. The smaller building footprint proposed in Alternative C is projected to use less energy than Alternative B and the proposed Project. Alternative C, which would still accomplish most of the Project objectives, is thus the environmentally superior alternative. However, it should be noted that the energy consumption associated with Alternative C is only marginally lower than that projected for Alternative B, and all scenarios are expected to have less than significant impacts.

## **3.8 Geology and Soils**

### **3.8.1 Introduction**

This section of the EIR summarizes the existing geological setting in the Town of Apple Valley and the Project area, and analyzes the potential constraints, risks and opportunities associated with these existing conditions and their effects on project alternatives. This section also utilizes information provided in the Technical Background Report to the Safety Element Update for the Town of Apple Valley<sup>1</sup>, which was prepared for the General Plan.

### **3.8.2 Existing Conditions**

#### Faulting

The Helendale Fault is the only active fault in the Project vicinity and occurs within a Alquist-Priolo Fault Hazard Zone located approximately 3.4 miles northeast of the Project site. Other active and potentially active faults that could affect the Project site and vicinity include the Apple Valley Highlands Fault which is a part of the North Frontal Fault Zone (West) that arches northward along the south boundary of the Town. Other faults in the region that have the potential to impact the Project site include the San Andreas Fault Zone with the potential to generate an 8.0 magnitude quake with MM level damage in the Town ranging from IX to X.

#### Ground Shaking

Numerous faults in the region have the potential to cause substantial ground shaking in Apple Valley and the Project area, making seismically-induced ground shaking one of the site's most significant geotechnical hazards. In general, peak ground accelerations and seismic intensity values decrease with increasing distance from the earthquake. The Uniform Building Code, California Building Code, and Unreinforced Masonry Law are the primary tools used by agencies to ensure seismic safety in structures.

#### Liquefaction

The Project vicinity lies outside areas with a combination of high groundwater and susceptibility to strong groundshaking from a major earthquake. The subject site and vicinity are not located within a mapped liquefaction hazard area.<sup>2</sup> The nearest liquefaction hazard areas is located 4.6± miles to the southwest along the Mojave River floodplain. Groundwater is present at a depth greater than 200 feet below ground surface (bgs) in the vicinity of the subject property.<sup>3</sup>

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<sup>1</sup> Technical Background Report to the Safety Element of the Apple Valley General Plan," prepared by Earth Consultants International, October 2007.

<sup>2</sup> Technical Background Report to the Safety Element of the Apple Valley General Plan, Plate 1-3, prepared by Earth Consultants International, October 2007.

<sup>3</sup> Phase I Environmental Site Assessment for SkyView Property – Lafayette Street, Apple Valley, California. Prepared by Northgate Environmental Management, Inc. September 14, 2022

### Landslide Hazards

Mapped landslide hazard areas in the vicinity of the subject property are associated with the upper slopes of Bell Mountain, the remnant volcanic cinder cone located 0.50± mile to the southwest. Distance alone reduces this local landslide threat to less than significant for the subject property.<sup>4</sup>

### Seismically Induced Settlement

Under certain conditions, strong ground shaking can cause the densification of soils, resulting in local or regional settlement of the ground surface. Unconsolidated young alluvial deposits, including those on this site, are especially susceptible to this hazard. Artificial fills may also experience seismically induced settlement. Damage to structures typically occurs as a result of local differential settlements. Soil conditioning, including overexcavation and hydroconsolidation, can remediate this condition.

### Project Site Soils<sup>5</sup>

With the exception of the extreme northwest corner of the site, which is planned for parking and stormwater detention and conveyance, the Project site soils are classified as “Helendale-Bryman Loamy Sands, 2-5% slope”. They are well drained, generate negligible to low runoff, and have moderately high and high saturated hydraulic conductivity. They are “somewhat limited” for small commercial buildings and are more so for the larger warehouse building proposed for the site. There are no limitations for local roads or streets, or for on-lot septic systems; note that the development plans to connect to the community sewer system.

## **3.8.3 Alternatives Impact Analysis**

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

***ii) Strong seismic ground shaking.***

### **Alternative A – No project, no development**

Under Alternative A there would be no site disturbance or development and no new buildings would be constructed on the site. Therefore, there would be no seismic or soil impacts associated with Alternative A.

### **Alternative B – 100% high cube**

The closest approach of the active Helendale Fault is 3.4± miles northeast of the Project site and has the potential to generate a maximum magnitude 7.3 (Richter scale) earthquake with ground acceleration in the Town ranging from 0.33 to

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<sup>4</sup> Ibid.

<sup>5</sup> USDA, Natural Resources Conservation Service, National Cooperative Soil Survey, Helendale Series, 2015. <https://casoilresource.lawr.ucdavis.edu/gmap/>

0.75g. On the Modified Mercalli (MMI) scale a 7.3 earthquake could generate X-XI levels of damage. Other area faults also have the potential to generate strong ground shaking on the site and are further discussed in Section 2.8.

Alternative B would be subject to potentially strong ground shaking. However, development will be required to comply to building standards incorporated by reference in the Municipal Code (Chapter 8.12), including those on seismic safety design, as well as the Uniform Building Code/International Building Code and California Building Code (Municipal Code Title 8), which require building construction to withstand ground shaking and avoid or reduce structural and non-structural damage.

As with the proposed Project, Alternative B would be required to assure that the building is constructed to withstand ground shaking, site-specific geologic conditions, and additional geotechnical analyses would be required to reduce potential impacts to less than significant levels. Further analysis will address local surface and sub-surface soil conditions, potential geologic hazards, and soil and building measures that reduce potential impacts to less than significant levels. These requirements have been included in Section 2.8 Mitigation Measure GEO-1. In addition, Mitigation Measure GEO-2 requires that structural engineering for the planned building implement techniques that will reduce potential impacts associated with ground shaking to less than significant levels.

Implementation of existing regulations and policies, Mitigation Measure GEO-1 and GEO-2 would reduce potential hazards from ground shaking under Alternative B to less than significant levels, consistent with the proposed Project. Alternative B would have the same impacts as the proposed Project.

**Alternative C – 900,000 square foot development, 100% high cube**

As with Alternative B, the development under Alternative C would be subject to ground shaking, and would also be required to conform to building standards incorporated by reference in the Municipal Code (Chapter 8.12), including those on seismic safety design, as well as the Uniform Building Code/International Building Code and California Building Code (Municipal Code Title 8), which require building construction to withstand ground shaking and avoid or reduce structural and non-structural damage.

Also consistent with the proposed Project and Alternative B, Alternative C would require the preparation of building- and site-specific geotechnical and structural analysis required in Mitigation Measures GEO-1 and GEO-2, respectively.

Although Alternative C would result in a reduced structure size, the hazards associated with ground shaking would be equivalent to Alternative B and the proposed Project, and would be reduced to less than significant levels with the implementation of the same mitigation measures.

***iii) Seismic-related ground failure, including liquefaction.***

**Alternative A – No project, no development**

No Impact. Under Alternative A there would be no site disturbance or development and no new buildings would be constructed on the site. Therefore, there would be no liquefaction or ground failure impacts associated with Alternative A.

**Alternative B – 100% high cube**

The building proposed under Alternative B would be the same size as the proposed Project, but would not include refrigeration. Therefore, the building structure would generally be identical, and subject to the same ground failure hazards. The liquefaction hazard at and in the vicinity of the project site is considered low. High groundwater levels are a prerequisite to this condition and groundwater is present at a depth greater than 200 feet below ground surface in the vicinity of the subject property.<sup>6</sup> While the Project site could be subject to strong ground shaking in the event of a nearby earthquake of sufficient size, the lack of high groundwater reduces the liquefaction hazard significantly. Nonetheless, care should be taken in creating landscape or other areas in proximity to structures that could create a local area of ground saturation. The potential for liquefaction-related ground failure is also low and this hazard is less than significant.

While the liquefaction hazard at the Project site is considered to be low, the potential exists for other seismically-induced ground failure. Remedial measures would be required to ensure that this potential is reduced to less than significant levels. Therefore, Mitigation Measures GEO-1, requiring a pre-construction geotechnical analysis specific to the proposed building; and GEO-3 and GEO-4, providing direction on the use and proper compaction of fill, would also apply to Alternative B to reduce the impacts of ground failure to less than significant levels, consistent with the proposed Project. Impacts under Alternative B would be the same as impacts under the proposed Project.

**Alternative C – 900,000 square foot development, 100% high cube**

The building proposed under Alternative C would be 25% smaller than the proposed Project, and would also not include refrigeration. Although reduced in size, it can be expected that the building structure would be similar, and subject

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<sup>6</sup> Phase I Environmental Site Assessment for SkyView Property – Lafayette Street, Apple Valley, California. Prepared by Northgate Environmental Management, Inc. September 14, 2022

to the same ground failure hazards. The liquefaction hazard at and in the vicinity of the project site is considered low. For the same reasons outlined for Alternative B, care should be taken in creating landscape or other areas in proximity to structures that could create a local area of ground saturation. As with the proposed Project and Alternative B, the potential for liquefaction-related ground failure is also low and this hazard is less than significant.

As with the proposed Project and Alternative B, the potential exists for other seismically-induced ground failure. Remedial measures would be required to ensure that this potential is reduced to less than significant levels. Therefore, Mitigation Measures GEO-1, requiring a pre-construction geotechnical analysis specific to the proposed building; and GEO-3 and GEO-4, providing direction on the use and proper compaction of fill, would also apply to Alternative C to reduce the impacts of ground failure to less than significant levels, consistent with the proposed Project.

#### ***iv) Landslides.***

##### **Alternative A – No project, no development**

Under Alternative A there would be no site disturbance or development, manufactured slopes or trenches would not be constructed and no new buildings would be constructed on the site. Therefore, there would be no landslide impacts associated with Alternative A, which would be the environmentally superior alternative.

##### **Alternative B – 100% high cube**

As discussed in Section 2.8, area landslide hazards in the project vicinity are associated with the upper slopes of Bell Mountain, the remnant volcanic cinder cone located 0.50± miles to the southwest. Distance alone reduces this local landslide threat to less than significant for the subject property.<sup>7</sup> No other hillside occurs in the project area. The potential for landslides to adversely impact the project site are less than significant and would be equivalent to impacts associated with the proposed Project.

##### **Alternative C – 900,000 square foot development, 100% high cube**

For the same reasons as those described for Alternative B, the risk of landslide under Alternative C is less than significant. Alternative C would be constructed on the same site, and would be too far distant from Bell Mountain to result in landslide. Impacts would be equivalent to or slightly less than those associated with the proposed Project.

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<sup>7</sup> Ibid.

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

**Alternative A – No project, no development**

Under Alternative A there would be no site disturbance or development, and no new buildings would be constructed on the site. Therefore, there there would be no activity on the site that could result in soil erosion or a loss of topsoil. No impact would occur.

**Alternative B – 100% high cube**

Soils of the subject property are primarily classified as “Helendale-Bryman Loamy Sands, 2-5% slope.” These soils are typically found on fan piedmonts, fan remnants, alluvial fans and terraces. They are well drained, generate negligible to low runoff, and have moderately high and high saturated hydraulic conductivity. The potential for wind erosion of soils on the site is considered low to moderate. The undisturbed soil surface has a “desert pavement” that protects the surface from wind erosion. In addition, the Town will require the implementation of a dust control plan, consistent with MDAQMD Rule 403 (please see Section 2.4). This standard requirement will ensure that impacts associated with soil erosion and topsoil loss are reduced to less than significant levels, consistent with the proposed Project and Alternative C.

**Alternative C – 900,000 square foot development, 100% high cube**

Alternative C would be constructed on the same site and subject to the same low to moderate wind erosion hazard as the proposed Project and Alternative B. The same MDAQMD requirements of Rule 403 would apply, and the same reduction in wind erosion to less than significant levels would occur.

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

**Alternative A – No project, no development**

Under Alternative A there would be no site disturbance or development, and no new buildings would be constructed on the site. Therefore, under Alternative A there would be no activity on the site that could be affected by unstable soils or the associated impacts.

**Alternative B – 100% high cube**

As noted above and in Section 2.8, the site is generally flat to gently sloping. The western portion of the subject property occurs on Plutonic Rocks predominantly composed of monzonite, pebbly sandstone and siltstone of Holocene to late Pleistocene age. Lands east of the westerly drainage include Very Old Alluvial Valley Deposits of moderately consolidated sand and gravel. There are no active (or inactive) faults on site or in the vicinity. Also as previously noted, the



liquefaction hazard and associated hazards at the site are considered to be low. The subject property is not underlain by either unstable geologic units or soils, and will not result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Impacts will be less than significant and equal to the proposed Project

**Alternative C – 900,000 square foot development, 100% high cube**

Consistent with the proposed Project and Alternative B, Alternative C occurs on the same site, where unstable soils are not present. As described above, the impacts associated with the construction of a smaller building would not be significantly impacted by unstable soils, and impacts would be less than significant. Impacts will be equal to the proposed Project.

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

**Alternative A – No project, no development**

Under Alternative A there would be no site disturbance or development, and no new buildings would be constructed on the site. Therefore, under Alternative A there would be no activity on the site that could be affected by expansive soils that could cause either direct or indirect risks to life or property. There would be no impacts under Alternative A.

**Alternative B – 100% high cube**

Expansive soils are those with a relatively high clay content, which expands when wetted. As noted in Section 2.8, site soils are classified as “Helendale-Bryman Loamy Sands, 2-5% slope.” They are well drained, generate negligible to low runoff, and have moderately high and high saturated hydraulic conductivity. The Helendale component of these soils is approximately 50 percent and has a clay content of 5-10 percent. The Bryman component, which comprises about 35 percent of this soil class, is comprised of 5 to 25 percent clay. Therefore, the analysis in Section 2.8 concludes that portions of the site could have relatively high clay content and be subject to a potentially significant expansive soils hazard. Remedial measures may be required to ensure that this potential is reduced to less than significant levels. Therefore, Section 2.8 Mitigation Measure GEO-1 requires that a geotechnical analysis specific to the Project building be prepared, to consider the site-specific impacts of expansive soil, and provide remediation measures as necessary. With implementation of this measure, Alternative B impacts associated with expansive soils will be reduced to less than significant levels. Impacts would be equal to the proposed Project.

### **Alternative C – 900,000 square foot development, 100% high cube**

Alternative C would occur on the same site as Alternative B and the proposed Project. Although the building would be reduced in size, the potential for expansive soil is equivalent, and could be significant if not mitigated. Consistent with both Alternative B and the proposed Project, Mitigation Measure GEO-1 would be implemented to reduce the impacts associated with the clay content of the soil to less than significant levels. Impacts would be equal to the proposed Project.

#### **3.8.4 Mitigation Measures**

Mitigation measures set forth in Section 2.8 are intended to ensure that all potential soil and geotechnical hazards associated with development on the subject property are less than significant. These include additional site-specific soils and geotechnical analysis to confirm site conditions and implementation of mitigation measures that ensure that potential impacts associated with each of the project alternatives and the proposed Project are less than significant. The same mitigation measures that apply to the proposed Project would be applied to Alternatives B and C, resulting in an equivalent reduction in impacts to less than significant levels.

#### **3.8.5 Environmental Superior Alternative**

Alternative A is the environmentally superior alternative. All of the “build” alternatives have some degree of exposure to soil and geotechnical hazards that exist on site and in the vicinity. Alternative C would result in the smallest building and the lowest number of employees that could be exposed to such hazards. Nonetheless, with implementation of Section 2.8 mitigation measures, impacts would be reduced to less than significant levels for all build scenarios.

### **3.9 Greenhouse Gas Emissions**

#### **3.9.1 Introduction**

The following section analyses impacts related to greenhouse gas emissions resulting from the Project alternatives. A Project-specific Air Quality and Greenhouse Gas Report was prepared, and is included in Appendix B.

#### **3.9.2 Existing Conditions**

Certain gases in the earth's atmosphere, classified as greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. These gases allow solar radiation into the earth's atmosphere, but prevent radioactive heat from escaping, thus warming the earth's atmosphere. The principal GHGs contributing to the greenhouse effect are CO<sub>2</sub>, methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and fluorinated compounds (hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride). GHG sources include both natural and anthropogenic processes, and some are associated with air pollution.

As stated in the Air Quality Element in the Town's General Plan, Apple Valley is committed to complying with state and regional greenhouse gas reduction targets, namely through cooperation with the Mojave Desert Air Quality Management District and participation in the San Bernardino Associated Governments' Climate Action Plan.<sup>1</sup> The Apple Valley 2019 Climate Action Plan Update provides the Town's comprehensive strategy to reduce greenhouse gas emissions. The Town aims to achieve 40% below 2005 emission levels by 2030.

Please see Section 2.9 for a detailed description of the regulatory framework and existing greenhouse gas conditions relating to the Project area.

#### **3.9.3 Alternatives Impact Analysis**

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

##### **Alternative A – No project, no development**

Alternative A proposes no development of the subject property. The site would remain vacant and would not generate greenhouse gas emissions. Alternative A would have no impact on the environment.

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<sup>1</sup> Town of Apple Valley 2009 General Plan, Air Quality Element.

### **Alternative B – 100% high cube**

The development proposed in Alternative B would generate greenhouse gas emissions during both construction and operations. The 1,207,544 square foot warehouse proposed in Alternative B would be used entirely for unrefrigerated dry warehousing purposes, and thus would be expected to generate lower emissions than the proposed Project. As described in greater detail in the Air Quality and Greenhouse Gas Report (Appendix B), the California Emissions Estimator Model (CalEEMod) Version 2020.4.0 was used to project greenhouse gas emissions for the Project and alternatives.

Construction of Alternative B would result in short-term GHG emissions from activities such as the operation of construction equipment, vehicle emissions from construction worker commutes, and material hauling. As shown in **Table 3.9-1**, Alternative B is projected to generate 3,287.36 metric tons per year of CO<sub>2</sub>e over the two-year construction period.

Operation of Alternative B would generate GHG emissions from area (e.g. off-gassing of architectural coatings), energy, mobile, waste, and water sources. In terms of mobile sources during operations, Alternative B would generate 1,788 daily passenger vehicle trips, per the VMT analysis prepared for the Project.<sup>2</sup> For analysis purposes, passenger vehicle trips are assumed to be 100% primary trips and 100% commercial-work trip types, with an average weekday trip length of 14.7 miles. Alternative B would also generate 781 daily truck trips during operations. Truck trips are assumed to be 100% primary trips and 100% commercial-work trip types, with an average trip length of 40 miles.<sup>3</sup>

Since there are currently no GHG emissions thresholds for construction projects of this nature, emissions related to the construction of Alternative B were amortized over a 30-year period and added to annual operational emissions. Combined, construction and operation of Alternative B is projected to emit 16,084.873 metric tons of CO<sub>2</sub>e per year. This represents a reduction of 9% annually when compared to the proposed Project.

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<sup>2</sup> Lafayette Street Logistics Facility VMT Analysis prepared by Urban Crossroads (November 2022).

<sup>3</sup> SCAQMD Draft WAIRE Technical Report (2020).

**Table 3.9-1  
 Alternative B – GHG Emissions Summary**

Phase	CO <sub>2</sub> e (MT/YR) <sup>1</sup>
<b>Construction</b>	
2023	1,353.46
2024	1,933.90
Construction Total	3,287.36
<b>Operational</b>	
Area	0.05
Energy	668.00
Mobile	13,708.15
Waste	570.84
Water	1028.26
Construction: 30-Year Amortized <sup>2</sup>	106.58
Total Operational	16,084.87
MDAQMD Annual Threshold	100,000.00
<b>Exceeds?</b>	<b>No</b>

<sup>1</sup> Metric tons per year of carbon dioxide equivalent.

<sup>2</sup> Buildout Construction GHG emissions were amortized over 30-years then added to buildout operational GHG emissions.  
 $3,287.36 / 30 = 109.5787$

According to the MDAQMD CEQA Guidelines, a project is considered significant if it generates total emissions (direct or indirect) in excess of the applicable threshold. The combined 16,084.873 metric tons of CO<sub>2</sub>e per year projected to result from the development's operational emissions and amortized construction emissions would not exceed the MDAQMD threshold for greenhouse gas emissions. However, because the MDAQMD has not been formally adopted, as explained in Section 2.9, the GHG emissions resulting from Alternative B were also analyzed using the SCAQMD significance threshold.

SCAQMD provides a series of “tiered” tests to determine whether a project's greenhouse gas emissions would be considered significant. In order to be considered less than significant, a project should comply with one of the following tiers:

- Tier 1: Is there an applicable exemption?
- Tier 2: Is the project compliant with a greenhouse gas reduction plan that is, at a minimum, consistent with the goals of AB 32?
- Tier 3: Is the project below an absolute threshold (10,000 MTCO<sub>2</sub>e/yr for industrial projects; 3,000 MTCO<sub>2</sub>e/yr for residential and commercial projects)?
- Tier 4: Is the project below a (yet to be set) performance threshold?
- Tier 5: Would the project achieve a screening level with off-site mitigation?

