

Errata to the Initial Study/Mitigated Negative Declaration (IS/MND)
Avellana Senior Wellness Community
(TTM NO. 20553, Planned Development Permit, SCH No. 2023090092)
September 7, 2023 (amended 7/10/26)

This Errata to the Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA) §15073.5. RECIRCULATION OF A NEGATIVE DECLARATION PRIOR TO ADOPTION. (c) which states the following:

- (c) *Recirculation is not required under the following circumstances:*
- (1) *Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.*
 - (2) *New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.*
 - (3) *Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.*
 - (4) *New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.*

REASONING STATEMENT:

This Errata has been prepared to address the revisions to the proposed Development Plan that have occurred since the Initial Study was circulated as compared with the Originally proposed Development Plan.

After the Initial Study was circulated, the Proposed Project Site Plan was revised to address certain matters raised by County Land Use Services Staff: *density, affordability, internal placement of the incidental uses, and addition of numerous community amenities that increase the open space and would raise the site to a level of exceptional senior living.* The number of mobile homes was reduced from 399 to 324 affordable senior mobile homes representing a reduction of 75 dwelling units (DUs). The Project will be a 100% affordable senior mobile home park. The ~~and on-site amenities at the~~ 324 DU project is established through the use of a Planned Development Permit with Board of Supervisors approval of up to 4 dwelling units per acre plus an *affordable housing density bonus* pursuant to Development Code §83.03.030 Eligibility for Bonus, Incentives, or Concessions (a)(6) and §83.03.040 Allowed Density Bonuses of 80 percent. The reduction in the number of DUs increased the amount Open Space. The Revised Development Plan of 324 DUs provides a total of approximately 1,136,549 square feet of open space representing 26.09 acres (58.1%) of the total Project Area exceeding the required open space of 40% of the total Project Area by approximately 18.1%. The revised Development Plan has increased the Open Space included in the original 399 DU Plan by 9.30 acres. The increased Open Space Area now includes approximately 1.37 acres of Natural Undisturbed Open Space. The Open Space Area now provides landscaped outdoor active and passive common areas, community activities parks, meandering paseos and recreational facilities and guest accommodations. The Senior Wellness center and First Aid center and the Pond have been

centrally located and incorporated into an added Central Park Complex; four community parks have been added in each corner of the project for close proximity for the residents, with a fifth community park located on the 4.72 acre parcel so the senior residents can enjoy an obvious, significantly higher quality senior living environment than would be achieved through conventional Design practices and development standards.¹ All of these revisions inclusive of added open space, active and passive activities, parks and added amenities are shown in the replaced IS/MND Figures 4 a and 4b and added Figures 4c, 4d, and 4e. The proposed Development Plan carries out the intent of the Planned Development Permit provisions by providing a more efficient use of the land and an excellence of design greater than that which would be achieved through the application of conventional development standards.

The Initial Study has been reviewed pursuant to CEQA Guidelines Section 15073.5(c). Circumstances 1 through 4 and found to be consistent with the required provisions of this section (c) as described in the following Circumstances 1 through 4 Consistencies:

Circumstance (1) Consistency: Mitigation Measures are replaced with equal or more effective measures pursuant to Section 15074.1. See Exhibit A attached hereto for the following: California Department of Fish & Wildlife (CDFW) recommended mitigation measures are included in the Project's Mitigation Monitoring and Reporting Program (MMRP).

Circumstance (2) Consistency: New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed Mitigated Negative Declaration which are not new avoidable significant effects. See Exhibit B attached hereto for the following: State Water Resources Control Board's (SWRCB) CEQA Initial Study Clearance Correspondence with supporting Memorandum by RBCEA in response to the SWRCB comments that further clarifies and substantiates the circulated Water Supply Assessment's conclusion by RBCEA. The Memorandum states, "Therefore, the project will not result in a reduction of groundwater supply or impact the aquifer. In addition, it will not result in any significant relocation or construction of new or expanded water, wastewater treatment or storm water drainage facilities as set forth in the Red Brick Water and Sewer Supply Assessment. Sufficient water supplies are available to serve the project now and in the future during normal, dry and multiple dry years through 2065 as projected under the MWA 2020 UWMP."

Circumstance (3) Consistency: Measures or conditions of project approval have not been added after circulation of the Initial Study/Mitigated Negative Declaration (IS/MND) which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

Circumstance (4) Consistency: New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

Therefore, the recirculation of the Initial Study/Mitigated Negative Declaration is not required prior to its adoption.

¹ REFERENCE: County Of San Bernardino Municipal Coded Title 8 Development Code Chapter 85.10: Planned Development Permits §85.10.010 Purpose.

This Errata contains revisions to the IS/MND based upon the previously proposed Site Plan that included 399 Mobile Homes which is now outdated. The IS/MND was circulated for public review which began on September 8, 2023 and ended on October 9, 2023; no comments were received that required revisions to the Initial Study. This Errata is limited to newly proposed revisions to the Site Plan analysis of reduction in the number of units from 399 to the allowable density of 324 100% affordable mobile homes, increasing landscaping and open space area and added passive and active senior living activities and central relocation of the wellness center and pond that do not alter any impact significance conclusions as disclosed in the IS/MND. The revisions provide a significantly higher quality than the previously proposed Site Plan pursuant to Development Code §85.100.010.

End of Reasoning Statement

METHODOLOGY OF EDITS TO THE IS/MND

Additional texts as errata to the IS/MND are identified in the following IS/MND excerpts in underlined text and deleted texts are identified with strikethrough. The pertinent Figures have been swapped out with revised Figures 4a and 4b. New Site Plan Figures 4c, 4d, and 4e have been added. Errata Exhibits A, B, C and D are included herewith relative to new project revisions that are added in response to written or verbal comments received on the project's effects identified in the proposed Mitigated Negative Declaration which are not new avoidable significant effects. All other aspects of the IS/MND remain unchanged as circulated for public review.

SAN BERNARDINO COUNTY DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION ENVIRONMENTAL CHECKLIST FORM

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the State CEQA Guidelines.

PROJECT LABEL:

Proposal:

The Project includes a request for a Planned Development Permit to allow for the construction and operation of a Senior Wellness Community to be located on approximately 44.92 acres including a 40.2-acre parcel and a 4.72-acre parcel. The Senior Wellness Community would include a ~~324399~~-unit 100% Senior Affordable Mobile Home Park, ~~41,700~~ 8,178-square foot (SF) Community Center inclusive a swim and spa complex, ~~5,000~~ 3,312 square foot(SF) Wellness Convenience Shop, ~~3,500~~ 5,000-square foot(SF) Urgent Care/First Aid Center, and central park complex with a 750,000-gallon reclaimed water pond, and five (5) community parks. The Project also includes a 4.72-acre parcel located south of the 40.2-acre parcel that will include a 1,895-square foot(SF) caretaker residence, a community activities park, 2 megawatt (MW) solar power area and domestic water well and two storage tanks.

The Project also includes a Tentative Parcel Map (TPM No. 20553) to subdivide the 40.2-acre parcel into 54 parcels with one remainder parcel including: the convenience shop and urgent care/first aid center on parcel 1, and a pond and central park activities complex on parcel 1 2, a ~~Packaged Treatment Plant on parcel 4 3~~, a Community Center on parcel 2, and a detention basin on parcel 3, a ~~Packaged Treatment Plant on parcel 44~~, and a ~~399~~ 324-unit 100% affordable senior mobile home park, 4 community parks, and ~~detention basin on the~~ Remainder Parcel 5.

PROJECT CONTACT INFORMATION:

Lead agency: County of San Bernardino
Land Use Services Department
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Contact person: Magda Gonzalez, Oliver Mujica, Contract Planner
Phone No: (909) 387-4002 ~~604-4665~~ Fax No: (760) 995-8167
E-mail: Magda.Gonzalezoliver.mujica@lus.sbcounty.gov

Project Sponsor: David Weisman
Avellana Properties Incorporated
~~6101 Owensmouth Avenue~~ 22099 State Highway 18, #762
Apple Valley~~Woodland Hills~~, CA 92307

PROJECT DESCRIPTION:

The Project Site includes a combined acreage of 44.92-acres and includes a 40.2-acre site (APN: 0435-015-13) located on the north side of Las Piedras Road, south of Bear Valley Road, and a 4.72-acre site (APN: 0435-015-35) located directly across the street to the south on Las Piedras Road. The Project Site is currently vacant and is designated within the Countywide Policy Plan as Rural Living, 2.5-acre minimum (RL-2.5(1-unit-per 2.5-acres) land use category and the Rural Living, 5-acre minimum is zoned (RL-5 (minimum 5-acre parcel) zoning district. ~~The Assessor's Parcel Numbers (APN) are: 0435-015-13 and 0435-015-35.~~

The Proposed Project is a request for the approval of a Planned Development Permit¹ to allow for the construction and operation of an allowable density of 399324-unit 100% affordable Senior Mobile Home Park, an 41,700 8,178-square foot(SF) a Community Activities Complex consisting of a Community Center & swim & spa complex, a 3,500-5,000 square foot SF a Senior Wellness Complex consisting of an Urgent Care/First Aid Center and 5,000 3,312-square foot Senior Wellness Convenience Shop. The proposed development would also include a 60,000 gallon per day (gpd) packaged wastewater treatment plant, a 2 Mega-Watt (MW) solar area, water well designed to provide 45,000 gpd, two (2) 125,000-gallon water storage tanks, and a 1,895-square foot SF caretaker residence and a community park (see Figures 4a and 4b, 4c, 4d and 4e Site Plans).

The water well, two water storage tanks, solar area and caretaker residence and community park are proposed within the 4.72-acre site. The proposed packaged wastewater treatment plant will generate reclaimed water that would be stored onsite in a 750,000-gallon reclaimed water pond which will also serve as the fire flow storage capacity. The pond would be continuously fed with reclaimed water by the on-site packaged wastewater treatment plant.

¹ With approval of a Planned Development Permit, the applicant may request uses permitted or conditionally permitted within the underlining land use district. In addition, incidental services may also be proposed. Unlike a General Plan Amendment that would result in a change to the land use designation and updates to the land use map, a Planned Development permit is for the proposal at the time of submittal and would dissolve if no development occurred.

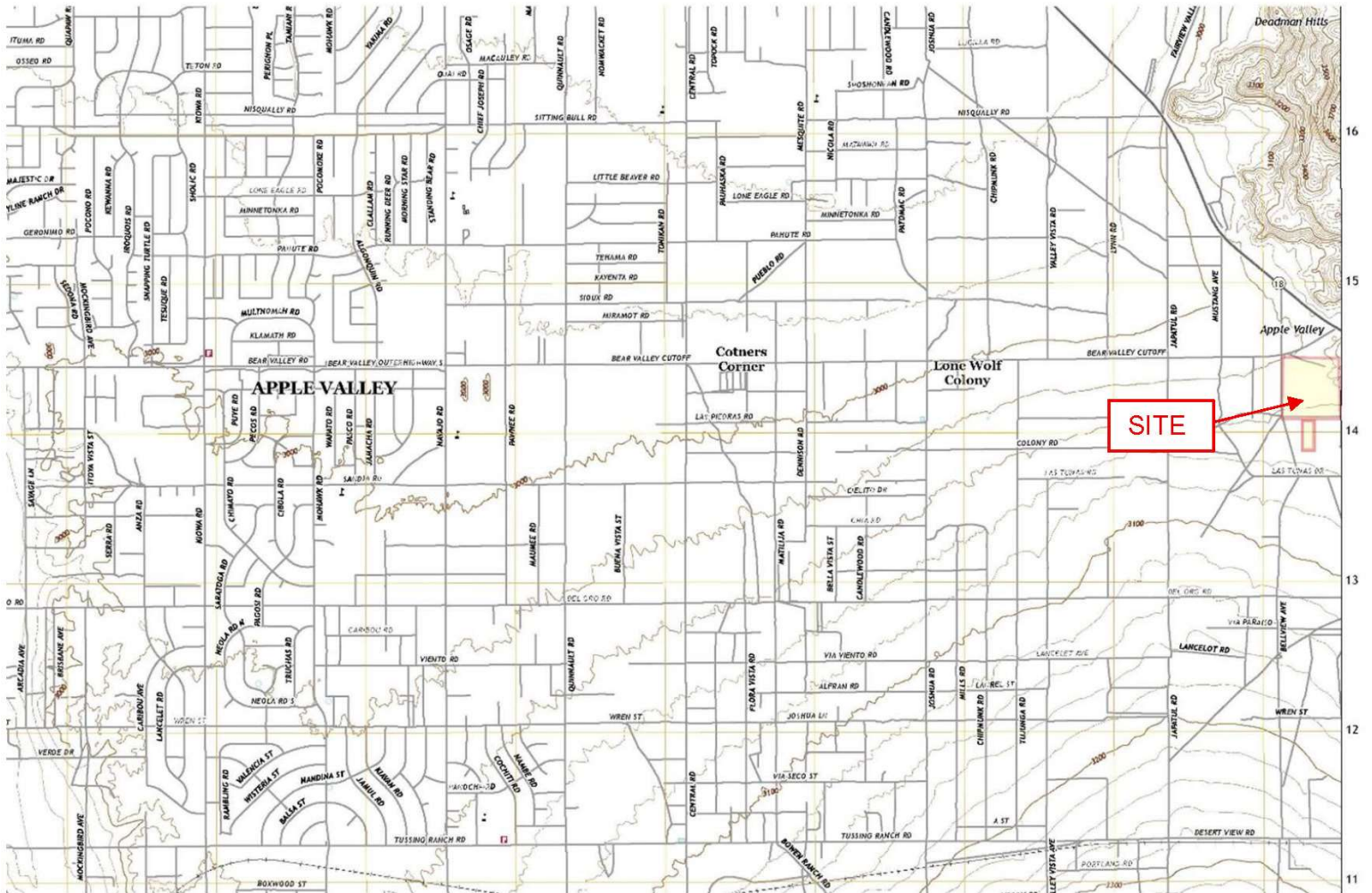
The Project also includes a Tentative Parcel Map (TPM No. 20553) to subdivide the 40.2-acre site into four (4) five (5) parcels and one (1) remainder parcel including: the senior wellness complex convenience shop and urgent care/first aid center, parcel 4, the 750,000-gallon pond and central park complex centrally located on parcel 1 2, the Community Activities Complex/swim and spa complex on parcel 2, detention basin on parcel 3, the packaged treatment plant on parcel 4, the Community Center on parcel 4, and the 399 324 - 100% affordable senior mobile home park on the Remainder Parcel Parcel 5.

A Detailed Development Plan is required with the Planned Development Permit and shows that the Project would provide approximately 1,136,549 square feet(SF) of open space totaling approximately 26.09 acres and (58.1%) of the total Project Area landscaping within the commercial area and 690,524 SF within the residential area. The 1,136,549.71 square feetSF of open space area provides landscaped outdoor active and passive community activities parks and recreational facilities and guest accommodations.

Figure 3 – USGS Apple Valley South Quadrangle

CALIFORNIA – SAN BERNARDINO COUNTY 7.5 MINUTE SERIES

Figure replaced with Site Location Arrow corrected.



PER SAN BERNARDINO COUNTY, CA CODE OF ORDINANCES CHAPTER 85.10: PLANNED DEVELOPMENT PERMITS § 85.10.070 Development Plans

LAN
00063
County
RE 4a

Unincorporated San Bernardino County



SENIOR WELLNESS COMPLEX

GUEST ACCOMMODATIONS #1

- GUEST CHILDREN'S PLAY AREAS
- GUEST PARKING, EV CHARGING STATIONS

SENIOR WELLNESS COMPLEX

- SENIOR WELLNESS CONVENIENCE SHOP
- URGENT CARE AND FIRST AID CENTER

OUTDOOR EATING AND REFRESHMENT AREAS

- BARBECUES AND FLAT IRON GRIDDLES
- PICNIC AREAS
- DINING AREAS

CENTRAL PARK ACTIVITIES COMPLEX

- CENTRAL PARK POND
- CENTRAL PARK PIER
 - ✓ RADIO CONTROLLED BOAT LAUNCH AND RACING
 - ✓ ICE CREAM, REFRESHMENTS & SNACK HUT
- 2 MULTI-PURPOSE GREENS FEATURING LAWN GAMES*
 - ✓ GOLF PUTTING GREENS
 - ✓ LAWN DARTS
 - ✓ CROQUET
 - ✓ JUMBO PONG
 - ✓ GIANT JENGA
 - ✓ HORSESHOES
- 7 EVERY DAY AND TOURNAMENT PLAY PICKLEBALL COURTS
- SUMMER NIGHTS AMPHITHEATER
 - ✓ LIVE PERFORMANCES
 - ✓ MOVIE NIGHTS
 - ✓ STARGAZING
- CHESS CLUB
- RADIO CONTROL CAR RACETRACK

PASSIVE COMMON AREAS

- READING
- FIRE PITS
- COVERED SHADE STRUCTURE
- LOUNGING AREAS



CENTRAL PARK ACTIVITIES COMPLEX

KEY MAP



6.0 ENLARGED SITE PLAN



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ENGINEERS & ARCHITECTS



SITE PLAN

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FIGURE 4b



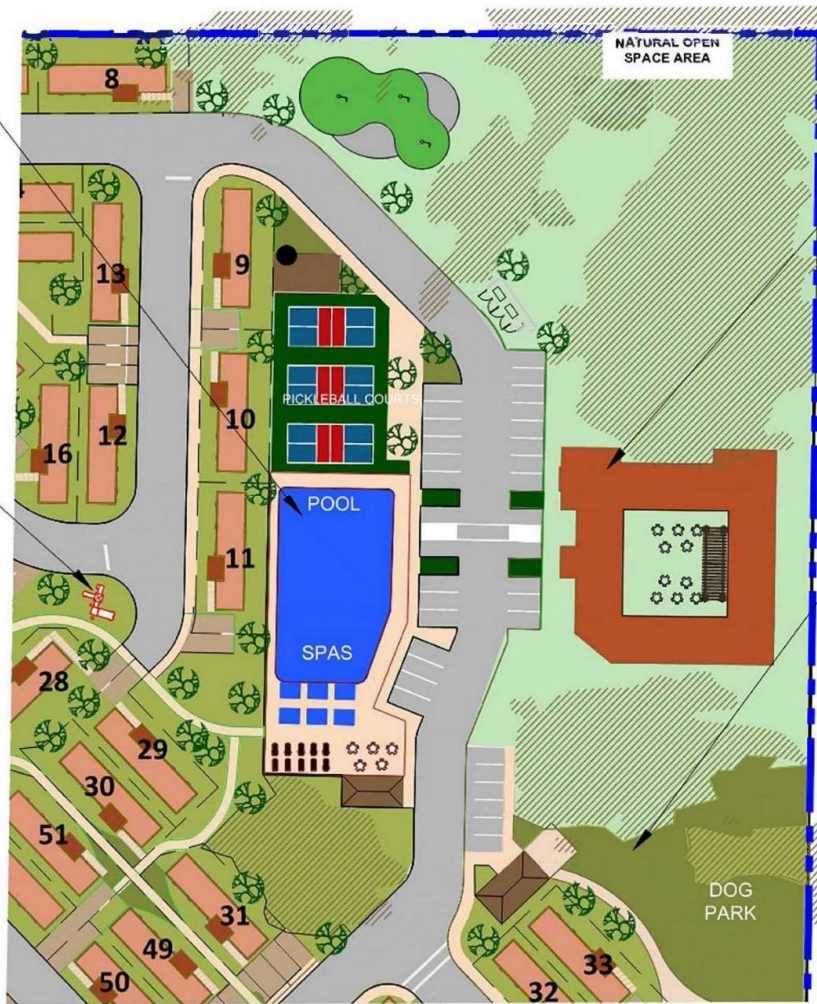
SAN BERNARDINO COUNTY PRELIMINARY DEVELOPMENT PLAN

SWIM AND SPA COMPLEX

- OLYMPIC SWIMMING POOL & 6 SPAS
- COVERED TABLES, CHAIRS, AND LOUNGING AREAS

GUEST ACCOMMODATIONS #1

- GUEST CHILDREN'S PLAY AREAS
- GUEST PARKING



COMMUNITY ACTIVITIES COMPLEX

- KITCHEN / DINING AREA
- GYM / EXERCISE ROOM
- MEDIA ROOM
- LIBRARY
- WORSHIP CENTER
- MULTI PURPOSE ROOM
 - ✓ SHUFFLE BOARD
 - ✓ POOL TABLES
 - ✓ INDOOR CHESS CLUB
 - ✓ BRIDGE CLUB
 - ✓ BINGO
 - ✓ YOGA
- EVENT COURTYARD
 - ✓ PERFORMING ARTS AREAS
 - ✓ OUTDOOR DINNING
- MEANDERING PASEOS AND PARKS
 - ✓ 9 HOLE DISC GOLF COURSES
 - ✓ DG /LANDSCAPE PASEO THROUGHOUT
 - ✓ DOG PARK



SWIM & SPA COMPLEX / COMMUNITY ACTIVITIES COMPLEX

7.0 ENLARGED SITE PLAN



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SITE PLAN

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FIGURE 4c



SAN BERNARDINO COUNTY PRELIMINARY DEVELOPMENT PLAN

**COMMUNITY ACTIVITIES PARK #1
AT MAIN GATE #1**



- 16 PICKLEBALL COURTS
- 4 SHADED DINING, BBQ, FLAT IRON GRIDDLES STATIONS
- 5 MULTI-PURPOSE GREENS FEATURING LAWN GAMES*
 - ✓ GOLF PUTTING GREENS
 - ✓ LAWN DARTS
 - ✓ CROQUET
 - ✓ JUMBO PONG
 - ✓ GIANT JENGA
 - ✓ HORSESHOES
- GUEST ACCOMMODATIONS #3
- GUEST CHILDREN'S PLAY AREAS
- GUEST PARKING, EV CHARGING STATIONS
- CARETAKER BUILDING

**COMMUNITY ACTIVITIES PARK #2
AT GATE #2**



**COMMUNITY ACTIVITIES PARK #4
AT SWIM & SPA**



**COMMUNITY ACTIVITIES PARK #3
AT GATE #3**



KEY MAP



FIGURE 1 depicts the close proximity of the residences to the Community's Parks. Each of the Community Activities Parks have been designed so that the senior residents can have equidistant proximity for ease of access to the Parks.

