



TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council Date: December 10, 2013

From: Lori Lamson Item No: 15
Community Development Director
Community Development Department

Subject: A REQUEST TO AMEND THE LCER SPECIFIC PLAN TO PERMIT A CLUSTER OF EIGHTEEN (18) CLASSROOM PORTALS SITED AS A PLAZA LEARNING CENTER DEVELOPMENT OF THE EXISTING K-12 LEWIS CENTER FOR EDUCATIONAL RESEARCH SCHOOL SITE (THE "ACADEMY FOR ACADEMIC EXCELLENCE"). THE LCER SPECIFIC PLAN ENCOMPASSES 150 ACRES IN SIZE; APN(S) 0474-183-21 AND 22

Applicant: Town of Apple Valley

Location: 17500 Mana Road, Apple Valley, California.

T.M. Approval: _____ Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Move to open the public hearing and take testimony.

Close the public hearing. Then:

1. **Determine** that, based upon the State Guidelines to Implement the California Environmental Quality Act the project is within the scope of the previously approved Mitigated Negative Declaration that was adopted by the Planning Commission for Specific Plan No. 2009-001 Amendment No. 1 on October 6, 2010. No additional evaluation is necessary, and the amendment is in compliance with the California Environmental Quality Act (CEQA).
2. **Find** the facts presented within the staff report, including the attached Planning Commission staff report from November 06, 2013, support the required Findings for approval of the proposed, Specific Plan No. 2009-001, Amendment No. 1.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan, and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
4. **Move** to waive the reading of Ordinance No. 457, in its entirety and read by title only.
5. **Introduce** Ordinance No. 457, approving various amendments to LCER Specific Plan, Specific Plan No. 2009-001, Amendment No. 1.

6. **Direct** staff to file a Notice of Determination with the San Bernardino County Clerk of the Board of Supervisors.

SUMMARY STATEMENT:

The Planning Commission conducted a public hearing on November 6, 2013 to review and take testimony regarding the LCER Specific Plan Amendment. There was testimony unrelated to the proposed project from a couple of the neighbors who experience traffic queuing issues along Mana Road due to drop off and pick up of students from the school. Neighbors have had accidents, their driveway blocked and other related negative impacts. The Chairman of the Planning Commission informed the neighbors that a Mitigated Negative Declaration was approved by the Town Council when the LCER Specific Plan was approved on December 4, 2010. The implementations of the traffic mitigation measures are enforced during the construction phases of future development of the LCER campus. Some of the mitigation measures that are required to address the traffic impacts are the signalization of Tuscola and Apple Valley Roads, develop over 100 hundred additional onsite parking spaces (which will create an area where vehicles can be queued on the school site to speed up the existing queuing on Mana Road), and the future signal at State Route Highway 18. The applicant also agreed to work with a neighborhood representative in order to be more proactive to the neighbors' concerns.

ANALYSIS:

Past Council Action and Background of LCER

On December 4, 2010, the Town Council approved General Plan Amendment No. 2009-001, Specific Plan No. 2009-001 and Zone Change No. 2009-001. The Town Council approved requests to change the previous land use designation from Single-Family Residential (R-SF; 1 du 0.4 to 0.9 net acres) and Open Space (OS) to Specific Plan (SP) and Zoning from Single-Family Residential (R-SF; 1 du per 0.4 to 0.9 net acres) and Open Space Conservation (OS-C) to Specific Plan (SP).

The High Desert Partnership in Academic Excellence Foundation, Inc., (Foundation) proposed a Specific Plan for adoption of the Lewis Center for Educational Research (LCER) Specific Plan, which would address future development at the existing LCER school campus site (the "Academy for Academic Excellence"). Approximately, 10.5 acres of the 150-acre project site is currently developed with a 24,542 square foot K-12 campus. The Town Council approved the LCER Specific Plan for four (4) different land uses: a twenty-five (25)-acre K-12 School Zone; the eleven (11)-acre College/University School Zone; the seven (7)-acre Flood Zone; and, the 107-acre Conservation Zone.

So that the Town Council can easily identify what changes are proposed, the amended LCER Specific Plan additions are noted as underlined text.

The proposed amendment to LCER Specific Plan Section III LCER Land Use Designation, one (1), School Zone; K-12 on page twelve (12), includes the following text change:

"A cluster of eighteen (18) portable housing/classroom units is proposed to be sited as a plaza learning center located within the K-12 School Zone. The portable

housing/classrooms will be located on the south end of the existing campus, and is illustrated on Exhibit III four (4) and five (5) as allocated for temporary housing/classrooms.

Site work will include extension of the fire lane, twelve (12) additional parking spaces adjacent to the buildings, walkways and access stairs/ramps to the housing/classrooms, and minor site improvements to divert site drainage around the facilities. The existing mineral city will be relocated south of the interim housing, where it will remain in place upon completion of Building "G" per the approved LCER Specific Plan. LCER will also construct a small-scale waterwheel and gristmill adjacent to the new portables as an educational tool."

Additionally, under Exhibit III, two (2) additional maps, four (4) and five (5) depict the location where the cluster of eighteen (18) portable housing/classroom units are proposed within the K-12 School Zone (see Attachment 2).

The amendment is an expansion of classroom facilities, and the installation of the Tuscola and Apple Valley Road signalization will be conditioned when the Site Plan application is submitted to the Town for review and approval. On page 49, under Site Plan Review, findings five (the following sentence will be added: "The cluster of the eighteen (18) portable housing/classroom plaza is considered an expansion of the existing school capacity, and necessitates that the mitigation measure require the signalization at the intersection of Tuscola and Apple Valley Road(s) be constructed prior to issuance of Certificate of Occupancy for the learning center."

Environmental Assessment:

This project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Specific Plan No. 2009-001 on October 6, 2010. No additional evaluation is necessary, and the amendment is in compliance with the California Environmental Quality Act (CEQA).

The LCER Specific Plan serves as the policy and regulatory document for the project area consistent with the General Plan, Municipal Code, and other Town criteria. In this regard, all development, or other entitlements, shall be consistent with regulations set forth the LCER Specific Plan in this document and, for issues not covered in the Specific Plan, with all applicable Town regulations.

The adoption and amendment of the LCER Specific Plan does not constitute a vesting of rights to construct any of the land uses or improvements described herein. It is not intended that any existing provisions of state law, or provisions of state law as may hereafter be adopted, amended, or judicially interpreted, shall be construed as authorizing the LCER Specific Plan to constitute a vesting of rights to construct.