As explained in Section 2.9.6, Tier 1, 3, 4, and 5 are not applicable to the Project or the Alternatives. In particular, Tier 3 does not apply because the 10,000 MTCO<sub>2</sub>e/yr threshold for industrial projects only applies to stationary sources over which SCAQMD has jurisdiction, and a large portion of the Project and Alternative emissions would be from mobile emissions.

Tier 2 does apply to the Project and Alternatives because the Town of Apple Valley's 2019 CAP Update is formally adopted, regularly updated, and provides GHG emissions reduction targets consistent with the goals of AB 32. Therefore, in accordance with SCAQMD Tier 2, the following analysis will analyze whether Alternative B is compliant with the Town's 2019 CAP.

According to the CAP, the Town aims to meet the GHG emissions reduction target of 40% below 2005 levels by 2030. Based on growth forecasts in the SCAG 2020-2045 Regional Transportation Plan/SCS, the CAP forecasts that the Town will have a population of 84,535 in 2030. To meet the 40% below baseline target, the Town-wide GHG emissions in 2030 would need to be 449,347 MTCO<sub>2</sub>e, or 5.32 per capita.

As shown in **Table 3.9-1**, Alternative B would generate 16,084.87 MTCO<sub>2</sub>e per year at buildout. Since Alternative B would have the same building footprint as the proposed Project, it would generate approximately 1,172 jobs. Based on analysis described in Section 2.14, Population and Housing, it is assumed that all of the jobs generated by Alternative B could be filled by existing residents of the Town. Therefore, with buildout of Alternative B, the Town's 2030 population would still be approximately 84,535.

**Table 3.9-2** shows that in order for the Town to meet its 2030 emissions target of 40% below the baseline, it would need to meet a per capita emissions target of 5.32. As is also shown in **Table 3.9-2**, the Town expected to go beyond its target with implementation of the measures in the CAP, potentially reaching per capita emissions of 4.86.

**Table 3.9-2**  
**Alternative B emissions and CAP reduction target**

Target/Scenario	Forecast (MTCO <sub>2</sub> e)	Population	Per Capita
CAP 2030 forecast w/CAP measures	410,922.00	84,535	4.86
Alternative B emissions (per year)	16,084.87	84,535	--
<b>Total</b>	<b>427,006.87</b>	<b>84,535</b>	<b>5.05</b>
CAP 2030 target (40% below baseline)	449,347.00 <sup>1</sup>	84,535	5.32
<b>Exceeds?</b>			<b>No</b>

<sup>1</sup> Forecasted town-wide emissions for 2030.

As explained for the proposed Project, it is likely that the CAP forecasts also account for development like the Project or Alternatives. However, to assure a more conservative analysis, the emissions of Alternative B will be added to the CAP 2030 forecast emissions. **Table 3.9-2** shows that the total annual emissions from both Alternative B and the existing 2030 forecast would be 427,006.87 or 5.05 tons per capita. Both the total and per capita emissions meet the CAP target for 2030 of 40% below the 2005 baseline. The Town-wide emissions in 2030, including Alternative B, would therefore meet the CAP greenhouse gas emissions reduction target.

As described in greater detail in Section 2.9.6, compliance with reduction measures in the CAP, including establishing an employee carpool program (GHG-1) and providing employees with free or discounted public transit passes (GHG-2) would ensure that the emissions resulting from Alternative B would be reduced as much as possible. Furthermore, state regulations that have been adopted since the 2019 CAP Update, or that may be adopted prior to the 2030 CAP target deadline, will likely further reduce emissions from both Alternative B and the Town as a whole.

Given that Alternative B complies with the Town's CAP GHG reductions target for 2030, then, pursuant to the SCAQMD Tier 2 test, it would also be compliant with a greenhouse gas reduction plan that is consistent with the goals of AB 32. Overall, given that Alternative B is both below the absolute CO<sub>2</sub>e emissions threshold provided by MDAQMD and compliant with the SCAQMD Tier 2 test, it can be concluded that impacts would be less than significant, and have less impacts than the proposed Project, with the implementation of the same mitigation measures applied to the Project.

### **Alternative C – 900,000 square foot development, 100% high cube**

Alternative C proposes the development of a 900,000 square foot development that would be used entirely for unrefrigerated dry warehousing. It would generate greenhouse gas emissions during construction and operations. By reducing the building footprint and involving no refrigerated cold storage in the warehouse, Alternative C would be expected to generate lower emissions than the Project and Alternative B.

Construction of Alternative C would result in short-term GHG emissions from activities such as the operation of construction equipment, vehicle emissions from construction worker commutes, and material hauling. As shown in **Table 3.9-3**, Alternative C is projected to generate 2,656.86 metric tons per year of CO<sub>2</sub>e over the two-year construction period.

Like the proposed Project and Alternative B, operation of Alternative C would generate GHG emissions from area (e.g. off-gassing of architectural coatings), energy, mobile, waste, and water sources. Due to the proposed reduction in building footprint, Alternative C is estimated to generate fewer mobile source emissions during operations. The 900,000 square foot warehouse is projected to generate 1,340 daily passenger vehicle trips. For analysis purposes, passenger vehicle trips are assumed to be 100% primary trips and 100% commercial-work trip types, with an average weekday trip length of 14.7 miles. Alternative C is also projected to generate 576 daily truck trips during operations. Truck trips are assumed to be 100% primary trips and 100% commercial-work trip types, with an average trip length of 40 miles.<sup>4</sup>

Since there are currently no GHG emissions thresholds for construction projects of this nature, emissions related to the construction of Alternative C were amortized over a 30-year period and added to annual operational emissions. Combined, construction and operation of Alternative C is projected to emit 11,913.37 metric tons of CO<sub>2</sub>e per year.

**Table 3.9-3  
 Alternative C – GHG Emissions Summary**

Phase	CO <sub>2</sub> e (MT/YR)
<b>Construction</b>	
2023	1,127.11
2024	1,529.75
Construction Total	2,656.86
<b>Operational</b>	
Area	0.04
Energy	498.04
Mobile	10,134.89
Waste	425.45
Water	766.38
Construction: 30-Year Amortized <sup>1</sup>	88.56
Total Operational	11,913.37
MDAQMD Annual Threshold	100,000.00
<b>Exceeds?</b>	<b>No</b>

<sup>1</sup> Buildout Construction GHG emissions were amortized over 30-years then added to buildout operational GHG emissions.  
 $2,656.86 / 30 = 88.562$

<sup>4</sup> SCAQMD Draft WAIRE Technical Report (2020).



According to the MDAQMD CEQA Guidelines, a project is considered significant if it generates total emissions (direct or indirect) in excess of the applicable threshold. The combined 11,913.37 metric tons of CO<sub>2</sub>e per year projected to result from the development's operational emissions and amortized construction emissions are below the MDAQMD annual GHG threshold, and would generate 67% of the emissions of the proposed Project.

For the reasons explained for Alternative B above, Alternative C was also analyzed using the SCAQMD Tier 2 threshold. According to Tier 2, a project's impacts are considered less than significant if the project is compliance with a greenhouse gas reduction plan that is, at a minimum, consistent with the goals of AB 32. Alternative C will be analyzed for compliance with the Town of Apple Valley's 2019 Climate Action Plan Update (CAP), which establishes a Town-wide emissions target of 40% below 2005 levels by 2030.

If the Town meets the 2030 emissions target, it would have a per capita emissions rate of 5.32 based on a population of 84,535. Assuming that the jobs produced by Alternative C would be filled by existing residents of the Town, the total emissions from the CAP 2030 forecast and the emissions from Alternative C would have a per capita rate of 5.00. Per capita emissions of 5.00 would meet the CAP target of 5.32 MTCO<sub>2</sub>e per capita by 2030.

**Table 3.9-4  
 Project emissions and CAP reduction target**

Target/Scenario	Forecast (MTCO <sub>2</sub> e)	Population	Per Capita
CAP 2030 forecast w/CAP measures	410,922.00	84,535	4.86
Project emissions (per year)	11,913.37	84,535	--
<b>Total</b>	<b>422,835.37</b>	<b>84,535</b>	<b>5.00</b>
CAP 2030 target (40% below baseline)	449,347.00 <sup>1</sup>	84,535	5.32
<b>Exceeds?</b>			<b>No</b>

<sup>1</sup> Forecasted town-wide emissions for 2030.

The above analysis found that the total CO<sub>2</sub>e resulting from the annual Town-wide emissions forecasted for 2030 and the annual emissions from Alternative C would meet the CAP target. Therefore, pursuant to SCAQMD Tier 2, Alternative C would have less than significant impacts related to GHG emissions.

As described in greater detail in Section 2.9.6, compliance with reduction measures in the CAP, including establishing an employee carpool program (GHG-1) and providing employees with free or discounted public transit passes (GHG-2) would ensure that the emissions resulting from Alternative C would be

reduced as much as possible. Impacts would be less than significant with the implementation of the two mitigation measures applicable to the proposed Project and Alternative B, and even less impacts than the proposed Project.

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

**Alternative A – No project, no development**

Alternative A would result in no greenhouse gas emissions, and thus would not conflict with any greenhouse gas reduction plans, policies, or regulations. There would be no impacts.

**Alternative B – 100% high cube**

As stated in the MDAQMD CEQA Guidelines, a project is deemed to conform with an emission reduction plan if it is consistent with the existing land use plan. The subject property is located in the North Apple Valley Industrial Specific Plan (NAVISP) area on a site designated and zones as Industrial – Specific Plan (I-SP). The warehouse development proposed in both Alternative B and the Project conforms with the clean industrial uses permitted in this zone. Alternative B would therefore comply with applicable plans, policies, and regulations adopted for the purpose of greenhouse gas reductions for the same reasons described for the Project in Section 2.9.6(b). The proposed development would also comply with all development standards for the I-SP zone, including maximum building coverage, maximum building height, and water efficient landscape requirements. Given that the Apple Valley Climate Action Plan (CAP) is based on the General Plan buildout growth projection, conformance of the proposed development with the NAVISP would indicate compliance with the CAP.

Alternative B would also comply with all applicable provisions of the CAP, including policies that mandate compliance with the Title 24 Energy Efficiency Standards. Site plan review by the Town prior to the issuance of development permits would ensure that applicable greenhouse gas reduction standards are met. Alternative B would also be subject to all applicable MDAQMD Rules, and would be required to submit plans for review by the Air Pollution Control Officer.

Overall, conformance with the land use plan and implementation of applicable policies in the CAP would ensure that the development proposed in Alternative B would not conflict with plans, policies, or regulations adopted for the purpose of reducing greenhouse gas emissions. Impacts would be less than significant and consistent with the proposed Project and Alternative C.

### **Alternative C – 900,000 square foot development, 100% high cube**

Alternative C would not conflict with applicable plans, policies, or regulations for greenhouse gas reduction for the same reasons enumerated above. Similar to the proposed Project and Alternative B, the warehousing uses proposed under Alternative C would be consistent with the existing Industrial-Specific Plan designation provided in the NAVISP and the General Plan. Given that the Apple Valley Climate Action Plan (CAP) is based on the General Plan buildout growth projection, conformance of the proposed development with the NAVISP would indicate compliance with the CAP.

Alternative C would also be required to implement all applicable policies in the Town's Climate Action Plan and in the MDAQMD Rule Book, and would be subject to the Title 24 Energy Efficiency Standards. Given that Alternative C would comply with all applicable local, regional, and state policies and regulations pertaining to greenhouse gases, impacts would be less than significant and consistent with the proposed Project and Alternative B.

#### **3.9.4 Mitigation Measures**

Like the proposed Project, Alternatives B and C will be held to the same General Plan policies, standard MDAQMD rules and regulations, and mitigation measures provided in Section 2.9.7. Mitigation measures provided in Section 2.9 (GHG-1 and GHG-2) are to assure impacts of greenhouse gas emissions will be reduced to the greatest extent possible. In the case of Alternative A, because there would be no impacts, mitigation measures would not apply.

#### **3.9.5 Environmental Superior Alternative**

Alternative A would have no impacts, but would not meet the Project objectives. Both Alternative B and Alternative C would have less than significant impacts related to GHG, and would meet some of the Project objectives. Given the reduced building footprint and removal of cold storage from the proposed warehouse uses in Alternative C, it is projected to result in lower GHG emissions than the proposed Project and Alternative B. Alternative C is therefore the environmentally superior alternative with regard to greenhouse gas emission impacts.

### **3.10 Hazards and Hazardous Material**

#### **3.10.1 Introduction**

The following section analyses the potential impacts related to hazards and hazardous materials associated with the Project alternatives. The alternative impacts analysis is based on the same site-specific Phase 1 Environmental Site Assessment and Ordnance Investigation prepared for the Project (Appendix F and G, respectively).

#### **3.10.2 Existing Conditions**

##### Victorville Precision Bombing Range

The Project site was previously part of the Victorville Precision Bombing Range No. 1 (PBR1) and is now designated as a Formerly Used Defense Site (FUDS). The northeastern portion of the Project site was part of a target within the Range, and evidence of debris from these activities remains on the site.

While initial assessments by the Department of Defense (DOD) declared the site free and clear of explosives and explosive objects, subsequent surveys have found a “marginal” potential for explosive hazards on site and potential for munitions constituents’ contamination present in the soil.

##### Airports

The NAVISP planning area encompasses the Apple Valley Airport, a County airport that does not include commercial flights. According to the Town of Apple Valley General Plan, the airport has a moderate to high potential for hazardous material spills. The Apple Valley Airport is governed by the Comprehensive Airport Land Use Compatibility Plan. The Project site occurs outside the airport’s Overlay Districts, A-1 and A-2, where development conflicts are regulated.

##### Transportation of Hazardous Materials

There are three hazardous materials transportation corridors in the Town of Apple Valley: the Atchison Topeka & Santa Fe Railroad, U.S. Interstate 15, and State Route 18. These routes have the potential to be involved in the transport of hazardous materials and could thus be subject to the associated risks.

##### Proximity to Schools

The Project is located in an area zoned for industrial land uses. It is approximately 4 miles north of the nearest schools: Sycamore Rocks Elementary School, Phoenix Academy, and Apple Valley Christian Academy.

### Evacuation Routes

Evacuation routes from the Project can be accessed via Dale Evans Parkway, a major local roadway. Major emergency routes in the Town include Central Road, Highway 18, and Highway 15. Dale Evans Parkway runs parallel to Central Road, intersecting with Highway 18 to the south and Highway 15 to the north.

### **3.10.3 Alternatives Impact Analysis**

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

#### **Alternative A – No project, no development**

Alternative A proposes that the Project site be left in its current state. If the subject property were to remain vacant, there would be no transport, use, or disposal of hazardous materials associated with construction, the use of standard cleaning products of solvents, or the use of refrigerants. There also would be no transport of goods, including potentially hazardous products, associated with the proposed distribution facility. Therefore, in the instance of Alternative A, no project and no development, there would be no hazards to the public or the environment related to the transport, use, or disposal of hazardous materials.

#### **Alternative B – 100% high cube**

Alternative B proposes that the 1,207,544 square foot warehouse distribution facility be dedicated entirely to high cube storage, with no cold storage component. This would greatly reduce, the potential transport, use, and disposal of refrigerants that would otherwise be required for operation of cold storage in the warehouse. Refrigerants can be toxic, flammable, and/or highly reactive. Removal of the cold storage component of the Project would therefore reduce the risk of these hazards, although the use of refrigerants would be required for air conditioning/cooling equipment for the building.

Like the proposed Project and Alternative C, Alternative B could still involve hazardous materials during construction. Such materials could include vehicle fuels and oils for the operation of heavy equipment, as well as materials for the emergency maintenance of such equipment. As with the proposed Project, hazardous materials used during the construction of Alternative B must be stored, used, and disposed of in accordance with the manufacturer's instructions and in compliance with federal, state, and local regulations.

Alternative B could also involve the use of cleaning products and solvents as part of daily cleaning and maintenance operations. While the end user of the Project and build alternatives is not known at this time, distribution of products from the proposed warehouse could potentially involve the transport of hazardous

materials. Any transport, use, or disposal of hazardous materials associated with distribution activities by the end user must comply with the Hazardous Material Transportation Act, the Resource Conservation and Recovery Act, the California Hazardous Waste Control Act, as well as programs administered by the San Bernardino County Fire Protection District.

Overall, compared to the proposed Project, Alternative B could potentially reduce the volume and frequency of hazardous materials being handled on the subject site. Adherence to standard safety measures and compliance with all applicable federal, state, and local regulations would ensure that any transport, use, or disposal of hazardous materials during the construction and/or operation of Alternative B would result in less than significant hazards to the public and the environment. Impacts would be less than significant, and less than the proposed Project.

**Alternative C – 900,000 square foot development, 100% high cube**

Alternative C proposes the same conditions as Alternative B, but with a reduced building footprint. The reduced building footprint would not change the potential for hazards to the public or environment associated with the transport, use, or disposal of hazardous materials, nor would the regulations applicable to these activities change. Potential impacts are therefore expected to be the same as those described for Alternative B. Just like Alternative B, Alternative C could involve the handling of hazardous materials during construction and operation. Likewise, compliance with the applicable federal, state, and local regulations would ensure that the potential impacts associated with Alternative C would be less than significant. Impacts would be less than the proposed Project.

***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.***

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

**Alternative A – No project, no development**

Alternative A proposes no change to the current site conditions. According to the list of hazardous materials sites compile pursuant to Government Code §65962.5, the site is listed on the Formerly Used Defense Sites (FUDS), unexploded ordnance (UXO), and EnviroStor databases as the Victorville Precision Bombing Range No. 1 (PBR No.1). Evidence of debris remains on the northeastern portion of the Project site where it was part of a target within the Bombing Range. Development of the proposed Project would require the removal of this debris during grading and construction. If no Project or development were to occur, the property would remain a hazardous materials site.

The ordnance investigation conducted for the Project found ordnance-related scrap on site, but no energetic or intact munitions debris. The potential hazards associated with the scrap include soil contamination from munitions constituents, and a “marginal” potential for explosive hazards (if energetic debris were to be present on the site). Leaving the site in its current state would not reduce to risk of soil contamination resulting from the debris. However, while no energetic materials were found, it does not guarantee that no such debris is present.

Overall, Alternative A would reduce potential risks of explosive hazard and would not change the potential soil contamination. While a no-build scenario would leave the potentially contaminated soil in its current condition, an inspection report previously prepared for Former Victorville Precision Bombing Range No.1 found that there is no risk associated with the contamination.<sup>1</sup> It can thus be concluded that Alternative A would not create a significant hazard to the public or the environment. Impacts would be less than significant, and less than the proposed Project.

#### **Alternative B – 100% high cube**

Alternative B proposes the same grading, parking, and building footprint as the Project, only with no cold storage component to the proposed warehouse. The potential hazards related to the site’s former use as the Victorville Precision Bombing Range No.1 would therefore be the same as those described for the proposed Project in Section 2.10.5(b,d). Likewise, Alternative B would require implementation of the same mitigation measures (HAZ-1 to HAZ-10) as the Project. These measures are necessary to avoid contact with munitions debris whenever possible and ensure the safe handling and disposal of such debris when necessary. Given that implementation of the measures would maximize worker safety during construction, the potential impacts of Alternative B in terms of potential hazards to the public or the environment would be less than significant with the implementation of the same mitigation measures required for the proposed Project. Impacts would be the same as the proposed Project.

#### **Alternative C – 900,000 square foot development, 100% high cube**

Alternative C proposes the same conditions as Alternative B, but with a reduced building footprint. However, the 900,000 square foot building footprint would not have any impacts on the potential hazards related to the site’s former use as the PBR No.1. As discussed in the ordnance investigation prepared for the Project, munitions debris was observed exclusively in the northeast corner of the property on the location of the former target. The Project proposes that this area of the site

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<sup>1</sup> “Final Site Inspection Report, Former Victorville Precision Bombing Range No.1, San Bernardino County, California, U.S. Army Corps of Engineers, Southwest IMA Region, FUDS Project No. J09CA067501” prepared by Parsons (March 2008).

would be used primarily for parking, with the corner of the building and an underground storm drain line in proximity. While site plans have not been developed for Alternative C, it can be assumed that most of the former bombing target area would still be used for parking, and that the entire property would still be subject to grading. The impacts and corresponding mitigation measures for Alternative C would thus be the same as those described in Section 2.10.5 (b,d) for the Project, as well as the impacts described above for Alternative B. With the implementation of HAZ-1 to HAZ-11, potential impacts to the public and the environment would be less than significant and consistent with the impacts associated with the proposed Project and Alternative B. Impacts would be the same as the proposed Project.