FIGURE 1 – RESIDENTS' PROXIMITY TO COMMUNITY'S PARKS

COMMUNITY ACTIVITIES PARKS

8.0 ENLARGED SITE PLANS



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SITE PLAN

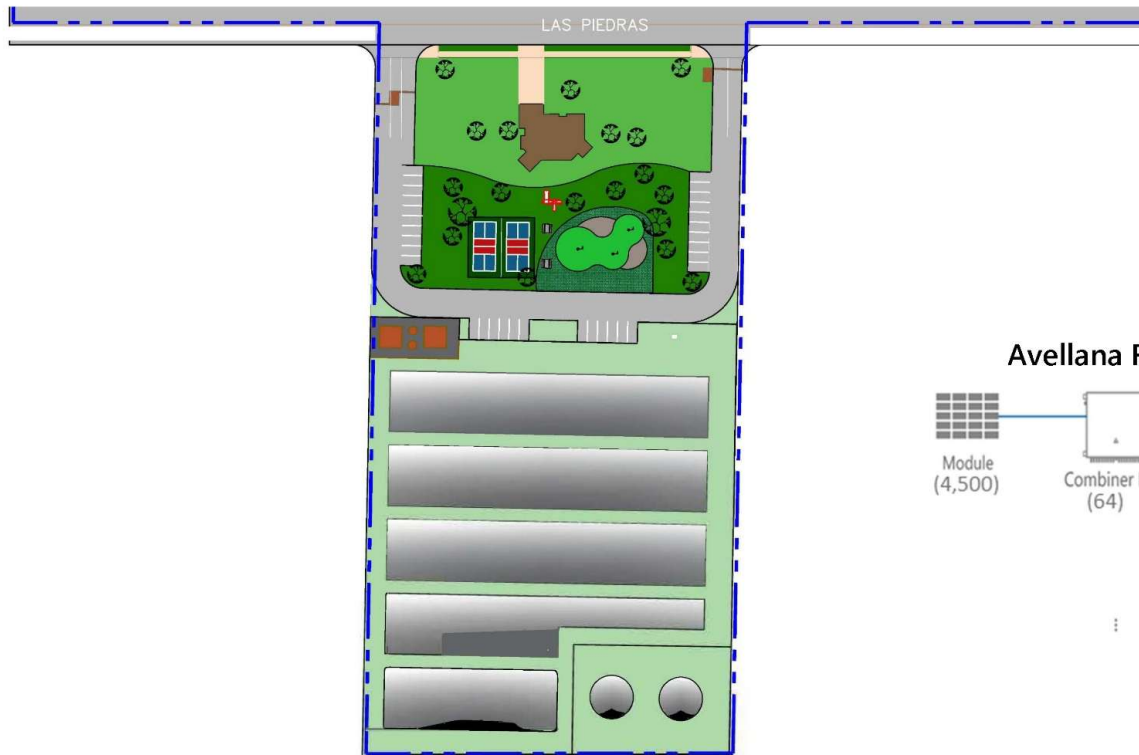
PROJ-2021-00063

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FIGURE 4d



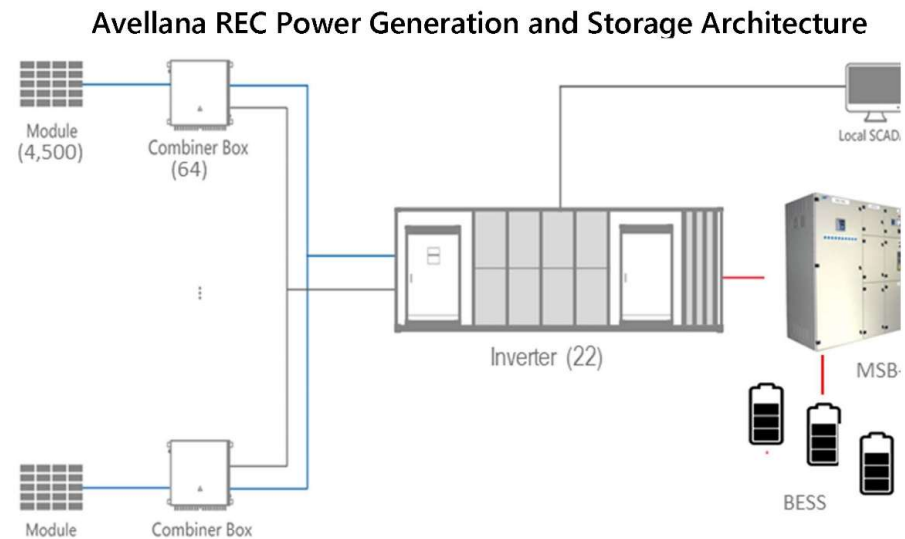
SELF-SUSTAINING AVELLANA RURAL ELECTRICAL COOPERATIVE SOLAR POWER



PROJECT BENEFITS TO THE SURROUNDING COMMUNITY

- 2.25 MEGAWATT SOLAR ENERGY PV PANELS
- 7.5 MEGAWATT BACKUP BATTERY STORAGE
- DELIVERY OF EXCESS 100% RENEWABLE ENERGY TO THE EXISTING POWERGRID

9.0 ENLARGED SITE PLAN



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SITE PLAN

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FIGURE 4e

I. AESTHETICS

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

Less Than Significant Impact

The Project Site does not occur within a County or State designated scenic highway³. The nearest County Scenic Route and Eligible State Scenic Highway occurs approximately 12 miles southeast of the Project Site and includes the portion of State Route 18 located south of State Route 247 and north of State Route 330. Under existing conditions, the Project Site is mostly vacant and is without any designated historic buildings occurring on-site. The Project Site is located adjacent to and southwest of Deadman's Point, a known rock formation of varying height with some rocks just over 60-feet in height. Since the rock formation occurs outside of the Project Site and the development on-site would not exceed 25-feet in height, the Proposed Project would not result in significant impacts to the views of the adjacent rock formation. Vehicles travelling along Bear Valley Road/State Route 18 could continue to pull over to explore the rock formation, as it occurs on the north side of Bear Valley Road and the Project Site occurs on the south side of Bear Valley Road. Rocks that occur within the northeast corner of the Project Site would be protected in-place and built around by means of avoidance or raised foundations. Proposed structures including the Conference Convenience Store, Urgent Care/First Aid Center and guard stand, would be single story, have a southwest aesthetic with adobe architecture including exposed beams, stucco with natural, earth tones to blend with and complement the colors of the rock formation. Therefore, with implementation of Project-design features, no adverse impacts to any rock outcroppings would result.

During site visits conducted as part of the Biological Resource Assessment, tree species identified on-site included one Western Joshua tree (*Yucca brevifolia*).

The Western Joshua tree is currently protected by the County of San Bernardino under the California Desert Native Plants Act (CDNPA) and became a candidate-threatened species under the California Endangered Species Act (CESA) effective October 9, 2020. As a candidate species the Joshua Tree has full protection under CESA and removal or similar actions will require an incidental Take Permit from California Department of Fish and Wildlife. Currently, the existing Joshua tree is proposed to be avoided to allow for construction of the Proposed Project in compliance with the CDNPA. Mitigation as set forth in Section IV Biological Resources of this Initial Study (see Mitigation Measure BIO-2), would ensure that potential impacts to the Joshua tree are reduced to a less than significant level.

³ Draft Environmental Impact Report Countywide Plan Figure 5.1-1 County Designated Scenic Routes; accessed January 25, 2023

- 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 a 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 Impact

The Project Site occurs within a non-urbanized area within the sphere of influence of the Town of Apple Valley and is south of Bear Valley Road and State Route 18. Surrounding land uses include residential development to the south, vacant land to the west, and vacant land, designated for commercial use, to the east. Bear Valley Road is designated as a Major Arterial Highway on the San Bernardino Countywide Plan Policy Plan, Policy Map TM-1C Roadway Network North Desert Region, Victor Valley and Barstow. Primary access to the Site would be provided by Bear Valley Road on the north and Las Piedras on the south.

The Senior Wellness Center portion of the Project Site is currently vacant and displays signs of human disturbance including dirt roads and trails. The Proposed Project is a request for a Planned Development Permit to allow for the construction and operation of a Senior Wellness Community including a Community Activities ~~Center~~, Senior Wellness Convenience Shop, Urgent Care/First Aid Center, approximately 1,008,693.93 square feetSF of, open space consisting of a Central Park Complex, Community Activities Complex, Swim & Spa Complex, 5-Community Activities Parks, ~~Center~~ a park/detention basin, and a pond at the center of entry to the Project. The residential area proposed consists of ~~366,000~~ approximately 296,460 square feetSF, the Urgent Care/First Aid Center is ~~3,500~~ approximately 5,000 square feetSF of building area, the Community Center is approximately ~~41,700~~ square feet 8,178 square feetSF of building area, the Wellness Convenience Shop is approximately ~~5,000~~ 3,312 square feetSF, and the total open space landscape area is approximately ~~50,953~~ 1,136,549 square feetSF inclusive of Natural Undisturbed Open Space totaling approximately 59,809.57 square feetSF (1.37acrea) ~~within the commercial area~~ and the residential landscaped open space area is approximately ~~268,605~~690,529 square feetSF totaling approximately 6.17 acres and representing 14% of the total Project area. Proposed structures would not exceed 20 feet in height and therefore would allow for the continued view of the rock outcropping (Deadman's Point) northeast of the Project Site.

III. AIR QUALITY

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

Less Than Significant Impact

The Project includes a request to construct and operate a ~~399~~324-unit Senior 100% affordable Mobile Home Park, Community Center, Senior Wellness Convenience Shop, Urgent Care/First Aid Center, Central Park Community parks/detention basins, pond, and packaged treatment plant on the 40.2-acre site. The 4.72-acre portion of the Project Site will include the Caretaker residence, community park, Solar Power Area and domestic water well and two water storage tanks. The open-air infiltration/detention basin would occur within the northerly portion of the 40.2-acre site. While individual hours of operation for each use will vary, the proposed Senior Wellness Convenience Shop and Urgent Care/First Aid Center portion of the development would operate seven days a week between the hours of 7:00am to 9:00pm. Loading facilities and areas dedicated for trash

compaction, recycling and related functions will be located at the back of the buildings screened from public view. The proposed land use of a mobile home park with allowable incidental uses to the primary residential use are allowable with a Planned Development Permit. The revised Plan has -75 less DUs than the original Plan that was evaluated in the Air Quality/Greenhouse Gas Emissions Report performed by Kimley-Horn, thereby reducing emissions.

An Onsite Wastewater Treatment System would treat Project-related wastewater and consisting of an onsite packaged treatment plant which is self-contained. The uses proposed are not conducive to leading to other emissions such as those resulting in odors adversely affecting a substantial number of people and therefore will have a less than significant impact.

Based on the conclusions of the Air Quality/Greenhouse Gas Emissions Report performed by Kimley-Horn that the Project implementation would result in less than significant short-term and long-term air quality and GHG impacts, as described in the IS/MND APPENDIX III. AQ - Air Quality, this Section a), b) and c) herein, and the reduction of the number of DUs from 399 to 324, the Project would not result in other emissions such as those leading to odors adversely affecting a substantial number of people therefore it would have a less than significant impact.

V. ~~CULTURAL~~ CULTURAL RESOURCES - Would the project:

IX. HAZARDS AND HAZARDOUS MATERIALS - Would the 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?*

Less Than Significant Impact

As stated in response (a) above, hazardous or toxic materials transported in association with construction of the Proposed Project may include items such as oils, paints, and fuels. All materials required during construction would be kept in compliance with State and local regulations. Transport of such materials would be in accordance with State and federal regulations. Operation activities would continue to include standard maintenance (i.e., landscape upkeep, exterior painting and similar activities) involving the use of commercially available products (e.g., pesticides, herbicides, gas, oil, paint, etc.) the use of which would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accidental release of hazardous materials into the environment. With implementation of Best Management Practices (BMPs) and compliance with all applicable regulations, potential impacts from the use of hazardous materials would be less than significant. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

As discussed in Section XI. UTILITIES AND SERVICE SYSTEMS, the Project will include a 2.25-Megawatt Solar Power Area that would provide electric power from solar energy connected to a battery system with back up power from the SCE grid

consistent with the *County 2022 Policy Plan Renewable Energy & Conservation Element adopted 2019* (RECE) meeting its “*Intentions Of The Element, Core Values and Guiding Principles*”. This is discussed in detail in Section XIX. UTILITIES AND SERVICES. The System would include: DC container (battery trays, racks, Battery Management System (BMS), Energy Management System (EMS) hardware and software for real-time monitoring and management, HVAC, fire suppression system, DC combiner box and enclosure), AC unit (Inverters, isolation transformer and outdoor enclosure), Battery Energy Storage System (BESS) and advance warning system).

The entire Solar Energy System will be designed in conformance with all applicable County of San Bernardino Development Code Chapter 84.29: Renewable Energy Generation Facilities, state and federal codes and National Fire Protection Association (NFPA) Standard 855. The proposed Solar PV Facility is a “*Community-Oriented RE Facility*” (CORE) defined as “*providing electricity primarily for adjacent use with the Preferred Technology Type of Solar PV energy system, with the Typical Size of up to 60 acres in total area, and Typical Power Generation of up to approximately 10 MW (standard layout)*”. The proposed PV Solar Facility is located on a 4.72 acre site which is 92.14% smaller than the maximum allowable 60 acres; will provide electricity for adjacent use, with the typical power of 2.25MW (standard layout) which is 8MW under the maximum allowable.

The Solar Facility will incorporate the CORNEX Liquid Cooled Battery Energy Storage System (BESS) or approved equivalent for energy storage that is in conformance with National Fire Protection Association (NFPA) 855 which is the U.S. standard that sets safety requirements for the design, installation, and operation of energy storage systems including battery energy storage systems (BESS). The proposed design would be required to be in conformance with the current Apple Valley Fire Prevention District codes and standards, and other adopted County, applicable state and national codes and standards and National Electric Code (NEC) – NFPA 70. NEC is the primary electrical safety code for PV systems. Recent updates (2023 cycle) include:

- **Rapid Shutdown System (RSS)** labeling and documentation requirements
- **Arc-fault protection** enhancements for PV circuits
- **Energy Storage System (ESS)** commissioning procedures for solar-plus-storage systems .
- **Floatovoltaic** installation standards for floating solar panels.
- All PV conductors and equipment must meet NEC safety and performance criteria.

The Solar Energy System would be operated and maintained by the Avellana Power Rural Electric Cooperative, a California 501(c)12 non-profit mutual benefit corporation.

Based on the foregoing no mitigation measures are required thus the proposed Project would have a less than significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

X. HYDROLOGY AND 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?*

Less than Significant with Mitigation

The Project proposes to provide water via an onsite water well. A detailed description of the system is provided in Section XIX. Utilities and Service Systems of this Initial Study. Per California Assembly Bill 1668, dated May 31, 2018, the per capita limit for water is 55 gpd. The Hydrology Report used an average of 1.8 persons per dwelling unit, for a total of 99 gallons per unit per day. At 399 mobile home units, the residential water demand is estimated to be 39,501 gpd. The incidental service uses of the Project (i.e., Community Center, Wellness Convenience Shop, and First Aid Center) will require approximately 5,000 gpd (based on the number and type of fixtures proposed for these uses). Therefore, the Proposed Project is estimated to have an annual water demand of approximately 45,000 gpd (39,501 gpd+5,000 gpd) or 50.4 acre-feet per year (afy), including approximately 6.69 acre-feet for landscaping. The number of mobile homes has been reduced to 324 Mobile homes. At 55 gpd the water demand is reduced to 32,076 gpd; 32,076 gpd + 5,000 gpd = 37,076 gpd or 41.5 afy (37,076 x 0.00112) of which 33,368 will be infiltrated back into the aquifer. The remaining demand of 4.15 afy less 2.75 afy for Evapotranspiration on the pond, less 0.42 afy Landscape Evapotranspiration is a Total Demand on the Aquifer of 7.32 afy. Therefore, the Total Demand is .89 afy less than the amount calculated in the 2023 Water and Sewer Analysis (WSA).

The Water Demand Study prepared for the Project states that the aquifer is approximately 300 feet below ground level¹¹ and could produce 25-125 gallons per minute (gpm) and would meet the anticipated demand of 39,501 gpd. The study concluded that to meet the required three-day domestic use storage capacity of approximately 120,000 gallons, the project would need a total of 18,045 cubic feet (cf) of storage volume. The Project includes two, 39-foot diameter by 7-foot-high water storage tanks with a total capacity of 125,000 gallons. The tanks are proposed on the southeast corner of the 4.72-acre site. The anticipated demand is now 7,425 gpd less than what was evaluated in the IS/MND.