NOTICING:

Specific Plan No. 2009-001, Amendment No. 1, was advertised as a public hearing in the Apple Valley News newspaper on November 29, 2013 as required under Development Code Section 9.13.030 "Notice of Public Hearings".

RECOMMENDATION:

Following receipt of public input and discussion by the Council, it is recommended that the Council move to introduce Ordinance No. 457 by amending various Sections within the LCER Specific Plan.

ATTACHMENTS:

1. Draft Town Council Ordinance No. 457 adopting Specific Plan No. 2009-001, Amendment No. 1
2. Planning Commission staff report November 6, 2013
3. Planning Commission Resolution No. 2013-013
4. Planning Commission minutes November 6, 2013
5. Site Plan Exhibit A (separate attachment)

ORDINANCE NO. 457

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, TO AMEND THE LCER (LEWIS CENTER EDUCATIONAL CENTER) SPECIFIC PLAN TO PERMIT A CLUSTER OF EIGHTEEN (18) CLASSROOM PORTALS SITED AS A PLAZA LEARNING CENTER DEVELOPMENT OF THE EXISTING K-12 LEWIS CENTER FOR EDUCATIONAL RESEARCH SCHOOL SITE (THE "ACADEMY FOR ACADEMIC EXCELLENCE").

WHEREAS, The Town Council of the Town of Apple Valley, State of California, does ordain as follows:

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000; and

WHEREAS, Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, Specific minor amendments to the LCER Specific Plan within the Town of Apple Valley, and

WHEREAS, On November 6, 2013, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Specific Plan Amendment 2009-001 No. 1, receiving testimony from the public; and

WHEREAS, The project based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Specific Plan No. 2009-001 on October 6, 2010. No additional evaluation is necessary, and the amendment is in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, Specific Plan No. 2009-001, Amendment No. 1, is consistent with the Town of Apple Valley's General Plan and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

Section 1. Findings.

(i) Find that the changes proposed by Specific Plan 2009-001, Amendment No. 1 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan;

(ii) Find that, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA) the proposed amendment is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Specific Plan No. 2009-001 on October 6, 2010. No additional evaluation is necessary, and the amendment is in compliance with the California Environmental Quality Act (CEQA);

(iii) Find that the changes proposed by Specific Plan No. 2009-001, Amendment No. 1 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan; and

Section 2. In consideration of the evidence received at the public hearing, and for the reasons discussed by the Commissioners at said hearing, that the Town Council of the Town of Apple Valley, California, finds that the changes proposed under Specific Plan No. 2009-001, Amendment No. 1 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 3. Based upon the facts presented within the staff analysis, public testimony and pursuant to Government Code Section 65863(b), the Planning Commission of the Town of Apple Valley, California, finds that the proposed land use designations are consistent with the General Plan goals for a broader economic base for the Town.

Section 4. The amendment currently proposed are consistent with the adopted Specific Plan and do not constitute a change in build out potential. State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed amendment is within the scope of the previously approved Mitigated Negative Declaration that was adopted by the Planning Commission for Specific Plan No. 2009-001, on October 6, 2010. No additional evaluation is necessary, and the amendment is in compliance with the California Environmental Quality Act (CEQA). Conditions within the Specific Plan area have not changed. Therefore, the Mitigated Negative Declaration analyzed the impacts of the project, and the proposed amendments do not require additional environmental review.

Section 5. Amend LCER Specific Plan Section III LCER Land Use Designation, 1. School Zone; K-12 on page twelve (12) to include the following text change:

"A cluster of eighteen (18) portable housing/classroom units is proposed to be sited as a plaza learning center located within the K-12 School Zone. The portable housing/classrooms will be located on the south end of the existing campus, and is illustrated on Exhibit III four (4) and five (5) as allocated for temporary housing/classrooms.

Site work will include extension of the fire lane, twelve (12) additional parking spaces adjacent to the buildings, walkways and access stairs/ramps to the housing/classrooms, and minor site improvements to divert site drainage around the facilities. The existing mineral city will be relocated south of the interim housing, where it will remain in place upon completion of Building "G" per the approved LCER Specific Plan. LCER will also construct a small-scale waterwheel and gristmill adjacent to the new portables as an educational tool."

Add additional maps four (4) and five (5) to Exhibit III depicting location of portable housing/classroom units (see inserts).

On page 49, Site Plan Review, under Findings, number five (5), add the following sentence: "The cluster of the eighteen (18) portable housing/classroom plaza is considered an expansion of the existing school capacity, and necessitates that the mitigation measure require the signalization at the intersection of Tuscola and

Apple Valley Road(s) be constructed prior to issuance of Certificate of Occupancy for the learning center."

Section 6. Invalidation. The amendment by this Ordinance of Title 9 "Development Code" of the Town of Apple Valley Municipal Code as previously in effect, or of any other prior enactment, shall not be construed to invalidate any entitlement exercised or proceeding taken pursuant to such Title or other enactment while the same was in effect.

Section 7. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 8. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 9. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested by the Town Clerk this 14th day of January, 2014.

Honorable, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Mr. John Brown, Town Attorney

Mr. Frank Robinson, Town Manager

PLANNING COMMISSION RESOLUTION NO. 2013-013

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL APPROVE A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT THE SPECIFIC PLAN NO. 2009-001, AMENDMENT NO. 1 BY AMENDING THE LCER SPECIFIC PLAN TO PERMIT A CLUSTER OF PORTABLE EIGHTEEN (18) CLASSROOM/HOUSING UNITS SITED AS A PLAZA LEARNING CENTER DEVELOPMENT.

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000; and

WHEREAS, a Specific Plan of Land Use was approved December 4, 2010 by the Town Council on the recommendation of the Planning Commission for adoption of the Official Zoning Map” subsection “B” zoning from Single-Family Residential (R-SF, 1 du per 0.4 to 0.9 net acres) and Open Space Conservation (OS-C) to Specific Plan (SP), regarding parcels APN(s) 0474-183-21 and 22.