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

**Alternative A – No project, no development**

Alternative A proposes that the subject property remain vacant and undeveloped. It would thus have no effects on the Town's emergency evacuation routes, nor would it impair the implementation of emergency response or evacuation plans. There would be no impacts.

**Alternative B – 100% high cube**

Alternative B proposes the same site plan as the Project, but with no cold storage in the warehouse. It would have the same emergency access points as the proposed Project, and would require the same road improvements. Therefore, like the Project, Alternative B would not interfere with the Town's Emergency Operations Plan. It also would not impede emergency evacuation on Dale Evans Parkway, the nearest arterial, or to major emergency response and evacuation routes on Interstate 15 and Highway 18. Given that Alternative B, like the proposed Project, is consistent with the development planned for the area in the North Apple Valley Industrial Specific Plan, it can be assumed that it aligns with the Town's Emergency Operations Plan. Impacts would thus be less than significant. Impacts would be the same as the proposed Project.

**Alternative C – 900,000 square foot development, 100% high cube**

Alternative C proposes a reduced building footprint and no cold storage in the warehouse. It would be expected to have the same or similar emergency access points as the proposed Project, and would require the same road improvements. Therefore, like the Project, Alternative C would not interfere with the Town's Emergency Operations Plan. It also would not impede emergency evacuation on Dale Evans Parkway, the nearest arterial, or to the major emergency response and evacuation routes on Interstate 15 and Highway 18. Given that Alternative C, like the proposed Project, is consistent with the development planned for the



area in the North Apple Valley Industrial Specific Plan, it can be assumed that it aligns with the Town's Emergency Operations Plan. Impacts would thus be less than significant. Impacts would be the same as the proposed Project.

### **3.10.4 Mitigation Measures**

Both Alternative B and C would require the implementation of the Mitigation Measures HAZ-1 through HAZ-11 provided for the proposed Project, since both these alternatives would disturb the same area of the site where the target and associated debris are located. The implementation of these mitigation measures would result in the same safe disposal of the debris, and would reduce the impacts to less than significant levels.

Because Alternative A involves no development, the mitigation measures would not be implemented, but it is believed that the hazards associated with the debris is minimal.

### **3.10.5 Environmental Superior Alternative**

The construction of the proposed warehouse facility, and warehousing/distribution operations have the potential to involve the transport, use, or disposal of hazardous materials, and thus has a degree of risk associated. Alternative A, which proposes no project or development on the site, therefore has the lowest potential for environmental impacts.

While Alternative A would also offer no remediation of the potential munitions constituents and contaminated soil, there may be limited risk associated with this potential contamination. Neither Alternative B nor Alternative C propose the use of refrigerants for cold storage, and thus both alternatives have a lower risk of environmental impacts than the proposed Project. The reduced building footprint proposed for Alternative C would have no implications for potential hazards associated with the development. Other than Alternative A which would limit the impacts but not meet Project objectives, Alternatives B and C are equivalent in being the environmentally superior alternative, since both would eliminate the use of refrigerants for the refrigerated portion of the proposed Project.

## **3.11 Hydrology and Water Quality**

### **3.11.1 Introduction**

This section summarizes existing hydrological conditions, including groundwater, surface water, water quality, stormwater, and flooding conditions within the Project area, and evaluates potential impacts to hydrology and water quality that could result from implementation of alternatives to the proposed Project. The analysis in this section is based on the review of existing resources, applicable laws and regulations, and the Preliminary Drainage Report<sup>1</sup> (Appendix H) prepared for the Project. Also, see Section 2.11 for a more detailed discussion of existing setting and conditions.

### **3.11.2 Existing Conditions**

The Apple Valley watershed encompasses 98± square miles that drain into the Apple Valley Dry Lake south of the Project site. Natural drainage features have been altered to some extent due to the introduction of roadways and the incremental development taking place in the area. The subject property is in a natural state. Hendale-Bryman loamy sands are predominant soils and are formed by the mixing of alluvium derived mainly from granite sources in combination with erosion caused by wind and water. The NAVISP area drains naturally from the northeast to the southwest, and slopes are generally one percent or less throughout the area.

At the Project site, the tributary watershed areas extend westerly and northwesterly from the western property boundary and encompass approximately 130.8 acres. Storm runoff from the north originates from a master planned facility built in conjunction with the Walmart warehouse development immediately north of the Project site. Runoff is intercepted north of the blue line stream entering the Walmart site, crosses Johnson Road and is routed through the Walmart property's on-site drainage improvements. This drainage channel is designed to accommodate the calculated 100-year runoff flow of approximately 2,091 cubic feet per second (cfs) at the northern boundary of the Project site, crossing Lafayette Street.

The 100-year 1-hour point rainfall for the site is 1.08". Tributary off-site flows come from the west and northwest and are intercepted within the existing improvements of Dale Evans Parkway and Lafayette Street. These flows are conveyed along the northern project frontage to a low point on Lafayette Street, from whence runoff flows southerly across the subject property, following its historical flow path to the southern property line where it exits the subject property.

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<sup>1</sup> "Hydrology Study for Redwood West APNs: 0463-231-11 thru 16 and 34 thru 37.", prepared by Merrell-Johnson Companies. September 2022.

This flow path follows and is consistent with the drainage course of facility N-04 as outlined in the Apple Valley Master Plan of Drainage.

## **Inundation Hazards**

### Flood Hazards

Flood Hazard Areas are those areas which have statistical chance of flooding once in 100 years or which have a 1% chance of occurring in any given year. The flood hazard mapping also depicts areas subject to flooding in a 500-year storm event, which is defined as the Standard Project Flood (SPF), which has 0.2% chance of occurring in any given year. The Project site lies outside FEMA-mapped 100-Year flood zones.

### Water Supply Contingency Planning

A Water Supply Assessment<sup>2</sup> (WSA) was prepared for the proposed Project and submitted to the local water purveyor, Liberty Utilities Corp. for review and approval. Liberty Utilities' plan for water usage during periods of shortage is designed to incorporate six standard water shortage levels. As shown in Table 2.11-1, these levels correspond to progressive ranges from up to 10, 20, 30, 40, and 50 percent shortages, and greater than 50 percent shortage.

### **3.11.3 Alternatives Impact Analysis**

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

##### **Alternative A – No project, no development**

Under Alternative A, there would be no site disturbance or development. Therefore, no violation of water quality standards or waste discharge requirements would result that would substantially degrade surface or ground water quality.

##### **Alternative B – 100% high cube**

As discussed in Section 2.11.6, a project would normally have a significant impact on surface water quality if discharges associated with its development would create pollution, contamination, or nuisance or would cause regulatory standards to be violated. The subject property is located in the Apple Valley Dry Lake watershed which drains into the terminal Apple Valley Dry Lake located approximately two miles to the south. All water providers in the watershed, including Liberty Utilities, are required to comply with the State Regional Water Quality Control Board (SWRCB) standards for the protection of water quality in this watershed.

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<sup>2</sup> "Water Supply Assessment for the Development at Lafayette Street and Dale Evans Parkway", prepared by Terra Nova Planning & Research, Inc., November 16, 2022. Approved by Liberty Utilities Corp December 12, 2022.

As with the proposed Project, Alternative B would result in the development of the entire site. The on-site drainage management would emulate the design strategy used at the Walmart warehouse project to the immediate north and include facilities that would capture and convey tributary flows through the site. As for all the “build” alternatives, the Town and Regional Water Quality Control Board reviews would ensure that construction and operational best management practices (BMPs) satisfy local, state, and federal standards. In addition, the Town will require preparation of a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the National Pollutant Discharge Elimination System (NPDES) prior to the issuance of grading permits.

A Water Quality Management Plan has also been prepared for the proposed Project<sup>3</sup> and would be applicable to all “build” alternatives, including Alternative B. The Alternative B project would be required to connect to the existing municipal sewer system in compliance with applicable standards that minimize impacts to regional groundwater quality.

As with the proposed Project, the implementation of existing regulations and standards on Alternative B development would ensure that it would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Impacts associated with the Alternative B project are expected to be less than significant. Impacts would be the same as the proposed Project.

### **Alternative C – 900,000 square foot development, 100% high cube**

Although the extent of development associated with Alternative C may be modestly less than that associated with the proposed Project and Alternative B, its impacts to area hydrology and water quality would be essentially the same, and consistent with those described above for Alternative B. Impacts from the development of the Alternative C project would be less than significant, and the same as the proposed Project.

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

### **Alternative A – No project, no development**

The Alternative A project would leave the subject property in its current undeveloped state. There would be no site disturbance or development and there would be no impacts to groundwater supplies, nor would Alternative A interfere with a groundwater recharge program. There would be no impacts.

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<sup>3</sup> “Water Quality Management Plan Prepared for RW AV, LLC Warehouse”, prepared by Merrell-Johnson Companies. August 2022.

### **Alternative B – 100% high cube**

As with the proposed Project and based on the analysis in the Water Supply Assessment<sup>4</sup> (WSA) prepared for the proposed Project, Alternative B water demand would be approximately 65.42 acre-feet per year (AFY), or 1.69± percent of Liberty Utilities' total planned increases in demand of 3,881 AF by 2045. This is a conservative estimate and actual Alternative B water demand, which is primarily associated with landscape irrigation of 46.96 acre-feet, would be expected to be less.

The local water purveyor supports local ordinances to reduce water waste, including the Town of Apple Valley's Ordinances No. 58 ("Water Conservation Plan"), which includes restrictions to watering hours, duration, and application, and No. 479, and regulates water management and waste prevention for existing landscapes.<sup>5</sup>

In 2016 the Town adopted Ordinance No. 476 as an amendment to the existing code, ensuring compliance with the California Model Water Efficient Landscape Ordinance (MWELO). The proposed Project's landscape plan would also be applied to the Alternative B development and includes a palette comprised of native and non-native drought-tolerant plants.

The WSA approved by the water purveyor demonstrates that sufficient water supplies will exist to meet the projected demands of the proposed Project and comparable development, including that associated with Alternative B, in addition to current and future water demands within Liberty Utilities' service area in normal, single-dry, and multiple-dry years over a 20-year projection.

The Alternative B project would also be required to comply with all applicable state, county, city, and local ordinances, and performance standards provided in the CWC designed to reduce water consumption to the greatest extent possible.

Because Alternative B would result in the same building size, and based upon a comprehensive review of the Liberty Utilities 2020 Urban Water Management Plan and the Water Supply Assessment prepared for the proposed Project, the Alternative B project will not substantially decrease groundwater supplies or interfere with groundwater recharge, nor will it otherwise substantially impede sustainable management of the groundwater basin serving the project and area. Impacts will be less than significant, and the same as the proposed Project.

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<sup>4</sup> "Water Supply Assessment for the Development at Lafayette Street and Dale Evans Parkway", prepared by Terra Nova Planning & Research, Inc., November 16, 2022. Approved by Liberty Utilities Corp December 12, 2022.

<sup>5</sup> Liberty Utilities Urban Water Management Plan (2020), p.9-4.

### **Alternative C – 900,000 square foot development, 100% high cube**

As noted in the above Alternative B discussion the maximum intensity of development associated with this project (proposed Project and Alternative B), will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. Given that the Alternative C scenario would result in approximately 25 percent less warehouse space, and fewer employees, interior water demand under Alternative C would be less than that associated with the other build alternatives, and would likely result in annual water use of about 13.8 AFY. Conversely, the smaller building could result in greater landscaped area, since less building area and less parking would be required. As described in Section 3.19, annual water demand for Alternative C is expected to be approximately 78.1 AFY. This increase would still represent only 1.9± percent of the total water demand in 2045 for the water company, and impacts would remain less than significant, but marginally greater than either the proposed Project or Alternative B.

***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;***

### **Alternative A – No project, no development**

Under the Alternative A scenario there would be no site disturbance or development. No existing drainages would be altered, no new impervious surfaces would be constructed and no new erosion or siltation on-site or off-site would result. There would be no impacts.

### **Alternative B – 100% high cube**

The subject property is crossed by two small drainages, lies outside FEMA-mapped flood hazard zones, but is subject to limited off-site flows from a circumscribed tributary watershed area<sup>6</sup> (see Appendix H: Hydrology Study). Drainages crossing the site have a calculated 100-year runoff flow of approximately 2,091 cfs at the northern boundary of the subject property. As with the proposed Project, the 100-year flood volumes will be contained in the planned on-site channel system.

Stormwater runoff generated on-site by Alternative B improvements will be captured and retained in on-site retention/infiltration basins, and will not be co-mingled with tributary storm flows to be passed through the site, consistent with the Town's regulations. Tributary flows passed through the site will pool at the south

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<sup>6</sup> "Hydrology Study for Redwood West APNs: 0463-231-11 thru 16 and 34 thru 37.", prepared by Merrell-Johnson Companies. September 2022.

end of the onsite drainage system, where desilting will also occur. Tributary flows will then be allowed to sheet-flow off site and across Burbank Avenue.

The Alternative B facilities would intercept but will not significantly alter the course of off-site flows through methods of site grading, construction of new impervious surfaces, or by other types of development. As with the proposed Project, Alternative B drainage facilities will include desilting basins and/or de-siltation devices upstream of the point of discharge off-site, as required by Town and County standards. Therefore, Alternative B will not result in substantial erosion or siltation on- or off-site and impacts would be less than significant. Impacts would be the same as the proposed Project.

**Alternative C – 900,000 square foot development, 100% high cube**

Alternative C results in 25 percent less building coverage and could conceivably result in less site disturbance compared to the proposed Project and Alternative B. As noted above, drainages crossing the site have a calculated 100-year runoff flow of approximately 2,091 cfs at the northern boundary of the subject property, As with the proposed Project, under the Alternative C scenario these 100-year flood volumes would be contained in an on-site channel system.

Stormwater runoff generated on site by Alternative C improvements would be captured and retained in on-site retention/infiltration basins, and would not be co-mingled with tributary storm flows to be passed through the site. As with the other “build” alternatives, tributary flows passed through the site will pool at the south end of the onsite drainage system, where desilting will also occur. Tributary flows will then be allowed to sheet-flow off site and across Burbank Avenue. The Alternative C facilities would intercept but will not significantly alter the course of off-site flows through methods of site grading, construction of new impervious surfaces, or by other types of development. As with the proposed Project, Alternative C drainage facilities would include desilting basins and/or de-siltation devices upstream of the point of discharge off-site, as required by Town and County standards. As noted, less site disturbance may be possible under this alternative and therefore impacts could be somewhat less than for the other build alternatives. Therefore, Alternative C will not result in substantial erosion or siltation on- or off-site and impacts would be less than significant, consistent with both the proposed Project and Alternative B.

- 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 stormwater drainage systems or provide substantial additional sources of polluted runoff; or***

***iv) impede or redirect flood flows.***

**Alternative A – No project, no development**

Under Alternative A there would be no site disturbance and stormwater runoff conditions and volumes would remain as they are. There would be no increase in runoff and the onsite and adjoining drainages would continue to operate as they do today. Neither would Alternative A create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Finally, Alternative A would not impede or redirect flood flows; in this regard there would be no impact.

**Alternative B – 100% high cube**

As with the proposed Project, development of Alternative B will increase the potential for stormwater runoff from these lands due to increased impervious surfaces. The Alternative B design would be essentially the same as that of the proposed Project, as would the proposed building under this alternative, and Alternative B would be conditioned to retain 100 percent of the incremental increase in runoff of a 100-year storm resulting from site development, as required by the Town for all development projects. On-site surface and subsurface facilities would convey on-site runoff into on-site retention/infiltration basins. As with the proposed Project, Alternative B would not co-mingle on-site runoff with off-site tributary flows that would be conveyed through the site. Tributary flows would be released in a controlled manner to flow across Burbank Avenue at the south (downstream) end of the site in a manner consistent with existing conditions, and without significant increase in volume or velocity, as required by the Town.

Therefore, the Alternative B project would not substantially increase the rate or amount of surface runoff nor convey this runoff in a manner which would result in flooding on-site or off-site, and impacts will be less than significant.

Neither would Alternative B create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. In this regard, impacts would be less than significant.

Finally, Alternative B would not impede or redirect flood flows; in this regard, impacts would be less than significant. Impacts would be the same as the proposed Project.

**Alternative C – 900,000 square foot development, 100% high cube**

Alternative C would reduce the warehouse building footprint by approximately 25 percent; however, the overall development area would nonetheless likely result in the same scale of disturbance on most of the subject property, primarily due to the need to accommodate the established upstream drainage pattern



and method of stormwater management. The impacts associated with Alternative C design would be comparable to those from the proposed Project and Alternative B.

As for all the “build” alternatives, Alternative C would be conditioned to retain 100 percent of the incremental increase in runoff from a 100-year storm, as required by the Town for all development projects. On-site facilities would convey on-site runoff into on-site retention/infiltration basins. As with the proposed Project, Alternative C would not co-mingle on-site runoff with off-site tributary flows that would be conveyed through the site. Tributary flows would be discharged without a significant increase in volume or velocity, as required by the Town.

Therefore, the Alternative C project would not substantially increase the rate or amount of surface runoff nor convey this runoff in a manner which would result in flooding on-site or off-site, and impacts will be less than significant.

Neither would Alternative C create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. In this regard, impacts would be less than significant.

Alternative C would also not impede or redirect flood flows; in this regard there would be less than significant impacts.

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

***Alternative A – No project, no development***

Alternative A results in no development on the site. As a result, this alternative will not obstruct implementation of a water quality control plan or a sustainable groundwater management plan, since conditions on the site would remain the same. There would be no impacts.

***Alternative B – 100% high cube***

***Alternative C – 900,000 square foot development, 100% high cube***

All of the project build alternatives would increase the rate and amount of surface runoff. However, for all build alternatives, with the provision of planned on-site stormwater retention/infiltration facilities and implementation of required Best Management Practices (BMPs), no significant or substantially increased rate or amount of runoff is anticipated for any of the alternatives.

Proposed facilities that would be comparably applied in each alternative can safely capture and convey stormwater runoff to on-site retention/infiltration facilities, where bio-remediation and percolation will ensure that neither surface nor groundwater resources are adversely affected.

The proposed drainage facilities and their application across all of the build alternatives will also preclude the co-mingling of on-site runoff from tributary flows that would be passed through the site. Both build alternatives would also be required to conform with applicable water quality regulations of the Town and the Regional Water Quality Control Board. The Water Quality Management Plan prepared for each alternative would further ensure that the alternatives would not conflict with or obstruct implementation of a water quality control or sustainable groundwater management plan. Impacts under either Alternative B or C would be less than significant. Impacts under both Alternative B and Alternative C would be essentially the same as the proposed Project.

#### **3.11.4 Mitigation Measures**

No mitigation measures would be required for any of the project alternatives. As noted above, project design and compliance with Town and state regulatory requirements will serve to effectively avoid, minimize and otherwise mitigate potentially significant development impacts to water resources or water quality, or from existing and future flood hazards that could result from implementation of the alternatives or the proposed Project.

#### **3.11.5 Environmental Superior Alternative**

Alternative A is the environmentally superior alternative given that it would result in no changes to current site conditions and would not generate any of the potential impacts to area hydrology or water quality.

Alternative B will have the same water demand impact as the proposed Project, while Alternative C has the potential to increase water demand, insofar as a greater area of landscaping would be likely.

Alternative C has the potential to somewhat reduce overall impacts to site runoff volumes due to less impervious surfaces. However, impacts associated with Alternatives B and C are comparable, if somewhat greater than the Alternative C scenario.

## **3.12 Land Use and Planning**

### **3.12.1 Introduction**

This section of the EIR evaluates the compatibility of and potential impacts from implementation of the three Project alternatives. As with the proposed Project, the Alternatives' land use compatibility has been assessed using existing planning documents and land use regulations.

### **3.12.2 Existing Conditions**

The subject property is located on appropriately designated lands within a master planned industrial Specific Plan. The site is located on a major arterial roadway, Dale Evans Parkway, with direct and convenient access to the Stoddard Wells Road interchange with US Interstate-15 located less than three miles west of the subject property. As noted above, the NAVISP planning area is still largely vacant. The NAVISP uses a combined land use/zoning designation system which designates the Project site as "Industrial-Specific Plan." Permitted uses within this designation, include warehousing and manufacturing, must be conducted entirely within a structure.

### **3.12.3 Alternatives Impact Analysis**

***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.***

#### **Alternative A – No project, no development**

Alternative A proposes no development. The subject property would remain vacant and undeveloped. There would be no project that could conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. However, Alternative A would also not implement the policies and programs of either the General Plan or the NAVISP, would have an impact on the orderly development intended for this part of Town, and would conflict the most of all alternatives considered.

#### **Alternative B – 100% high cube**

The Alternative B scenario would result in the development of a warehouse distribution center providing 1.2± million square feet of building area in a single building. It would be comprised of all standard, unrefrigerated warehouse space but would otherwise be comparable to the proposed Project. The Alternative B use is permitted under the NAVISP and is consistent with that plan's development standards and guidelines.