The proposed packaged wastewater treatment plant will generate reclaimed water that would be stored onsite in a 750,000-gallon pond which will also serve as the fire flow storage capacity. The pond would be continuously fed by the on-site packaged wastewater treatment plant designed to process up to 60,000 gpd.

The water source for the Project's domestic water well is within the Adjudicated Areas within the Sustainable Groundwater Management Program. As concluded in the Water Demand Study prepared for the Project, an estimated 10.48 afy would be replenished in the aquifer. Although no significant adverse impacts are identified or anticipated, due to case law (Riverside County Superior Court Case No. CIV208568, or Court Judgment that adjudicated the rights to pump groundwater in the Mojave Basin Area, uses over 10 acre-feet of water per year require stipulation to the judgement, payment for water replacement

to the basin and reporting to the Mojave Water Agency (Watermaster ^[1]). The estimated water use for this Project is 60 acre-feet per year. Under the judgement there is no credit for recycled water. Therefore, to ensure potential impacts to groundwater are reduced to the extent feasible, the following mitigation measure shall be made conditions of Project approval:

HYD-1: Prior to issuance of grading permit or issuance of any well permits the Project Proponent shall demonstrate to County Planning Staff that they are party to the Mojave Basin Area Court Judgement. Planning staff, or any other County staff shall verify this information with the Mojave Basin Area Watermaster staff. Implementation of the above mitigation measure would ensure potential impacts groundwater supplies are reduced to a less than significant level.

The water demand for the project analysis was based on 399 mobile homes. At 399 mobile home units, the water demand analysis concluded that the residential water demand is estimated to be 39,501 gpd. The reduced number of mobile homes is 324 and the revised water demand is estimated to be 32,076 gpd. Therefore, there is no change in the conclusion of **Less Than Significant With Mitigation**.

¹¹ Based on information obtained from a local well driller (lic#77235).

- 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:*

Less Than Significant Impact

- i) Result in substantial erosion or siltation on- or off-site;
- ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;
- iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or
- iv) Impede or redirect flood flows

The Project Site straddles a ridge line that divides two off-site tributary watershed flows (referred to herein as Area A and Area B). Area A on the east consist of an approximate 108-acre water shed that flows through the Project Site, and Area B on the west consists of a small, narrow approximate 12-acre water shed that upon entering the site travels along the western edge and exits near the northwest corner. The off-site tributary sheet flows from Area A combines with on-site surface flows and meets within a dry wash that directs these concentrated flows northwesterly to the northwest corner of the site.

The post-developed drainage for the Project was evaluated under a 100-year storm event. The Project was designed with a high point such that the off-site flows are separated from the developed on-site storm flows. The two off-site flows are directed easterly and westerly along Las Piedras Road.

Area B 100-year 26 cubic-feet per second (cfs) peak flows are conveyed off-site into the proposed Bellview Street contiguous to the westerly property line which conveys these flows north to confluence with other sheet flows traveling northwesterly. Area A off-site flows and the mitigated on-site flows. Area A 100-year 486 163 cfs peak storm flows are conveyed easterly to Jackie Jane Lane where they will be directed northwesterly and released into the historic drainage conveyance on the north side of the Project Site. Las Piedra Road collects these sheet flows as they travel and conveys them easterly building up prior to entering to Jackie Jane Lane. Adjusting the 486 163 cfs flows by contributing area along Las Piedras Road show that a maximum of 434 117 cfs will approach from the west and the remaining 43.60 cfs will confluence prior to drawing down and entering Jackie Jane Lane.

The Project proposes an onsite storm drain system that would collect on-site tributary flows and convey them through a series of underground storm drainpipes through the Project Site that would ultimately outlet to the proposed detention basin via a headwall. From this basin the stormwater would is designed to outlet to into the historic existing drainage courses on publicly maintained streets, consistent with the existing natural drainage pattern.

The detention basin would be designed in accordance with the San Bernardino County Hydrology Manual to mitigate a the 100-year storm event flows of 75.09 cfs to a release rate of 44.23 cfs with a required basin volume of 1.03 acre feet. Adjusting for the increase in permeable area, soils curve number, and duration of storm event, the revised hydrologic analysis determined the 100-year 24-hour storm event flows to be 79.4 cfs mitigated to a required 50.34 cfs release rate utilizing a minimum 0.69-acre-foot basin, which is approximately a 33% reduction from the previously approved 1.03 acre-foot design.

The Hydrology Study concluded that the Project could handle a 100-year storm event via the direction of storm flows along Las Piedras Road and Jackie Jane Lane toward the northwest corner of the site where they would be released in their historic drainage conveyance. Both streets were designed as rectangular channels with an 8-inch curb face and a geogrid gravel AVFPD approved bottom that would be 100 percent permeable convey the historic flows through Jackie Jane Lane. The reduction of the DUs from 399 to 324 increases the impervious area and revised Hydrologic Analysis concluded that the off-site tributary flows for Areas and B decreased. The Analysis also showed that the mitigated change in peak flow between the pre and post-developed conditions decreased. Thus, on-site stormflows associated with these street areas will not add any developed storm flows as these off-site flows pass through the site.

The on-site developed 100-year peak storm flows will be mitigated to 90 percent of the 25-year pre-developed peak storm flows by means of a 53,302-cubic-foot detention basin.

Thus, the project has met the San Bernardino County requirements for flood protection with regards to ~~for~~ both on-site and off-site peak storm flows.

Therefore, the Project will not substantially alter the existing drainage pattern of the site or area, nor alter the course of a stream or river or through the addition of impervious surfaces, in a manner that would result in substantial erosion or siltation on- or off-site. No significant adverse impacts are identified nor are mitigation measures required.

XI. LAND USE AND PLANNING

a) *Physically divide an established community?*

Less Than Significant Impact

The Applicant is requesting approval for a Planned Development Permit (PD) in accordance with Chapter 85.10 Planned Development Permits for a Residential Planned Development to allow for a Senior Wellness Community consisting of a 100% affordable Senior Mobile Home Park with incidental service uses consisting of a Community Center, Urgent Care/First Aid Center, Senior Wellness Convenience Shop, Community Parks, with self-sustaining Solar Power Area, On-site Packaged Wastewater Plant which will provide reclaimed water for landscape irrigation, and an onsite domestic water well and related water storage tanks for potable water. Most of the proposed land uses would occur on the 40.2-acre area located north of Las Piedras Road, south of Bear Valley Road, and east of Circle Five Rd. The Solar Power Area and domestic water well and related storage tanks are proposed on a 4.72-acre site directly across the street to the south on Las Piedras Road.

The 40.2-acre parcel is currently vacant undisturbed land. The 4.72-acre parcel is located to the south of the 40.2-acre site and is currently vacant. The Project Site is surrounded by vacant land to the north and east and scattered residential development to the south and west. Two single family residences are located adjacent, one to the west and one to the east, of the 4.72-acre solar energy and water storage facilities. The Project Site and areas to the north, south, and west are designated Rural Living and are zoned RL.

The physical division of an established community is typically associated with construction of a linear feature, such as a major highway or railroad tracks, or removal of a means of access, such as a local road or bridge, which would impair mobility in an existing community or between a community and an outlying area. The Proposed Project does not include the construction of a linear feature.

Impacts to adjacent single-family homes will be minimized via County Development Standards for the RL zone, including guidelines for structural uses, setbacks, height, and noise.

The existing designated land use category of the 40 acres parcel contiguous to the Project site on the easterly property line is C- Commercial. The designated Zoning District is

AV/CG which is Apple Valley General Commercial. There is another 40 acres site just east of the Project site on the north side of Bear Valley Road which is also AV/GC. The proposed Project will serve as a buffered land use transition between the future commercial land use and the surrounding rural land uses with a proposed residential development density of approximately 4 DUs per acre plus the entitled Affordable Housing Density Bonus². Due to the sparsely developed nature of the area surrounding the project site, the development of the proposed project does not divide an established community. The Project is designed in accordance with the Development Code Chapter 84.18: Planned Development Standards, §84.18.040 Design Standards (b) Open Space (1) Open Space Defined. (2) Minimum Open Space Required for Planned Development which requires a minimum of 40% private and common open space of the total proposed Project area.

The reduction in the number of mobile homes from 399 to the allowable density of 324 the Project would provide considerably more open space: approximately 268,605 square feet of residential landscaping open space totaling 6.81 acres representing 14% of the total Project Area, and a combined total of 1,136,549 square feet of open space totaling 26.09 acres representing 58.1% of the total Project Area, exceeding the Development Code requirement of 40% open space by 18.1%. The Development Plan Sheet 1 of 16 OPEN SPACE AREA ANALYSIS includes all open space area in detail. Thus, there is no increase in impacts to that which was analyzed in the Initial Study that was circulated.

- 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 with Mitigation

A) The Project Site is currently zoned RL-2.5. Under the RL zone, the 44.92-acre Project Site could be developed at a density of 1 unit per 2.5-acres. With a Planned Development pPermit, the Project Site could be developed either: Option 1) the underlying zoning of RL-2.5 and a density bonus of 80 percent for affordable senior housing. or; Option 2) as a mobile home park inclusive of incidental uses. uUp to 4 units per acre is allowable with Board of Supervisors approval plus a density bonus of 80 percent for 100% affordable senior housing. Per Title 8 Development Code Chapter 83.03: AFFORDABLE HOUSING INCENTIVES – DENSITY BONUS §83.03.040 Allowed Density Bonuses (6) ***Bonus for 100 Percent Affordable Housing Development. A housing development that is eligible for a bonus in compliance with the criteria in § 83.03.030(a)(7) (100 percent of all units in development affordable with up to 20 percent moderate) shall be entitled to a density bonus of 80 percent of the number of units for lower-income households, except if the housing development is located within one-half mile of a major transit stop, then no maximum density controls shall be applied. (d) Requirements for Amendments or Discretionary Approval. The granting of a density bonus shall not be interpreted, in and of itself, to require a Policy Plan amendment, zoning amendment, or other discretionary approval.*** Under Option 1 the Project Site could be developed with 32 units (18 units plus

² Gov. Code § 65915 et seq.

~~an 80 percent density bonus of 14 units). Option 2~~ The allowable mixed use and entitled density bonus allows for 324 units (4 units per acre or 180 units, plus an 80 percent density bonus of 144 units). Under the Planned Development Permit designation, the applicant may request an increase in density established by the underlying zone, however approval must be granted by the Board of Supervisors. The Applicant is requesting approval of a Planned Development Permit which would allow for the affordable mixed-use senior mobile home park project with the proposed incidental uses at ~~anthe~~ increased density, ~~above what~~ which is permitted by the RL zone under the Planned Development Permit: the density of 4 units/acre plus the entitled 80% density bonus per §83.03.030 Eligibility for Bonus, Incentives, or Concessions. (a)(6) and §83.03.040 Allowed Density Bonuses totaling 324 DUs.

B) The Planned Development Permit is intended to provide flexibility in the application of Development Code standards to proposed development under limited and unique circumstances. The purpose is to allow consideration of innovation in site planning and other aspects of project design, and more effective design responses to site features, uses on adjoining properties, and environmental impacts than the Development Code standards would produce without adjustment. The County expects each Planned Development Permit project to be of obvious, significantly higher quality than would be achieved through conventional design practices and development standards and consistency with the Policy Plan which are included as part of the findings provided for the Planned Development Permit.

The proposed Planned Residential Development would include the following incidental service uses including an Urgent Care/First Aid Center and Senior Wellness Convenience Shop for on-site residential use only, a Community Activities Complex with Swim and Spa Complex featuring passive and active activities for its senior residents, a Central Park, 5 community parks/a detention basin and pond. The pond will serve as a reclaimed water source/storage for the landscape irrigation of all onsite landscaping and park water feature. These incidental service uses are allowed as outlined in Chapter 85.10 Planned Development Permits and §85.10.070 Development Plans.

§ 85.10.020 Applicability.

A Planned Development Permit application may be filed and processed only under the following circumstances.

(1) (a) Minimum Site Area. A Planned Development Permit may be requested for a residential, commercial, industrial, and/or mixed-use development on a site(s) with a minimum of five acres. The Director may also accept applications for a Planned Development Permit for residential, commercial, industrial, and/or mixed-use development on a site(s) with a minimum of one acre, provided the development involves construction of multiple buildings and the Director determines that the Planned Development process would provide a more effective tool to address development on the site than other available procedures.

The Proposed Project application is consistent with this circumstance.

§ 85.10.050 Findings.

The Proposed Planned Residential Development Project will has been evaluated to determine if the Required Findings, as outlined in § 85.10.050 are met. The evaluation and findings are as follows:

(12) The proposed development is consistent with the General Plan and any applicable plan. Findings: **This section is replaced in its entirety with foregoing Paragraph (b)(A).**

~~A request for the approval of the Planned Development is necessary to allow for the Proposed Project. The Project Site is currently zoned RLand under this zone, the 44.92--acre Project Site could be developed with 18 units (1 unit per 2.5 acres). Under a Planned Development Permit the Project Site could be developed with either: Option 1) the underlining zoning of RL (i.e., 1 unit per 2.5 acres) and a density bonus of 80 percent for providing affordable senior housing, or; Option 2) up to 4 units per acre plus a density bonus of 80 percent for providing affordable senior housing. Under Option 1 the Project Site could be developed with 32 units (18 units times 80 percent (14 units). Option 2 would allow for up to 324 units (4 units per acre or 180 units, plus 80 percent (144 units) = 324 units). Under the Planned Development designation, the applicant may request any density and approval would be required by the Board of Supervisors. The Applicant is requesting approval of a Planned Development permit to allow for the mixed-use project including an senior mobile home park and on-site amenities at the density above an increased density of 23 percent above what is permitted by the Planned Development with a density bonus of 80 percent that equals 324 units allowed + 75 units additional = 399 requested units).~~

(2) The physical characteristics of the site have been assessed and the site for the proposed development is adequate in terms of shape and size to accommodate the use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features. Findings: The physical characteristics of the site have been addressed in the proposed Preliminary Development Plan as a Senior Wellness Community to support the community as a self-sustaining Planned Residential Development and demonstrated with the supporting Technical Studies. Some physical characteristics of the project may see minor changes, such as solar panel details and wall height, and will continue to be evaluated until such time as a decision on the project is made. The proposed development has been reduced to 324 affordable senior mobile homes reducing the residential area to 15% of the total Project Area with an 18.1% increase in Open Space to 58.1% Open Space, fully consistent with the County Policy Plan & Development Code. The proposed development carries out the intent of the Planned Development Permit provisions by providing a more efficient use of the land and an obvious, significantly higher quality than would be achieved through the application of conventional design practices and development standards pursuant to §85.10.010 Purpose .¹

Findings: The proposed Planned Residential Development as a Senior Wellness Community provides a thriving environment for an obvious, significantly higher senior

quality of life with an extremely efficient use of the land. The Project incorporates meticulous attention to detail in the design of the incidental uses, inclusive of immediate onsite medical and dental health services availability, wellness, and fitness. The Project provides for an allocation of 58.1% Open Space at 1,136,549.71 SF totaling 26.09 acres, inclusive of 1.37 Acres of Natural Undisturbed Open Space to address the senior's special needs for both active & passive lifestyles. The 58.1% Open Space exceeds the required 40% Open Space pursuant to §84.18.040 Design Standards Minimum Open Space Required for Planned Development by 18.1%.

(3) The site for the proposed development has adequate access, in that the site design and development plan conditions consider the limitations of existing streets and highways and provides improvements to accommodate the anticipated requirements of the proposed development. Findings: The site has ~~adjacent direct~~ access to existing improved Bear Valley Road and State Route 18. The Proposed Project will improve existing Las Piedras Road and includes internal paved streets and a gated ~~inclusive of a round-a-bout at the entrance to the development with additional access to~~ along Las Piedras Road. The Proposed Project will improve Bellview Road on the westerly side of the Project which will connect to Bear Valley Road via a dedicated County Right-of-Way.

(4) Adequate public services and facilities exist, or will be provided, in compliance with the conditions of development plan approval, to serve the proposed development and the approval of the proposed development will not result in a reduction of public services to properties in the vicinity to be a detriment to public health, safety, and general welfare. Findings: The Project is designed to be fully self-sustaining with Solar Energy, Water Well for Domestic Water, and Packaged Wastewater Treatment Plant which will provide reclaimed water for all landscape irrigation. ~~a~~As described in Section XV. Public Services herein of the 2023 IS/MND, approval of the proposed development ~~the project are~~ is not expected to impact Fire, police, parks, or schools and therefore will not result in a reduction of public services to properties in the vicinity. See Section XV.

(5) The proposed development, as conditioned, will not have a substantial adverse effect on surrounding property or their allowed use, and will be compatible with the existing and planned land use character of the surrounding area. Findings: The Project is proposed within an area that is currently designated Rural Living. Surrounding land uses include vacant land and scattered residential to the west and south, vacant land to the north, and vacant land and commercial to the east. As conditioned, the Project will not have an adverse effect on the surrounding property or use. The nature of the mobile home park (i.e., seniors only) would be consistent with the rural nature of the surrounding area. Amenities on-site would reduce traffic trips and the gated community would provide an appropriate buffer for nearby residents.

(6) The improvements required by the proposed conditions of development plan approval, and the manner of development adequately address all natural and man-made hazards associated with the proposed development and the project site including fire, flood, seismic, and slope hazards. Findings: Natural and manmade hazards have been addressed in Technical Studies for the Proposed Project and are addressed in the 2023 Initial Study IS/MND. Mitigation Measures have been recommended to mitigate any

significant impacts such that they will be Less Than Significant with Mitigation Incorporated.

(7) The proposed development carries out the intent of the Planned Development Permit provisions by providing a more efficient use of the land and an excellence of design greater than that which would be achieved through the application of conventional development standards. *Findings: The proposed Planned Residential Development as a Senior Wellness Community provides an efficient use of the land and addresses and meets the current The County of San Bernardino Policy Plan for Land Use and Housing Element Goals & Policies, Adopted 5th Cycle Housing Element of County of San Bernardino 2013-2021 as follows:*

Goal H-1 Housing Production and Supply – *A broad range of housing types in sufficient quantity, location, and affordability levels that meet the lifestyle needs of current and future residents, including those with special needs.*

Consistency: *The proposed project provides 100% affordability and addresses the need for senior housing and lifestyle, provides both passive and active activities, and with wellness services to meet the special needs of the senior residents.*

Goal H-2 Governmental Development Regulations – *An efficient administrative process that recognizes the need for efficient and timely review of residential projects while also ensuring and valuing the need for quality design, environmental review, and planning.*

Consistency: *The proposed project includes a plan for an allowable mixed residential uses and incidental service uses that support the wellness needs of the senior living community under a Planned Development Permit. The Project is planned at 100% affordable Senior Mobile Homes meeting the County Goals. The Project has achieved IRS 501 (C)12 Non-Profit Organization status as the purveyor of solar energy, domestic water supply, packaged wastewater treatment plant facility, and reclaimed water for landscape irrigation for a Carbon-Zero green self-sustaining renewable energy project consistent with State Goals.*

Goal H-3 Housing and Neighborhood Quality – *Neighborhoods that protect the health, safety, and welfare of the community, and enhance public and private efforts in maintaining, reinvesting in, and upgrading the existing housing stock.*

Consistency: *The proposed project would provide wellness incidental services for the senior residential community to provide immediate health, safety and welfare for the community with an Urgent Care/First Aid Center, Wellness Convenience Shop, Community Activities Complex with Swim & Spa Complex, Central Park, Community Parks, internal circulation and self-sustaining utility services.*

Goal H-4 Affordable Housing Assistance - *The development, maintenance, modernization, and preservation of affordable housing; and the provision of assistance, where feasible, for residents to rent or purchase adequate housing in San Bernardino County.*

Consistency: *The Adopted 5th Cycle Housing Element of County of San Bernardino 2013-2021 Section 5.8 SPECIAL NEEDS GROUPS, 5.8.1 Elderly Persons states that, “Seniors are considered a special needs group, because their limited income, higher health costs, and physical disabilities make it more difficult to find suitable and affordable housing. Overall, some of the more pressing senior issues are:*

- *Physical Disabilities. Seniors have a higher prevalence of physical disabilities than other age groups; about 30% of seniors have a self-care/mobility limitation. At some point, every senior citizen will live with one or more disabilities that restrict mobility. This underscores the importance of facilitating options to make housing more accessible to seniors, including special modifications (such as ramps, handrails, lower cupboards and counters) that give seniors greater access and mobility and allow them to stay in their home.*
- *Limited Income. Approximately 70% of senior renter households and 32% of senior homeowners earn low income; increases in rental housing costs put them at greater risk for overpayment and make it more difficult to pay other expenses. More than 50% of senior households who rent and 30% of senior households who own homes overpay for housing. Providing rental assistance where needed, housing rehabilitation assistance for homeowners, or other programs can assist seniors to meet their housing expenses.*
- *Location/Transportation. Availability of transportation is an important concern for seniors. Because of the sheer size of the County and the isolation of many unincorporated communities, many senior residents need access to public facilities and public transit. Eight transit agencies provide low cost public transportation to area residents and special ACCESS services for seniors_....”*

The proposed Senior Wellness Community Project would provide a 100% affordable³, self-sustaining, community specifically focused on the special needs for seniors as listed above.