WHEREAS, on, October 25, 2013, the proposed LCER Specific Plan amendment was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Specific Plan No. 2009-001 on October 6, 2010. No additional evaluation is necessary, and the amendment is in compliance with the California Environmental Quality Act (CEQA);

WHEREAS, the proposed Specific Plan No. 2009-001, Amendment No. 1 is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

NOW, THEREFORE, BE IT RESOLVED that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission of the Town of Apple Valley, California, finds and determines as follows and recommends that the Town Council make the following findings and take the following actions:

Section 1. In consideration of the evidence received at the public hearing, and for the reasons discussed by the Commissioners at said hearing, that the Town Council of the Town of Apple Valley, California, finds that the changes proposed under Specific

Plan No. 2009-001, Amendment No. 1 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. Based upon the facts presented within the staff analysis, public testimony and pursuant to Government Code Section 65863(b), the Planning Commission of the Town of Apple Valley, California, finds that the proposed land use designations are consistent with the General Plan goals for a broader economic base for the Town.

Section 3. The amendments currently proposed are consistent with the adopted Specific Plan and do not constitute a change in build out potential. State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed amendment is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Specific Plan No. 2009-001 on October 6, 2010. No additional evaluation is necessary, and the amendment is in compliance with the California Environmental Quality Act (CEQA). Conditions within the Specific Plan area have not changed. Therefore, the Mitigated Negative Declaration analyzed the impacts of the project, and the proposed amendments do not require additional environmental review.

Section 4. Amend LCER Specific Plan Section III LCER Land Use Designation, 1. School Zone; K-12 on page twelve (12) to include the following text change:

"A cluster of eighteen (18) portable housing/classroom units is proposed to be sited as a plaza learning center located within the K-12 School Zone. The portable housing/classrooms will be located on the south end of the existing campus, and is illustrated on Exhibit III four (4) and five (5) as allocated for temporary housing/classrooms.

Site work will include extension of the fire lane, twelve (12) additional parking spaces adjacent to the buildings, walkways and access stairs/ramps to the housing/classrooms, and minor site improvements to divert site drainage around the facilities. The existing mineral city will be relocated south of the interim housing, where it will remain in place upon completion of Building "G" per the approved LCER Specific Plan. LCER will also construct a small-scale waterwheel and gristmill adjacent to the new portables as an educational tool."

Section 5. Add additional maps four (4) and five (5) to Exhibit III depicting location of portable housing/classroom units (see inserts).

Section 6. On page 49, Site Plan Review, under Findings, number five (5), add the following sentence: "The cluster of the eighteen (18) portable housing/classroom plaza is considered an expansion of the existing school capacity, and necessitates that the mitigation measure require the signalization at the intersection of Tuscola and Apple

Valley Road(s) be constructed prior to issuance of Certificate of Occupancy for the learning center."

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 6th day of November 6, 2013.

Chairman Jason Lamoreaux

ATTEST:

I, Debra Thomas, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 6th day of November 2013, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Thomas, Planning Commission Secretary



Get a Slice of the Apple.

Agenda Item No. 4

TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

- AGENDA DATE:** November 6, 2013
- CASE NUMBER:** Specific Plan No. 2009-001, Amendment No. 1
- APPLICANT:** Mr. Rick Piercy, representative of the Lewis Center for Educational Research
- PROPOSAL:** A request to amend the LCER Specific Plan to permit a cluster of eighteen (18) classroom portals sited as a plaza learning center development of the existing K-12 Lewis Center for Educational Research school site (the "Academy for Academic Excellence"). The LCER Specific Plan encompasses 150 acres in size; APN(s) 0474-183-21 and 22.
- LOCATION:** 17500 Mana Road, Apple Valley, California.
- ENVIRONMENTAL DETERMINATION:** This project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Specific Plan No. 2009-001 on October 6, 2010. No additional evaluation is necessary and the amendment is in compliance with the California Environmental Quality Act (CEQA).
- CASE PLANNER:** Mr. Douglas Fenn, Senior Planner
- RECOMMENDATION:** Adopt Planning Commission Resolution No. 2013-13

PROJECT SITE AND DESCRIPTION

The project site is currently developed with the "Lewis Center for Educational Research" (LCER), public charter school, the "Academy for Academic Excellence." It is surrounded

by single-family residential development to the east, State Route 18 to the north and west, and the Mojave River to the south.

ANALYSIS

History/Background of LCER

On December 4, 2010, the Town Council approved General Plan Amendment No. 2009-001, Specific Plan No. 2009-001 and Zone Change No. 2009-001. The Town Council approved requests to change the previous land use designation from Single-Family Residential (R-SF; 1 du 0.4 to 0.9 net acres) and Open Space (OS) to Specific Plan (SP) and Zoning from Single-Family Residential (R-SF; 1 du per 0.4 to 0.9 net acres) and Open Space Conservation (OS-C) to Specific Plan (SP).

The High Desert Partnership in Academic Excellence Foundation, Inc., (Foundation) proposed a Specific Plan for adoption of the Lewis Center for Educational Research (LCER) Specific Plan, which would address future development at the existing LCER school campus site (the “Academy for Academic Excellence”). Approximately, 10.5 acres of the 150-acre project site is currently developed with a 24,542 square foot K-12 campus. The Town Council approved the LCER Specific Plan for four (4) different land uses: a twenty-five (25)-acre K-12 School Zone; the eleven (11)-acre College/University School Zone; the seven (7)-acre Flood Zone; and, the 107-acre Conservation Zone.

The amendment to the LCER Specific Plan does not constitute a vesting of rights to construct any of the land uses or improvements described herein. It is not intended that any existing provisions of state law, or provisions of state law may hereafter be adopted, and amended, or judicially interpreted, shall be construed as authorizing the LCER Specific Plan to constitute a vesting of rights to construct.

So that the Planning Commission can easily identify what changes are proposed, the amended LCER Specific Plan additions are noted as underlined text.

The proposed amendment to LCER Specific Plan Section III LCER Land Use Designation, one (1), School Zone; K-12 on page twelve (12), includes the following text change:

"A cluster of eighteen (18) portable housing/classroom units is proposed to be sited as a plaza learning center located within the K-12 School Zone. The portable housing/classrooms will be located on the south end of the existing campus, and is illustrated on Exhibit III four (4) and five (5) as allocated for temporary housing/classrooms.