As with the proposed Project, Alternative B would place the proposed building in the center of the site, which diminishes its effects as seen from surrounding lands. It would also be located approximately 400 feet east of Dale Evans Parkway, providing a substantial buffer and diminished effect for future residents on the west side of Dale Evans Parkway. Alternative B also provides and adds to planned local infrastructure, including improvements to existing roadways, the extension of new roadways, and connection to the local sewage collection system. The alternative also provides a local component of the Apple Valley Master Drainage Plan.

The Alternative B site lies outside the Airport Influence Area of the Apple Valley Airport and is not subject to any special land use or development provisions associated with the airport land use compatibility plan. Therefore, Alternative B is consistent with the Apple Valley Comprehensive Airport Land Use Compatibility Plan and its impacts would be comparable to those associated with the proposed Project.

As noted above, the subject property, the Town and surrounding lands are located within the boundaries of the Draft Apple Valley Multi-Species Habitat Conservation Plan/Natural Community Conservation Plan (AVMSHCP/NCCP). Lands within the NAVISP planning area are not planned for conservation under the Plan but would be subject to and conditioned to comply with the Plan's provisions. There are no state or federal listed species or natural communities on the Project site. Therefore, no "take" permits would be required under Alternative B.

Development of the Alternative B project would have less than significant impacts on land use and planning and would be comparable to the proposed Project in this regard.

**Alternative C – 900,000 square foot development, 100% high cube**

The Alternative C project would result in the development of a warehouse distribution center providing 900,000 square feet of building area in a single building. None of this space will be refrigerated. The Alternative C project would be permitted under the NAVISP and is consistent with that plan's development standards and guidelines.

As with the proposed Project, under Alternative C the building would also be set in the center of the site, diminishing its effects on surrounding lands. It would also be located at least 400 feet east of Dale Evans Parkway, and could provide a substantial buffer for future residents on the west side of Dale Evans Parkway. The Alternative C project also provides and adds to planned local infrastructure,

including improvements to existing roadways, the extension of new roadways, and connection to the local sewage collection system. Alternative C also provides a local component of the Apple Valley Master Drainage Plan.

The Alternative C project lies outside the Airport Influence Area of the Apple Valley Airport and is not subject to any special land use or development provisions associated with the airport land use compatibility plan. Therefore, Alternative C would be consistent with the Apple Valley Comprehensive Airport Land Use Compatibility Plan and its impacts would be comparable to those associated with Alternative B and the proposed Project.

The subject property, the Town and surrounding lands are located within the boundaries of the Draft Apple Valley Multi-Species Habitat Conservation Plan/Natural Community Conservation Plan (AVMSHCP/NCCCP). Lands within the NAVISP planning area are not planned for conservation under the Plan but would be subject to and conditioned to comply with the Plan's provisions. There are no state or federal listed species or natural communities on the Project site. Therefore, no "take" permits would be required for the Alternative C project.

Therefore, development of the Alternative C project would have less than significant impacts on land use and planning and would have effects comparable to those associated with Alternative B and the proposed Project.

#### **3.12.4 Mitigation Measures**

As is the case for the proposed Project, Alternatives B and C would be consistent with the Town General Plan, the NAVISP, the Apple Valley Airport Land Use Compatibility Plan and the forthcoming AVMSHCP/NCCCP. Therefore, no mitigation measures are required for either of these alternatives, nor for the no project Alternative A.

#### **3.12.5 Environmentally Superior Alternative**

Alternative A would leave the subject property in its current state. There would be no site disturbance or impacts to natural or community resources. Each of the two build alternatives would result in impacts comparable to those associated with the proposed Project. Therefore, Alternative A may be considered the environmentally superior alternative, but would not implement either the General Plan or the NAVISP. Nonetheless, each of the build alternatives results in impacts that are less than significant,

### **3.13 Noise**

#### **3.13.1 Introduction**

The following section analyses the potential noise impacts associated with the Project alternatives. The analysis is based on the same data and information provided in Section 2.13 of this document, and compares the three alternatives to the noise levels anticipated in the vicinity of the site.

#### **3.13.2 Existing Conditions**

According to the Town's General Plan EIR, the primary noise source in Apple Valley is vehicular traffic. Noise from vehicular traffic is concentrated along regional roads and major arterials. Air and rail traffic also generate significant noise, however the noise generated by these sources is more localized to specific areas in the Town. Other sources of noise include industrial and commercial operations, mechanical equipment such as residential and commercial HVAC systems, and construction noise.

The primary sources of groundborne vibration and noise in the Town include airport and train operations, motor vehicles, heavy machinery, and other construction equipment. Like non-groundborne noise, vibrations from the air and rail traffic are only perceptible in the vicinity of these facilities. Vibration from motor vehicles is generally only perceptible from rough roads.

Sensitive receptors are land uses that may be particularly sensitive to noise intrusion, such as housing, schools, libraries, churches, hospitals, nursing homes, and other health care facilities. Potential impacts can occur where residential uses are located in proximity to major roadways or industrial uses, such as future housing that may be built on sites designated for residential uses adjacent to the North Apple Valley Industrial Specific Plan (NAVISP) boundary. The proposed use is not a sensitive noise receptor.

#### **3.13.3 Alternatives Impact Analysis**

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;***

##### **Alternative A – No project, no development**

The subject site is currently vacant and undeveloped. Alternative A, the no project alternative, would therefore generate no temporary or permanent increases in ambient noise levels. There would be no impacts.

### **Alternative B – 100% high cube**

Alternative B proposes a warehouse and distribution facility, but none of the warehouse would be used for cold storage. Given that the cold storage component of the warehouse was not expected to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project, Alternative B would be assumed to have the same impacts related to noise as the proposed Project.

*Construction noise:* As with the proposed Project, construction of Alternative B would require site preparation, grading, trenching and excavation, paving, and other activities that could generate elevated noise levels. However, these noise levels would be temporary and diminish with distance. There are no sensitive receptors in the vicinity of the site. Construction of Alternative B would be subject to the Town's Noise Ordinance, including restricted hours for construction activity. Consistent with the proposed Project, construction noise impacts would be less than significant.

*Operational noise:* Operations associated with Alternative B, as with the proposed Project, would primarily be conducted within the enclosed building, apart from traffic movement, parking lot traffic, and loading/unloading at the designated bays. HVAC units located on the roof of the building would also generate noise; however, HVAC units would be screened by a 10-foot parapet. The parapet would be sufficiently tall to exceed the height of typical commercial HVAC units and would therefore block these units from line of sight from potential future residential units on the west side of Dale Evans Parkway. Notably, while the proposed Project would include roof-mounted refrigeration units, Alternative B would not involve this source of noise. Currently, no sensitive receptors exist in the vicinity of Alternative B – the subject site is surrounded by vacant lands as well as existing industrial sites to the north and east.

Housing may be built in the vicinity of the subject in the future given the Medium Density Residential designation provided in the General Plan for the land on the west side of Dale Evans Parkway. As discussed in Section 2.13.6 for the proposed Project, Alternative B is consistent with the North Apple Valley Industrial Specific Plan (NAVISP) and the General Plan, and it can therefore be assumed that the noise likely to be generated by the proposed development was accounted for in the EIRs for these plans. The findings in both the General Plan EIR and the NAVISP EIR indicate that future housing built on the segment of Dale Evans Parkway could require noise mitigating measures in order to meet the Town's noise standard for residential properties. Design techniques recommended in Program 1.A.2 of the General Plan, such as building setbacks, walls, and berms, would likely achieve required noise reductions. Any residential developments proposed for this area would be required to submit noise analysis during the application process, at which point the necessary measures could be identified.

*Conclusion:* Overall, given that Alternative B is consistent with the NAVISP and General Plan, it can be assumed that the potential noise produced by the development was accounted for in these plans and corresponding EIRs. Compliance with the Town's Noise Ordinance and General Plan policies would ensure that Alternative B would not generate any increase in ambient noise levels exceeding the Town standards during construction or operations. Furthermore, project-specific noise analysis and implementation of noise alleviating design measures will ensure that future residential properties on the west side of Dale Evans Parkway would not be subject to noise levels exceeding the local and state standards. Impacts would be less than significant.

**Alternative C – 900,000 square foot development, 100% high cube**

Alternative C proposes a warehouse and distribution facility with an approximately 25% reduced building footprint from the proposed Project, and only unrefrigerated high cube storage in the warehouse.

*Construction:* Alternative C would generate construction noise comparable to that associated with the other build alternatives analyzed. The Alternative C project would likewise be subject to the Town's Noise Ordinance. Noise generated during construction would be temporary, and no sensitive receptors occur in the vicinity of the site. While Alternative C's somewhat smaller building footprint could result in a slightly shorter construction period, impacts would be comparable to the other build alternatives and would be less than significant.

*Operations:* Compared to the proposed Project, the smaller building footprint proposed under Alternative C would likely result in proportionally (~25%) lower traffic volumes on surrounding streets, as well as less parking lot traffic and potentially fewer bays for loading/unloading. As with the proposed Project, Alternative C would also require no roof-mounted refrigeration units. As such, it is likely that Alternative C would likely generate lower noise levels than the proposed Project. However, given the nature of noise propagation and human perception discussed in Section 2.13, a small reduction in sound energy would result in minimal decibel reductions. As such, while traffic and loading volumes may be lower due to the smaller building footprint proposed by Alternative C, the resulting noise levels would be similar in decibels. Therefore, the impact of Alternative C on ambient sound levels relative to the Town's noise standards would likely be similar and comparable to that of Alternative B and the proposed Project.

Alternative C is consistent with the NAVISP and General Plan, and therefore the noise generated by the development is expected to be comparable to noise levels analysed in the NAVISP Specific Plan and EIR. Future residential development on the west side of Dale Evans Parkway will be located at least 96 feet from the centerline of Dale Evans Parkway, and 240 from the western



property line of Alternative C. Future residential development on the west side of Dale Evans Parkway will implement noise reducing design techniques such as those suggested in Program 1.A.2 of the Town General Plan, and would be required to conduct noise analysis on a project-by-project basis.

Compliance with the Town's Noise Ordinance and General Plan policies would ensure that Alternative C would not generate any increase in ambient noise levels exceeding the Town standards during construction or operations. Impacts would be less than significant.

**b) Generation of excessive groundborne vibration or groundborne noise levels;**

**Alternative A – No project, no development**

Alternative A would result in no project or development, and therefore would generate no groundborne vibration or noise. There would be no impacts.

**Alternative B – 100% high cube**

As with the proposed Project, construction of Alternative B could produce groundborne vibration and noise. However, given that no sensitive receptors currently exist in the vicinity of the property, and that vibration resulting from construction would be temporary in nature, impacts would be less than significant.

Alternative B, which proposes a warehouse and distribution facility with 100% unrefrigerated high cube storage, would not be expected to generate significant groundborne vibration or noise during operations. Regardless, during both construction and operations the development would be subject to §9.73.060(g) of the Town's Noise Ordinance, which prohibits the generation of vibration perceptible beyond the property boundary. Therefore, impacts would be less than significant, and equivalent to both the proposed Project and Alternative C.

**Alternative C – 900,000 square foot development, 100% high cube**

Construction of Alternative C could generate temporary groundborne vibration with the use of heavy equipment. While the reduced building footprint associated with Alternative C could result in a somewhat shorter construction period, compliance with §9.73.060(g) of the Town's Noise Ordinance would further ensure that impacts related to groundborne vibration and noise would be less than significant. Therefore, not only would the development not be expected to generate significant vibration, but it would also be prohibited from generating vibration or groundborne noise perceptible beyond the property line. Impacts would thus be less than significant, and equivalent to both the proposed Project and Alternative B.

### **3.13.4 Mitigation Measures**

The impacts associated with Alternatives A, B, and C would be less than significant. No mitigation is required.

### **3.13.5 Environmental Superior Alternative**

Alternative A would be the environmentally superior alternative, but would also not meet the Project objectives. Alternative B and C would likely generate less noise than the proposed Project because they would not include refrigerated warehouse uses. The smaller building footprint proposed for Alternative C would potentially marginally reduce noise levels when compared to both the proposed Project and Alternative B.

### **3.14 Population and Housing**

#### **3.14.1 Introduction**

The following section analyses the potential population and housing impacts associated with the Project alternatives. The analysis is based on the same background and information contained in Section 2.14.

#### **3.14.2 Existing Conditions**

From 2010 to 2018, the Town of Apple Valley's population grew by 4.7% to 72,359 residents.<sup>1</sup> The Town has an estimated labor force of 31,000 people as of 2022, with an unemployment rate above the county average.<sup>2</sup> According to the Housing Element, only 16.6% of the Town's population works in Apple Valley, with the remaining 83% of residents commuting to work elsewhere, suggesting a possible jobs-housing imbalance in the Town.<sup>3</sup>

The Town's housing stock includes 27,077 dwelling units, 76.8% of which are single-family detached units.<sup>4</sup> The subject property is currently vacant and located in an area designated for industrial development.

The Southern California Association of Governments (SCAG) projects that the Apple Valley population will reach 101,400 by 2045, representing approximately 36.5% growth beyond the Town's 2016 population.<sup>5</sup> SCAG also projects that the number of households in Apple Valley will increase by 51.4% from 2016 to a total of 37,400 in 2045. The number of jobs in the Town is expected to grow from 18,000 in 2016 to 30,200 in 2045, or an increase of approximately 67.8%.<sup>6</sup>

#### **3.14.3 Alternatives Impact Analysis**

***a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?***

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<sup>1</sup> 2000 and 2010 U.S. Census; American Community Survey 2014-2019 5-year estimates

<sup>2</sup> California Employment Development Department, Labor Force and Unemployment Rate for Cities and Census Designated Places – August 2022.

<sup>3</sup> Town of Apple Valley Housing Element (August 2022), Table 6, Employment by Industry, p.22.

<sup>4</sup> Ibid., p. 26.

<sup>5</sup> Southern California Association of Governments, Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS).

<sup>6</sup> Southern California Association of Governments, Demographics and Growth Forecast, Table 14 Jurisdiction-Level Growth Forecast.

### **Alternative A – No project, no development**

Alternative A would result in no changes to the current population of the Town of Apple Valley. There would be no Project-related population growth because no jobs would be generated. There would therefore be no impacts in terms of unplanned population growth, direct or indirect, in the Town, but projected population growth, as predicted by SCAG, and the goals for economic expansion established in the North Apple Valley Industrial Specific Plan would not be supported.

### **Alternative B – 100% high cube**

Alternative B is projected to have the same impacts to population growth as the proposed Project. This alternative, which suggests the proposed warehouse be used entirely for high cube storage, with no cold storage element, would generate approximately the same number of jobs as the proposed Project. Alternative B would therefore have the same impacts as the Project, which are described in greater detail in section 2.14.5(a) of this document.

In summary, the Project, both as proposed and in Alternative B, would create approximately 1,172 new jobs. If all those jobs were to be filled by new residents to the Town, then housing for approximately 1,028 households would be required. The Town would be able to accommodate this housing demand through current vacancies and the projected number of new units to be constructed over the next two years. However, as evidenced by the proportion of residents who currently commute to jobs outside of the Town, there is existing demand for more local employment opportunities. This would indicate that many of the jobs created by the Project would be filled by current Town residents, which would result in a lowering of the demand for new housing units.

The Southern California Association of Governments (SCAG) projects that the Apple Valley population will grow by approximately 36.5% over the next two decades, reaching 101,400 by 2045. Given that growth in the Town is planned, and that the Town would be able to accommodate the demand for housing resulting from population growth, impacts related to unplanned population growth would be less than significant.

### **Alternative C – 900,000 square foot development, 100% high cube**

Alternative C proposes an approximately 25% smaller building footprint for the warehouse than the proposed Project. Using the employment density factor of 1,030 square feet per employee for logistics land uses,<sup>7</sup> as described in Section 2.14.5(a) of this document, the 900,000 square foot warehouse proposed in Alternative C would generate approximately 874 jobs. This would be 298 fewer jobs than estimated for the proposed Project.

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<sup>7</sup> Urban Crossroads, Inc., Lafayette Street Logistics Facility VMT Analysis (November 2022).

As described above for Alternative B, the Town's capacity for new housing and demand for new jobs indicates that the generation of 1,172 jobs would have less than significant impacts on population growth. Under Alternative C, the generation of fewer jobs will have a lower, and still less than significant impact on the generation of unplanned population. The 874 jobs estimated to be generated by Alternative C would therefore have less than significant impacts to unplanned population growth in the Town of Apple Valley. Alternative C would have less impacts than the proposed Project.

#### **3.14.4 Mitigation Measures**

Neither Alternative A, B, or C would have significant adverse effects on population or housing in the Town of Apple Valley. No mitigation measures would be necessary.

#### **3.14.5 Environmental Superior Alternative**

None of the three alternatives would result in significant impacts to population or housing.

While Alternative A would have no impacts related to population growth, it also would generate no employment opportunities, which the Town's Housing Element suggests are in short supply. In addition, it would not support growth in employment or housing, predicted by SCAG for the Town, as described in Section 2.14.

Alternative C would generate marginally fewer jobs, and likewise would potentially result in less population growth. Alternative B would generate the same number of jobs, and would have the same potential to result in population growth, as the proposed Project. Both these alternatives would support growth anticipated by SCAG for the Town, although Alternative C to a lesser degree. Regardless, evidence stated above suggests that the Town has the capacity to accommodate the jobs and corresponding population potentially generated in either Alternative B or Alternative C, consistent with its anticipated population growth. Therefore, either Alternative B or C would support regional growth projections, and would be preferred to Alternative A.

### **3.15 Public Services**

#### **3.15.1 Introduction**

This section will analyze the potential impacts related to public services, including impacts to fire protection, police protection, and schools, resulting from the Project alternatives. The analysis will determine whether implementation of the project alternatives would affect the ability of service providers to maintain acceptable service or other performance objectives, resulting in the need for new or expanded facilities, staffing or other capabilities.

#### **3.15.2 Existing Conditions**

##### Fire Protection

The Apple Valley Fire Protection District (AVFPD) provides fire protection services to the Town of Apple Valley, Apple Valley SOI, and unincorporated areas of San Bernardino County. The Apple Valley Fire Protection District has 51 full time and 3 part time employees, 50 of which work at five stations in the service area. The five fully staffed stations offer firefighting and paramedic services. The AVFPD aims for a staffing ratio of 1 full time employee per 1,500 people and an estimated response time of 6 minutes. Given the District's estimated service area population of 90,000 residents,<sup>1</sup> it currently has a staffing ratio of approximately 1:1765.

The nearest fire station to the proposed Project is the Apple Valley Fire Center, located at 18809 Central Road, Apple Valley. The Fire Center, which is approximately 1.7 miles east of the Project site, is operated by the Bureau of Land Management (BLM). Through the mutual aid agreement between the AVFPD and BLM, this station would respond to an emergency on the subject property along with Station 332.

##### Police Protection

The San Bernardino County Sheriff's Department is contracted by the Town of Apple Valley to provide police protection services to the Town. The Apple Valley Police Department is located at 14931 Dale Evans Parkway and is comprised of the Administration Department, Traffic Division, and Detective Bureau. The Department consists of 51 sworn personnel and 13 general employees, and aims to respond to high priority calls within 3 to 7 minutes.

##### Schools

The Apple Valley Unified School District (AVUSD) operates a total of 15 public schools which service the population of the Town of Apple Valley. Sycamore Rocks Elementary and Phoenix Academy are the closest AVUSD schools to the Project site

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<sup>1</sup> Apple Valley Fire Protection District, About Us <https://avfpd.org/about-us/> (accessed December 2022).

### Parks and Recreation (see Section 3.16)

The discussion of alternatives relating to parks and recreation facilities is provided in Section 3.16 of this DEIR.

### Libraries

The public library in the Town is the Newton T. Bass Apple Valley Library, part of the San Bernardino County Library System. The 19,142 square foot facility is located off Dale Evan Parkways, adjacent to Town Hall. The library was first established in 1946, and, as of 2008, provides Apple Valley residents with access to over 20,000 hardcopy books.<sup>2</sup> It now also provides computer stations offering internet access and access to electronic resources such as the online library catalog, subscription databases, word processing, language learning, literacy, and a large collection of historic documents and photographs.<sup>3</sup>

### **3.15.3 Alternatives Impact Analysis**

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

- ***Fire Protection***
- ***Police Protection***
- ***Schools***
- ***Parks (see Section 3.16)***
- ***Other Public Facilities***

### **Alternative A – No project, no development**

Alternative A would maintain site conditions in their current state. It would not result in any land development, and would therefore not result in any additional area, structures, or residents needing fire protection. There would be no additional demand on fire protection services, and therefore no associated physical impacts related to the provision of new facilities. Alternative A would also put no addition demand on police protection facilities given that the subject property would remain vacant, and there would be no additional population or structures. Likewise, no additional demand would be created for schools, parks, libraries, or other public services, and no construction of new facilities would be required. Alternative A would have no impacts associated with public services.