The inclusion of specialized and nearby amenities to serve the senior residents such that the residents have local access to First Aid, Wellness Convenience Shopping, a place for senior passive and active activities and interaction will meet address and meet the Adopted Housing Element for Elderly Persons.

(8) If the development proposes to mix residential and commercial uses whether done in a vertical or horizontal manner, the residential use is designed in a manner that it is buffered from the commercial use and is provided sufficient amenities to create a comfortable and healthy residential environment and to provide a positive quality of life for the residents. The amenities may include landscaping, private open space, private or separated entrances, etc. *Findings: The gated Senior residential community was designed with continuous looped streets systems with the incidental service uses, a Senior Wellness*

³ REFERENCE: County of San Bernardino Title 8 Development Code § 83.03.040 Allowed Density Bonuses (a)(6) Bonus for 100 Percent Affordable Housing Development

Complex centrally Central Park located such that they are buffered by a round-a-bout the looped private drives and Central Park and 750,000 gal reclaimed water multi-purpose pond and fire suppression reservoir. The Project was designed to create a comfortable and healthy senior residential environment with a positive and thriving quality of life.

In accordance with §85.10.070 Development Plans, a Detailed Development Plan is required. The applicant has submitted a detailed Development Plan and includes certain amenities in accordance with the necessary required findings of a Community Activities Complex, Center and Pool and Spa Complex, Urgent Care/First Aid Center, Senior Wellness Convenience Shop, Central Park Complex, 5 Community Activities Parks, internal circulation within a gated Senior Community. Section (b)(C) Planned Residential Developments (II)(V)(ii) states the following:

Certain internally oriented, incidental service uses including civic, community or country clubs, conference center, or convenience shops designed and intended to provide goods and services to residents of the Planned Residential Development project may be allowed. These incidental service uses shall not be located on the periphery of the project, nor shall the use encompass more than ten percent of the total project area.

The proposed Development Plan includes incidental service uses i.e., the Community Activities Complex, Center, Senior Wellness Convenience Shop, Urgent Care/First Aid Center, and Caretaker which are intended to provide goods and services to the senior residents of the Planned Residential Development Project. These incidental service uses are centrally located within the community and encompass ~~only 8~~ .94 percent of the total project area.

In accordance with paragraph (VI) of this code which states that the conditions of approval of a Planned Residential Development project shall specifically designate those uses, including types of dwelling units, allowed with the project, the proposed Development Plan includes all of the uses proposed including ~~399~~ 324 Senior Mobile Homes, the Community Activities Complex, Central Park Complex, Center, Pool & Spa Complex, Urgent Care/First Aid Center, Senior Wellness Convenience Shop, Central Park Complex, and 5 Community Parks and exempted service utilities for solar energy, domestic water, packaged wastewater treatment plant, pond for reclaimed water storage for fire suppression and landscaping irrigation.

Mobile homes are conditionally permitted within the RL zone. All land uses within a Planned Residential development shall conform to the allowed uses of the underlying land use zoning district except as follows: (ii) Certain internally oriented, incidental service uses including civic, community or country clubs, conference centers, or convenience shops designed and intended to provide goods and services to residents of the Planned Residential Development project may be allowed. These incidental service uses shall not be located on the periphery of the project, nor shall the use encompass more than ten percent of the total project area. The Proposed Project's Incidental Service Uses consist of an onsite Urgent Care/First Aid Center, a Community Activities Complex, ~~Central~~, pool and Spa Complex, 5 Community Parks, a detention basin, pond for reclaimed water storage for landscaping irrigation and fire suppression, and a Senior Wellness

Convenience Shop to serve the proposed senior community and encompass approximately ~~eight (8)~~ .94 percent of the land.

Conditions of approval for the Project would include but are not limited to the creation of Homeowners Association with CC&Rs¹³ to address concerns regarding noise, clean up, trash, and general maintenance of buildings and mobile units. In addition, the Project would be required to comply with the provisions of the Mobile Home Parks Act (Health and Safety Code Section 18200 et seq.) and Mobile Home Parks Regulations (Code of Regulations, Title 25, [Division 1, Chapter 2](#), Section 1000 et seq.). The California Department of Housing and Community Development would be responsible for enforcing State law and regulations that apply to maintenance, use, occupancy, sanitation, and safety of mobile home parks.

Therefore, the site does not 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.

With the reduction in density to 324 100% affordable mobile homes, additional Open Space Area, added active and passive activities, and the implementation of all conditions of approval, the Project would have a less than significant impact.

¹³ Covenants, conditions, and restrictions (CC&Rs) are a set of rules governing the use of a certain piece of real estate in a given community.

XIV. POPULATION AND HOUSING

- 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)?*

Less Than Significant Impact

The Project is a request for a Planned Development Permit that would allow for a Senior Wellness Community and provide incidental service uses including a Senior Wellness Convenience Shop and Urgent Care/First Aid Center. The California Department of Housing and Community Development would be responsible for issuing a permit for the operation of a mobile home park. The Project is planned as a self-sustained living community with onsite solar energy, water well, package wastewater treatment plant, reclaimed water for irrigation and fire protection. The Project includes ~~399~~ 324 mobile homes. At a density of two people per unit plus two people within the caretaker residence, the Project would generate approximately ~~800~~ 650 new residents. As stated in Section XII Land Use, the Proposed Project would provide an efficient use of the land that addresses and meets the current Land Use and Housing Element Goals & Policies, of the Countywide Plan. The Proposed Project would create 20 new jobs in the community. The new jobs would likely be filled by existing residents of the neighboring community of Apple Valley or other nearby areas. Construction activities would be temporary and would not attract new

employees to the area. The Proposed Project is conditionally permitted and would therefore not induce substantial unplanned population growth in the area, either directly or indirectly (for example, through extension of roads or other infrastructure). In addition, the Project is located adjacent to State Highway 18 and Bear Valley Road and therefore roads would not need to be extended to provide service to the Project Site. Therefore, no significant adverse impacts have been identified or anticipated no mitigation measures would be required.

XV. PUBLIC SERVICES

- a) *Would the project 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?*

Fire Protection

According to the San Bernardino County Fire Protection District Map with the Project Other Jurisdiction which is the Apple Valley Contracted Area with the San Bernardino County Fire Department. San Bernardino County Fire Station 22 is the nearest Full Time County Station to the Project. The LAFCO 2998 Apple Valley Fire Protection District Boundary Map shows the Project Site is located within the Apple Valley Fire Protection District (AVFPD) and Apple Valley Fire Protection District Sphere of Influence (AVFPDSOI). The Proposed Project would be served by the Apple Valley Fire Protection District. AVFPD Fire Station 334, a “Fully Staffed Station” located on Kiowa road at Bear Valley Road, is located within Apple Valley approximately 4.6 miles west of the Project Site. Response times in the range of five to eight minutes are considered maximum in the case of structural fires. A longer response time will result in the loss of most of the structural value. Fire station organization, distance, grade and road conditions affect response times. AVFPD Operations are guided by National Fire Protection Association (NFPA) 1710 Benchmarks (applicable to AVFPD’s career structure):

Call processing time: No more than 64 seconds, 95% of the time.

Turnout time: Firefighters suited and in apparatus within 80 seconds for fire responses and 60 seconds for EMS calls.

Travel time: First responders arrive on scene within 240 seconds (4 minutes), 90% of the time, for both fire suppression and EMS incidents.

These metrics together define the first “response time” as up to 300 seconds (5 minutes) for high-priority incidents, with the goal that at least 90% of such calls meet or beat that target.

Bear Valley Road is a designated County Major Arterial with a 120’ width Right of Way and less than 0.5% grade, speed limit is 55mph. Travel time of response is 4.9 minutes at 55mph. Emergency vehicles including fire trucks in California can exceed the speed limit by up to 10mph. At 65mph the response time is 4.25 minutes. As an existing Fully Staffed Station, with response times below the maximum, there would not be a need for a new station or equipment. Therefore, no significant impacts are identified or anticipated, and

no mitigation measures are required.

Parks

The Proposed Project would also include an on-site Pond, a Central Park and 5 community parks, a Community Activities Complexcenter. The population that would be served by the Project (i.e., senior citizens) is not anticipated to draw a significant number of additional residents (i.e., families) to the area. In addition, new employees would likely come from the local community and would not result in people relocating to the area. The Proposed Project would not result in an increase in population that would increase the use of existing neighborhood and regional parks or other recreation facilities in the vicinity as appropriate amenities would be provided on-site. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

XVI. RECREATION

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

No Impact

The Proposed Project is a request for a Planned Development permit to allow for the construction and operation of a Senior Wellness community. The Proposed Project would also include an on-site pond, central park complex and community activities complex, pool and spa complex, five communities parkcenter. The population that would be served by the Project (i.e., senior citizens) is not anticipated to draw a significant number of additional residents (i.e., families) to the area. The Proposed Project would not result in an increase in population that would increase the use of existing neighborhood and regional parks or other recreation facilities in the vicinity as appropriate amenities would be provided on-site. The central park is a passive and active park, and the recreational amenities are indoor and outdoor; construction and operation of which would not have an adverse physical effect on the environment. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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XVII. TRANSPORTATION – Check Boxes corrected to match findings determination.

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? | ☐ | ☐ | ☐ | ☒ |
| b) | Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 | ☐ | ☐ | ☐ | ☒ |

subdivision (b)?

- | | | | | | |
|----|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| c) | Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☐ | ☒ | ☐ |
| d) | Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☒ |

Less Than Significant Impact

- a) A Traffic Impact Analysis (TIA) was prepared for the proposed project by TJW Engineering, Inc., dated January 12, 2022 in coordination with the County of San Bernardino via a scoping agreement and was prepared pursuant to applicable County of San Bernardino traffic impact analysis guidelines. A complete copy of the TIA is included in this Initial Study as Appendix I, and is summarized herein.

The Countywide Policy Map TM-4 Bicycle & Pedestrian Planning was reviewed for conflicts with the proposed Project. The Project is not located in any mapped Non-Motorized Transportation Plan Areas. The Project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, and **therefore would not have any impacts.**

- b) The TIA described the proposed project analyzed as follows, “The proposed project consists of 399 affordable housing senior living mobile homes and on-site medical clinic, supermarket, and community center. Site access is planned via one full-access driveway along Bear Valley Road and one full-access driveway along Las Piedras Road. The site is currently zoned as Rural Living (RL) in the County of San Bernardino. The project site is currently vacant. The proposed project is anticipated to be built and generating trips in 2022. A growth rate of 2% was used to account for 2022 volumes.”

Although the TIA analyzed the site with the uses of a Supermarket and medical clinic, the design is now for a mobile home park with a “Planned Residential Development Permit” with 324 mobile homes, the Incidental Service Uses, i.e., Urgent Care/First Aid Center, Senior Wellness Convenience Shop and Community Activities Complex Center have been centrally located consistent with the planned development guidelines and planned with the front doors accessed via the internal loop street and will not serve the public outside of the community, and the trips associated with the new proposed Project are reduced via the reduction from 399 DUs to 324 DUs and less than what was evaluated in the 2023 IS/MND and therefore would **not have an impact.**

- c) Consistent with CEQA the TIA identified the intersections in the vicinity of the project as follows:

The following three (3) intersections in the vicinity of the project site were included in the intersection level of service (LOS) analysis. The study intersections are all located within the County of San Bernardino.

1. Bear Valley Road / Highway 18

2. Bear Valley Road / Central Road
3. Bear Valley Road / Project Driveway

The study intersections were analyzed for the following study scenarios:

- Existing Year Traffic Condition
- Project Opening Year Traffic Condition
- Project Opening Year plus Project Traffic Condition

Traffic operations were evaluated for the following time periods:

- Weekday AM Peak Hour occurring within 7:00 AM to 9:00 AM; and
- Weekday PM Peak Hour occurring within 4:00 PM to 6:00 PM.

The CEQA Guidelines were amended in December 2018 to include Senate Bill (SB) 743 which required the Governors Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. The OPR identified the Vehicle Miles Traveled (VMT) as the new metric for transportation under CEQA.

Consistent with the new metric of VMT for analysis of transportation impacts under CEQA, the analysis follows the OPR and County guidelines. The TIA concluded that since the project provides affordable housing, **the project is presumed to have a less than significant transportation impact** per CEQA guidelines.

OPR's Technical Advisory on Evaluating Transportation Impacts in CEQA (December 2018) outlines various sources indicating affordable housing as a low generating VMT land uses and presumption of a less than significant impact. In addition, the County of San Bernardino's General Plan Housing Element (Goal H-4) outlines to "Assist in the development, maintenance, modernization, and preservation of affordable housing; provide assistance where feasible for residents to rent or purchase adequate housing in San Bernardino County."

As this project provides affordable housing and aims to provide a self-contained living experience, is consistent with the new metric of Vehicle Miles Traveled (VMT) for analysis of transportation impacts under CEQA, the project is presumed to have **a less than significant transportation impact** per CEQA guidelines. The Analysis Methodology used in the TIA included the Highway Capacity Manual (HCM), (Transportation Research Board, 2016) which utilizes different procedures for different types of intersection control.

The County of San Bernardino and Caltrans traffic impact study guidelines require that signalized intersection operations are analyzed utilizing the HCM 6th Edition methodology. The TIA utilized Trafficware's Synchro, Version 10 analysis software for all signalized and unsignalized intersections. As concluded in the TIA, for Project Opening Year Plus Project (OYWP) Conditions, all study intersections studied will not be deficient and are projected to continue to operate at an acceptable LOS during the AM and PM peak hours for project opening year base plus cumulative plus project conditions.

- d) Site access would be provided via one full-movement intersection ~~full-access driveway~~ along Bear Valley Road and one full-access driveway along Las Piedras Road to an internal loop street. No sharp curves, dangerous intersections or incompatible uses would result. Therefore, based on the foregoing the project will not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, and would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or include incompatible uses (e.g., farm equipment). Project driveways were reviewed for emergency access and found to be adequate. **No significant impact would result.**
-

XIX. UTILITIES AND SERVICE SYSTEMS – Would the project:

- a) *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Less Than Significant Impact

- a) A Water and Sewer Demand Analysis, dated April 8, 2022, was prepared for the Project by Red Brick Solutions and is attached as Appendix J to this Initial Study and is summarized herein. A subsequent WSA Memorandum dated December 11, 2023 was prepared by Red Brick and an Errata thereto dated July 8, 2026 was prepared by Red Brick addressing the revised Water Demand based on 324 DUs which is attached hereto as Exhibit D WSA Memorandum - Errata.

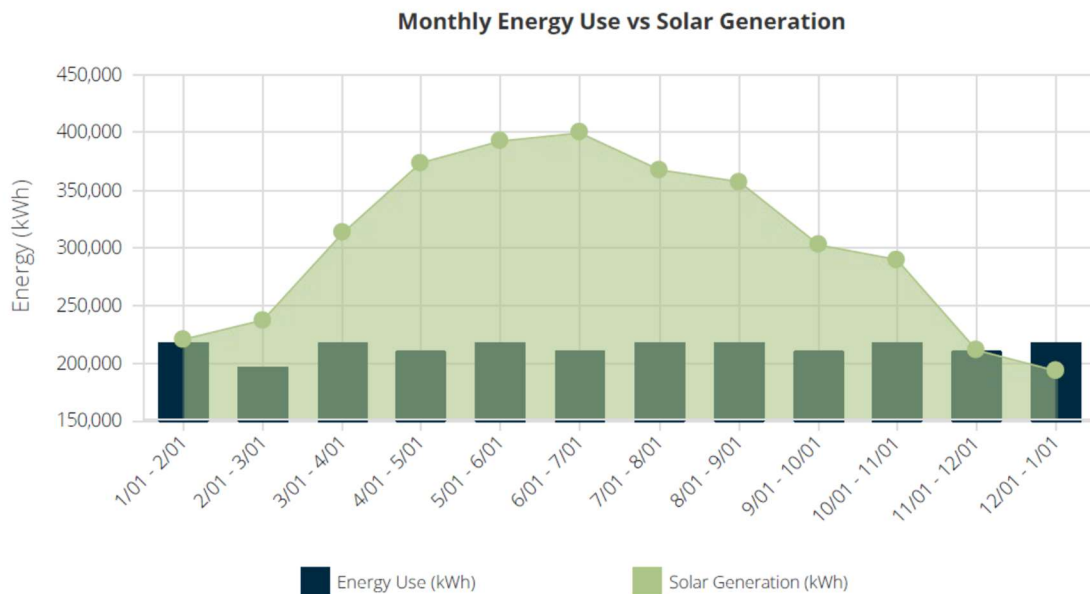
The Project Site is currently vacant and includes a request for a Planned Development Permit and TMP to allow for the construction and operation of a Planned Residential Development for a Senior Wellness Community. The Avellana Power Rural Electric Cooperative, a 501(c)12 non-profit mutual benefit corporation was formed and will be the water purveyor delivering potable water, reclaimed water, wastewater treatment and energy to the Project. The Project will include a 2.25-Megawatt Solar Power Area that would provide electric power from solar energy connected to a battery system with back up power from the SCE grid.

Pursuant to San Bernardino Development Code *Chapter 84.29: RENEWABLE ENERGY GENERATION FACILITIES §84.29.020 Applicability and Land Use Zoning Districts*. (a)(b) the current zoning district of the Solar Facility Site is the RL (Rural Living) which is among the Land Use Zoning Districts listed that allow commercial renewable energy facilities. The Avellana Solar Facility has been designed in conformance with §84.29.040 *Solar Energy Development Standards* and with the *County 2022 Policy Plan Renewable Energy & Conservation Element adopted 2019* (RECE) meeting its “*Intentions Of The Element, Core Values and Guiding Principles*” as described in the RECE. The Project Solar Facility design meets the required findings as outlined in §84.29.035 *Required Findings for Approval of a Commercial Solar Energy Facility* (a)(b)(c). The design also meets the Policy Plan RECE goals, policies and objectives with the proposed “small scale” Solar Energy Facility as described in RECE *Section III Community-Oriented Renewable Energy (CORE) Table 1: Renewable Energy Generation Categories*. The proposed Solar

PV Facility is a “Community-Oriented RE Facility” defined as “providing electricity primarily for adjacent use with the Preferred Technology Type of Solar PV energy system, with the Typical Size of up to 60 acres in total area, and Typical Power Generation of up to approximately 10 MW (standard layout)”. The proposed PV Solar Facility is located on a 4.72 acre site which is 92.14% smaller than the maximum allowable 60 acres; will provide electricity for adjacent use, with the typical power of 2.25MW (standard layout) which is 8MW under the maximum allowable.