Site work will include extension of the fire lane, twelve (12) additional parking spaces adjacent to the buildings, walkways and access stairs/ramps to the housing/classrooms, and minor site improvements to

divert site drainage around the facilities. The existing mineral city will be relocated south of the interim housing, where it will remain in place upon completion of Building "G" per the approved LCER Specific Plan. LCER will also construct a small-scale waterwheel and gristmill adjacent to the new portables as an educational tool."

Additionally, under Exhibit III, two (2) additional maps, four (4) and five (5) depict the location of where the cluster of eighteen (18) portable housing/classroom units are proposed within the K-12 School Zone (see Attachment 2).

The amendment is an expansion of classroom facilities, and the installation of the Tuscola and Apple Valley Road signalization will be conditioned when the Site Plan application is submitted to the Town for review and approval. On page 49, under Site Plan Review, findings five (the following sentence will be added: "The cluster of the eighteen (18) portable housing/classroom plaza is considered an expansion of the existing school capacity, and necessitates that the mitigation measure require the signalization at the intersection of Tuscola and Apple Valley Road(s) be constructed prior to issuance of Certificate of Occupancy for the learning center."

Environmental Assessment:

This project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Specific Plan No. 2009-001 on October 6, 2010. No additional evaluation is necessary, and the amendment is in compliance with the California Environmental Quality Act (CEQA).

Noticing

This item was advertised as a public hearing in the Apple Valley News newspaper on October 25, 2013.

Findings

In considering any General Plan, Specific Plan or Zone Change request, the following findings must be made.

Specific Plan

Development Code section 9.03.050, "Required Findings," requires that the following findings be made in order to approve a Specific Plan:

1. Specifies through text and/or diagrams, the distribution, location and extent of the uses of land, including open space, within the area covered by the plan.

Comment: The proposed Specific Plan amendment specifies with text and new location site maps, the amount of proposed specific land use, including no development impact on open space. Approximately, 25.5 acres of the 150-acre project site is currently developed with a 24,542 square foot K-12 campus. The Specific Plan amendment

covers a small portion about two (2) acres of the K-12 campus portion of the LCER Specific Plan.

2. Specifies through text and/or diagrams, the proposed distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid-waste disposal, energy and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.

Comment: The current LCER Specific Plan specifies through text and diagrams the proposed distribution, location and extent of major onsite public facilities and services, including transportation, sewage, water, drainage, energy and other essential services needed to support the plan's land uses. Proposed roads described in the text are illustrated with a plan view map and road cross sections. The proposed amendment does not modify the above referenced text and diagrams related to facility improvements within the LCER Specific Plan.

3. Specifies through text and/or diagrams, the standards and criteria by which development will proceed, and standards for the conservation, development and utilization of natural resources, where applicable.

Comment: The proposed Specific Plan amendment proposal, through text, and diagram specifies the standards and criteria by which; the portable housing/classroom units will not impact existing natural resources, designated Open Space Conservation (OS-C) areas. The Specific Plan amendment does not change the previously approved detailed topographic map.

4. Specifies a program of implementation measures, including regulations, programs, public works projects, and financing measure necessary to carry out Findings one (1), two (2) and three (3) above.

Comment: The LCER Specific Plan includes implementation procedures and a conceptual phasing schedule. The financing methods for various on and off-site improvements will be determined in conjunction with the phasing of the infrastructure. The proposed amendment does not affect the financing of public works programs.

5. Demonstrate compliance with General Plan land Use Element policies as applicable.

Comment: The LCER Specific Plan establishes development standards and guidelines for the plan area. Where the Apple Valley Development Code standard is different than the LCER Specific Plan, the provisions within the LCER Specific Plan shall be applicable. The proposed amendment does not affect the Specific Plan's consistency with the General Plan.

6. Includes a statement of the relationship of the specific plan to the General Plan, Development Code and other applicable plans or ordinances.

Comment: The adopted LCER Specific Plan contains a chapter on the purpose and authority of the Specific Plan under California Government Code, Sections 65450 through 65454, including content requirements. This chapter also includes the Specific Plan's relationship to the Town's General Plan, Vision 2020, and the Development Code (Zoning Ordinance). The proposed amendment does not affect the Specific Plan's consistency with the General Plan and is compliance with the Town's Vision 2020.

7. Addresses any other subjects that are necessary for implementation of the General Plan.

Comment: The LCER Specific Plan amendment respects the desert environment and will be sequential development adjacent to existing and approved development.

8. The location and design of the proposed development will be consistent with the goals and policies of the General Plan, and with any other applicable plan or policies adopted by the Town, and with any other applicable provisions of the Development Code.

Comment: The LCER Specific Plan's amendment location and design are consistent with the General Plan goals and policies, as well as applicable Development Code provisions.

9. The proposed location will allow the development to be well integrated with, or adequately buffered from, its surroundings, whichever may be appropriate.

Comment: The amendment to the LCER Specific Plan preserves and provides access to the site's significant knolls and rock outcroppings. The amendment does not change the previously approved design standards and landscaping in order to buffer the proposed development from the surrounding existing and anticipated single-family residential neighborhoods.

10. All vehicular traffic generated by the development, either in phased increments or at full build-out, will be accommodated safely and without causing significantly increased congestion upon adjoining streets.

Comment: Based on a comprehensive and long term Traffic Impact Analysis (TIA), the LCER Specific Plan specifies appropriate traffic mitigation measures, including the extension of roads to support the project's development phases. The amendment is an expansion of classroom facilities, and the Tuscola and Apple Valley Road signalization will be conditioned when the Site Plan application is submitted to the Town for review and approval.

11. The final specific plan will identify a methodology to allow land uses to be adequately serviced by existing or proposed public facilities and services. In

appropriate circumstances, and as provided elsewhere by this Development Code, the Town may require that suitable areas be reserved for uses such as schools, parks and pedestrian ways; public open spaces may be dedicated or reserved by private covenant for the common use of residents, establishments or operations in the development.

Comment: The LCER Specific Plan amendment includes conceptual plans for circulation, trails, and recreation, landscaping, and drainage.

12. In accordance with the requirements of the California Environmental Quality Act (CEQA), environmental impacts have been reduced to a level of no significance, or in the case where such impacts remain; a statement of overriding considerations must be adopted to justify the merits of project implementation after certification of the Environmental Impact Report.

Comment: The project amendment is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Specific Plan No. 2009-001 on October 6, 2010. No additional evaluation is necessary, and the amendment is in compliance with the California Environmental Quality Act (CEQA).