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<sup>2</sup> Town of Apple Valley General Plan Environmental Impact Report (August 2009).

<sup>3</sup> San Bernardino County Library, Apple Valley Newton T. Bass Branch Library, <https://sbclib.org/library-locations/apple-valley-newton-t-bass-branch-library/> (accessed December 2022).

### **Alternative B – 100% high cube**

Alternative B proposes the development of a warehouse with the same building footprint as the Project, but with no cold storage. It would therefore generate approximately the same number of jobs, and as a result the same number of potential new residents, as the proposed Project, and would thus have the same potential impacts to public services.

*Fire Protection:* Like the proposed Project, Alternative B would add an additional structure to AVFPD's service area, as well as approximately 1,172 employees.<sup>4</sup> While the AVFPD is already exceeding its preferred staffing ratio of 1:1500, potential population growth associated with the jobs generated by Alternative B is not expected so meaningfully impact this ratio.

The development would also be required to integrate standard measures for fire safety and risk reduction, and site plans would need to be reviewed by the Community Risk Reduction Division of the AVFPD.

As discussed in greater detail in Section 2.15, the jobs generated by the proposed warehouse could draw new residents to the Town, though this increase would likely be marginal relative to demand on fire protection services. Alternative B would contribute directly to the tax revenues that make up the primary funding source for the AVFPD. Alternative B would still require payment of the development impact fee (DIF) for fire services of \$0.089 per square foot, or a total of \$107,471.40. Furthermore, any housing developed to accommodate new residents drawn to Apple Valley to work at the proposed Project would also contribute to tax revenues and would be required to pay the DIF for fire protection. Overall, any increase in demand on fire protection services resulting from Alternative B would likely be offset by the increased funding discussed above. Impacts would be less than significant.

*Police Protection:* Alternative B would have similar impacts related to police protection compared to the proposed Project. In the unlikely event that 100% of the jobs created by the Project are filled by new residents of the Town, then the officer-to-population ratio would increase from the current 1:1510 to 1:1600. Review of Project plans, payment of impact fees of \$0.001 per square foot towards law enforcement facilities, and contribution towards increases in municipal tax revenue would ensure the mitigation of any marginal increases in demand for police services generated by Alternative B. Impacts would be less than significant.

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<sup>4</sup> Urban Crossroads, Inc., Lafayette Street Logistics Facility VMT Analysis (November 2022).



*Schools and Other Public Services:* Like the proposed Project, Alternative B would not directly result in the development of new residential units. However, in the unlikely scenario that 100% of the 1,172 jobs created by Alternative B were to be filled by new residents of the Town, then approximately 470 students could be generated for the Apple Valley Unified School District (as shown in Table 2.15-2). In this worst-case scenario, new students related to the Project would represent approximately 10% of the new students that AVUSD expects by 2035.<sup>5</sup> Housing constructed to accommodate the new households would be required to pay the DIF school fees of \$4.79 per livable square foot.<sup>6</sup> Payment of this fee would help offset any impacts to school facilities related to Alternative B, ensuring that impacts would be less than significant.

*Parks:* The impacts of Alternative B on parks and recreation facilities are described in Section 3.16.6.

*Libraries:* The Newton T. Bass Apple Valley Library currently provides the Town with approximately 0.253 square feet of library space per capita, which is below the County's target of 0.5 to 0.6 square feet per capita. In the scenario that 100% of the jobs created by the Project were to be filled by new residents, then the Town would have a library allocation ratio of 0.249 square feet per capita, a marginal change from the current rate. Impacts would thus be less than significant.

*Conclusion:* Overall, while Alternative B could marginally increase demands on police, fire services, schools, and libraries, payment of development impact fees, and general contribution to municipal tax revenues would offset any potential impacts to public services. Impacts would be less than significant and consistent with those of the proposed Project.

### **Alternative C – 900,000 sq ft, 100% high cube**

Alternative C would result in similar impacts to Alternative B. However, given that the building footprint proposed in Alternative C is 25% smaller than that of Alternative B and the proposed Project, it can be assumed that Alternative C would also generate approximately 25% fewer jobs. Using the employment density factor of 1,030 square feet per employee for logistics land uses,<sup>7</sup> the 900,000 square foot warehouse proposed in Alternative C would generate approximately 874 jobs. This would be 298 fewer jobs than estimated for the proposed Project or Alternative B. Given that it would generate fewer jobs, and therefore would likely induce less population growth than Alternative B, Alternative C would have less significant impacts to fire protection, police protection, schools, and other public services.

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<sup>5</sup> Apple Valley Unified School District Residential Development School Fee Justification Study (2018), Table 6.

<sup>6</sup> Town of Apple Valley, Development Impact Fees <https://www.applevalley.org/services/building-and-safety/development-impact-fees> (accessed December 2022).

<sup>7</sup> Urban Crossroads, Inc., Lafayette Street Logistics Facility VMT Analysis (November 2022).

*Fire Protection:* Alternative C would add an additional 900,000 square foot structure to AVFPD's service area, as well as approximately 874 employees. While the AVFPD is already exceeding its preferred staffing ratio of 1:1500, potential population growth associated with the jobs generated by Alternative C is not expected so meaningfully impact this ratio.

As discussed in greater detail in Section 2.15, the jobs generated by the proposed warehouse could draw new residents to the Town, though this increase would likely be marginal relative to demand on fire protection services. Alternative C would contribute directly to the tax revenues that make up the primary funding source for the AVFPD. Alternative C would still require payment of the development impact fee (DIF) for fire services of \$0.089 per square foot, or a total of \$80,100. Furthermore, any housing developed to accommodate new residents drawn to Apple Valley to work at the proposed Project would also contribute to tax revenues and would be required to pay the DIF for fire protection. Overall, any increase in demand on fire protection services resulting from Alternative C would likely be offset by the increased funding discussed above. Impacts would be less than significant.

*Police Protection:* Alternative C would have similar impacts related to police protection. In the unlikely event that 100% of the jobs created by the Project are filled by new residents of the Town, then the officer-to-population ratio would increase marginally from the current ratio of 1:1510 to a ratio of 1:1526.<sup>8</sup> Review of Project plans, payment of impact fees of \$0.001 per square foot towards law enforcement facilities, and contribution towards increases in municipal tax revenue would ensure the mitigation of any marginal increases in demand for police services generated by Alternative C. Impacts would be less than significant.

*Schools and Other Public Services:* Like the proposed Project, Alternative C would not directly result in the developed of new residential units. However, in the unlikely scenario that 100% of the 874 jobs created by Alternative C were to be filled by new residents of the Town, then approximately 351 students could be generated for the Apple Valley Unified School District (as shown in **Table 3.15-1**). In this worst-case scenario, new students related to the Project would represent approximately 7.5% of the 4,676 new students that AVUSD expects by 2035.<sup>9</sup> Housing constructed to accommodate the new households would be required

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<sup>8</sup> Based on the Town's average of 1.14 jobs per household, the 874 new jobs could attract up to 767 new households to the Town. Based on an average household size of 2.89, according to the California Department of Finance E-5 Population and Housing Estimates, this could result in 2,217 new residents, or a total population of 77,845 residents in the Town of Apple Valley.

<sup>9</sup> Apple Valley Unified School District Residential Development School Fee Justification Study (2018), Table 6.

to pay the DIF school fees of \$4.79 per livable square foot.<sup>10</sup> Payment of this fee would help offset any impacts to school facilities related to Alternative C, ensuring that impacts would be less than significant.

**Table 3.15-1  
 AVUSD Student Generation Rate – Alternative C**

School Level	Single Family Detached Units <sup>1</sup>		Multi-Family Attached Units <sup>1</sup>		TOTAL Students Generated
	Student Generation Rate	Students per 589 Units	Student Generation Rate	Students per 178 Units	
Elementary School	0.2650	<b>156</b>	0.2120	<b>38</b>	<b>194</b>
Middle School	0.0770	<b>45</b>	0.0492	<b>9</b>	<b>54</b>
High School	0.1488	<b>88</b>	0.0845	<b>15</b>	<b>103</b>
Total	0.4908	<b>289</b>	0.3457	<b>62</b>	<b>351</b>

<sup>1</sup> Apple Valley Unified School District Residential Development School Fee Justification Study (2018).

*Parks:* The impacts of Alternative C on parks and recreation facilities are described in Section 3.16.

*Libraries:* The Newton T. Bass Apple Valley Library currently provides the Town with approximately 0.253 square feet of library space per capita, which is below the County’s target of 0.5 to 0.6 square feet per capita. In the scenario that 100% of the jobs created by the Alternative C were to be filled by new residents, then the Town would have a library allocation ratio of 0.246 square feet per capita, a marginal change from the current rate. Impacts would thus be less than significant.

*Conclusion:* Overall, while Alternative C could marginally increase demands on police, fire services, schools, and libraries, payment of development impact fees, and general contribution to municipal tax revenues would offset any potential impacts to public services. Impacts would be less than significant, and marginally lower than either the proposed Project or Alternative B.

### 3.15.4 Mitigation Measures

No mitigation measures are necessary because the impacts of Project alternatives are less than significant.

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<sup>10</sup> Town of Apple Valley, Development Impact Fees <https://www.applevalley.org/services/building-and-safety/development-impact-fees> (accessed December 2022).

### **3.15.5 Environmental Superior Alternative**

None of the alternatives would have a significant impact on the environment associated with the construction of new, or the expansion of existing facilities for public services. As a result it is the environmentally superior alternative.

Alternative A would put no additional demand on fire, police, school, or library services and facilities, but would also not achieve the Project objectives.

Alternatives B and C would have similar impacts and would achieve most of the Project objectives. However, it is expected that the reduced building footprint proposed under Alternative C would result in the generation of approximately 25% fewer jobs, and therefore potentially less population growth as a result. It is thus expected that Alternative C would have marginally less impacts to public services than Alternative B.

### **3.16 Recreational Resources**

#### **3.16.1 Introduction**

The following section analyses the potential impacts to parks and recreational resources associated with the Project alternatives.

#### **3.16.2 Existing Conditions**

As of 2013, Apple Valley's parks level of service was 4.6 acres per 1,000 residents, which is comparable to its benchmark communities such as Lancaster, Temecula, and Hesperia.<sup>1</sup> Based on an estimated current population of 75,628 and approximately 370 acres of park and recreation space, the Town's 2022 parks level of service would be 4.9 acres per 1,000 residents.

In planning the Town's future park land needs, the Apple Valley Parks and Recreation Master Plan proposes a new standard of 4.5 acres of park land per 1,000 residents. Table 2.16-1 in Section 2.16 shows the Town's park land needs for meeting the proposed level of service (LOS) of 4.5 acres per capita based on a 2029 population estimate of 116,041 residents.

The Project is situated in the planning area for the North Apple Valley Industrial Specific Plan. Most of the parks and recreation resources in the Town are concentrated south of the industrial area, in proximity to areas with more residential land uses.

#### **3.16.3 Alternatives Impact Analysis**

- a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.***
  
- b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.***

#### **Alternative A – No project, no development**

Alternative A proposes no development. It would thus not result in any increases in use of existing neighborhood or regional parks, nor would it require the construction or expansion of recreational facilities. However, given that the Town's current parks level of service is below the target LOS provided in the

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<sup>1</sup> Apple Valley Parks and Recreation Master Plan, p.15.

General Plan,<sup>2</sup> the construction or expansion of recreational facilities is likely to occur in the foreseeable future regardless. Alternative A would have no direct impacts on parks or recreational facilities.

### **Alternative B – 100% high cube**

Alternative B proposes a development of the same size as the Project, but with 100% high cube storage in the warehouse instead of a mix of high cube and cold storage. Both Alternative B and the Project would generate approximately 1,172 new jobs. The 100% high cube alternative would thus have the same potential impacts to parks and recreational facilities as described for the Project in Section 2.16. To summarize, in a worst-case scenario, Alternative B could result in a parks level of service (LOS) of 4.7 acres per 1,000 residents. This is a higher level of service than the standard of 4.5 acres per thousand residents proposed in the Parks Master Plan, but lower than the General Plan target of 5 acres per thousand. Impacts related to this marginal change in LOS would be partially offset by payment of the Quimby Fee and Park Development Impact Fee. The two fees, each \$12,075.44 for the proposed 1,207,544 square foot development, would help fund the acquisition of land for new parks, and the maintenance of existing parks, respectively. Any residential development built to accommodate new residents drawn to the jobs created by the Project would also be required to pay \$3,521.81 towards both the Quimby Fee and the Park Development Impact Fee for detached dwelling units, or \$2,870.01 per fee for attached dwelling units.

In conclusion, and as described in greater detail in Section 2.16, Alternative B would not contribute significantly to the deterioration of existing park facilities, nor would it create significantly more need for new or expanded recreational facilities. Any impacts associated with Alternative B would be offset by payment of the Quimby Fee and Park Development Fee. Impacts would thus be less than significant, and equivalent to those associated with either the Project or Alternative C.

### **Alternative C – 900,000 square foot development, 100% high cube**

Alternative C proposes a reduced building footprint of 900,000 square feet instead of the 1,207,544 square feet proposed by the Project. The smaller facilities would likely require fewer employees. Based on a worst-case scenario in which all jobs generated by the Project are filled by new residents, Alternative C would induce marginally less growth to Apple Valley and thus would have reduced impacts on the Town's parks and recreational facilities.

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<sup>2</sup> Based on an estimated current population of 75,628 and approximately 370 acres of park and recreation space, the Town's 2022 parks level of service would be 4.9 acres per 1,000 residents.

Specifically, the 900,00 square foot alternative would create 874 new jobs. Based on the Town's average of 1.14 jobs per household, the 874 new jobs could attract up to 767 new households to the Town. This could result in a total of 2,217 new residents,<sup>3</sup> or a total population of 77,845 residents in the Town of Apple Valley. This population increase of approximately 3% from the Town's current population would result in a parks level of service (LOS) of 4.8 acres per 1,000 residents.<sup>4</sup> This parks LOS is higher than the standard of 4.5 acres per thousand residents proposed in the Parks Master Plan but remains below the current LOS of 4.9 acres per 1,000,<sup>5</sup> and below the target set in the Town's General Plan of 5 acres of park space per thousand residents. The LOS of 4.8 potentially resulting from Alternative C is marginally better than the LOS of 4.7 per thousand residents potentially resulting from the proposed Project or Alternative B.

Like the Project, Alternative C would help offset potential impacts to parks and recreational facilities by paying the required Quimby Fee and Parks Development Impact Fee. Based on the \$0.01 per square foot rate of both fees, Alternative C would be required to pay \$9,000 into each fee. Any residential development built to accommodate new residents drawn to the jobs created by the Project would also be required to pay \$3,521.81 towards both the Quimby Fee and the Park Development Impact Fee for detached dwelling units, or \$2,870.01 per fee for attached dwelling units. Funds paid into the Parks Development Impact Fee can be used by the Town for renovation and maintenance of existing facilities, while the Quimby Fee is dedicated exclusively to the acquisition of new land for parks. While the conversion of land into new parks could have adverse impacts to the environment, neither the Project's impacts to the level of service, nor its contributions to the Quimby Fee, would be significant enough to directly result in a new facility. Physical impacts resulting from the development of new parks or recreational facilities would need to be evaluated on a project-by-project basis.

Overall, Alternative C would not have significant impacts to the Town's parks level of service. Also, it would contribute to increases in tax revenues to help offset the slight increase in demand on parks and recreational facilities potentially occurring because of the jobs created. Given that payment into the required fees would help offset the impacts, it can be concluded that potential impacts of Alternative C on the deterioration of parks and recreation facilities or development of new facilities would be less than significant, and equivalent to those associated with either the Project or Alternative B.

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<sup>3</sup> Based on an average household size of 2.89, according to the California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State, January 1, 2022.

<sup>4</sup> Based on 370 acres of park land according to the Town's Parks and Recreation Master Plan (2013), and based on a current population of 75,628 according to the California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State, January 1, 2022.

<sup>5</sup> Based on an estimated current population of 75,628 and approximately 370 acres of park and recreation space.

### **3.16.4 Mitigation Measures**

Alternative A, B, and C all have less than significant impacts. No mitigation will be required.

### **3.16.5 Environmental Superior Alternative**

None of the proposed alternatives are expected to have significant environmental impacts. Both Alternative B and Alternative C have the potential to increase the Town's population, thereby lowering the parks level of service by a small margin. However, given that the Town's current level of service, based on a population of 75,628 residents and 370 acres of park space, is below the target standard of 5 acres per 1,000 residents as stated in the General Plan, it is likely that expansion of existing parks and recreation facilities, as well as construction of new parks and recreation facilities, is already needed and thus likely to occur in the future. Alternative A would not result in any new development, and therefore have no employees or residents requiring parks or recreation facilities. Inasmuch as Alternative A would not increase demand, it is the environmentally superior alternative.



## **3.17 Transportation and Traffic**

### **3.17.1 Introduction**

This section of the EIR analyzes the potential impacts associated with alternatives to the proposed Project based on regional and local transportation conditions. It briefly describes existing conditions of the local transportation network and traffic volumes in the planning area and analyzes the potential impacts of the Project alternatives on the surrounding transportation system and future long-term traffic conditions. The following analysis qualitatively evaluates how alternative modes of transportation, such as bike lanes, public transit, and multi-modal facilities will affect local levels of service and vehicle miles traveled.

### **3.17.2 Existing Conditions**

As discussed in greater detail in Section 2.17, the subject property is located in the northern portion of the 6,221-acre North Apple Valley Industrial Specific Plan planning area in the north portion of the Town. The environmental setting includes the partially built Dale Evans Parkway that provides primary connectivity between the Project area and the more urban portions of the community to the south. Dale Evans Parkway also extends north to a full interchange with I-15 approximately 3.5 miles to the north. Principal east-west connectivity is provided north of the Project site by Johnson Road, Quarry Road and Stoddard Wells Road. Stoddard Wells Road also has a full interchange with I-15 approximately 2.9 miles to the west. The subject property is also located 4,000 feet northwest of the nearest runway of the Apple Valley Airport.

Baseline conditions in the vicinity of the Project site reflect those of 2022 and are summarized in Section 2.17.5. A total of 20 intersections at and in the general vicinity of the subject property were analysed, including I-15 interchange ramps at Stoddard Wells Road (see Table 2.17-2). Ten of the twenty intersections analysed currently exist; the other 10 are future facilities. As noted in Table 2.17-4, most existing intersections are operating and Level of Service (LOS) A during peak hour periods, while three operate at LOS B and two operate at LOS C during the PM peak hour.

#### Transit Service

The Project site and vicinity are currently served by Victor Valley Transit Authority (VVTA), a public transit agency serving various jurisdictions within the region. The VVTA operates 16 regional bus routes, 4 of which operate within the Town: VVTA Route 40 (Apple Valley North), Route 41 (Apple Valley/Victorville), Route 42 (Victor Valley College/Training Center), and Route 43 (Apple Valley/Victor Valley College).

Based on a review of the existing transit routes within the vicinity of the subject property, Route 42 currently runs along Dale Evans Parkway, Johnson Road, and Corwin Road. The terminus is located at Victor Valley College Regional Training Center on Navajo Road south of Johnson Road.

#### Apple Valley Airport (APV)<sup>1</sup>

As noted, the subject property is located about 4,000 feet northwest of the nearest runway of the Apple Valley Airport, which is owned by the County of San Bernardino. It is a public airport without an air traffic control tower but with approach/departure radar service. The airport was built in 1970 and has two runways: (1) 18/36: 6,498 x 150 ft (1,981 x 46 m), and (2) 8/26: 4,099 x 60 ft (1,249 x 18 m), both paved with asphalt. In 2022, there were 115 aircraft based at APV of which 108 are single-engine airplanes, as well as five multi-engine aircraft and two helicopters. There are an average of 103 operations (takeoffs and landings) per day.<sup>2</sup>

### **3.17.3 Alternatives Impact Analysis**

#### ***a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.***

##### **Alternative A – No project, no development**

Alternative A would result in no development of the subject property. Therefore, there would be no conflict with any program, plan ordinance or policy addressing. There would be no impact.

##### **Alternative B – 100% high cube**

The Alternative B project would be designed and developed in essentially the same manner as the proposed Project and would generate essentially the same type and volume of traffic. It would comply with the San Bernardino County Congestion Management Plan (CMP), which establishes LOS E as the minimum LOS standard for CMP designated roadways.