The Solar Facility will incorporate the Enerport-CORNEX Liquid Cooled Battery Energy Storage System (BESS) by Enerport, Inc. or approved equivalent for energy storage that is in conformance with National Fire Protection Association (NFPA) 855 which is the U.S. standard that sets safety requirements for the design, installation, and operation of energy storage systems including battery energy storage systems (BESS). The proposed design would be required to be in conformance with the current Apple Valley Fire Prevention District codes and standards, the NEC cycle, IEEE 1547 updates, and any local utility interconnection rules, while verifying that all PV equipment meets UL and ICC-ES standards to ensure compliance, safe operation, and smooth permitting and inspection processes. Based on the Environmental Assessment for the Avellana Solar and Broadband Project, USDA Rural Development, U.S. Department of Agriculture Rural Utilities Service (RUS) dated March 2023, the United States Department of Agriculture (USDA) approved the Findings of No Significant Impact (FONSI) on April 12, 2023. See EXHIBIT C - USDA FINDINGS OF NO SIGNIFICANT IMPACT (FONSI) & AVELLANA SOLAR AND BROADBAND PROJECT ENVIRONMENTAL ASSESSMENT attached hereto. See **Appendix XIX USS.**

The Project proposal intends for the solar generation to exceed the energy use of the Proposed Project over the course of a 12-month period. The energy use is shown at a peak of 225,000 kWh/mo, whereas the Solar Generation peaks at 400,000 kWh/mo. The system will include connection to the grid as a backup. SCE powerlines are available nearby; therefore the power generation system will not require expansion of electric power facilities.



Source: Energport Inc.

The Project will provide an Onsite Packaged Wastewater Treatment System (OWTS) via a 60,000 gallons per day (gpd) extended aeration treatment plant¹⁶. The proposed OWTS is fully self-contained. Tertiary treatment is proposed to meet State of California Regional Water Quality Control Board Biological Oxygen Demand (BOD) levels for reclaimed water. Reclaimed water is planned to be used for all onsite landscape irrigation. The Proposed Project would not require expansion of sewer facilities.

Natural gas service will not be provided to the community as the project is designed to rely on electrical source for heating. Water demand will be met onsite via a water pumping and storage system included as part of the project (description below). Phone service will be provided via an onsite underground broadband system.

The required infrastructure improvements necessary to serve the Project shall be constructed and paid for by the developer and via various incentives from State Grants and State Conservation Acts and federal Rural Utilities Service funding.

The Proposed Project is designed to be primarily self-sustaining for all utility needs. Improvements would be constructed in accordance with applicable County and State codes, requirements and standards. **No significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

- 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 Impact

The Project would be serviced by an onsite well and two water storage tanks. The Project Site is within the Mojave Basin Area and occurs within the Alto Subarea. Per California Assembly Bill 1668 dated May 31, 2018, the per capita limit for water is 55 gpd. At ~~399~~ 324 dwelling units, the residential community water demand would be ~~33,368~~ 39,504 gpd (1.8 persons per dwelling unit). The incidental service uses of the Community Center,

Wellness Convenience Shop, and First Aid Center would require approximately 5,000 gpd. Therefore, the Proposed Project would have an estimated annual water demand of approximately ~~45,000~~ 37,076 gpd (~~39,504~~ 33,368 gpd+5,000 gpd) or 50.4 afy (including approximately 6.69 acre-feet for landscaping) of which 10% is the net Domestic Demand of 5.04afy. Less Evapotranspiration on the Pond -2.75, less Landscape Evapotranspiration of -0.42 for a total demand on the Aquifer of 7.32 afy which is less than the <10afy per parcel allotment guaranteed per MWA.

Regarding source water production, the State Water Resources Control Board (Division of Drinking Water) performed a Sanitary Survey for the area with results provided in a letter dated May 14, 2020. The letter identified the historic Maximum Day Water Demand (MDD) (year 2010) exceeds the current source capacity (with the highest source offline). A MDD of 5.92 MGD is compared with a source capacity of 5.06 MGD resulting in an apparent existing deficiency of 0.86 MGD. However, given the significant MDD reduction trend (since 2010) when compared to years 2011-2018, a more appropriate computation could be made by averaging the current trend values. In doing so (and excluding year 2017 as an anomaly), the MDD would adjust to 4.48 MGD and thus an apparent surplus of 0.58 MGD would result. As such, the true availability of source waters would be confirmed at the time of development.

As concluded in the Water Demand Study prepared for the Project, an estimated 10.48 afy would be replenished in the aquifer. The Errata Memorandum recalculated the demand based on the reduced 324DUs. The revised total demand is reduced to 7.32 afy. The revised net effect of the new revised Project equals 10.48 afy that would be replenished in the aquifer. Although no significant adverse impacts are identified or anticipated, due to case law (Riverside County Superior Court Case No. CIV208568, or Court Judgment that adjudicated the rights to pump groundwater in the Mojave Basin Area, uses over 10 acre-feet of water per year require stipulation to the judgement, payment for water replacement to the basin and reporting to the Mojave Water Agency (Watermaster^[1]). Under the judgement there is no credit for recycled water. Implementation of Mitigation Measure HYD-1 as provided in this Initial Study, would ensure potential impacts are reduced to the extent feasible. No additional mitigation is warranted. The Project encompasses two separate parcels, each is entitled to up to 10afy. The Project net demand is 7.32 afy. Therefore, less than significant impact.

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EXHIBIT A

CDFW LETTER



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



October 9, 2023

Governor's Office of Planning & Research

Natalie P. Patty
Contract Planner III
San Bernardino County
385 N Arrowhead Ave 1st Floor
San Bernardino, CA 92415

Oct 09 2023

STATE CLEARINGHOUSE

Avellana Senior Wellness Community (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND)

Dear Ms. Patty:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a MND from San Bernardino County (Lead Agency) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

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

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

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G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: San Bernardino County

Objective: The construction and operation of a Senior Wellness Community. The Senior Wellness Community would include a 399-unit Senior Mobile Home Park, 11,700 square foot Community Center, 5,000 square foot Wellness Convenience Shop, 3,500 square foot First Aid Center, and a 750,000 gallon pond. The proposed development would also include a 60,000 gallon per day packaged wastewater treatment plant, a two Mega-Watt solar area, a water well designated to provide 45,000 gallons per day, two 125,000 gallon water storage tanks, and a 1,895 square foot caretaker residence.

Location: This Project is located south of Bear Valley Road, north of Circle 5 Ranch Road, and southwest of State Route 18 in the City of Apple Valley, California (Township 4 North, Range 2 West, Section 6, USGS Apple Valley South, California Quadrangle.)

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist San Bernardino County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

Burrowing Owl (*Athene cunicularia*)

This site has the potential to provide suitable foraging and/or nesting habitat for burrowing owl. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, prohibited by sections 3503, 3503.5, and 3513. Take is defined by Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture, or kill".

CDFW appreciates that San Bernardino County will follow the guidelines in the Burrowing Owl Survey Protocol and Mitigation Guidelines, and also recommends following the guidelines found in the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012) available for download from CDFW's website: <https://www.wildlife.ca.gov/conservation/survey-protocols>. The Staff Report on Burrowing Owl Mitigation specifies three steps for Project Impact evaluations:

1. Habitat Assessment;
2. Surveys; and
3. Impact Assessment

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CDFW also appreciates the inclusion of MM BIO-1 in regards to pre-construction survey considerations. However, in accordance of the Staff Report on Burrowing Owl Mitigation, Take Avoidance surveys during the pre-construction period are intended to detect burrowing owl presence on a project site during a fixed period in time. The ISMND specifically states that pre-construction surveys shall be conducted any time of year. This does not allow for the proper assessment of impacts to burrowing owl, per step 3 of Project Impact evaluations. Step 1 Habitat assessments are conducted to evaluate the likelihood that the site supports burrowing owl. Step 2 Species specific surveys provide information needed to determine potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with FGC Sections 86, 3503, and 3503.5. Step 3 Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of a proposed CEQA Project activity.

If burrowing owls are found to occupy the Project site and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2021), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 2 artificial burrows constructed to 1 natural burrow collapsed (2:1) as minimization for potentially significant impact of evicting burrowing owls. Burrowing owls may attempt to colonize or re-colonize an area that will be impacted; thus CDFW recommends ongoing surveillance of the Project site during Project activities, at a rate that is sufficient to detect burrowing owls if they return. CDFW also recommends that when temporary or permanent burrow exclusion and/or burrow closure is implemented, burrowing owls should not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed and approved by CDFW; permanent loss of occupied burrow(s) and habitat is mitigated in accordance with the Staff Report; site monitoring is conducted prior to, during and after exclusion of burrowing owls from their burrows sufficient to ensure take is avoided; and excluded burrowing owls are documented using artificial or natural burrows on an adjoining mitigation site.

CDFW offers the following revisions to MM BIO-1 (edits are in strikethrough and additions are in bold):

MM BIO-1

~~A Pre-construction Burrowing Owl Survey shall be conducted by a qualified biologist at least 14 days prior to any Project activities, at any time of year.~~ **Prior to any ground**

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disturbance, a survey for potential burrows followed by four breeding season surveys of areas found to have potential burrowing owl occupation must be ~~Surveys shall be~~ completed following the then current CDFG recommendations and guidelines for Burrowing Owl Protocol Surveys or most recent version by a qualified biologist. **The burrow survey can be conducted any time, but the breeding season focused survey cannot begin prior to February 1. If burrowing owls or suitable burrows and/or sign of burrowing owl are documented on site, a breeding season survey for burrowing owl in accordance to the Staff Report (CDFG 2012).** If an active burrowing owl burrow is detected within any Project disturbance area or the prescribed radii from the project site pursuant to the CDFW Burrowing Owl Survey Protocol and Mitigation Guidelines (BUOW SPMG), a buffer zone surrounding the burrow shall be flagged in accordance with said BUOW SPMG , and no impacts to soils or vegetation or noise levels above as that allowed by CDFW shall be permitted while the burrow remains active or occupied. Disturbance-free buffers may be modified based on site-specific conditions in consultation with CDFW. The qualified biologist shall monitor active burrows daily and will increase buffer sizes as needed if owls show signs of disturbance. If active burrowing owl burrows are located within any work area and impact cannot be avoided, a qualified biologist shall submit a burrowing owl exclusion plan to CDFW for review and approval. The burrowing owl exclusion plan shall include permanent compensatory mitigation consistent with the recommendations in the Staff Report on Burrowing Owl Mitigation dated March 7, 2012 such that the habitat acreage, number of burrows and burrowing owls impacted are replaced. Passive relocation shall take place outside the nesting season (1 February to 31 August).

Western Joshua Tree (*Yucca brevifolia*)

The ISMND states that a Protected Plant Plan shall be developed with criteria for protections that would not require a State of California Incidental Take Permit. Project activities are expected to result in the removal of western Joshua tree (WJT) individuals, a candidate species under CESA, and in the permanent loss of WJT habitat. This Project has the potential for take of WJT individuals and associated seedbank through the removal of individuals; clearing of vegetation; general operation of vehicles and heavy equipment; grading; staging equipment and stockpiling. Incidental take of WJT individuals in the form of mortality ("kill") may occur as a result of removing mature and emergent individuals; relocating individuals; eliminating and modifying habitat; removing seedbank and crushing and/or burying living seeds in the soil, rendering living seeds inviable and/or causing them to be killed.

WJT is a candidate threatened species under CESA. Under CESA, species classified as a candidate species are afforded the same protection as CESA listed species. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture, or kill".

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The ISMND also states that in the event of the Protected Plant Plan be revised as such that the WJT would be proposed for removal, the tree shall be transplanted or stockpiled for any future transplanting. CDFW generally does not support the use of salvaging, translocation, or transplantation as a mitigation strategy for unavoidable impacts to WJT. As such, CDFW encourages San Bernardino County to apply for either a CESA Incidental Take Permit (ITP) for WJT or a Western Joshua Tree Conservation Act ITP to fully mitigate impacts to WJT.

CDFW recommends the following changes be made to MM BIO-2 (edits are in strikethrough and additions are in bold):

MM BIO-2

~~A Protected Plant Plan shall be developed and shall identify methods, locations, and criteria for protecting the existing Joshua Trees in place before, during, and post-construction that would not require a State of California Incidental Take Permit.~~

~~A State of California CDFW Incidental Take Permit will be required for the take of any existing WJT.~~

~~Should the Site Plan be revised such that the Joshua tree would be proposed for removal, the tree shall be transplanted or stockpiled for future transplanting wherever possible pursuant to CDFW criteria and San Bernardino County Development Code.~~

The western Joshua tree is a candidate threatened species under the California Endangered Species Act, and the following measures will be implemented:

- **Prior to the initiation of Joshua tree removal, obtain a California Endangered Species Act (CESA) Incidental Take Permit under Section 2081 of the Fish and Game Code, or a Western Joshua Tree Conservation Act Incidental Take Permit under Section 1927-1927.12 of the Fish and Game Code. The Project Applicant will adhere to measures and conditions set forth within the Incidental Take Permit.**
- **Name, qualifications, business address, and contact information of a biological monitor (designated botanist) shall be submitted to CDFW at least 30 days prior to Project activities. The designated botanist shall be responsible for monitoring Project activities to help minimize and fully mitigate or avoid incidental take of Joshua trees.**
- **Project-related personnel shall access the Project area using existing routes, or routes identified in the Project description, and shall not cross western Joshua tree habitat outside or on route to the Project area.**

Mohave Ground Squirrel (*Xerospermophilus mohavensis*)

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CDFW is concerned regarding the Mohave ground squirrel (MGS) section of the ISMND. The General Biological Resources Assessment states that a habitat assessment survey was conducted in January 2021. According to the Mohave Ground Squirrel Survey Guidelines (2010), unless certain circumstances apply, under the assumption of presence of MGS, CDFW requires a survey to be conducted for the MGS on the project site if the proposed site has potential habitat of this species and the presence of the species on the project site is unknown. Potential habitat is land supporting desert scrub vegetation within or adjacent to the geographic range of the species. A habitat assessment is not part of the MGS Survey Guidelines.

Additionally, the General Biological Resources Assessment states that "It is in the opinion of RCA Associates, Inc. that the habitat is not prime Mohave ground squirrel habitat and is very unlikely to support populations of the species based on the following criteria: 1) No recent documented observations in the general region. 2) No connectivity within habitat which may support the species." Per the MGS Survey Guidelines, "A qualified biologist is a biologist who has demonstrated pertinent field experience in capturing and handling ground squirrels or other small mammals in desert/arid communities and who has been permitted by the Department to work without supervision." CDFW recommends the lead agency include the qualifications of the biologist making this determination to ensure the accuracy of the document.

CDFW recommends including a Mitigation Measure regarding Mohave ground squirrel (MM BIO-6), as one is not currently included in the ISMND.

MM BIO-6. Preconstruction surveys following the Mohave Ground Squirrel Survey Guidelines (CDFG 2010), or most recent version shall be performed by a qualified biologist authorized by a Memorandum of Understanding issued by CDFW. The preconstruction surveys shall cover the Project area and a 50-foot buffer zone, with visual surveys to determine Mohave ground squirrel activity and habitat quality that shall be undertaken during the period of 15 March through 15 April. If visual surveys do not reveal presence of the Mohave ground squirrel on the project site, standard small-mammal trapping grids shall be established in potential Mohave ground squirrel habitat. The number of grids will depend on the amount of potential habitat on the project site, as determined by the Mohave Ground Squirrel Survey Guidelines (CDFG 2010), or the most recent version. If Mohave ground squirrel presence is confirmed during the survey, the Project Proponent shall obtain an ITP for Mohave ground squirrel prior to the start of Project activities. CDFW shall be notified if Mohave ground squirrel presence is confirmed during the pre-construction survey. If a Mohave ground squirrel is observed during Project activities, and the Project Proponent does not have an ITP, all work shall immediately stop, and the observation shall immediately be reported to CDFW.

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ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <http://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

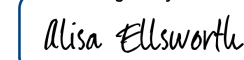
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the ISMND to assist San Bernardino County in identifying and mitigating Project impacts on biological resources and we request that the County address the Department's comments and concerns prior to adoption of the MND. If you should have any questions pertaining to the comments provided in this letter, please contact Marlee Poff at (760) 338-8942 or at Marlee.Poff@wildlife.ca.gov.

Sincerely,

DocuSigned by:


89F0431705402100
Alisa Ellsworth

Environmental Program Manager

Natalie Patty
 San Bernardino County
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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure compliance with mitigation measures during project implementation. Mitigation measures must be implemented within the time periods indicated in the table below.

TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: Mitigation Measure, Implementation Schedule, and Responsible Party. The Mitigation Measure column summarizes the mitigation requirements. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing mitigation measures.