13. The proposed specific plan should contribute to a balance of land uses so local residents may work and shop in the community in which they live.

Comment: The LCER Specific Plan planned expansion of the existing K-12 school fulfills the Town of Apple Valley's vision for academic excellence. Full-time jobs in education, administration and other related jobs will be provided by this project.

14. The proposed specific plan will not be detrimental to the public health, safety or welfare of the Town.

Comment: The LCER Specific Plan amendment is consistent with the General Plan and Development Code and will not be detrimental to the public health, safety or welfare of the Town.

RECOMMENDATION

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2013-13, forwarding a recommendation to the Town Council that they amend the LCER Specific Plan permitting a cluster of portable eighteen (18) housing/classroom units sited as a plaza learning center of the existing K-12 Lewis Center school site.

Prepared By:

Reviewed By:

Douglas Fenn
Senior Planner

Lori Lamson
Assistant Director of Community Development

ATTACHMENTS:

1. Draft Planning Commission Resolution No. 2013-013
2. Zoning Map
3. Exhibit III four (4) and Exhibit III five (5) location maps (separate attachment).

PLANNING COMMISSION RESOLUTION NO. 2013-013

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL APPROVE A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT THE SPECIFIC PLAN NO. 2009-001, AMENDMENT NO. 1 BY AMENDING THE LCER SPECIFIC PLAN TO PERMIT A CLUSTER OF PORTABLE EIGHTEEN (18) CLASSROOM/HOUSING UNITS SITED AS A PLAZA LEARNING CENTER DEVELOPMENT.

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000; and

WHEREAS, a Specific Plan of Land Use was approved December 4, 2010 by the Town Council on the recommendation of the Planning Commission for adoption of the "Official Zoning Map" subsection "B" zoning from Single-Family Residential (R-SF, 1 du per 0.4 to 0.9 net acres) and Open Space Conservation (OS-C) to Specific Plan (SP), regarding parcels APN(s) 0474-183-21 and 22.

WHEREAS, on, October 25, 2013, the proposed LCER Specific Plan amendment was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Specific Plan No. 2009-001 on October 6, 2010. No additional evaluation is necessary, and the amendment is in compliance with the California Environmental Quality Act (CEQA);

WHEREAS, the proposed Specific Plan No. 2009-001, Amendment No. 1 is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

NOW, THEREFORE, BE IT RESOLVED that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission of the Town of Apple Valley, California, finds and determines as follows and recommends that the Town Council make the following findings and take the following actions:

Section 1. In consideration of the evidence received at the public hearing, and for the reasons discussed by the Commissioners at said hearing, that the Town Council of the Town of Apple Valley, California, finds that the changes proposed under Specific

Plan No. 2009-001, Amendment No. 1 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. Based upon the facts presented within the staff analysis, public testimony and pursuant to Government Code Section 65863(b), the Planning Commission of the Town of Apple Valley, California, finds that the proposed land use designations are consistent with the General Plan goals for a broader economic base for the Town.

Section 3. The amendments currently proposed are consistent with the adopted Specific Plan and do not constitute a change in build out potential. State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed amendment is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Specific Plan No. 2009-001 on October 6, 2010. No additional evaluation is necessary, and the amendment is in compliance with the California Environmental Quality Act (CEQA). Conditions within the Specific Plan area have not changed. Therefore, the Mitigated Negative Declaration analyzed the impacts of the project, and the proposed amendments do not require additional environmental review.

Section 4. Amend LCER Specific Plan Section III LCER Land Use Designation, 1. School Zone; K-12 on page twelve (12) to include the following text change:

"A cluster of eighteen (18) portable housing/classroom units is proposed to be sited as a plaza learning center located within the K-12 School Zone. The portable housing/classrooms will be located on the south end of the existing campus, and is illustrated on Exhibit III four (4) and five (5) as allocated for temporary housing/classrooms.

Site work will include extension of the fire lane, twelve (12) additional parking spaces adjacent to the buildings, walkways and access stairs/ramps to the housing/classrooms, and minor site improvements to divert site drainage around the facilities. The existing mineral city will be relocated south of the interim housing, where it will remain in place upon completion of Building "G" per the approved LCER Specific Plan. LCER will also construct a small-scale waterwheel and gristmill adjacent to the new portables as an educational tool."

Section 5. Add additional maps four (4) and five (5) to Exhibit III depicting location of portable housing/classroom units (see inserts).

Section 6. On page 49, Site Plan Review, under Findings, number five (5), add the following sentence: "The cluster of the eighteen (18) portable housing/classroom plaza is considered an expansion of the existing school capacity, and necessitates that the mitigation measure require the signalization at the intersection of Tuscola and Apple Valley Road(s) be constructed prior to issuance of Certificate of Occupancy for the learning center."

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 6th day of November 6, 2013.

Chairman Jason Lamoreaux

ATTEST:

I, Debra Thomas, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 6th day of November 2013, by the following vote, to-wit:

AYES:

NOES:

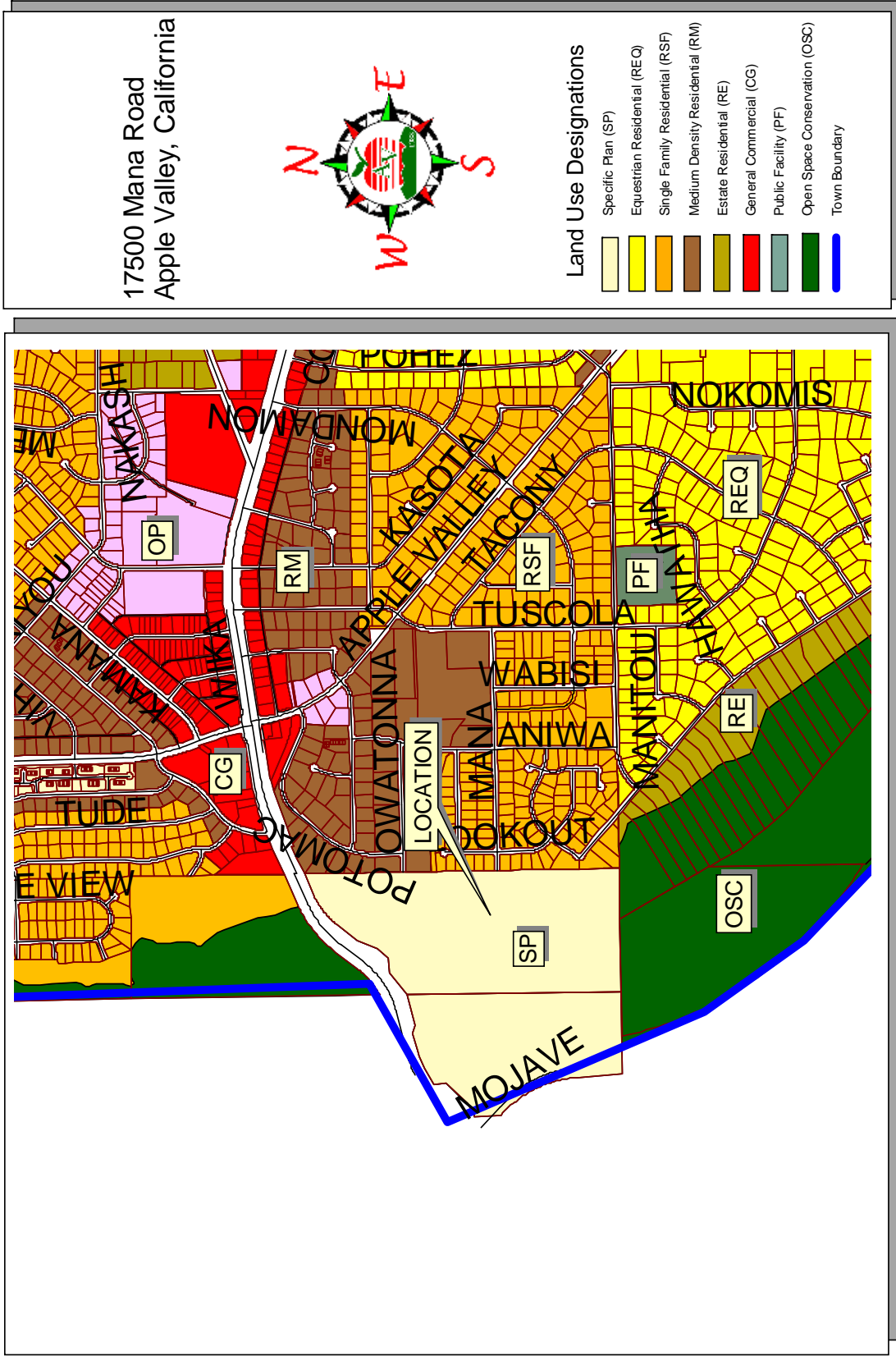
ABSENT:

ABSTAIN:

Debra Thomas, Planning Commission Secretary

General Plan Amendment No. 2009-001
 Zone Change No. 2009-001
 Specific Plan No. 2009-001

Proposed General Plan & Zoning Land Use



MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, November 6, 2013

CALL TO ORDER

At 6:04 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for November 6, 2013, was called to order by Chairman Lamoreaux.

ROLL CALL

Planning Commission

Roll call was taken with the following members present: Commissioner Doug Qualls, Commissioner Mark Shoup, Vice-Chairman Bruce Kallen and Chairman Jason Lamoreaux. Absent: Commissioner B.R. "Bob" Tinsley

STAFF PRESENT

Lori Lamson, Community Development Director; Douglas Fenn, Senior Planner; Pamela Cupp, Associate Planner; John Brown, Town Attorney; Haviva Shane, Town Attorney, and Debra Thomas, Planning Commission Secretary.

PLANNING COMMISSION CLOSED SESSION

Motion by Vice-Chairman Kallen, seconded by Commissioner Shoup, to adjourn to closed session at 6:05 p.m.

Motion carried by the following vote: Ayes: Commissioner Qualls, Commissioner Shoup, Vice-Chairman Kallen and Chairman Lamoreaux. Noes: None. Absent: Commissioner Tinsley. Abstain: None.

Conference with Legal Counsel – Anticipated litigation.

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; (1 or more cases).

The Planning Commission reconvened from closed session at 6:39 p.m. with no reportable action.

PLEDGE OF ALLEGIANCE

Vice-Chairman Kallen led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

A. Minutes for the Regular Meeting of October 2, 2013.

Motion by Vice-Chairman Kallen, seconded by Commissioner Shoup, to approve the Minutes for the Regular Meeting of October 2, 2013.

Motion carried by the following vote: Ayes: Commissioner Qualls, Commissioner Shoup, Vice-Chairman Kallen and Chairman Lamoreaux. Noes: None. Absent: Commissioner Tinsley. Abstain: None.

PUBLIC HEARING ITEMS

2. Development Permit No. 2013-004. A request to approve a Development Permit to allow the construction of a 15,179 square foot, two (2)-story medical office building. The project will include paved parking, lighting and landscaping.

Applicant: R.A.M. Architecture

Location: 16008 Kamana Road; APNs 0473-412-11 and -12.

Chairman Lamoreaux opened the public hearing at 6:41 p.m.

Ms. Pamela Cupp, Associate Planner, presented the staff report as filed by the Planning Division.

Ms. Cupp stated that a Condition of Approval had been included to require the completion of a lot merger. Based upon the metallic finish of the structure, another Condition was included that would address any nuisance glare, should that occur. The Town of Apple Valley's Building Official required an additional Condition of Approval, BC14, be added requesting a statement on the plans from the building owner identifying how, the clinic would be licensed. Ms. Cupp stated this is a requirement of the Office of Statewide Health Planning and Development (OSHDP).

Chairman Lamoreaux asked the Applicant's representative, Mr. Robert Martinez, if he had reviewed and agreed to the Conditions of Approval, as well as the newly added Condition stated above.

Mr. Martinez stated he agreed with all Conditions of Approval.

Chairman Lamoreaux closed the public hearing at 6:46 p.m.

MOTION:

Motion by Commissioner Shoup, seconded by Vice-Chairman Kallen, that the Planning Commission move to:

1. Determine that pursuant to Section 15332 of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed request is Categorically Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings for Development Permit No. 2013-004.
3. Approve Development Permit No. 2013-004, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

ROLL CALL VOTE

Ayes: Commissioner Qualls
Commissioner Shoup
Vice-Chairman Kallen
Chairman Lamoreaux

Noes: None

Abstain: None

Absent: Commissioner Tinsley

The motion carried by a 4-0-0-1 vote.