The Alternative B traffic conditions for Opening Year (2024) and Horizon Year (2040) With Project scenario would essentially be the same as those associated with the proposed Project. The analysis also indicates that improvements funded through regional transportation mitigation fee programs can accommodate the long-range cumulative traffic associated with Alternative B at the target LOS identified in the Apple Valley General Plan for opening year (2024) and the 2040 buildout horizon. See **Table 3.17-1** & **Table 3.17-2**, below.

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<sup>1</sup> Aeronautical Information Services, Federal Aviation Administration, effective date 11.1.22.

<sup>2</sup> FAA Airport Information, effective 11.3.22, Airnav.com. Access 11.18.22.  
<http://www.airnav.com/airport/KAPV>

As shown on the tables below, Alternative B is expected to generate a total of 2,555 actual vehicle trip-ends per day with 147 AM peak hour trips and 198 PM peak hour trips. This alternative is anticipated to generate a total of 4,091 PCE trip-ends per day with 234 AM peak PCE trips and 318 PM peak PCE trips.

**Table 3.17-1  
 Trip Generation Rates**

Land Use	ITE LU Code	Quantity	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
High-Cube Warehouse <sup>3</sup>	-	1,200,000 TSF	0.150	0.045	0.195	0.075	0.190	0.265	3.409
		Passenger Cars	0.066	0.020	0.086	0.033	0.082	0.115	1.489
		2 to 4-Axle+ Trucks (PCE = 3.0)	0.084	0.025	0.109	0.042	0.108	0.150	1.920

**Table 3.17-2  
 Alternative B Project Trip Generation Results (PCE)**

Land Use	ITE LU Code	Quantity	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
High-Cube Warehouse	-	1,200,000 TSF							
- Passenger Cars			79	24	103	39	99	138	1,787
- Truck Trips (PCE = 3.0)			101	30	131	50	130	180	2,304
ALTERNATIVE B PROJECT TOTAL EXTERNAL TRIPS (PCE) <sup>4</sup>			180	54	234	89	229	318	4,091

Although the Alternative B trip generation is slightly increased from the proposed Project (4,091 PCE), the magnitude of change in peak hour activity (less than 10 percent trip increase in the AM peak hour and less than 20 percent trip increase in the PM peak hour) is not anticipated to cause a worsening in LOS at study area intersections. The same improvements required in Mitigation Measures TRF-1 through TRF-19 would be required to assure that impacts to intersections would be reduced to less than significant levels, because impacts on those intersections would be equivalent.

**Alternative C – 900,000 square foot development, 100% high cube**

The Alternative C project would be designed and developed in a manner similar to the proposed Project and would generate essentially the same type but a reduced volume of traffic. It would comply with the San Bernardino County Congestion Management Plan (CMP), which establishes LOS E as the minimum LOS standard for CMP designated roadways.

Alternative C would generate 1,916 actual trips, and 3,068 PCE trips per day, a reduction of 25% when compared to Alternative B. The Alternative C traffic impacts for Opening Year (2024) and Horizon Year (2040) With Project scenario would be comparable to but less than those associated with the proposed

Project. As with the proposed Project and Alternative B, improvements funded through regional transportation mitigation fee programs can accommodate the long-range cumulative traffic associated with Alternative C at the target LOS identified in the Apple Valley General Plan for opening year (2024) and the 2040 buildout horizon. **Table 3.17-3** provides the PCE trips for Alternative C, using the same trip generation rates as **Table 3.17-1**, but applying the reduced building size.

**Table 3.17-3  
 Alternative C Project Trip Generation Results (PCE)**

Land Use	ITE LU Code	Quantity	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
High-Cube Warehouse	-	900,000 TSF							
- Passenger Cars			59	18	77	29	74	103	1,340
- Truck Trips (Actual)			76	23	99	38	97	135	1,728
<b>ALTERNATIVE C PROJECT TOTAL TRIPS (PCE)</b>			<b>135</b>	<b>41</b>	<b>176</b>	<b>67</b>	<b>171</b>	<b>238</b>	<b>3,068</b>

As seen from a comparison of trip generation, Alternative C reduces trip generation in comparison to the proposed Project and Alternative B. The magnitude of change in peak hour activity (53 percent trip decrease in the AM peak hour and 63 percent trip decrease in the PM peak hour) potentially improves peak hour LOS for future cumulative “With Project” alternative scenarios. With a 25% to 30% reduction in peak hour activity, combined with a reduction in the building footprint, more flexibility would be available in site access driveway locations and on-site parking circulation.

Regarding off-site improvements, the Alternative C would result in decreased fair share participation in cumulative off-site improvements needed without or with the alternative, but the required improvements would still be required. Adjacent roadway half-section improvements would remain the same. Therefore, impacts associated with Alternative C would be less than significant, with the implementation of Mitigation Measures TRF-1 through TRF-19.

**b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b).**

As discussed in greater detail in Section 2.17.6, CEQA Guidelines Section 15064.3 states that “generally, vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts. For the purposes of this section, ‘vehicle miles traveled’ refers to the amount and distance of vehicle travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel.” According to CEQA Guidelines Section 15064.3(b)(1), for land use projects “vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact.”

The Town VMT threshold, as discussed in Section 2.17, is 26.41 VMT per service population and any net increase in overall Town VMTs per service population is considered a significant impacts.

**Alternative A – No project, no development**

Alternative A would result in no development of the subject property. Therefore, there would be no conflict with required vehicle miles traveled (VMT analysis and thresholds as set forth in CEQA Guidelines Section 15064.3(b). There would be no impact.

**Alternative B – 100% high cube**

Alternative B would generate the same level of employment and associated service population as the proposed Project. As shown in **Table 3.17-4**, below, VMT impacts for the Alternative B scenario would essentially be the same as those associated with the proposed Project, because of the similarity in employment and population expected.

**Table 3.17-4  
Alternative B VMT per Service Population**

	<b>Baseline</b>	<b>Cumulative</b>
Project-generated VMT	45,372	64,590
Service Population	1,172	1,172
VMT per Service Population	39.72	56.77
Town VMT per SP Threshold	26.41	26.41
Potentially Significant?	Yes	Yes

As with the proposed Project, Alternative B would also affect (increase) the Town-wide VMT per Service Population threshold. Alternative B would result in a net increase in Project-generated VMT per service population and, as with the proposed Project, Alternative B would also exceed the threshold, even with mitigation, minimization and avoidance strategies referenced below and discussed in greater detail in Section 2.17, and impacts would be significant and unmitigable. Impacts would be the same as the proposed Project.

**Table 3.17-5  
 Alternative B Project Town-Wide VMT per Service Population**

	Baseline		Cumulative	
	Without Project	With Alt. B Project	Without Project	With Alt. B Project
Service Population (SP)	91,113	92,285	126,806	127,978
VMT	765,426	778,183	1,206,225	1,226,067
VMT per SP	8.40	8.43	9.51	9.58
Change in VMT per SP	0.03		0.07	
Potentially Significant?	Yes		Yes	

Source: Lafayette Street Logistics Facility VMT Analysis, prepared by Urban Crossroads, Inc. November 15, 2022. Tables 3 & 4.

**Alternative C – 900,000 square foot development, 100% high cube**

The Alternative C scenario results in a 25± percent reduction in warehouse space and a project service population of about 874 or 25 percent less than calculated for the proposed Project and Alternative B. Alternative C would generate approximately 34,029 VMT per day or 38.93 VMT per project service population per day. Based upon this service population, Alternative C would change the baseline Town-wide VMT per service population and would continue to exceed the Town’s VMT per service population threshold of 26.41 VMT. Alternative C would also exceed the threshold, even with mitigation, minimization and avoidance strategies referenced below and discussed in greater detail in Section 2.17, and impacts would be significant and unmitigable. Impacts would be less than the proposed Project but would nonetheless be significant.

- c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).**

**Alternative A – No project, no development**

Alternative A would result in no development of the subject property. Therefore, there would be no hazardous design features or incompatible uses. However, there would also be no improvements to area roadways to assist in the regional traffic flow. There would be no impact.

**Alternative B – 100% high cube**

**Alternative C – 900,000 square foot development, 100% high cube**

As with the proposed Project, the traffic analysis identified potential design hazards that would also be associated with Alternatives B and C. Specifically, the typical wide turning radius of large trucks will require a greater radius at driveway intersections that will be used by large trucks. Consistent with the analysis in Section 2.17, the curb radius for truck entry drives should be increased to 50 feet to accommodate the ingress and egress of heavy trucks. Since both Alternative

B and C propose the same land use, a distribution warehouse, the need for wider turning radii would apply to both alternatives. This modification is provided in Section 2.17 Mitigation Measure TRF-1, to assure that the correct driveway design is implemented correctly and would be required for Alternatives B and C as well.

No other hazards, design inadequacies or use/traffic incompatibilities have been identified, but the traffic analysis did make several assumptions regarding site design that if not implemented, would result in inadequate design. As with Mitigation Measure TRF-1, these are provided as mitigation measures in Section 2.17.7, to assure that the assumptions remain in the Project site plan and are implemented in construction. These are shown as Traffic Control Mitigation Measures TRF-2 through TRF-19. With implementation of the mitigation measures, there will be no significant increase in hazards from implementation of the Project, and impacts will be reduced to less than significant levels. Impacts under both Alternative B and Alternative C would be the same as the proposed Project.

**d) Result in inadequate emergency access.**

**Alternative A – No project, no development**

Alternative A would result in no development of the subject property. Therefore, there would be no impact to emergency access.

**Alternative B – 100% high cube**

**Alternative C – 900,000 square foot development, 100% high cube**

Implementation of Alternatives B or C would not incorporate any physical changes or impacts to the local or regional roadway network that would result in inadequate emergency access. Alternatives B and C would continue a pattern of industrial park development consistent with the NAVISP and will take optimum travel routes to the regional roadway network. In addition to substantial roadway expansions, both alternatives will also facilitate new and expanded sidewalks, landscape treatments, signage, and enhanced road graphics. In addition to being bounded by streets, Alternatives B and C would provide several points of access used by emergency responders to access the site and building.

As required, the Town Fire and Police Departments and other appropriate agencies are expected to review site-specific traffic control plans and inspect the new development to assure adequate emergency access is provided including, but not limited to, adequate vehicular access and turn-around spaces, fire lanes, signage, secondary access points, and access to gated and locked entrances. Planned driveways and segregation of traffic by type, and future bus turnouts will enhance overall roadway efficiency and safety and result in net positive benefits for emergency access. Impacts to emergency access would be less than significant and consistent with the proposed Project, and no mitigation is required.

### **3.17.4 Mitigation Measures**

#### **VMT Mitigation Measures**

Mitigation measures were proposed in the analysis to reduce the VMT impacts of the Project, (Mitigation Measures VMT-1 through VMT-5). However, because the benefits of the implementation of these measures cannot be quantified, all of the build alternatives will conflict with CEQA Guidelines Section 15064.3(b). The VMT analysis finds that the proposed Project and Alternatives B and C will result in a potentially significant VMT impact for project-generated VMT per service population and for project effects on VMT as compared to the Town's adopted impact threshold.

As it relates to policies in the General Plan, in order to provide an acceptable level of service, both Alternatives B and C require mitigation measures TRF-1 through TRF-19 in order to reduce LOS impacts to less than significant levels, consistent with the proposed Project.

### **3.17.5 Environmental Superior Alternative**

Alternative A (would be the environmentally superior alternative because it would result in no changes to the roadway network, would generate no traffic and would have no impact on VMT. Alternative C is arguably superior to Alternative B and the proposed Project because it would reduce trips but is still expected to exceed Town VMT thresholds. Nonetheless, whether for the proposed Project or one of the alternatives, impacts associated with VMT are considered significant and unmitigable, and impacts associated with General Plan policies can be mitigated to less than significant levels.



### **3.18 Tribal Cultural Resources**

#### **3.18.1 Introduction**

This section evaluates the potential for project alternatives to result in adverse impacts to Native American tribal cultural resources. Tribal cultural resources are also discussed in Section 2.18 of this DEIR. This section is based on a variety of information and research, including the Town's tribal consultation for this Project under AB 52, literature searches, cultural resource surveys and reports within and in proximity to the Project planning area, as well as the Town General Plan and other Town resource documents.

#### **3.18.2 Existing Conditions**

Existing conditions with regard to Tribal and other cultural resources are discussed at length in Sections 2.6 and 2.18 of this EIR and are summarized below. Much of the Project area retains its natural character with expanses of undeveloped land. The terrain in the Project area is relatively level, gentle upward slope toward Bell Mountain to the southwest, and interrupted by an arroyo running roughly perpendicular to the general slope. The surface soil consists of quaternary alluvial fan sediments of well-sorted, angular, coarse-grained sand, gravels, and cobbles of quartz and sandstone. Project site vegetation includes creosote, stick cholla, black sage, and saltbrush, and other small desert shrubs and grasses. No natural water sources or ethnobotanically important vegetation was identified in the area.

The Project area remained unsettled and essentially undeveloped throughout the historic period. In the 1850s, when the U.S. government conducted the first systematic land survey in the Victor Valley, no human-made features of any kind were noted in or near the Project area.

#### AB 52 Consultation

As required by State law, the Town conducted tribal consultation for the Project. Under AB 52, the Town consults with those tribes that have requested to be contacted for consultation. The Town has four such requests on file from the Cabazon Band of Mission Indians, the Cahuilla Band of Indians, the San Manuel Band of Mission Indians, and the Twenty-nine Palms Band of Mission Indians. Consultation requests were sent to all four tribes on January 18, 2023, along with a copy of the Project cultural resources report.

### 3.18.3 Alternatives Impact Analysis

- a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**
- i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or**
  - ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code 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.**

#### **Alternative A – No project, no development**

Under Alternative A, there would be no site disturbance or development and the site would remain in its current vacant condition. Therefore, Alternative A would not result in any adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074.

#### **Alternative B – 100% high cube**

Development of the Alternative B scenario would result in impacts essentially the same as those associated with the proposed Project. Five previously unrecorded cultural resources were identified within the Project area, including one prehistoric isolate, and were recorded into the California Historical Resources Inventory, the one resource of potential tribal cultural significance, a small white-and-grey chert core exhibiting two flake scars and one microflake scar. This isolate does not meet the guideline set forth by the California Office of Historic Preservation due to the lack of contextual integrity and is not considered a potential archaeological or “historical resource”. Therefore, development of the Alternative B scenario would not result in a substantial adverse change in the significance of a tribal cultural resource or a resource the Town considers significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1(k). Impacts will be less than significant.

#### AB 52 Consultation

As described above, the Town requested tribal consultation from its four requesting tribes, and provided the tribes with 30 days in which to respond. At the close of that time period, which ended on February 18, 2023, no comments had been received from any Native American tribe.

### **Alternative C – 900,000 square foot development, 100% high cube**

Although the extent of site disturbance and development may be modestly less than that associated with the proposed Project, development of the Alternative C scenario would result in impacts comparable to those associated with Alternative B and the proposed Project. Therefore, development of the Alternative C scenario would not result in a substantial adverse change in the significance of a tribal cultural resource or a resource the Town considers significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1(k). Impacts would be less than significant.

#### AB 52 Consultation

As described above, the Town requested tribal consultation from its four requesting tribes, and provided the tribes with 30 days in which to respond. At the close of that time period, which ended on February 18, 2023, no comments had been received from any Native American tribe.

### **3.18.4 Mitigation Measures**

As discussed above and as set forth in the Project cultural resources study, none of the project alternatives nor the proposed Project will adversely affect tribal cultural resources and no specific mitigation is required for any of the alternatives. Nonetheless, the mitigation measure set forth in Section 2.6 of this EIR will further ensure that impacts to tribal remains are less than significant, should they be identified during construction activities. This mitigation measure would apply to Alternatives B and C as well, and would reduce impacts to less than significant levels.

### **3.18.5 Environmental Superior Alternative**

Although the potential for site development to adversely impact Tribal cultural resources is low, Alternative A can be considered the environmentally superior alternative compared to the other two build alternatives, and the proposed Project. Nonetheless, none of the project alternatives will result in substantial adverse impacts to Tribal cultural resources.

### **3.19 Utilities and Service Systems**

#### **3.19.1 Introduction**

The following section analyses the potential impacts to utilities and service systems associated with the Project alternatives.

#### **3.19.2 Existing Conditions**

##### Domestic Water

The Town does not receive its domestic water supply from a single source; a total of 13 public and private company's provide service to different areas of the Town. Liberty Utilities, the Town's largest water provider, provides service to the proposed Project site.

The Mojave Water Agency (MWA) is Watermaster of the adjudicated Mojave Basin in which the Project is located. The MWA provides water supplies to urban retail water purveyors, including Liberty Utilities – Apple Valley. In 2020, Liberty's system-wide water supply/demand totaled 14,979 acre-feet for 20,957 connections.<sup>1</sup> The system serves approximately 50 square miles that encompasses approximately 81% of the Town's corporate limits and portions of the surrounding area through a network of 475 miles of underground pipe.

In 2020, the Liberty - Apple Valley system obtained 100% of its source water from 18 deep wells located throughout the service area. These wells draw water from the deep Alto sub-unit of the Mojave ground water basin, which is recharged from snowmelt from the San Bernardino Mountains to the south and the Mojave River to the west. MWA also imports water from the California State Water Project to spread in the Mojave River to help recharge the groundwater.

##### Wastewater Service

The Town's Department of Public Works Wastewater Division operates and maintains approximately 140 miles of collector sewer, trunk lines and interceptors, as well as nine sewer lift (pump) stations. The Town is a member of the Victor Valley Wastewater Reclamation Authority (VWRA), a joint power agency. VWRA operates a regional interceptor sewer system and treatment plants.

The Town's sewer system conveys wastewater to the Regional Wastewater Reclamation Facility (RWWRF) operated by VWRA in Victorville. The plant currently treats approximately 10.7 million gallons per day (mgd) and has a design

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<sup>1</sup> Liberty Utilities – Apple Valley 2020 Urban Water Management Plan Final Draft, June 2021.

capacity of 18 mgd, with planned future expansions.<sup>2</sup> In addition, the Apple Valley Subregional Water Recycling facility located at Brewster Park was completed in 2018. It can produce one million gallons per day of recycled water, which is used to irrigate Brewster Park and the Civic Center Park. The facility only treats wastewater and returns solid waste to the sewer line where it continues to the RWWRF in Victorville for treatment.

The nearest sewer line to the Project site is at the intersection of Navajo Road and Lafayette Street, approximately 0.5 miles to the east of the Project site. The Project proposes the use of on-site holding tanks and the construction of a force main to tie into the municipal sewage collection system at Navajo Road.

### Electricity

Southern California Edison (SCE) provides electricity to the Town of Apple Valley. Southern California Edison's (SCE) energy sources include nuclear, natural gas, geothermal, biomass, wind, solar, and hydroelectricity. According to the Town of Apple Valley Climate Action Plan 2019 Update, Town-wide electricity demand in Apple Valley in 2019 was 329,848,695 kilowatt-hours (KWh). This includes electricity consumed by municipal buildings, residential, commercial, agricultural, and industrial land uses, as well as streetlights and traffic signals.<sup>3</sup>

### Natural Gas

Southwest Gas Corporation (SWG) provides Natural Gas services to the Town of Apple Valley through a series of pipelines of various sizes and pressure capacities. SWG provides natural gas service to more than 2 million customers in Arizona, Nevada, and portions of California. SWG has a network of high-pressure natural gas corridors, and the nearest of which is immediately north of the Walmart warehouse facility, approximately 2,600 ft north of the Project site. The gas line runs along Johnson Road from Dachshund Avenue to Dale Evans Parkway, then runs north up Dale Evans Parkway.<sup>4</sup> The Project would require an extension of the existing natural gas line in the Dale Evans Parkway right of way, extending approximately 2,600 feet from the subject site to the intersection of Dale Evans and Johnson Road.

According to the Town of Apple Valley Climate Action Plan 2019 Update, Town-wide natural gas demand in Apple Valley in 2019 was 15,526,732 therms. This includes natural gas consumed by municipal buildings, residential, commercial, agricultural, and industrial land uses, as well as power plants.<sup>5</sup>

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<sup>2</sup> Final Interceptor Risk Analysis, prepared for: Victor Valley Water Reclamation Authority, June 2021.

<sup>3</sup> Town of Apple Valley Climate Action Plan 2019 Update, adopted May 2021.

<sup>4</sup> Town of Apple Valley, North Apple Valley Industrial Specific Plan (2006), p.IV-23.

<sup>5</sup> Town of Apple Valley Climate Action Plan 2019 Update, adopted May 2021.