Biological (BIO) Mitigation Measure	Implementation Schedule	Responsible Party
Mitigation Measure BIO-1 – Burrowing Owl Prior to any ground disturbance, a survey for potential burrows followed by four breeding season surveys of areas found to have potential burrowing owl occupation must be completed following the then current CDFG recommendations and guidelines for Burrowing Owl Protocol Surveys or most recent version by a qualified biologist. The burrow survey can be conducted any time, but the breeding season focused survey cannot begin prior to February 1. If burrowing owls or suitable burrows and/or sign of burrowing owl are documented on site, a breeding season survey for burrowing owl in accordance to the Staff Report (CDFG 2012). If an active burrowing owl burrow is detected within any Project disturbance area or the prescribed radii from the project site pursuant to the CDFW Burrowing Owl Survey Protocol and Mitigation Guidelines (BUOW SPMG), a buffer zone surrounding the burrow shall be flagged in	Prior to commencing ground- or vegetation-disturbing activities	Project Proponent

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accordance with said BUOW SPMG , and no impacts to soils or vegetation or noise levels above as that allowed by CDFW shall be permitted while the burrow remains active or occupied. Disturbance-free buffers may be modified based on site-specific conditions in consultation with CDFW. The qualified biologist shall monitor active burrows daily and will increase buffer sizes as needed if owls show signs of disturbance. If active burrowing owl burrows are located within any work area and impact cannot be avoided, a qualified biologist shall submit a burrowing owl exclusion plan to CDFW for review and approval. The burrowing owl exclusion plan shall include permanent compensatory mitigation consistent with the recommendations in the Staff Report on Burrowing Owl Mitigation dated March 7, 2012 such that the habitat acreage, number of burrows and burrowing owls impacted are replaced. Passive relocation shall take place outside the nesting season (1 February to 31 August).		
Mitigation Measure BIO-2 – Western Joshua Tree The western Joshua tree is a candidate threatened species under the California Endangered Species Act, and the following measures will be implemented: • Prior to the initiation of Joshua tree removal, obtain a California Endangered Species Act (CESA) Incidental Take Permit under Section 2081 of the Fish and Game Code, or a Western Joshua Tree Conservation Act Incidental Take Permit under Section 1927-1927.12 of the Fish and Game Code. The Project Applicant will adhere to measures and conditions set forth within the Incidental Take Permit. • Name, qualifications, business address, and contact information of a biological monitor (designated botanist) shall be	Prior to commencing ground- or vegetation-disturbing activities	Project Proponent

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submitted to CDFW at least 30 days prior to Project activities. The designated botanist shall be responsible for monitoring Project activities to help minimize and fully mitigate or avoid incidental take of Joshua trees. • Project-related personnel shall access the Project area using existing routes, or routes identified in the Project description, and shall not cross western Joshua tree habitat outside or on route to the Project area.		
Mitigation Measure BIO-6 – Mohave Ground Squirrel Preconstruction surveys following the Mohave Ground Squirrel Survey Guidelines (CDFG 2010), or most recent version shall be performed by a qualified biologist authorized by a Memorandum of Understanding issued by CDFW. The preconstruction surveys shall cover the Project area and a 50-foot buffer zone, with visual surveys to determine Mohave ground squirrel activity and habitat quality that shall be undertaken during the period of 15 March through 15 April. If visual surveys do not reveal presence of the Mohave ground squirrel on the project site, standard small-mammal trapping grids shall be established in potential Mohave ground squirrel habitat. The number of grids will depend on the amount of potential habitat on the project site, as determined by the Mohave Ground Squirrel Survey Guidelines (CDFG 2010), or the most recent version. If Mohave ground squirrel presence is confirmed during the survey, the Project Proponent shall obtain an ITP for Mohave ground squirrel prior to the start of Project activities. CDFW shall be notified if Mohave ground squirrel presence is confirmed during the pre-construction survey. If a Mohave ground squirrel is observed during Project activities, and the Project Proponent does not have an ITP, all work shall immediately stop, and the observation shall immediately be reported to CDFW.	Prior to commencing ground- or vegetation-disturbing activities	Project Proponent

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EXHIBIT B

SWRCB CEQA CLEARANCE & SUPPORTING CORRESPONDENCE

TW

From: Cazares, Hector I.@Waterboards <Hector.Cazares@Waterboards.ca.gov>
Sent: Friday, February 9, 2024 9:55 AM
To: David Weisman
Cc: Baribeau, Helene@Waterboards; Potter, Bryan@Waterboards; TW; mark.wardlaw@lus.sbcounty.gov
Subject: RE: Avellana Mutual - Permit application
Attachments: Avellana Preliminary Technical Report.pdf; Avellana Technical Report Appendix A.pdf

External (hector.cazares@waterboards.ca.gov)

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Hello David,

I have reached out to Helene and I can confirm that we have no further questions regarding the CEQA initial study. The next step that needs to be handled from our part is the review of the PTR. I'm assuming the draft that I received earlier this week (see attached) was the one that was intended to be reviewed by the State Water Board at this time. Should you need it reviewed at a later date instead due to your steps with the planning commission please let me know. Also if you have an updated draft that needs to be reviewed instead please send that my way.

As I mentioned yesterday, I can have a response and comments back on the PTR by mid to late March. Once you have our confirmation on a completed PTR you can then submit a request for a public water system permit, per Helene's instructions in the early part of this email thread. I do have to disclose once again, just because you reach a level of completion on the PTR it does not guarantee that the Division of Drinking Water will approve a permit request thereafter for this specific proposal.

Best regards,



Hector I. Cazares, P.E.
Water Resource Control Engineer
Division of Drinking Water – SAFER
464 W 4th Street, Suite 437, San Bernardino, CA
Office/Mobile: 909-383-4312
hector.cazares@waterboards.ca.gov

From: David Weisman <dweisman@theavellana.com>
Sent: Thursday, February 8, 2024 4:55 PM
To: Cazares, Hector I.@Waterboards <Hector.Cazares@Waterboards.ca.gov>
Cc: Baribeau, Helene@Waterboards <Helene.Baribeau@Waterboards.ca.gov>; Potter, Bryan@Waterboards <Bryan.Potter@waterboards.ca.gov>; TW <tw@entitlementstrategiesgroup.com>; mark.wardlaw@lus.sbcounty.gov
Subject: Re: Avellana Mutual - Permit application

EXTERNAL:

TW

From: TW
Sent: Thursday, December 14, 2023 12:59 PM
To: Schmitz, Lori@Waterboards; Baribeau, Helene@Waterboards
Cc: dweisman@theavellana.com; Natalie Patty; David Larson; Mawby, Linda
Subject: AVELLANA SENIOR WELLNESS COMMUNITY - SCH No. 2023090092, PROJ-2021-00063 IS/MND, Response to State Water Resources Control Board Comments 10/2/2023
Attachments: Golden State Water Response w attachment.pdf; Greg Miles Liberty Utilities Response.pdf; Avellana WSA Memorandum 12122033F.pdf

Lori Schmitz
State Water Resources Control Board
Division of Financial Assistance
Special Project Review Unit

VIA EMAIL: Lori.Schmitz@waterboards.ca.gov

**RE: AVELLANA SENIOR WELLNESS COMMUNITY -
SCH No. 2023090092, PROJ-2021-00063 IS/MND
Response to State Water Resources Control Board Comments 10/2/2023,
WATER AND SEWER SUPPLY ASSESSMENT (RBS Project No. 200046-WSA) Dated August 1, 2022**

Lori,

As a follow-up to our recent meeting and in response to the Waterboards comments on the IS/MND, Red Brick Consulting has prepared the attached Memorandum for Clarification of the Red Brick Water and Sewer Supply Analysis. The memorandum clarifies the total Project Demand, the Water Supply, and comparative analysis of Demand vs. Water Supply.

Pursuant to our meeting we also reached out to the local water suppliers who have responded to requests for water service. Both Liberty Utilities and Golden State Water have responded that the proposed project is outside of their service areas and as such there is no existing infrastructure near the project. Both would require Annexation through the Local Agency Formation Commission (LAFCO) and Public Utilities Commission (PUC) approval. They have provided correspondence to this effect which are attached hereto.

Attached is the Memorandum of Clarification and copies of Correspondence from Liberty Utilities and Golden State Water. Please call or email me directly should you have any questions or need any additional information.

Cc: David Weisman, Avellana Properties Incorporated,
dweisman@theavellana.com
David Larson, RedBrick Solution, LLC,
david@rbcea.com
Linda Mawby, Supervising Planner, SBC Land Use Services Department
Linda.Mawby@lus.sbcounty.gov
Natalie Patty, Contract Planner, SBC Land Use Services Department,

Natalie.Patty@lus.sbcounty.gov

Best Regards,

Toby

Toby Waxman, CEO & Founder, Author

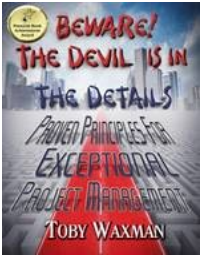


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Calabasas, CA 93551

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Palmdale, CA 93551

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WWW.RBCEA.COM

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10770 "I" Avenue
Suite 108
Hesperia, CA 92345
M 661.816.5179

MEMORANDUM

DATE: 12/12/2023

TO: David Weisman, CEO

AVELLANA PROPERTIES INCORPORATED

FROM: David W. Larson

**SUBJECT: AVELLANA SENIOR WELLNESS COMMUNITY -
SCH No. 2023090092, PROJ-2021-00063 IS/MND
Response to State Water Resources Control Board
Comments 10/2/2023, WATER AND SEWER SUPPLY
ASSESSMENT (RBS Project No. 200046-WSA) Dated
August 1, 2022**

This Memorandum has been prepared by Red Brick Consulting Engineers & Architects in response to the State Water Resources Control Board (Waterboard) Comments for clarification of the Red Brick Water Supply Analysis for the estimated Water Consumption generated by the Proposed Project and the comparative analysis of the estimated demand to the Projected Water Supply which concluded the following:

"Thus, the project will not result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage facilities. Sufficient water supplies are available to serve the project now and in the future during normal, dry and multiple dry years; and the wastewater treatment will be provided on-site such that the regional wastewater authority will not require additional capacity to serve the project's projected demand in addition to the provider's existing commitments. Therefore, there is no significant impact."

WATER SUPPLY ASSESSMENT CLARIFICATION

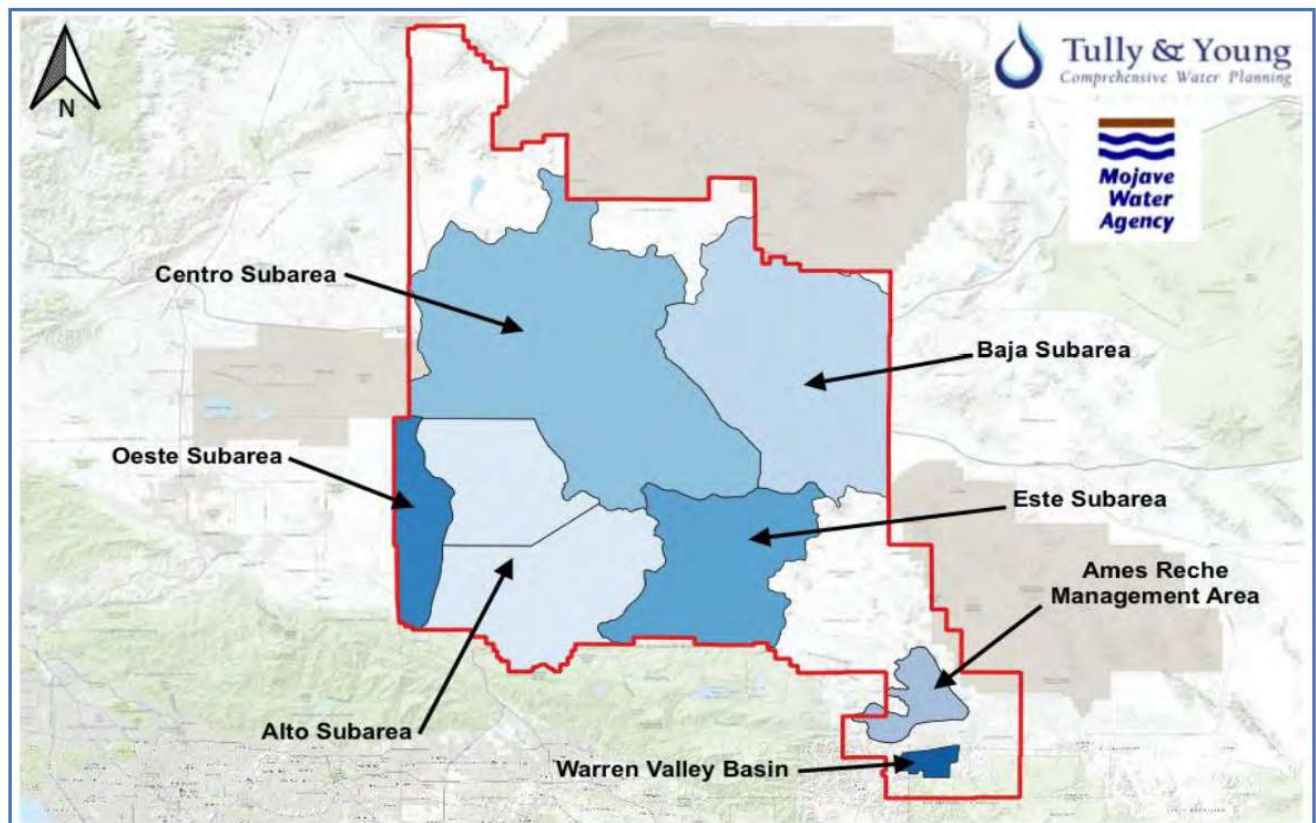
In accordance with State Senate Bill SB610 in 2005 Apple Valley Ranchos Water Company (AVRWC) prepared an Urban Water Management Plan (UWMP) that states "there is sufficient water supply for its service area through year 2025. In January 2016 Liberty Utilities acquired AVRWC and prepared the 2020 UWMP projected up to 2045. In section 4.2.3 of the Liberty Utilities UWMP states "liberty utilities is able to provide

sufficient water supplies to meet the projected water demands of its customers including during the five consecutive year drought (CY2011 to CY2015)."

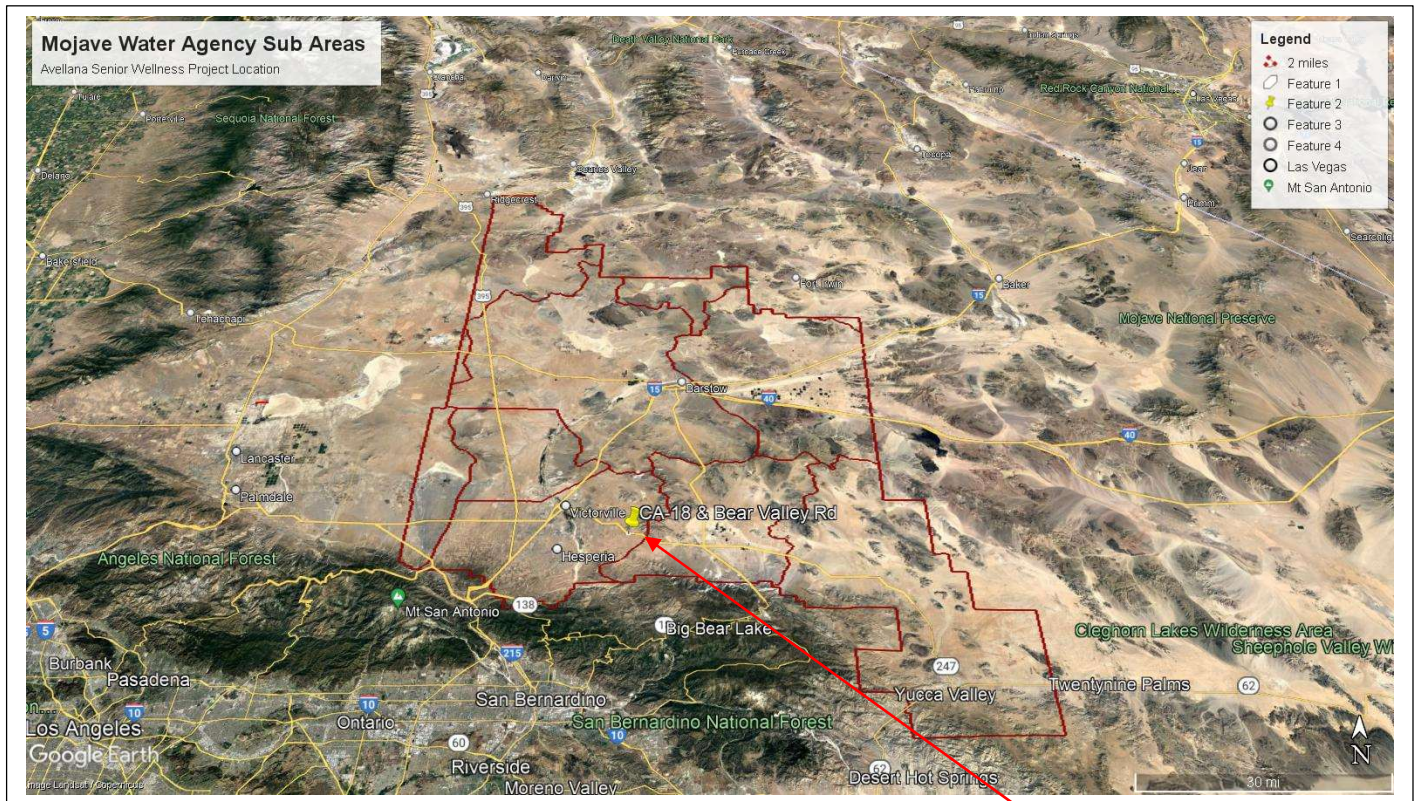
WATER SUPPLY

As described in the Mojave Water Agency's (MWA) 2020 Urban Water Management Plan (UWMP), "the MWA service area encompasses approximately 4,900 square miles of eastern San Bernardino County. Its service area is divided into seven Subareas, each one affiliated with a groundwater management area. MWA is a State Water Project (SWP) contractor, Watermaster for the Mojave Basin Area Adjudication, administrator for the Warren Valley Basin Judgment, and wholesale supplier to numerous retail water suppliers, some of which are preparing their own UWMPs. There are numerous smaller retail suppliers in the MWA service area which do not meet the Urban Water Management Planning Act's minimum threshold statutory criteria as well as numerous individual water users that serve smaller private parcels. MWA's goals include sound fiscal and organizational policies, effectively managing water resources in conjunction with the SWP, maintaining water quality, and promoting efficient use of the regions resources through regional conservation programs and public awareness." The following is MWA UWMP's Figure ES-1: MWA Water Service Boundary with Adjudicated and Manage Groundwater Areas.