3. **Development Code Amendment No. 2013-003.** Discussion of Town's existing Urgency Ordinance clarifying the scope of the Town's prohibition of Medical Marijuana Dispensaries and recent laws regarding the banning and regulation of such dispensaries.

Applicant: Town of Apple Valley

Location: Town-wide

Chairman Lamoreaux opened the public hearing at 6:46 p.m.

Ms. Haviva Shane, Town Attorney, presented the staff report as filed by the Planning Division.

Chairman Lamoreaux closed the public hearing at 6:52 p.m.

MOTION:

Motion by Vice-Chairman Kallen, seconded by Commissioner Qualls, that the Planning Commission move to:

1. Adopt Planning Commission Resolution No. 2013-014 recommending that the Town Council adopt the language in the existing Urgency Ordinance modifying the definition of medical marijuana dispensaries, which expands the existing prohibition of medical marijuana dispensaries.

ROLL CALL VOTE

Ayes: Commissioner Qualls
Vice-Chairman Kallen
Chairman Lamoreaux
Noes: Commissioner Shoup
Abstain: None
Absent: Commissioner Tinsley
The motion carried by a 3-1-0-1 vote.

4. **Specific Plan No. 2009-001, Amendment No. 1.** A request to amend the Lewis Center for Educational Research (LCER) Specific Plan to permit a cluster of eighteen (18) classroom portables sited as a plaza learning center development at the existing K-12 Lewis Center for Educational Research school site (the "Academy for Academic Excellence"). The LCER Specific Plan encompasses 150 acres; APNs 0474-183-21 and 22.
Applicant: Mr. Rick Piercy, representative of the Lewis Center for Educational Research
Location: 17500 Mana Road

Chairman Lamoreaux opened the public hearing at 7:00 p.m.

Mr. Douglas Fenn, Senior Planner, presented the staff report as filed by the Planning Division.

Mr. Fenn stated a letter was received from Ms. Lisa Suttle expressing her opposition to the expansion of the Lewis Center due to the lack of access and ability to accommodate the traffic.

Mr. Rick Piercy, President of the Lewis Center, advised the Planning Commission that traffic needs to be mitigated as soon as possible at the location due to multiple campuses being merged and described the anticipated increase in student population.

Lengthy discussion ensued regarding the proposed location of eighteen (18) classroom portables, when a signal light would be installed, mitigating the traffic in the area, how the project would accommodate additional automobiles, as well as the specific plan.

PUBLIC COMMENTS

Mr. Shawn Brown, Apple Valley, expressed concerns regarding the traffic that will be created by this increase in attendance at the school. Mr. Brown's wife was involved in a car accident due to the traffic already in existence and this project would create a greater impact in the area.

Mr. Scott Strunk, Apple Valley, disagreed with Mr. Piercy's numbers on the time it takes parents, from beginning to end, to drop off and pick up their children. Mr. Strunk stated he has several individuals living in his home who have special medical needs and may need emergency care due to those needs. He stated there was no way an emergency

vehicle could traverse through the area due to the amount of automobiles and specifically would not be able to access his driveway. He described how parents block his and others' driveways, and that they won't listen when asked to move and are unreasonable.

Lengthy discussion ensued between the Planning Commission, Mr. Piercy, Mr. Brown and Mr. Strunk addressing the traffic issues surrounding the school, its neighboring homes and how it has not been mitigated. It was also explained to the Planning Commission that traffic and its analysis was already included in the Specific Plan. The Planning Commission's only decision to be made on this item, at this time, is to approve or deny the location of the portables on the subject property.

Commissioner Shoup wanted to know how the public was noticed regarding this matter.

Mr. Fenn informed the Planning Commission that letters were sent out to the residents within 300 feet from the school property from all parcel lines.

Mr. Brown stated that notifying residents within 300 feet of the property did not encompass all of Mana Road and he believed all residents on Mana Road have a vested interest in the project.

Mr. Piercy offered to meet with the residents who live on Mana Road and would like to create a committee to assist with solutions to the traffic problems on Mana Road and its surrounding area.

Chairman Lamoreaux closed the public hearing at 8:42 p.m.

MOTION:

Motion by Commissioner Qualls, seconded by Chairman Lamoreaux, that the Planning Commission move to:

1. Approve Planning Commission Resolution No. 2013-13, forwarding a recommendation to the Town Council that they amend the LCER Specific Plan permitting a cluster of portable eighteen (18) housing/classroom units sited as a plaza learning center of the existing K-12 Lewis Center school site.

ROLL CALL VOTE

Ayes: Commissioner Qualls
Commissioner Shoup
Vice-Chairman Kallen
Chairman Lamoreaux
Noes: None
Abstain: None
Absent: Commissioner Tinsley

The motion carried by a 4-0-0-1 vote.

Chairman Lamoreaux recessed the Planning Commission meeting at 8:45 p.m.

Chairman Lamoreaux reconvened the Planning Commission meeting at 9:01 p.m.

- 5. Development Code Amendment No. 2013-005.** *(Continued from October 2, 2013).* A request to modify the provisions of the Development Code by amending various Sections within Chapter 9.74, "Signs and Advertising Displays".

Applicant: Town of Apple Valley

Location: Town-wide

Chairman Lamoreaux opened the public hearing at 9:02 p.m.

Ms. Pamela Cupp, Associate Planner, presented the staff report as filed by the Planning Division.

Mr. Jim Anderson, Code Enforcement Manager, described the Town Code Enforcement department's role enforcing compliance with the Town's Municipal Code as it relates to signs and advertising displays.

Lengthy discussion ensued covering all of the modifications, changes and additions to Chapter 9.74 "Signs and Advertising Displays" of the Development Code.

Chairman Lamoreaux closed the public hearing at 10:30 p.m.

MOTION:

Motion by Vice-Chairman Kallen, seconded by Commissioner Shoup, that the Planning Commission move to:

1. Continue Planning Commission Resolution No. 2013-007, forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code as outlined within the staff report to the next Planning Commission meeting scheduled for November 20, 2013.

ROLL CALL VOTE

Ayes: Commissioner Qualls
Commissioner Shoup
Vice-Chairman Kallen
Chairman Lamoreaux

Noes: None

Abstain: None

Absent: Commissioner Tinsley

The motion carried by a 4-0-0-1 vote.