### Solid Waste Management

The Town contracts with Burrtec Waste Industries for solid waste collection and disposal services. Burrtec's waste disposal service in Apple Valley collects non-hazardous solid waste and hauls it to the Victorville Landfill, located at 18600 Stoddard Wells Road. The landfill is operated by San Bernardino County. With 341 disposal acres out of 491 total acres, Victorville Landfill is permitted to receive up to 3,000 tons daily.<sup>6</sup> Its remaining capacity is estimated at 79,400,000 cubic yards,<sup>7</sup> and the estimated closing date is October 2047.<sup>8</sup>

### Telecommunications

Frontier and Charter Communications provide the Town of Apple Valley with telephone, internet, cable television, and other telecommunication services. An existing fiber optic line runs along the Dale Evans Parkway right of way.

### **3.19.3 Alternatives Impact Analysis**

- a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. (see Section 2.10 addressing stormwater)***
- 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.***

### **Alternative A – No project, no development**

Alternative A proposes no project. The subject property would remain vacant and undeveloped.

*Domestic Water Supply:* Alternative A would not require water for construction or operation. Therefore, there would be no water demand, and no relocation or construction of new or expanded water facilities would be required. There would be no impacts.

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<sup>6</sup> <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1870?siteID=2652>, accessed October 15, 2021.

<sup>7</sup> Ibid.

<sup>8</sup> County of San Bernardino Solid Waste Facility Permit, Facility Number 36-AA-0045, issued June 2, 2010.

*Wastewater Services:* Alternative A would not generate any wastewater. Conditions would remain in their current state and no new impacts would occur.

*Stormwater Drainage:* Alternative A would not alter the current stormwater drainage conditions. Off-site runoff from the north, west and northwest would continue to be intercepted by Dale Evans Parkway and Lafayette Street, and would be conveyed to the low point on Lafayette. On-site runoff would continue to flow south towards the property line. Conditions would remain the same and no impacts would occur as a result of Alternative A.

*Electricity and Natural Gas:* Alternative A would not consume any electric power or natural gas. It would thus not require the relocation or construction of new or expanded facilities. There would be no impacts.

*Telecommunications:* Alternative A would not require access to the existing telecommunications services. There would be no impacts.

**Alternative B – 100% high cube**

Alternative B proposes the development of 78 acres of land to include a 1,207,544 square foot warehouse and 828,493 square feet of parking, drives and drainage facilities. The warehouse space would be comprised of high cube space and offices; there would be no cold storage. Alternative B is anticipated to have the same impacts to water, wastewater treatment, stormwater drainage, and telecommunications facilities as the proposed Project. As a result of replacing the refrigerated warehouse component of the Project with high cube storage, Alternative B is anticipated to consume less electricity and natural gas.

*Domestic Water Supply:*

Domestic water is provided to the Project site by Liberty Utilities – Apple Valley. Alternative B would generate the same demand for domestic water as calculated in the Water Supply Assessment prepared for the Project and approved by Liberty. As shown in **Table 3.19-1**, the total conservatively estimated water demand would be 65.42 acre-feet per year.

**Table 3.19-1  
 Alternative B – Water Demand**

<b>Planning Area</b>	<b>Land Area (square feet)</b>	<b>Indoor Commercial and Industrial Demand (AFY)</b>	<b>Outdoor Irrigation Demand (AFY)</b>	<b>Total Water Demand (AFY)</b>
Office	60,377	6.49	--	6.49
Warehouse	1,147,167	11.97	--	11.97
Project Wide	828,493	--	46.96	46.96
TOTAL	--	18.46	46.96	65.42

Source: "Water Supply Assessment for the Development at Lafayette Street and Dale Evans Parkway" prepared by Terra Nova Planning and Research (November 2022).

Liberty Utilities' projected water deliveries for 2025 is 15,846 AF.<sup>9</sup> The water demand estimated for Alternative B would account for 0.41% of Liberty Utilities' total projected water delivery for that year. Analysis of the water provider's projected water supplies and demand for normal, single-dry, and multiple dry years indicate that Liberty Utilities would be able to meet demand under those conditions for the next 25 years.<sup>10</sup> Given the small increment of Liberty Utilities' projected water delivery for 2025 that would be used by all of the alternative development scenarios analyzed, it appears that adequate water supplies would be available to serve Alternative B. As such, it is also not anticipated that the Alternative B would require the relocation or construction of new or expanded water facilities. Impacts would thus be less than significant.

#### *Wastewater Services:*

As with the proposed Project, the Alternative B development would receive wastewater services from the Town's Public Works Wastewater Division, which provides services in conjunction with the Victor Valley Wastewater Reclamation Authority. Based on a daily wastewater generation factor of 1,500 gallons per acre<sup>11</sup> and the 78-acre property, Alternative B, like the Project, would generate approximately 116,925 gallons of wastewater per day. As described in Section 2.19.3 (a,b,c), this quantity of wastewater would represent approximately 11.7% of the Apple Valley Sub-Regional Plant's capacity or 0.6% of the Regional Wastewater Reclamation Facility's total capacity.<sup>12</sup> Alternative B would marginally increase the amount of wastewater treated at RWWRF from 10.7 million gallons per day (mgd) to 10.8 mgd, which remains far below the facility's design capacity. It is thus not anticipated that Alternative B would require the construction of new or expanded wastewater facilities.

Both Alternative B and the proposed Project would, however, require the construction of holding tanks on the subject and the construction of a lift station, and force main extension that connects to the existing gravity line in Navajo Road, approximately 2,700 feet east of the subject property. Sewer construction plans would be based on the San Bernardino County Special District Department Standards for Sanitary Sewers and reviewed by the Town. The Town's plan check process ensures that sewers are properly design with sufficient capacity, and that any impacts of a proposed project on the existing sewer system are mitigated prior to approval.<sup>13</sup> Alternative B impacts would thus be less than significant.

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<sup>9</sup> "Water Supply Assessment for the Development at Lafayette Street and Dale Evans Parkway".

<sup>10</sup> Ibid.

<sup>11</sup> Town of Apple Valley Sewer System Management Plan (2019).

<sup>12</sup> Based on the RWWRF's design capacity of 18 million gallons per day, and the Apple Valley Sub-Regional Plant's design capacity of 1 million gallons per day.

<sup>13</sup> Town of Apple Valley Sewer System Management Plan (2019).



*Stormwater Drainage:*

Alternative B would have the same impacts on stormwater drainage facilities as described for the proposed Project in Section 2.19.3(a,b,c). The development proposes the addition of a drainage channel along the north, west, and southern sides of the property. Off-site flows would be intercepted at the low point on Lafayette Street and conveyed to a spreading basin along the southern frontage of the property. Runoff flows will exit the site along the southern property line in a sheet flow manner, following the current flow path.<sup>14</sup> On-site runoff would be retained and infiltrated on site. Alternative B would not require the construction or expansion of any off-site stormwater drainage infrastructure, and thus no such facilities could have adverse effects on the environment. Alternative B impacts related to drainage would be less than significant.

*Energy and Natural Gas Use:*

The proposed development would receive energy services from Southern California Edison (SCE) and natural gas from Southwest Gas (SWG). As shown in Table 3.7-1, Alternative B is projected to consume a total of 3,016,400 kilowatt-hours per year of electricity and 2,427,160 kBTU (24,277 therms) per year of natural gas.

**Table 3.19-2  
 Alternative B – Projected Energy Consumption**

Land Use	Electricity Use (kWh/yr)	Natural Gas Use (kBTU/yr)
Parking Lot	214,900	0.00
Unrefrigerated Warehouse	2,801,500	2,427,160
<b>Total</b>	<b>3,016,400</b>	<b>2,427,160</b>

Source: CalEEMod 2020.4.0 (see Appendix B for full output).

The electricity use projected for Alternative B would represent approximately 0.9% of the total 329,848,695 kilowatt-hours used by the Town in 2019.<sup>15</sup> The 24,277 therms of natural gas consumption projected for Alternative B would represent approximately 0.16% of the Town's total natural gas usage of 15,526,732 therms in 2019.<sup>16</sup> As with the proposed Project, Alternative B would require an extension to the nearest existing gas line at the corner of Johnson Road and Dale Evans Parkway, and the addition of a power line along Lafayette Street in order to connect to the existing line on Navajo Street. Other than these minor infrastructure extensions, Alternative B would not require the expansion or construction of new electricity or natural gas facilities. Impacts would be less than significant.

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<sup>14</sup> Hydrology Study for Redwood West, prepared by Merrell-Johnson Companies (September 2022).

<sup>15</sup> Town of Apple Valley 2019 Climate Action Plan Update.

<sup>16</sup> Town of Apple Valley 2019 Climate Action Plan Update, Table 5.

*Telecommunications:*

The subject property is situated within Frontier Communications' and Charter Communications' services areas for telecommunications services. Alternative B would connect to the existing fiber optic line in Dale Evans Parkway. No new lines would be required, and there would be no impacts.

**Alternative C – 900,000 square foot development, 100% high cube**

Alternative C proposes the development of a 78-acre site to include a 900,000 square foot warehouse and 1,136,037 square feet of landscaped area. The warehouse space would be comprised of 855,000 square feet of unrefrigerated high cube storage, and 45,000 square feet of office space. Alternative C would be expected to have essentially the same impacts to wastewater treatment, stormwater drainage, and telecommunications utilities as the proposed Project and Alternative B. However, because there would be a reduced building footprint and no cold storage in the warehouse in Alternative C, impacts to domestic water and energy consumption would differ, as analyzed below.

*Domestic Water Supply:*

The proposed development would receive domestic water service from Liberty Utilities – Apple Valley. **Table 3.19-3** shows the water demand projected for Alternative C. The projection conservatively assumes that the 307,544 square feet reduced from the building footprint would be occupied by landscaped area in Alternative C.

**Table 3.19-3  
 Alternative C – Water Demand**

Planning Area	Land Area (square feet)	Indoor Commercial and Industrial Demand (AFY) <sup>1</sup>	Outdoor Irrigation Demand (AFY) <sup>2</sup>	Total Water Demand (AFY)
Office	45,000	4.83	--	4.83
Warehouse	855,000	8.92	--	8.92
Project Wide	1,136,037	--	64.39	64.39
TOTAL	--	13.75	64.39	78.14

<sup>1</sup> Indoor water demand calculated using water demand factors from the AWWARF Commercial and Industrial End Uses of Water (2000).

<sup>2</sup> Evapotranspiration (ET<sub>o</sub>) and Evapotranspiration Adjustment Factor (ETAF) used to calculate outdoor irrigation demand from CVWD Landscape Ordinance 1302.5 Appendices C and D.

As shown in the above table, the estimated total water demand for Alternative C would be 78.14 acre-feet per year (AFY), compared to the 65.42 acre-feet in demand projected for the proposed Project. This would represent 0.5% of the 15,846 AFY of deliveries that Liberty Utilities projects for its 2025 water delivery.

Analysis of the water provider's projected water supplies and demand for normal, single-dry, and multiple-dry years indicate that Liberty Utilities will be able to meet demand under those conditions for the next 25 years.<sup>17</sup> Given the small increment of Liberty Utilities' projected water delivery for 2025 that would be used by the proposed Alternative C, it can be assumed that adequate water supplies would be available to serve the proposed development. Alternative C, like the proposed Project, would connect to the existing 16" water mains in Burbank Avenue and Dachshund Avenue. As such, the Project would not require the relocation or construction of new or expanded water facilities. Impacts are thus anticipated to be less than significant.

#### *Wastewater Services:*

Alternative C would be comparable in scale of development and employment to Alternative B and the proposed Project, and thus can be assumed to generate the same quantity of wastewater. As described in greater detail in Section 2.19.6 (a,b,c), the Project and Alternative C would marginally increase the amount of wastewater treated at the regional facility from 10.7 mgd to 10.8 mgd, which remains well below the facility's current design capacity. It is thus not anticipated that new or expanded facilities would be required.

Both Alternative C and the proposed Project would, however, require the construction of on-site holding tanks and lift station on the subject property. The development would also require the construction of a force main in the Lafayette Street right of way and connecting to the existing gravity line in Navajo Road, approximately 2,700 feet east of the subject property. Sewer construction plans would be designed based on the San Bernardino County Special District Department Standards for Sanitary Sewers and would be plan checked by the Town to ensure that sewers are properly designed.<sup>18</sup> Impacts would thus be less than significant.

#### *Stormwater Drainage:*

Alternative C would have the same impacts on drainages and stormwater facilities as described for the proposed Project in Section 2.19.6(a,b,c). As with the proposed Project, Alternative C would include a drainage channel along the north, west, and southern sides of the property. Off-site flows would be intercepted at the low point on Lafayette Street on the north and conveyed through the channel to a detention/spreading basin along the southern frontage of the property. These shunted tributary flows will exit the site along the southern property line, following the current flow path.<sup>19</sup> Off-site flows conveyed through the site will not be co-mingled with on-site runoff, which will be retained and

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<sup>17</sup> Ibid.

<sup>18</sup> Town of Apple Valley Sewer System Management Plan (2019).

<sup>19</sup> Hydrology Study for Redwood West, prepared by Merrell-Johnson Companies (September 2022).

infiltrated on site. Alternative C would not require the construction or expansion of any off-site stormwater drainage infrastructure, and thus no such facilities could have adverse effects on the environment. Impacts related to drainage facilities would be less than significant.

*Energy and Natural Gas Use:*

The proposed development would receive energy services from Southern California Edison (SCE) and natural gas from Southwest Gas (SWG). As shown in Table 3.7-1, Alternative C is estimated to consume a total of 2,249,140 kilowatts per year of electricity and 1,809,000 kBTU (18,094 therms) per year of natural gas.

**Table 3.19-4  
 Alternative C – Energy Consumption**

Land Use	Electricity Use (kWh/yr)	Natural Gas Use (kBTU/yr)
Parking Lot	161,140	0.00
Unrefrigerated Warehouse	2,088,000	1,809,000
<b>Total</b>	<b>2,249,140</b>	<b>1,809,000</b>

Source: CalEEMod 2020.4.0 (see Appendix B for full output).

The electricity use projected for Alternative C would represent approximately 0.7% of the total 329,848,695 kilowatt-hours used by the Town in 2019.<sup>20</sup> The 18,094 therms of natural gas consumption projected for Alternative C would represent approximately 0.12% of the Town's total natural gas usage of 15,526,732 therms in 2019.<sup>21</sup> As with the proposed Project, Alternative C would require an extension to the nearest SWG gas line located at the corner of Johnson Road and Dale Evans Parkway, and the addition of a power line along Lafayette Street in order to connect to the existing SCE power line on Navajo Street. Other than these minor service distribution extensions, Alternative C would not require the expansion or construction of new electricity or natural gas facilities. Impacts would be less than significant.

*Telecommunications:*

The subject property is situated within Frontier Communications' and Charter Communications' services areas for telecommunications services. Alternative C would connect to the existing fiber optic line in Dale Evans Parkway. No new lines would be required, and there would be no impacts.

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<sup>20</sup> Town of Apple Valley 2019 Climate Action Plan Update.

<sup>21</sup> Town of Apple Valley 2019 Climate Action Plan Update, Table 5.

**d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.**

**e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.**

**Alternative A – No project, no development**

Under Alternative A there would be no site development, and thus no action or use that would generate any solid waste during construction or operations. Therefore, Alternative A would not impair the attainment of local or state solid waste reduction goals, nor would it conflict with federal, state, or local waste regulations. There would be no impacts.

**Alternative B – 100% high cube**

Less Than Significant Impacts. Alternative B would generate the same quantities of solid waste during construction and operations as projected for the proposed Project. Solid waste generation associated with construction of Alternative B would be short-term and local landfills would have sufficient capacity to accommodate it. As described in Section 2.19.6 (d,e), all construction debris would be required to be disposed of or recycled in accordance with local and state regulations.

Based on the proposed 1,207,544 square foot building footprint, Alternative B is projected to generate the same quantity of solid waste as the proposed Project. As shown in **Table 3.19-5**, Alternative B would generate 8,573.56 pounds per day of solid waste, accounting for the 50% diversion of waste from landfills as required by assembly bill 939. The waste generated by Alternative B is thus estimated to require approximately 0.04% annually to the remaining capacity of the Victorville Sanitary Landfill's remaining capacity of 79,400,000 cubic yards.<sup>22</sup>

Recyclable materials generated by the proposed development would be transported to Burrtec's material recovery facility in Victorville for recycling and reuse.

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<sup>22</sup> Assumes that 1 CY of commercial and residential recyclable solid waste is equivalent to 100 lbs. (averaged). "Volume to Weight Conversion Factors," US EPA Office of Resource Conversion and Recovery (April 2016).

**Table 3.19-5  
 Alternative B – Solid Waste Generation**

Land Use	Daily Generation Rate	Proposed Development	Total (pounds per day)
Industrial	1.42 lb / 100 sq ft / day	1,207,544 sq ft	17,147.12
<b>With 50% solid waste diversion:</b>			<b>8,573.56</b>

Source: Estimated Solid Waste Generation Rates for Warehouse/Manufacturing (May 1997), CalRecycle <https://www2.calrecycle.ca.gov/wastecharacterization/general/rates> (accessed December 2022).

As with the proposed Project and all development in the Town, Alternative B would be required to comply with all applicable solid waste management statutes and regulations. Alternative B would also comply with all applicable solid waste policies in the County of San Bernardino Integrated Waste Management Plan and the Town General Plan. The Alternative B development would not interfere with Town or County compliance with AB 939 or other applicable regulations. The impacts related to solid waste would be less than significant.

**Alternative C – 900,000 square foot development, 100% high cube**

Alternative C would generate solid waste during construction and operations. Solid waste generation associated with the construction of Alternative C would be short-term and local landfills would have sufficient capacity to accommodate it. As described in Section 2.19.6 (d,e), all construction debris would be required to be disposed of or recycled in accordance with local and state regulations.

**Table 3.19-6** shows the estimated solid waste generation for Alternative C. Based on the proposed 900,000 square foot building footprint, and accounting for the 50% diversion of waste from landfills as required by assembly bill 939, Alternative C is projected to generate 6,309 pounds per day of solid waste for landfill disposal.

It is thus estimated that the solid waste generated by Alternative C would require approximately 0.03% annually of the remaining capacity of the Victorville Sanitary Landfill’s remaining capacity of 79,400,000 cubic yards.<sup>23</sup>

**Table 3.19-6  
 Alternative C – Solid Waste Generation**

Land Use	Daily Generation Rate	Proposed Development	Total (pounds per day)
Industrial	1.42 lb / 100 sq ft / day	900,000 sq ft	12,780
<b>With 50% solid waste diversion:</b>			<b>6,390</b>

Source: Estimated Solid Waste Generation Rates for Warehouse/Manufacturing (May 1997), CalRecycle <https://www2.calrecycle.ca.gov/wastecharacterization/general/rates> (accessed December 2022).

<sup>23</sup> Assumes that 1 CY of commercial and residential recyclable solid waste is equivalent to 100 lbs. (averaged). “Volume to Weight Conversion Factors,” US EPA Office of Resource Conversion and Recovery (April 2016).

As with the proposed Project and all development in the Town, Alternative C would be required to comply with all applicable solid waste management statutes and regulations. Alternative C would also comply with all applicable solid waste policies in the County of San Bernardino Integrated Waste Management Plan and the Town General Plan. The Alternative C development would not interfere with Town or County compliance with AB 939 or other applicable regulations. The impacts related to solid waste would be less than significant.

#### **3.19.4 Mitigation Measures**

The impacts associated with Alternatives A, B, and C would be less than significant. No mitigation measures are required.

#### **3.19.5 Environmental Superior Alternative**

Alternative A would not consume any water or energy, nor would it generate any wastewater or solid waste. It would have no impacts to the environment related to utilities, and thus would be the environmentally superior alternative. Both Alternative B and Alternative C would have some impacts related to utilities and service systems, but impacts associated with both alternatives would be less than significant.

### 3.20. Conclusion and Overall Environmentally Superior Alternative

Based on the analysis in this Section, and as shown in Table 3.20-1 below, the “environmentally superior” project alternative is determined to be Alternative A, the No Project/No Development alternative (per CEQA 15126.6). However, Alternative A would meet none of the Project objectives, and would not implement the NAVISP or the General Plan. On that basis, the environmentally superior alternative would be Alternative C, which would meet all of the Project objectives, but would somewhat reduce impacts associated with aesthetics, air quality, energy, greenhouse gases and geology, due to its reduced building size.

**Table 3.20-1  
 Environmentally Superior Alternative Comparison**

	Proposed Project	Environmentally Superior		
		Alternative A	Alternative B	Alternative C
<b>Aesthetics</b>		X		
<b>Air Quality</b>		X		
<b>Biological Resources</b>		X		
<b>Cultural Resources</b>		X		
<b>Energy</b>		X		
<b>Geology and Soils</b>		X		
<b>Greenhouse Gas Emissions</b>		X		
<b>Hazards and Hazardous Materials</b>		X		
<b>Hydrology and Water Quality</b>		X		
<b>Land Use and Planning</b>		X		
<b>Noise</b>		X		
<b>Population and Housing</b>		X		
<b>Public Services</b>		X		
<b>Recreational Resources</b>		X		
<b>Transportation and Traffic</b>		X		
<b>Tribal Cultural Resources</b>		X		
<b>Utilities and Service Systems</b>		X		

#### Discussion of Project Objectives and Alternatives

As discussed in Section 1, Project objectives were established to assist the Town in developing a reasonable range of project alternatives to evaluate in this EIR.