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



The proposed Project is located within the Alto Subarea as shown on the following Exhibit 1 – Project Location within MWA Alto Subarea:



Source: Google Earth w/ Mojave Water Agency Subareas Boundaries Layer

AVELLANA PROJECT LOCATION WITHIN ALTO SUBAREA

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

MWA UWMP Chapter 3 – Water Supply discusses the groundwater basins and subbasins, groundwater flow, groundwater recharge, floodplain and aquifers in the MWA area. The Alto Subbasin is within the Mojave Basin Area. MWA as a State Water Supply (SWS) Contractor directly stores imported water supplies in groundwater basins within the MWA service area. The UWMP stated that “MWA’s total stored water in the Mojave Basin Adjudication subbasins in September 2020 was approximately 191,915 acre-feet. The Chapter 3 Table 3-8: MWA Groundwater Stored by Mojave Basin Subarea (September 2020) shows the Groundwater Storage within each of the Mojave Basin’s Subbasins:

TABLE 3-8 MWA Groundwater Stored by Mojave Basin Subarea (September 2020)

TOTAL STORAGE (acf)	MOJAVE BASIN SUBBASINS				
Mojave Basin	Alto	Baja	Centro	Este	Oeste
191,915	141,219	24,754	24,622	1,320	0

The UWMP identifies the additional water storage in other groundwater basins under storage, specifically the Morongo Basin with two agreements, i.e., Ames-Reche and Joshua Basin totaling 192,948 acf. The following table is based on Chapter 3 Table 3-9: MWA total Stored Groundwater (September 2020) shows the total combined Basins groundwater storage:

TOTAL GROUNDWATER STORAGE	MOJAVE COMBINED SUBBASINS Alto, Baja, Centro, Este, Oeste	MORONGO BASIN Ames-Reche, Joshua Basin	
192,948	191,915	373	660

The 2020 UWMP states that *"MWA will continue to store groundwater in the identified basins. Table 3-10 shows the future storage conditions through 2065. It is important to note that MWA continues to build its stored groundwater supplies in all areas and is addressing additional management actions that will increase the annual storage when water is available. This continued management objective in local groundwater basins helps mitigate long-term drought and catastrophic outages."* Chapter 3 Table 3-10: MWA Future Stored Groundwater is shown below:

Years	Mojave Basin	Ames-Reche	Joshua Basin	Total
2020-2065	191,915	373	660	192,948

For purposes of the 2020 UWMP 200,000 AF was used as the baseline stored groundwater volume for assessing available supplies: *"This figure includes the groundwater stored in the local basins as well as carryover water supplies stored in the State Water Project. Furthermore, additional storage may be available in the future in other areas. MWA will manage its annual supplies to maintain its long-term storage balance to mitigate against dry conditions and catastrophic outages."*¹

¹ Reference: MWA 2020 UWMP Chapter 3 - Water Supply

The MWA service area has a long adjudication history that was initiated in the 1960's. After full adjudication of the Mojave Basin Area in 2002. With complaints filed against upstream water users by the City of Barstow and Southern California Water Company a Stipulated Judgment in January 1996 that formed a class of producers which used 10 acre-feet or less per year that were dismissed from litigation and offered an equitable solution for the remaining water producers that use over 10 acre-feet per year. The Riverside Superior Court appointed MWA as Watermaster for the area as part of the Judgment. Appeals by non-stipulated parties continued over the next several years with the California Supreme Court finally ruling on the case in August 2000. Most of the appealing parties have stipulated to the Judgment since the 1996 ruling.²

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

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

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

² Reference: Mojave Water Agency 2020 Urban Water Management Plan - Chapter 2 Mojave Water Agency Service Area Adjudication History

Because the project is within an area that is not serviced by the existing local water purveyors, Golden State Water Company and Liberty Utilities as evidenced by their denial of Will Serve Letters, copies of which are attached herewith, the project is required to provide water via an onsite water well. **Consequently, the water supply assessment evaluated the proposed Project's water demand vs the available groundwater supply as projected in the MWA 2020 UWMP.**

WATER SUPPLY COMPARATIVE ANALYSIS -

A. MWA 2020 UWMP VS. PROJECT WATER DEMAND

In the Red Brick Water Supply Assessment Dated April 2nd, 2022 it was determined the project will meet the California Assembly Bill 1668 per capita limit for water at 55 gpd for a total demand of 45,000 gpd (0.138ac/d), which is 50.4 afy (acre feet per year) 90% of which totaling 40,500 gpd (0.124ac/d), which is 45.0 afy, will be infiltrated back into the aquifer via the reclaimed water processing, consistent with the groundwater recharge described in the UWMP. The remaining 10% demand of 4,500 gpd or 5.04 afy plus the additional demands from evaporation on the proposed pond and evapotranspiration from landscaping will create a total demand of 8.21 afy as shown below in the Project Water Demand Calculation Summary:

Project Water Demand Calculation Summary

<u>Project Water Demand</u>	<u>Gallons Per Day</u>	<u>AcFt /Yr</u>
Total daily demand @ 55 gpd/ Capita limit =	45,000.00 gpd =	-50.41 afy
45,000x90%	= -40,500.00 gpd =	45.37 afy
10% Net Demand for Drinking & cooking =	4,500.00 gpd =	-5.04 afy
Evaporation on the Pond =		-2.75 afy
Landscape Evapotranspiration =		-0.42 afy
<u>Total Project Demand on the Aquifer</u>	<u>=</u>	<u>-8.21 afy</u>

The Mojave Water Agency Adjudication Judgment (Judgment) defined minimal producers as "Any Person whose Base Annual Production, as verified by MWA is not greater than ten (10) acre-feet" and who has not stipulated to the Judgment. A Person designated as a Minimal Producer whose Annual Production exceeds ten (10) acre-feet in any year following the date of entry of Judgment is no longer a Minimal Producer and is subject to the terms of the Judgment."

The Project encompasses two Parcels each of which have an Annual Production allocation of <10afy. The two parcels have a combined Annual Production of <20 acre-feet per year.

B. PROJECT DEMAND VS. ADJUDICATION JUDGMENT ANNUAL PRODUCTION ALLOTMENT

Adjudication Judgment <10fy Annual Limit x 2 Parcels=	< 20.00 afy
Project Demand	-8.21 afy
Annual Project Demand Below Annual limit for 2 Parcels=	11.79 afy

The Project's demand is significantly less than 10 afy per parcel allotment guaranteed to "minimum producers" consistent with the Judgment. In fact, the demand is 59% less than the <20 afy combined allotment.

C. PROJECT GROUNDWATER RECHARGE VS. PROJECT DEMAND

The -8.21afy demand is offset by providing Storm Water Capture that will infiltrate 17.8 afy into the Alto Subbasin for a net positive increase in groundwater supply to the Aquifer of 9.59 acre-feet per year.

Project Groundwater Recharge	AcFt / Yr
Infiltration from Storm Water Capture =	17.8 afy
Total demand on Aquifer =	-8.21 afy
Project Groundwater Recharge to the Alto Subbasin =	9.59 afy

CONCLUSION

The Project's consumption of -8.21 afy, is less the 10afy allotment (20 afy combined allotment for the 2 Parcels) under the Adjudication Judgment. In addition, the Project will have a net recharge to the Alto Subbasin aquifer of 17.8 afy resulting in a net recharge of 9.59 acre-feet per year to the Mojave Basin groundwater supply.

The Mojave Water Agency 2020 UWMP evaluation and forecasted water surface sustainability was determined by comparing existing and forecasted demands with existing and forecasted water supply availability. Water surfaces sustainability is confirmed when the available supplies exceed the demand. The MWA UWMP Figure 3 Mojave Water Agency Water Supply Reliability through 2065 demonstrates the projection of MWA's water supply availability through 2065. Although demand is forecast to increase and water available supply is expected to decrease, MWA has forecasted sufficient supplies will meet demands exhibiting forecasted water service sustainability. This comparative analysis demonstrates that the proposed Project will enhance MWA's surface supplies with its net positive groundwater recharge to the Alto Subbasin Aquifer due to 9.59 acre-feet per year of infiltration recharge and is under the 10afy allotment under the Judgment confirming forecasted water service sustainability.

ENVIRONMENTAL IMPACT SUMMARY

When analyzing the 8.21 afy impact on the groundwater supply and the 17.8 afy infiltration groundwater recharge from resulting from the Project's Water Quality Management Plan Best Management Practices onsite, it is evident that the Project as designed will have **a net increase to the Alto Subbasin Groundwater Supply of 9.59 acre-feet per year.**

Therefore, the project will not result in a reduction of groundwater supply or impact the aquifer. In addition, it will not result in any significant relocation or construction of new or expanded water, wastewater treatment or storm water drainage facilities as set forth in the Red Brick Water and Sewer Supply Assessment. Sufficient water supplies are available to serve the project now and in the future during normal, dry and multiple dry years through 2065 as projected under the MWA 2020 UWMP.

The wastewater treatment will be provided on-site such that the regional wastewater authority will not require additional capacity to serve the project's projected demand in addition to the provider's existing commitments. Therefore, there is no significant environmental impact.

Prepared By
RED BRICK CONSULTING
ENGINEERS & ARCHITECTS, LLC


David W. Larson, RCE No. C52991



TW

From: David Weisman <daveweisman@hotmail.com>
Sent: Monday, December 11, 2023 10:14 AM
To: TW
Subject: Golden State Water No Service Confirmation
Attachments: image003.jpg

External (daveweisman@hotmail.com)

[Report This Email](#) [FAQ](#) [GoDaddy Advanced Email Security](#), Powered by INKY

From: David Weisman <daveweisman@hotmail.com>
Sent: Monday, November 6, 2023 3:38 PM
To: Snay, Kyle <KyleSnay@gswater.com>
Cc: Tinoco Gallardo, Omar <omar.tinoco@gswater.com>; Ambrose, Adam <Adam.Ambrose@gswater.com>; Zakhari, George <George.Zakhari@gswater.com>
Subject: Re: New Water Service Request

Ok thank you!

On Nov 6, 2023, at 15:01, Snay, Kyle <KyleSnay@gswater.com> wrote:

Hi Dave,

Unfortunately GSWC doesn't provide "No-Serve Letters", but feel free to forward my emails and have the planner call me if needed. Below is a snapshot of our nearest water main to the noted intersection. Our service area is the tan colored properties and the blue lines are our water mains. The water main in Bear Valley Rd. (lower left corner) is a 6" water main.

Best Regards,
<image003.jpg>

Kyle Snay
Golden State Water Company
Operations Engineer
(909) 224-7207

From: David Weisman <daveweisman@hotmail.com>
Sent: Monday, November 6, 2023 2:08 PM
To: Snay, Kyle <KyleSnay@gswater.com>
Cc: Tinoco Gallardo, Omar <omar.tinoco@gswater.com>; Ambrose, Adam

<Adam.Ambrose@gswater.com>; Zakhari, George <George.Zakhari@gswater.com>

Subject: Re: New Water Service Request

This Message Is From An External Sender

This message came from outside the company. Do not open any attachments unless you expected this message. Do not click links unless you are sure they are safe.

Hi Kyle

Liberty told me that their nearest main (16") is at Bear Valley RD and Central, about 2.5 miles away.

Would it be possible for you to send me a "No-Serve" letter? SB County Planning has told me that in order for me to pull a well permit on my property I need to either get service from you or Liberty, or I need a No-Serve letter.

Liberty is preparing one for me and I was hoping you could do the same???

We are:

Avellana Properties Inc.
22099 State Hwy 18
#762
Apple Valley, CA 92307
Attn: David Weisman

It would be super helpful if you could do this so I can satisfy Planning.

Thanks so much

Dave W

On Nov 6, 2023, at 13:28, Snay, Kyle <KyleSnay@gswater.com> wrote:

Hi Dave,

Our nearest watermain to the intersection of Bear Valley Rd. & Hwy. 18 is approximately 2.5 miles to the west on Bear Valley Road. You may want to check with Liberty Utilities Water Co., for I believe they may have water mains in Bear Valley Rd. closer to your noted intersection.

Best Regards,

Kyle Snay

Golden State Water Company
Operations Engineer
(909) 224-7207

From: Tinoco Gallardo, Omar <omar.tinoco@gswater.com>
Sent: Monday, November 6, 2023 12:02 PM
To: Ambrose, Adam <Adam.Ambrose@gswater.com>; Snay, Kyle <KyleSnay@gswater.com>; Zakhari, George <George.Zakhari@gswater.com>
Subject: FW: New Water Service Request

Hi All,

Received a new service request inquiry, is there someone in specific to send these to?
Thank you.

Omar Tinoco
Associate Water Quality Engineer
Golden State Water Company - Mountain Desert District
401 S. San Dimas Canyon Rd,
San Dimas, CA 91773
Mobile 310-848-5505
Email: Omar.Tinoco@gswater.com

From: David Weisman <daveweisman@hotmail.com>
Sent: Thursday, October 26, 2023 1:47 PM
To: Tinoco Gallardo, Omar <omar.tinoco@gswater.com>
Subject: New Water Service Request

This Message Is From A New Or Infrequent Sender

The message sender does not frequently correspond with our organization. If you are not expecting the message, do not open attachments or click links unless you are certain they are safe.

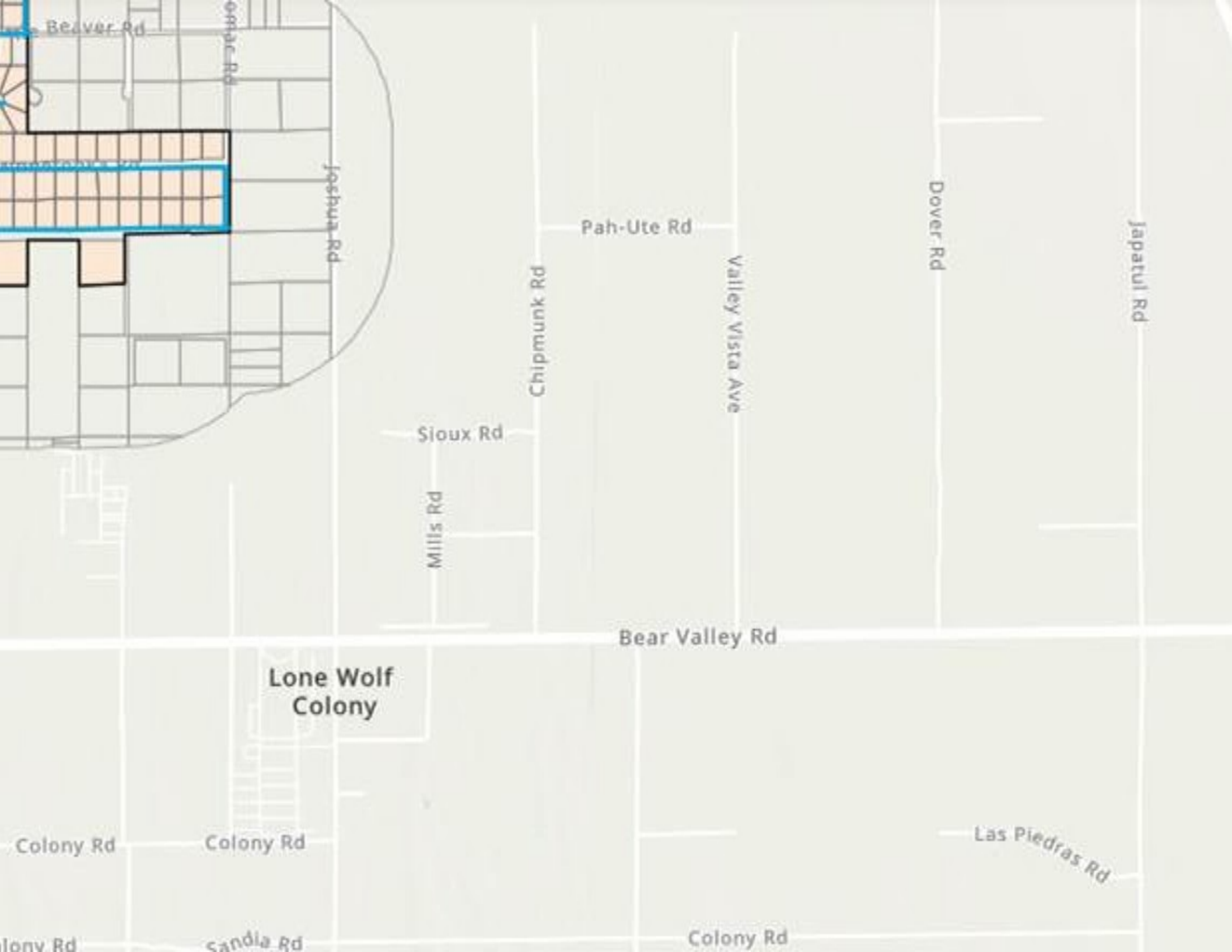
EXTERNAL EMAIL

Hi Omar

I'm building a mobile home park out at Deadman's Point (Intersection of Bear Valley Road and State Hw 18). Do you provide service to that area?

Thanks!

Dave W



TW

From: Greg Miles <Greg.Miles@libertyutilities.com>
Sent: Wednesday, December 13, 2023 3:45 PM
To: David Weisman
Cc: TW
Subject: RE: New Water Service Request - APN #0435-015-13 & 35 (Avellana Properties, Inc.)

External (greg.miles@libertyutilities.com)

[Report This Email](#) [FAQ](#) [GoDaddy Advanced Email Security](#), Powered by INKY

David –

To be able to serve the above APN's a couple of conditions would have to be met. The project site is almost 3 miles away from the nearest water main in our service area. A considerable amount of water infrastructure would have to be designed and installed before water can be served (main, booster pump station, pressure regulator station, fire hydrants, valves, etc). Along with the infrastructure improvements there is a service area annexation application and approval from the CPUC. This alone can take a considerable amount of time and money to invest into system improvements. This can be done and we would pursue this endeavor but it would be at the owner/developers expense. The burden of this cost cannot be on the existing customers. There are other ways of having water at the site that may be more cost prohibitive (i.e. drill well, water tender with tank onsite, etc.) We recommend you explore other options to obtain water to the above APN's. Let us know if you wish to continue with Liberty Utilities to provide water service. Thanks.

Greg Miles | Liberty Utilities (California) | Manager, Engineering Projects
P: 760-240-8314 O: 760-247-6484 | E: Greg.Miles@libertyutilities.com

From: Mike Lent <Michael.Lent@libertyutilities.com>
Sent: Thursday, October 26, 2023 2:39 PM
To: David Weisman <daveweisman@hotmail.com>
Cc: Gabriel Gomez <Gabriel.Gomez@libertyutilities.com>; Janelle Rellosa <Janelle.Rellosa@libertyutilities.com>; Greg Miles <Greg.Miles@libertyutilities.com>; Mike Reese <Michael.Reese@libertyutilities.com>
Subject: RE: New Water Service Request

Dave,

Sorry for the bad news!!!! Greg Miles may be able to assist with the needed letter and any engineering questions you may have.

From: David Weisman <daveweisman@hotmail.com>
Sent: Thursday, October 26, 2023 2:37 PM
To: Mike Lent <Michael.Lent@libertyutilities.com>
Cc: Gabriel Gomez <Gabriel.Gomez@libertyutilities.com>; Janelle Rellosa <Janelle.Rellosa@libertyutilities.com>; Greg Miles <Greg.Miles@libertyutilities.com>; Mike Reese <Michael.Reese@libertyutilities.com>
Subject: Re: New Water Service Request

Thanks Mike. Didn't realize it was so far to your nearest service point. Would I go through you to get a "No-Service" letter?

Thanks

Dave W

On Oct 26, 2023, at 16:33, Mike Lent <Michael.Lent@libertyutilities.com> wrote:

Gabe,

As shown on the map, our existing 16" main ends at the corner of Bear Valley/ Central. The larger square indicates the approximate location of Deadman's Point. It is not in a service area, so if a main were to go in, we would have to annex them into the service area. I believe it's about 2 ½- 3 miles of no water mains.

<image001.png>

From: Gabriel Gomez <Gabriel.Gomez@libertyutilities.com>
Sent: Thursday, October 26, 2023 2:01 PM
To: Janelle Rellosa <Janelle.Rellosa@libertyutilities.com>; Greg Miles <Greg.Miles@libertyutilities.com>
Cc: David Weisman <daveweisman@hotmail.com>; Mike Reese <Michael.Reese@libertyutilities.com>; Mike Lent <Michael.Lent@libertyutilities.com>
Subject: FW: New Water Service Request

Please see below, I also copied David.

Best,
Gabe

From: David Weisman <daveweisman@hotmail.com>
Sent: Thursday, October 26, 2023 1:42 PM
To: Gabriel Gomez <Gabriel.Gomez@libertyutilities.com>
Subject: New Water Service Request

Hi Gabriel,

I'm building a mobile home park out at Deadman's Point (intersection of Bear Valley Road and Hwy 18) and would like water service. Do you provide water out there?

Thanks

Dave W

This message and any attachments contain confidential information and are solely for the intended recipient. If you are not the intended recipient, any dissemination, review, disclosure, forwarding, distribution, copying or reliance on the contents of this message is strictly prohibited. Please notify the sender immediately by email if you have received this message in error and delete this message immediately from your system.

EXHIBIT C

USDA FINDINGS OF NO SIGNIFICANT IMPACT (FONSI)

FINDING OF NO SIGNIFICANT IMPACT

**Avellana Solar and Broadband Project
San Bernadino County, CA**

**Rural Utilities Service
U.S. Department of Agriculture**

Avellana Properties Rural Electrical Cooperative

**Prepared by:
Environmental & Historic Preservation Division Staff
Rural Utilities Service**

April 2023

A. INTRODUCTION

Avellana Properties Rural Electrical Cooperative (APREC) plans to submit a financing request to the U.S. Department of Agriculture, Rural Utilities Service (RUS) to construct the proposed Avellana Solar and Broadband Project (Project) in San Bernadino County, CA. RUS is considering this financing request. Prior to taking a federal action (i.e., providing financial assistance), RUS is required to complete an environmental impact analysis in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.), the Council on Environmental Quality's (CEQ) regulations for implementing NEPA (40 CFR Parts 1500-1508), and RD's NEPA implementing regulations, Environmental Policies and Procedures (7 CFR Part 1970). After completing an independent analysis of an environmental report prepared by APREC, RUS concurred with its scope and content. In accordance with 7 CFR § 1970.102, RUS adopted the report and issued it as the Agency's Environmental Assessment (EA) for the proposed Project. RUS finds that the EA is consistent with federal regulations and meets the standards for an adequate assessment. APREC published a newspaper notice, announcing the availability of the EA for public review, in accordance with 7 CFR § 1970.102. In addition, RUS considers the proposed Project an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. 470(f), and its implementing regulation, "Protection of Historic Properties" (36 CFR Part 800).