6. **Development Code Amendment No. 2013-006 and Specific Plan No. 2005-001, Amendment No. 6.** An Amendment to Title 9 “Development Code” of the Town of Apple Valley Municipal Code amending the development standards of photovoltaic solar farms within the Apple Valley Dry Lake area; and

An Amendment to the North Apple Valley Industrial Specific Plan (NAVISP) Section III “Development Standards and Guidelines” by amending the photovoltaic solar farms development standards.

Applicant: Town of Apple Valley

Location: North Apple Valley Industrial Specific Plan and the Apple Valley Dry Lake area.

Chairman Lamoreaux opened the public hearing at 10:31 p.m.

Ms. Lori Lamson, Community Development Director, suggested this item be continued to the November 20, 2013 Planning Commission meeting.

Chairman Lamoreaux closed the public hearing at 10:31 p.m.

MOTION:

Motion by Commissioner Shoup, seconded by Commissioner Qualls, that the Planning Commission move to:

1. Due to the number of items on the November 6, 2013 agenda, and the estimated time for discussion, it is recommended that the Planning Commission continue Development Code Amendment No. 2013-006 and Specific Plan 2005-001 Amendment No. 6 to the November 20, 2013 regularly scheduled Planning Commission Meeting.

ROLL CALL VOTE

Ayes: Commissioner Qualls
Commissioner Shoup
Vice-Chairman Kallen
Chairman Lamoreaux

Noes: None

Abstain: None

Absent: Commissioner Tinsley

The motion carried by a 4-0-0-1 vote.

PUBLIC COMMENTS

None.

PLANNING COMMISSION COMMENTS

Vice-Chairman Kallen wanted to know when public noticing requirements would be placed on an upcoming agenda.

Commissioner Qualls wanted to thank Ms. Pam Cupp, Associate Planner ,for a great presentation on the sign code.

STAFF COMMENTS

Ms. Lori Lamson, Community Development Director, announced to the Planning Commission that she would be taking family medical leave due to the upcoming birth of her daughter.

OTHER BUSINESS

None.

ADJOURNMENT

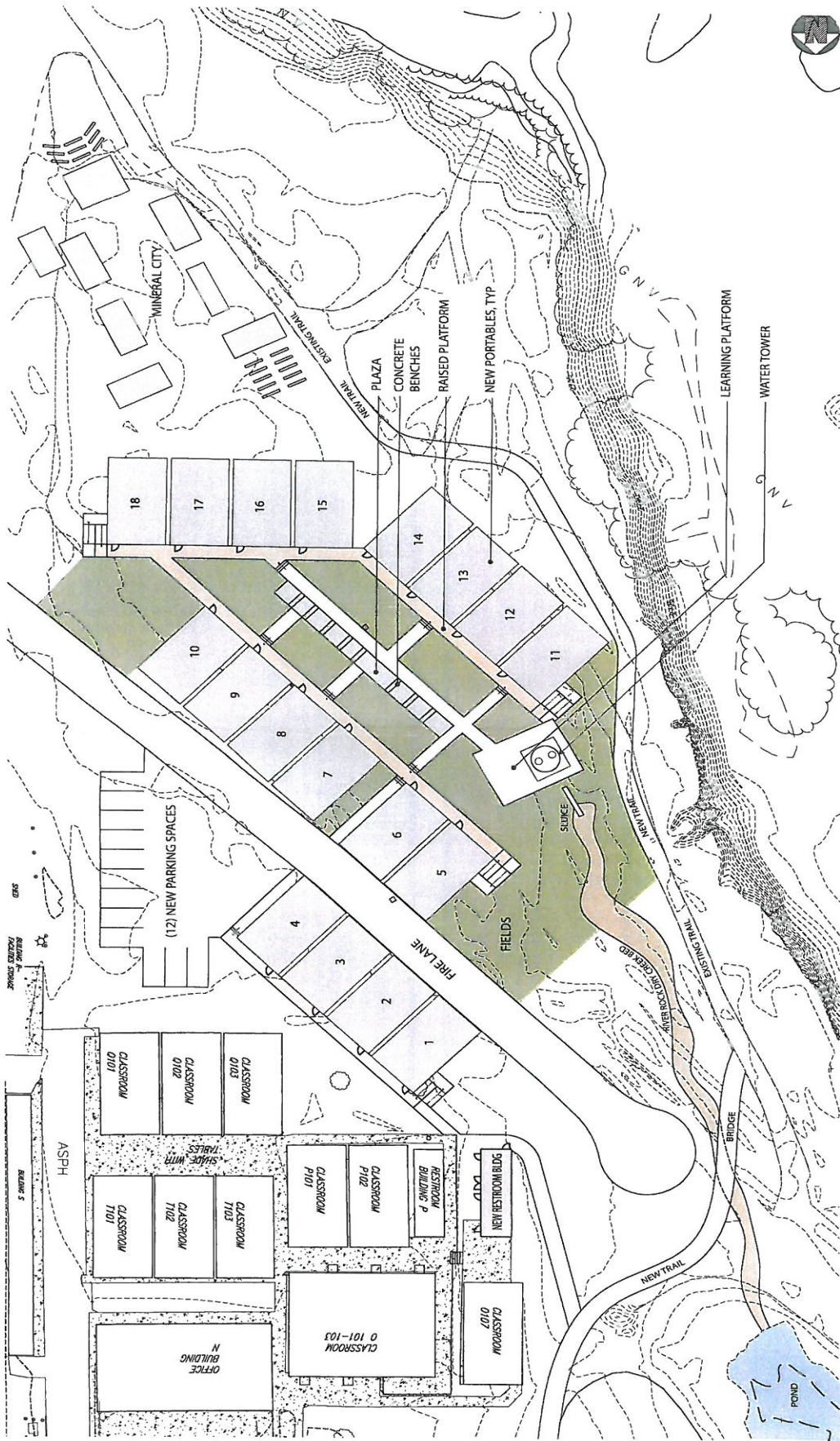
Motion by Commissioner Shoup, seconded by Commissioner Qualls, and unanimously carried to adjourn the meeting of the Planning Commission at 10:35 p.m. to the Regular Meeting on November 20, 2013.

Respectfully Submitted by:

Debra Thomas
Planning Commission Secretary

Approved by:

Chairman Jason Lamoreaux



Classroom Addition
Scale: 1" = 40'-0"

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