These objectives are intended to explain the purpose of the Project, and to aid the decision-makers in preparing findings.

- A. Support and implement the goals of the North Apple Valley Industrial Specific Plan.
- B. Provide new jobs to reduce Town residents' dependence on employment outside the community.
- C. Limit the intrusion of heavy commercial vehicles into Town neighborhoods by siting the Project in close proximity to Interstate-15 interchanges at Stoddard Wells Road and Dale Evans Parkway.
- D. Improve adjacent streets to improve traffic flow and connections to other lands within the Specific Plan boundary.
- E. Create an attractive streetscape on Dale Evans Parkway, to enhance the aesthetic appearance of this roadway and of the Specific Plan as a whole.
- F. Create sufficient buffers, through setbacks, walls and landscaping to the multi-family residential lands planned for the future on the west side of Dale Evans Parkway.

Alternatives B and C would implement these objectives, and would reduce, to some extent, the impacts of the Project. However, it is important to note that all Project and build alternative impacts can be reduced to less than significant levels with the implementation of the same mitigation measures, with one exception. Neither the proposed Project's nor the alternatives' impacts to Vehicle Miles Traveled can be reduced to a less than significant level, and all remain significant and unavoidable.

Although Alternative C, which reduces the building footprint by 25%, would reduce the most impacts (aesthetics, air quality, energy, greenhouse gases and geology), this alternative does not fully implement the NAVISP, insofar as it does not maximize the efficient use of land and does not provide as much building space as is allowed, and was anticipated in the Specific Plan area.

Alternative B reduces the impacts of the proposed Project related to energy and greenhouse gases, primarily because of the elimination of refrigerated warehouse space. Since the incorporation of refrigerated warehouse space was included in the proposed Project to assure that maximum potential impacts were analyzed, and since the actual user of the building is not known, it is probable that the high cube warehousing proposed in Alternative B will be constructed on

the Project site. In either case, however, the analysis provided for the proposed Project assures that the impacts of the Project have been fully assessed and mitigated.

## **Conclusion**

In summary, Alternative C would meet many of the project objectives, including those regarding the implementation of the NAVISP and increasing local jobs. However, Alternative C's lower square footage does not maximize buildout potential of the site. The proposed Project is designed to maximize the development potential of the Project site, and implement the NAVISP to the greatest extent possible. The proposed Project also will result in a significant increase in jobs, and will allow local current and future residents to work in the community where they live, rather than commuting to the Inland Empire and elsewhere for work. For these reasons, the proposed Project is considered the superior alternative, although of the alternatives, Alternative C is the environmentally superior alternative.



# THE DEVELOPMENT AT DALE EVANS AND LAFAYETTE

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## DRAFT ENVIRONMENTAL IMPACT REPORT

### 4. UNAVOIDABLE SIGNIFICANT IMPACTS

#### Introduction

Unavoidable significant impacts, as described in §15126.2(c) of the CEQA Guidelines, are those which cannot be reduced to acceptable levels of insignificance by the implementation of mitigation measures. Impacts associated with the development of the proposed Project are addressed in detail in Section 2 of this EIR. Comprehensive mitigation measures, as well as monitoring and reporting programs, have been developed to address potential impacts. In most cases, the mitigation measures provided in this document will demonstrably and effectively reduce all potentially significant impacts to less than significant levels. However, transportation impacts associated with the vehicle miles traveled (VMTs) generated by the Project could not be mitigated to a less than significant level, and are thus considered an unavoidable significant impact.

#### Transportation

According to §15064.3 of the CEQA Guidelines, vehicle miles traveled (VMT) is the most appropriate measure to analyze transportation impacts. The Guidelines define VMT as “the amount and distance of automobile travel attributable to a project.” The Project VMT were analyzed using the County of San Bernardino’s VMT analysis methodology, as provided in the Transportation Impact Study Guidelines (July 2019; as well as the Town of Apple Valley’s VMT impact thresholds, provided in the Thresholds of Significance for Vehicle Miles Traveled Under the California Environmental Quality Act (May 2021).

As described in Section 2.17 of this EIR, the Project VMT analysis accounted for all trips that either originate or end within the Project's Traffic Analysis Zones (TAZs) and included all trips that have one trip end outside the boundary. VMT were analyzed using the Project's service population, which in this case refers to the employees of the proposed logistics facility. The Project would generate 45,372 VMT, or a cumulative VMT of 64,590 when accounting for growth throughout the Town and adjacent jurisdictions. The VMT per service population generated by the Project would be 39.72, or 56.77 for cumulative conditions, both of which exceed the Town's VMT per service population threshold of 26.41. The Project would increase the Town-wide VMT per service population by 0.03, or 0.35 percent, and would increase the cumulative VMT per service population by 0.07, or 0.66 percent.

Section 2.17.7 set forth mitigation measures to reduce the VMT impacts of the Project, including the implementation of a Voluntary Commute Trip Reduction program to encourage employee carpooling, the installation of bicycle parking and lockers, and the installation sidewalks providing connections to existing and future bus stops. However, because the benefits of these mitigation measures cannot be quantified, the Project will conflict with §15064.3(b) of the CEQA Guidelines. Implementation of the provided VMT reduction measures would not definitively reduce Project VMT to below the Town's VMT threshold. The Project VMT impact could therefore be significant and unavoidable.

### Cumulative Impacts

Impacts of the proposed Project on the local transportation system were evaluated using the SBTAM, which takes into consideration the cumulative growth throughout the Town and adjacent jurisdictions and unincorporated County areas. The Project-specific traffic analysis indicates that the Project would increase cumulative VMT by 0.07, or 0.66 percent, and would thus have potentially significant cumulative impacts. As stated above, even with implementation of the proposed mitigation measures, the Project may still exceed the County and Town thresholds for cumulative VMT per service population. Cumulative impacts could be significant and unavoidable.



# THE DEVELOPMENT AT DALE EVANS AND LAFAYETTE

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## DRAFT ENVIRONMENTAL IMPACT REPORT

### 5. IRREVERSIBLE COMMITMENT OF RESOURCES

As required by §15126.2(d) of the CEQA Guidelines, this section of the EIR addresses the potentially significant irreversible environmental changes or loss of non-renewable resources that could occur from implementation of the proposed Project. Irretrievable commitments of resources should be evaluated to ensure that such consumption is justified. In general, non-renewable resources include fossil fuel-based energy resources, as well as the permanent loss of agricultural, biological, mineral, or other natural resources. The use of non-renewable resources during the short-term construction and long-term operation of the proposed Project may be irreversible and irretrievable.

#### Energy Resources

Construction of the proposed Project will result in the permanent loss of fossil fuels through the consumption of coal, petroleum, and/or natural gas for the manufacture of materials such as steel, cement, and concrete, and to fuel construction vehicles. As described in Section 2.7 of the EIR, construction of the Project would consume electricity for uses such as outdoor security and worksite lighting, hand tools and other electronic equipment, and powering temporary worksite offices/trailers.

Electricity would be consumed at fluctuating quantities during construction, but fuels such as diesel and gasoline would be the primary energy sources used during this phase. Diesel and gasoline would be used during construction to transport construction materials, for construction worker transportation, as well

as for the operation of heavy-duty construction equipment and heavy-duty trucks. Given that it is assumed that most construction workers would live locally, most of these trips would likely be generated by the workers' daily commutes regardless, and such commutes would likely not be excessive in length. Overall, the use of gasoline and diesel during construction would be temporary and would not be wasteful or inefficient.

The long-term operations of the proposed Project are estimated to generate demand for approximately 9,812,480 kWh of electricity per year. This electricity consumption represents approximately 2.97% of the Town-wide use in 2019. However, the estimated energy consumption represents a conservative estimate because it does not account for the energy savings resulting from mandatory requirements in the California Title 24 Energy Efficiency Standards. In accordance with §140.10 of Part 6 of Title 24, the Project will be required to install a photovoltaic system on the building's roof and will also be required to have a battery storage system. Furthermore, in accordance with Senate Bill 100, the Renewables Portfolio Standard requires that electricity providers procure 60% of electricity from renewable sources by 2030 and 100% by 2045. As a result of these State requirements, the Project will generate electricity on-site, and any additional electricity required by the Project will be generated from an increasing share of renewable sources in the long term.

The natural gas estimated to be consumed by the Project during operations is 11,433,050 kBtu, or 114,357.80 therms, per year. This natural gas consumption would represent approximately 0.7% of the Town-wide usage in 2019. The Project would be required to comply with §120.6 of the Title 24 Energy Efficiency Standards, which provides mandatory requirements for refrigerated warehouses, including insulation, and evaporator and condenser design and performance standards. Compliance with §120.6 and other applicable Title 24 requirements will ensure that the Project's natural gas use is not wasteful, inefficient, or unnecessary.

During operations, the Project will also consume petroleum-based fuels for transportation, including for employee commutes and truck trips associated with warehouse distribution activities. It is projected that the Project would generate approximately 1,788 passenger vehicle trips and 781 truck trips daily, which would represent approximately 2% of the Town-wide total VMT generated in 2019. However, because VMT are regional in nature, not all Project VMT would occur solely within the boundaries of Apple Valley. Federal and state policies to increase fuel efficiency standards and increase the use of non-fossil fuel transportation will ensure that resources consumed for transportation associated with the Project will not be wasteful, inefficient, or unnecessary.

## Water Resources

The proposed Project would also generate demand for water resources, as discussed in Section 2.11. The projected total water demand for the Project will be 65.42 acre-feet per year (AFY), which accounts for approximately 1.69 percent of Liberty Utilities' total planned increases in demand of 3,881 AF by 2045. This is a conservative estimate and actual Project water demand, which is primarily associated with landscape irrigation, is expected to be less. Water demand for the Project's landscape irrigation is expecting to be below the provided estimate due in part to compliance with local and state regulations such as the Town's Water Conservation Plan (Ordinance No. 58 and No. 479), as well as the California Model Water Efficient Landscape Ordinance. The Project water purveyor and the Project will comply with applicable water conservation policies and ordinances. The Water Supply Assessment, approved by the water purveyor, demonstrates that sufficient water supplies will exist to meet the projected demands of the Project, in addition to current and future water demands within Liberty Utilities' service area in normal, single-dry, and multiple-dry years over a 20-year projection. The Project would have less than significant impacts to the region's water supply.

## Biological Resources

Development of the proposed Project will change the physical condition of the subject site, and could potentially impact biological resources. The site, which is currently undeveloped and shows signs of considerable disturbance, including its former use by the U.S. Army as part of a practice aerial bombing range in the 1940s, may still provide wildlife corridors. However, given the presence of existing development to the north and east of the site, development of the Project is not expected to significantly limit wildlife movement.

Several special status plants, insects, birds, and other animals have the potential to occur on the Project site, but implementation of the mitigation measures provided in Section 2.5 of the EIR will ensure that impacts to these species will be less than significant. The Project proponent will also be required to obtain a CWA 401 Water Quality Certification, and to enter into a 1602 Streambed Alteration Agreement with the CDFW. The site is in an area the Town has designated for industrial development. The Project will be required to adhere to the requirements set forth in the Apple Valley MSHCP/NCCP, when it is adopted, as well as applicable policies in the Town's General Plan, and the Native Plant Ordinance. Compliance with these policies and regulations, as well as implementation of the provided mitigation measures, will ensure that the Town's ability to conserve natural resources in perpetuity will not be impeded by the Project.

To conclude, while the proposed Project will result in the irreversible loss of finite resources, the loss will not be significant. The Project's impacts on finite resources will be consistent with, or less than, what is expected for a project of similar scope that is consistent with the Town's General Plan.





# THE DEVELOPMENT AT DALE EVANS AND LAFAYETTE

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## DRAFT ENVIRONMENTAL IMPACT REPORT

### 6. GROWTH INDUCING IMPACTS

According to §15126.2(e) of the CEQA Guidelines, an EIR must consider and analyze a project's potential to induce growth. A project may directly induce growth, such as by extending a roadway into a previously undeveloped area, or may indirectly induce growth, by causing changes in the environment that could lead to growth. As noted in §15126.2(e), it should not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment. This section is based on the project description provided in Section 1 of this EIR, and the analysis of various impact areas presented in Section 2.

Construction of the proposed Project is expected to occur over a two-year period. It is anticipated that most personnel involved in the construction of the Project would be local to Apple Valley and surrounding areas. The Project has the potential to attract construction personnel to that area for the temporary work opportunity. However, the existing demand for jobs in the Town and relatively short construction period make it unlikely that a permanent population increase in the Town would result from construction of the Project.

Operation of the Project is anticipated to result in the generation of approximately 1,172 new jobs. As discussed in Section 2.14 of this EIR, the housing/jobs imbalance in Apple Valley indicates that many of the jobs created by the Project would likely be filled by existing residents of the Town. However, in

the worst-case scenario in which all the jobs generated by the Project were to be filled by new residents, analysis concluded that the Town would be able to provide adequate housing to support this new growth. The Town estimates that buildout of the General Plan, including the lands in the NAVISP, would create potential demand for up to 60,877 housing units, supporting a buildout population of approximately 185,858 residents. However, since the adoption of the General Plan in 2009, the Town's population has only increased from 69,135 to 75,628 residents. Therefore, while the Project may induce population growth through the creation of new jobs, this growth would still be within the growth planned for by the Town.

Apple Valley is currently not meeting its target level of service per capita for some public services and facilities, including parks and recreation resources, fire protection, police protection, and libraries. However, because population growth in Apple Valley has not been as rapid as expected, it can be assumed that the Town's planning efforts for these resources, would be able to accommodate any incremental growth resulting from the Project.

The proposed Project occurs on a site which has been designated for industrial development since the adoption of the North Apple Valley Industrial Specific Plan in 2006. The proposed warehouse/distribution facility is adjacent to a Walmart distribution facility to the north, and a Big Lots distribution facility to the east. Minor infrastructure improvements and extensions would be required for the Project. The site is currently accessible from Dale Evans Parkway and Lafayette Street. As provided in the mitigation measures in Section 2.17 of this EIR, the Project proposes the improvement of the easterly half-section of Dale Evans and the southerly half-width of Lafayette Street, the construction of the northerly half-width of Burbank Street, and the payment of fair-share contributions toward the addition of traffic signals at impacted intersections.

As described in Section 2.19, the Project will also require extensions to utilities infrastructure. The Project proposes the construction of a lift station and force main in the Lafayette Street right of way to connect the site to the nearest sewer line in the Navajo right of way. The addition of an underground power line in the Lafayette Street right of way in order to connect to the existing line in Navajo Street, and the extension of the nearest gas line at the corner of Johnson Road and Dale Evans Parkway, are also proposed.

Overall, while the Project does propose minor extensions of existing transportation and utilities infrastructure from adjacent blocks, none of these extensions represent major changes to previously undeveloped areas, and all of these extensions would be required to implement the General Plan and the North Apple Valley Industrial Specific Plan. The proposed infrastructure

extensions and improvements are thus not expected to induce substantial growth, and will not induce growth beyond that predicted by SCAG for the Town.

In conclusion, the Project may induce incremental population growth through the generation of jobs and minor infrastructure extensions and improvements. However, any induced population growth would not exceed the growth anticipated by the Town in its General Plan, or by the Southern California Association of Governments in their Regional Transportation Plan and Regional Housing Allocation. These plans will guide growth in the Town and region, and ensure that any growth induced by the Project would have less than significant impacts.



# THE DEVELOPMENT AT DALE EVANS AND LAFAYETTE

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## DRAFT ENVIRONMENTAL IMPACT REPORT

### 7. ORGANIZATIONS, PERSONS AND DOCUMENTS CONSULTED

#### A. Environmental/Planning Consultant

Terra Nova Planning & Research, Inc.  
Attn: Nicole Sauviat Criste  
42635 Melanie Place, Suite 101  
Palm Desert, CA 92211

#### B. Air Quality Consultant

Terra Nova Planning & Research, Inc.  
42635 Melanie Place, Suite 101  
Palm Desert, CA 92211

#### C. Biological Resources Consultant

Wood Environment and Infrastructure Solutions, Inc.  
1845 Chicago Avenue, Suite D  
Riverside, CA 92507

#### D. Cultural Resources Consultant

CRM TECH  
1016 E. Cooley Drive, Suite A/B  
Colton, CA 92324

**E. Hazards Consultant**

Northgate Environmental Management, Inc.  
92 Argonaut, Suite 100  
Aliso Viejo, CA 92656

**F. Hydrology Consultant**

Merrell-Johnson Companies  
22221 US Highway 18  
Apple Valley, CA 92307

**G. Traffic Consultant**

URBAN Crossroads  
1133 Camelback St. #8329  
Newport Beach, CA 92658

**H. Water Supply Assessment Consultant**

Terra Nova Planning & Research, Inc.  
42635 Melanie Place, Suite 101  
Palm Desert, CA 92211

**I. Utilities, Other Agencies & Service Providers**

Apple Valley Fire Protection District  
Apple Valley Police Department  
Apple Valley Public Works Wastewater Division/Victor Valley Wastewater  
Reclamation Authority  
Apple Valley Unified School District  
Burrtec Waste Industries, Inc.  
Charter Communications  
Frontier Communications  
Liberty Utilities  
San Bernardino County Sheriff's Department  
Southern California Association of Governments  
Southern California Edison  
Southwest Gas Corporation  
Town of Apple Valley Public Works Wastewater Division/Victor Valley  
Wastewater Reclamation Authority

**J. Documents**

2020-2045 Regional Transportation Plan/Sustainable Communities Strategy,  
Demographics and Growth Forecast Technical Report, prepared by Southern  
California Association of Governments, September 2020.

2021 Senate Bill 100 Joint Agency Report, prepared by California Energy Commission, March, 2021.

2021-2029 Draft Housing Element (August 2022), prepared by City of Hesperia, August 2019.

2021-2029 Housing Element, prepared by City of Victorville, January 2022.

2022 Energy Code Title 24, Part 6 Fact Sheet, prepared by Ace Resources, n.d.

2022 Scoping Plan Update, prepared by California Air Recovery Board, November 2022.

Adopted Housing Element Update, prepared by Town of Apple Valley, November 2022.

Air Quality and Greenhouse Gas Report, prepared by Terra Nova Planning and Research, November 2022.

Apple Valley Adopted Housing Element Update, 2021-2029

Apple Valley Parks and Recreation Master Plan

Apple Valley Unified School District Residential Development School Fee Justification Study, (2018).

Apple Valley Unified School District Residential Development School Fee Justification Study, prepared by Cooperative Strategies, March, 2018.

California Air Resources Board, Draft 2022 Scoping Plan Update (May 10, 2022).

California Department of Finance Table E-5 City/County Population and Housing Estimates, January 1, 2022.

California Fish and Game Code

California Greenhouse Gas Emissions for 2000 to 2020, Trends of Emissions and Other Indicators, prepared by California Air Resources Board, October 2022.

Climate Change 2021: The Physical Science Basis. Contribution of Working Group 1 to the Sixth Assessment Report of the IPCC, prepared by Intergovernmental Panel on Climate Change, 2021.

ConnectSoCal, Highways and Arterials Technical Report, Southern California Association of Governments, adopted September 3, 2020.

County of San Bernardino Solid Waste Facility Permit, Facility Number 36-AA-0045, prepared by County of San Bernardino, issued June 2, 2010.

Countywide Service Review for: Fire Protection/Emergency Medical Services/Dispatch, prepared by LAFCO for San Bernardino County, February 2020.

Countywide Summary Plan - Countywide Integrated Waste Management Plan, prepared by County of San Bernardino, revised April 2018.

Dale Evans and Lafayette Conceptual Grading Plan prepared by Merrell Johnson Companies, December 2022.

Dale Evans/Lafayette Warehouse/Distribution Facility Project Biological Resources Assessment and Survey Results, Town of Apple Valley, San Bernardino County, California, prepared by Wood Environment & Infrastructure, Inc., September, 2022

Dale Evans/Lafayette Warehouse/Distribution Facility Project Delineation of Jurisdictional Waters, Town of Apple Valley, San Bernardino County, California, prepared by Wood Environment & Infrastructure, August 2022.

Demographic and Income Comparison Profile, Apple Valley, CA, prepared by Esri, August 2022.

Environmental Impact Report, Apple Valley General Plan and Annexation 2008-001 & 2008-002, prepared by Terra Nova Planning & Research, Inc., August 2009.

EPA's Endangerment Finding, prepared by United States Environmental Protection Agency, December 2009.

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