B. PROJECT DESCRIPTION AND PURPOSE/NEED

The overall purpose of the Project is to generate and distribute sustainable solar-generated energy and broadband internet services to 400 cooperative homes, a community center, medical/dental clinic, convenience store, fire suppression system, wastewater treatment plant, streetlighting grid, and community security systems. This project would serve remote areas of Apple Valley, which includes the APREC service area, which faces an unstable and unreliable power grid that experiences frequent service outages for multiple days at a time. The APREC cooperative community is dominated by elderly, often medically challenged persons, who are the least capable of withstanding these power outages. In addition, the cooperative lacks broadband internet access. RUS has reviewed the purpose and need for the Project and determined that the proposal will meet the present and future needs of APREC.

C. ALTERNATIVES EVALUATED

1. No Action

Under the No Action Alternative, RUS would not provide financial assistance to APREC, and/or the proposed Project would not be constructed. This alternative would not assist APREC in providing Renewable energy to the project area to help meet increasing demand for electricity and reduce the need for fossil fuels. Elderly residents would continue to be subjected to unreliable electric utilities that cost substantially more than the state average.

2. Action Alternative (Preferred Alternative)

Under the Action Alternative, RUS would consider financing the proposed Project, and APREC would construct the Avellana Solar and Broadband Project. The proposed project would cover approximately 44.92-acres of private land in an unincorporated area of San Bernardino County. The Service Area consists of the area between Bear Valley Road and Las Piedras Road and between Circle 5 Road and Laguna Seca Drive. Solar project components would include solar arrays, inverters, 7.2 Megawatts (MW) of battery storage, associated switchgear, access roads, and a new distribution grid to supply power to members of the Avellana cooperative. Broadband services project components would include an IP-based network headend with bandwidth aggregation, VPN-provisioning engine, and a Network Operations Center, as well as a community distribution grid, last mile optical termination, and home-based Internet of Things with Ip-telephone sideband. Power and broadband services will be distributed to 400 new cooperative-member homes, a medical/dental clinic, community center,

convenience store, wastewater treatment plant, fire suppression system, and lighting grid. Lifespan of the solar and broadband project is expected to be 40 years.

3. Alternatives Eliminated from Further Consideration

In addition to the No Action Alternative and Action Alternative, APREC considered other technology and siting alternatives, which are documented in the Alternatives section of the EA (Ch. 2).

D. SUMMARY OF ENVIRONMENTAL EFFECTS

The analyses in the EA documented that the proposed Project would have no adverse effects to land use, floodplains, wetlands, water resources, coastal resources, biological resources, cultural and historic resources, aesthetics, air quality, environmental justice, noise, transportation, and health and human safety. A summary of anticipated impacts on the human environment is provided below, including any mitigation measures deemed necessary to avoid or minimize impacts. APREC is responsible for implementing these measures.

Resource	Impact Analysis
Land Use	The project Site is designated AV/RL 5 by the County of San Bernardino General Plan which allows for the proposed solar generation plant and service delivery to cooperative members with a Conditional Use Permit (CUP). The Cooperative Community (which is also a permitted use with a CUP) proposes incidental service uses of onsite First Aid Center, a Community Center, Park/detention basin, pond for reclaimed water storage for fire suppression and landscaping irrigation, and Wellness Convenience Shop to serve the Cooperative. The San Bernardino County Development Code allows for a Planned Development (PD) Permit for which APREC has applied. The CUP and the Planned Development Permit are not anticipated to result in conflicts with applicable land use plans; therefore, no impacts are anticipated. No prime farmland, unique farmland, or farmland of statewide importance; or formally classified lands occur at the project site.
Floodplains	The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map Panel 06071C6510H effective August 28, 2008 was obtained for the project area. The proposed action would not take place within any FEMA-designated floodplains. The analysis area is not directly connected to floodplains or floodway passages, and therefore the Preferred Alternative would not result in direct or indirect impacts to floodplains.
Wetlands	The U.S. Fish and Wildlife Service's (USFWS) National Wetlands Inventory was obtained for the project area; no current or historic wetlands were identified. A field survey was conducted on January 4, 2021 and confirmed the absence of wetlands, waters of the U.S., and riparian habitat within the project area. The U.S. Army Corps of Engineers was consulted during the California Environmental Quality Act (CEQA) and NEPA scoping process. No comments were received. No impacts are anticipated due to the lack of wetlands or potential waters of the U.S. in the project area.
Water Resources	No surface water exists within the project area or on adjacent properties. All water consumed within the area is derived from the Upper Mojave River Valley Groundwater Basin and managed by the Mojave Water Agency. Groundwater is pumped from wells and treated to remove sediments and potential harmful components. The project area does not

Resource	Impact Analysis
	contain any sole source aquifers, recharge zones, or groundwater protection areas. Under the Preferred Alternative, an estimated 85,000 gallons of water would be required for dust control, soil compaction, and other development requirements during construction. Operation and Maintenance (O&M) of the solar facility and distribution grid, broadband services infrastructure, fire suppression system, and associated infrastructure will require substantial water usage, 100% of which will be water recycled from the on-site wastewater treatment plant. Although no surface water is present within the project area or surrounding area, storm-related surface water will be routed to drainage channels via 8" curbs placed along Las Piedras Road and Jackie Jane Lane to a 53,302 cubic foot detention basin. As a result, there are no anticipated impacts to surface waters. APREC has submitted a detailed Water Quality Management Plan (WQMP) to San Bernardino County Planning, Land Development Division that details the plan to implement environmental and water quality control standards based upon the National Pollutant Discharge Elimination System (NPDES) program. The 10-month construction period will implement dust control, erosion, and construction best management practices to minimize any impacts caused by ground disturbing activities consistent with the NPDES MS-4 permit. As a result of these controls, no direct or indirect impacts to water quality are anticipated. Under the Preferred Alternative APREC will drill a well and the water will be treated to provide potable water for maintenance, consumption, and to charge the fire suppression system within the project area. APREC will be required to participate in a state-regulated treatment and quality-control program (State Water Resources Control Board General Order #WQ2014-0153-DWQ). As a result, no direct or indirect impacts are anticipated to groundwater resources because of the proposed action.
Coastal Resources	Coastal resources are not present within the project area; therefore, impacts to coastal resources will not occur as a result of the Preferred Alternative.
Biological Resources – Fish, Wildlife and Vegetation	Biological, wildlife and wetlands surveys were performed on the site on January 4, 2021. Few wildlife species were observed during the field investigation (see Appendix B of the EA for additional details). Loss of about 44.92-acres of heavily disturbed desert scrub vegetation is not expected to have impacts on the overall biological resources in the region given the presence of similar habitat throughout the surrounding area. See Section 3.6 Biological Resources of the EA for additional details.
Biological Resources – Threatened and Endangered Species	The project area is located within the documented Desert Tortoise habitat and supports some habitat for the desert tortoise based on the field investigations. No tortoises were observed within the property boundaries during the January 4, 2021 survey; no other federally listed threatened or endangered species or their habitats were observed. The Preferred Alternative will result in no effect to federally listed threatened or endangered species.

Resource	Impact Analysis
	See Section 3.6 Biological Resources of the EA for additional details.
Biological Resources - Migratory Birds and Bald Eagles	No significant adverse effects to MBTA species or the bald eagle are anticipated as a result of the Preferred Alternative. See Section 3.6 Biological Resources of the EA for additional details.
Historic and Cultural Properties	There are no known historic properties in the project area. A determination of "No historic properties affected" was provided to the California State Historic Preservation Officer (SHPO) and interested Native American groups on August 4, 2022. The SHPO provided concurrence on September 8, 2022 and no further responses were received from the interested Native American groups. A Tribal Monitor will be present to observe initial ground-disturbance activities to monitor for any sensitive cultural material in response to a request made from the Chemehuevi tribe during Section 106 consultation. See Section 3.7 Cultural and Historic Resources of the EA for additional details.
Aesthetics	As part of the Preferred Alternative approximately 5,000 Bi-facial solar panels will be placed on ground-support mounts on the 4.72-acre parcel which is approximately 0.25 miles south of Bear Valley Road. The entire 44.92-acre parcel will be enclosed by a 6' privacy/security wall. The proposed project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The Project will be designed in accordance with the San Bernardino County Development Codes and all electrical and broadband distribution will be placed underground for additional safety, reliability, and aesthetic value. Light sources would be oriented towards the property and boxed. As such, no direct or indirect effects are anticipated.
Air Quality	The Mojave Desert Air Quality Management District (MDAQMD) is the California State Agency chartered with administrating and enforcing the National Ambient Air Quality Standards (NAAQS). The project area is EPA-designated as severe non-attainment for ozone and moderate non-attainment for PM10; it is in attainment or unclassified/attainment for the remaining criteria pollutants (PM2.5, carbon monoxide, nitrogen oxides, sulfur dioxide, and lead). The emissions of PM10 and ozone for the project fall below the National Ambient Air Quality Standards (NAAQS) <i>de minimis</i> thresholds. Therefore, project emissions would not cause new violations or exacerbate an existing violation of NAAQS standards, and the project does not require a general conformity analysis. Further, the project does not conflict with the California State Implementation Plan. Temporary and localized impacts to air quality will occur because of project construction which is expected to last ten months. Construction-generated emissions associated with the proposed project were calculated using the CARB-approved California Emissions Estimator Model version 2022 (CalEEMod), which is designed to model emissions for land use development projects, based on typical construction requirements. construction pollutant emissions would remain below their respective

Resource	Impact Analysis
	thresholds with implementation of required MDAQMD Rule 403.2. The project would also be required to comply with MDAQMD Rules 402 and 1113, which prohibit nuisances and limit VOC content in paints, respectively. Construction and operations emissions would not exceed MDAQMD impact thresholds, and no mitigation is necessary. The project would include direct and indirect greenhouse gas (GHG) emissions from project construction and operations. The project construction would result in 991 metric tons of CO₂-equivalent (approximately 25 MTCO₂e/year when amortized over 40 years). Projects that do not exceed 3,000 MTCO₂e per year are consistent with the County's GHG Plan and those that do not exceed 100,000 MTCO₂e per year are below the permitting threshold and as such do not require mitigation. See Section 3.9 Air Quality of the EA for additional details.
Social Impact Assessment and Environmental Justice	No environmental justice communities exist in the analysis area; no disproportionately high or adverse effects to environmental justice communities would occur as a result of the Preferred Alternative.
Noise	The Preferred Alternative would result a direct, temporary increase in noise related to construction activities. Noise associated with operation of a solar farm comes from the use of inverters which convert direct current (DC) produced by the solar panels into alternating-current (AC) power. Under normal operating conditions the inverters will generate 53.7 dBA at the center of the solar farm and 19.2 dBA at the perimeter walls abutting sensitive receptors. Therefore, impacts from solar farm operation would be negligible beyond the fenced project area, and no permanent noise impacts would be associated with operation. No noise would result from the buried electrical distribution lines, or broadband infrastructure.
Transportation	A temporary increase in traffic (workers and heavy truck traffic) as a result of construction activities will occur and be temporary in nature (approximately 10 months); no long-lasting effects are anticipated. Operation of the APREC Solar/Broadband installation and other associated infrastructure is not expected to cause or create any changes in traffic patterns; no new external roadways, intersections, upgrades, or traffic signals would be required. As such, no impacts are anticipated as a result of the Preferred Alternative.
Human Health and Safety	No significant risks to human health and safety are anticipated as a result of the Preferred Alternative.

E. PUBLIC AND AGENCY INVOLVEMENT

A local newspaper advertisement announcing the availability of the EA and participation under Section 106 of the National Historic Preservation Act, was published on March 23-24 and 27, 2023, in the online Victorville Daily Press, San Bernardino County, California. A copy of the EA was available for public review at was available on the RUS project website at:

<https://www.rd.usda.gov/resources/environmental-studies/assessment/avellana-solar-and-broadband-project>. The 14-day comment period ended on April 5, 2023. RUS received no comments.

F. FINDING OF NO SIGNIFICANT IMPACT

Based on its EA, RUS has concluded that the proposed Project would have no significant effects to land use, floodplains, wetlands, water resources, coastal resources, aesthetics, air quality, noise, transportation, and health and human safety. The proposed Project will have no effects on historic properties listed or eligible for listing on the National Register of Historic Places and no effects to federally listed species or designated critical habitat. The proposed Project would not disproportionately affect minority or low-income populations.

In accordance with the National Environmental Policy Act, as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality Regulations (40 CFR 1500–1508), and RD's Environmental Policies and Procedures (7 CFR Part 1970), RUS has determined that the environmental impacts of the proposed Project have been adequately addressed and that no significant impacts to the quality of the human environment would result from construction and operation of the proposed Project. Any final action by RUS related to the proposed Project will be subject to, and contingent upon, compliance with all relevant federal and state environmental laws and regulations. Because RUS's action will not result in significant impacts to the quality of the human environment, RUS will not prepare an Environmental Impact Statement for its potential federal action associated with the proposed Project.

G. RUS LOAN REVIEW AND RIGHT OF ADMINISTRATIVE REVIEW

This FONSI is not a decision on a loan application and therefore not an approval of the expenditure of federal funds. Issuance of the FONSI and its notices concludes RUS's environmental review process. The ultimate decision on loan approval depends upon conclusion of this environmental review process in addition to financial and engineering reviews. Issuance of the FONSI and publication of notices will allow for these reviews to proceed. The decision to provide financial assistance also is subject to the availability of loan funds for the designated purpose in RUS's budget. There are no provisions to appeal this decision (i.e., issuance of a FONSI). Legal challenges to the FONSI may be filed in Federal District Court under the Administrative Procedures Act.

H. APPROVAL

This Finding of No Significant Impact is effective upon signature.

Dated:

CHRISTOPHER MCLEAN

Assistant Administrator
Electric Program
Rural Utilities Service

Contact Person:

For additional information on this FONSI and EA, please contact Elisa Albury, elisa.albury@usda.gov.

EXHIBIT D

CLARIFICATION OF WATER AND SEWER ANALYSIS MEMORANDUM - ERRATA



WWW.RBCEA.COM

MAIN OFFICE:

2892 S. Kollman Ln.
Saratoga Springs,
Utah 84045
T 801.331.8900

SOUTHERN CALIFORNIA:

10770 "I" Avenue
Suite 108
Hesperia, CA 92345
M 661.816.5179

MEMORANDUM - ERRATA

DATE: 12/11/2023 - ERRATA 07/08/2026

TO: Toby Waxman

FROM: David W. Larson

SUBJECT: Clarification of Water and Sewer Analysis
ERRATA - Methodology Edits - Relative to the Reduction
from 399 DU's to 324 DU's: Changes to the original
Document are stricken out with revised information bold
and underlined

In accordance with State Senate Bill SB610 in 2005 Apple Valley Ranchos Water Company (AVRWC) prepared an Urban Water Management Plan (UWMP) that states "there is sufficient water supply for its service area through year 2025. In January 2016 Liberty Utilities acquired AVRWC and prepared the 2020 UWMP projected up to 2045. In section 4.2.3 of the Liberty Utilities UWMP states "liberty utilities is able to provide sufficient water supplies to meet the projected water demands of its customers including during the five consecutive year drought (CY2011 to CY2015)."

As the regional State Water Project provider, Mojave Water Agency (MWA) supplies state water to local water utility companies including Liberty Utilities - Apple Valley. In Section ES-2 MWA Water reliability section, "MWA has extended the planning horizon considered in this (their) 2020 UWMP from the statutory required 20-year timeline to a much longer 45-year period through 2065.

Because the project is within an area that is not serviced by the existing water purveyors, Golden State Water Company and Liberty Utilities as evidenced by their denial of Will Serve Letters, the project is required to provide water via an onsite water well. The water supply assessment evaluated the proposed Project's water demand vs the available groundwater supply as reported in the MWA 2020 UWMP.

In the Red Brick Solution Water Supply Assessment Dated April 2nd, 2022 it was determined the project will meet the California Assembly Bill 1668 per capita limit for water at 55 gpd for a total demand of ~~45,000~~ **37,076** gpd, (~~399~~ **324***1.8/ppdu*55 gpd+5,000 gpd commercial) of which ~~40,500~~ **33,368** gpd will be infiltrated back into the aquifer via reclaimed water processing. The remaining demand of ~~4,500~~ **3,708** gpd or ~~5.04~~ **4.15** afy (acre feet per year) plus the additional demands from evaporation on the proposed pond and evapotranspiration from landscaping as shown below will create a total demand of ~~8.21~~ **7.32** afy.

Drinking and cooking (45,000-40,500 gpd)=	~~-5.04~~ -4.15 afy
Evaporation on the Pond=	-2.75 afy
Landscape Evapotranspiration =	<u>-0.42 afy</u>
Total Demand on the Aquifer=	~~-8.21~~ -7.32 afy < 10 afy

It should be noted this demand is less than 10 afy per parcel allotment guaranteed to "minimum producers". The Mojave Water Agency Judgement defined minimal producers as "Any Person whose Base Annual Production, as verified by MWA is not greater than ten (10) acre-feet" and who has not stipulated to the Judgment. A Person designated as a Minimal Producer whose Annual Production exceeds ten (10) acre-feet in any year following the date of entry of Judgment is no longer a Minimal Producer and is subject to the terms of the Judgment."

This demand is offset by providing Storm Water Capture that will infiltrate 17.8 afy into the proposed recharge basin for a net positive effect on the Aquifer of ~~9.59~~ **10.48** afy.

Infiltration from Storm Water Capture =	17.8 afy
Total demand on Aquifer=	~~-8.21~~ -7.32 afy
Net Effect of the proposed project =	9.59 10.48 afy added each year to the aquifer

Thus considering The Mojave Water Agency 2020 UWMP evaluation and forecasted water surface sustainability, which is determined by comparing existing and forecasted demands with existing and forecasted water supply availability. Water surfaces sustainability is confirmed when the available supplies exceed the demand. The MWA UWMP Figure 3 Mojave Water Agency Water Supply Reliability through 2065 demonstrates the projection of MWA's water service availability through 2065. Although demand is forecast to increase and water available supply is expected to decrease, MWA has forecasted sufficient supplies will meet demands. Nevertheless,

the proposed project will enhance MWA's surface supplies with its net positive effect on the Aquifer confirming forecasted water service sustainability.

ENVIRONMENTAL IMPACT SUMMARY

When analyzing the ~~8.21~~ **7.32** afy actual losses due to water consumption on the aquifer and the infiltration gains by employing Water Quality Management Plan Best Management Practices on site of 17.8 afy, it is evident that the project as designed will have a net increase to the aquifer of ~~9.59~~ **10.48** acre-feet per year.

Thus, the project will not result in significant relocation or construction of new or expanded water, wastewater treatment or storm water drainage facilities. Sufficient water supplies are available to serve the project now and in the future during normal, dry and multiple dry years; and the wastewater treatment will be provided on-site such that the regional wastewater authority will not require additional capacity to serve the project's projected demand in addition to the provider's existing commitments. Therefore, there is no significant impact.

[INTENTIONALLY LEFT BLANK]