

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

A REQUEST TO AMEND THE GENERAL PLAN 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 SPECIFIC PLAN ADDRESSES FUTURE DEVELOPMENT, INCLUDING EXPANSION OF THE EXISTING K-12 LEWIS CENTER FOR EDUCATIONAL RESEARCH SCHOOL SITE (THE "ACADEMY FOR ACADEMIC EXCELLENCE"), ALONG WITH FUTURE DEVELOPMENT PLANS FOR A COLLEGE/UNIVERSITY CAMPUS. THE PROJECT IS 150-ACRES IN SIZE; APNs 0474-183-21 AND -22.

Applicant: Mr. Rick Piercy, representative of the Lewis Center for Educational Research

Location: 17500 Mana Road, Apple Valley, California.

Recommendation:

1. **Determine**, in conformance with the requirements of the State Guidelines to Implement the California Environmental Quality Act (CEQA), that:
 - a. The proposed General Plan Amendment, Specific Plan and Zone Change will not have a significant effect on the environment with adherence to the Mitigated Negative Declaration and Mitigation Monitoring Plan recommended by the Planning Commission; and
 - b. The proposed project could have the potential for adverse effects on wildlife resources and the applicant is responsible for the payment of the California Department of Fish and Game fees at the time of the Notice of Determination filing with the County.
2. **Find** that, based on the whole record before the Town Council, including the Initial Study and any comments received, there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town's independent judgment and analysis.
3. **Find** that Ordinance No 415 is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and, as such, shall promote the health, safety and general welfare of the citizens of Apple Valley, and that Ordinance No. 415 approving conforming rezoning is consistent with the Specific Plan established by said Ordinance.
4. **Find** the facts presented within this staff report, including the attached Planning Commission staff report for October 6, 2010, support the required Findings for approval of the proposed General Plan Amendment No. 2009-001, Specific Plan No. 2009-001 and Zone Change No. 2009-001.
5. **Adopt** Resolution No. 2010-51 approving General Plan Amendment No. 2009-001.

(Continued on next page)

Proposed by: Planning Division **Item Number** _____

Town Manager Approval: _____ **Budget Item** Yes No N/A

6. **Move** to waive the reading of Ordinance No. 415 in its entirety and read by title only.
7. **Introduce** Ordinance No. 415 approving Specific Plan No. 2009-001 and amending that portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "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 APNs 0474-183-21 and 22.
8. **Direct** staff to file a Notice of Determination with the San Bernardino County Clerk of the Board.

Summary Statement:

The Planning Commission conducted a public hearing on October 6, 2010 to review and take testimony on the above referenced project. Upon receiving staff's analysis, testimony from the applicant's representative and the public, and subsequent Commission discussion, the Planning Commission adopted Planning Commission Resolution No. 2010-007 recommending that the Town Council adopt the Mitigated Negative Declaration and approve the proposed General Plan Amendment, Specific Plan and Zone Change.

In accordance with Town Council policy, each General Plan Amendment and Zone Change application is reviewed on a case-by-case basis, taking into account whether or not a specific project accompanies the application.

Project Overview

The High Desert Partnership in Academic Excellence Foundation, Inc., (Foundation) is proposing a General Plan Amendment (GPA) 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 Specific Plan encompasses the entire site and includes the following four (4) land use designations: 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 following is a description of the four (4) four land use designations proposed within the LCER Specific Plan.

K-12 School Zone - Proposed development within this land use designation will accommodate an additional 440 students, increasing the existing student body from 860 students to 1,300 students at build-out and developing the remaining 14.5 acres within the twenty-five (25)-acre area. The existing classroom/learning facility space will increase from 15,577 square feet to 78,417 square feet. In addition, a new 6,030-square foot library, a new 19,840-square foot gymnasium, a new 5,745-square foot administrative building, an expansion of the existing cafeteria from 6,098 square feet to 15,878 square feet and parking areas are proposed within this designation.

College/University School Zone - Proposed uses within this designation include the Mojave Desert Peoples Welcome Center, a 1,400-student college campus and services sited on eleven (11) acres of the approximately 50-acre site. Buildings within this portion of the Specific Plan will total 90,740 square feet, and will include classrooms, a lecture hall, laboratory, research center, student union, library, administrative and office buildings. The Mojave Desert Peoples Welcome

Center will include the welcome/information center, an exhibition room and building services totaling 2,550 square feet.

Flood Control Channel Zone - This designation provides for the design and implementation of a San Bernardino County approved flood control plan and will occupy seven (7) acres of the approximately 150-acre project site (a wash currently bisects the project site). Features of the design, as approved by the Town of Apple Valley and San Bernardino County Flood Control District, include the following: 1) A channel designed to support the San Bernardino County General Plan for flood control; 2) Educational observation points (for schools) at various points in the flood zone; 3) A soft bottom channel to protect local desert animal life, slow flood flow velocities and allow educational studies; 4) A vehicular and pedestrian bridge to permit circulation over the flood control channel; and, 5) Overflow capacity onto playfields, if needed, to protect nearby structures.

Open Space Conservation Zone – This designated area complies with the Conservation Open Space District (OS-C) as identified by the Town of Apple Valley General Plan and Development Code, and will conserve and protect agricultural and anthropological history within 107 acres of the approximate 150-acre site.

The proposed LCER Specific Plan would result in an increase of building square footage from 24,542 to 222,067 and would increase the developed area from approximately 10.5 acres to thirty-six (36) acres within the 150-acre site. The Specific Plan also proposes additional access from State Route 18 (SR-18). The development of the LCER Specific Plan is planned in phases and will be constructed as funds become available. Funds for the development of the LCER Specific Plan will be provided by grants, donations and fundraising. It is anticipated that build-out of the campus will occur in approximately 2030.

The LCER Specific Plan includes provisions for the permitting of projects within the 150-acre planning area through an administrative process by the Town and referred to as Site Plan Review. The process is designed to provide streamlined permitting for projects that comply with the approved LCER Specific Plan. Qualifying projects are those that will be developed in accordance with the LCER Specific Plan and guidelines as outlined within the Specific Plan.

Authority of Specific Plan

This LCER Specific Plan has been prepared pursuant to the provisions of California Government Code, Title 7, Division 1, Chapter 3, Article 8, Section 65450 *et seq.*, which grants local planning agencies the authority to prepare a Specific Plan for any area covered by a General Plan for the purpose of establishing systematic methods for implementation of the General Plan. A Specific Plan is designed to address site-specific issues, such as existing on-site conditions relative to topography and existing environmental constraints, site designs and layout, including building setbacks and visual appearance, as well as on-site and off-site circulation, utility provisions and infrastructure financing alternatives.

A General Plan focuses upon a town/city or county at a macro level, while a Specific Plan concentrates on the individual development issues and opportunities of a particular area or project. In addition, the General Plan establishes goals and objectives, which may require the preparation of individual Specific Plan documents in order to ensure that new developments comply with the policy requirements of the General Plan.

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 rules and regulations. In this regard, all development and/or other entitlements shall be consistent with regulations set forth in the LCER Specific Plan. Town regulations and development standards shall apply for all uses not covered within the LCER.

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.

Relationship to Town's General Plan

The LCER Specific Plan complies with the long range vision of the Town's General Plan. The LCER Specific Plan is in full compliance with the Town of Apple Valley's General Plan and establishes a comprehensive land plan and development standards for the unique site. Appendix A of the attached Specific Plan depicts in detail the goals and policies in which the LCER Specific Plan is in compliance with the Town's comprehensive land plan and development standards.

The Specific Plan provides some design flexibility, while preserving open space and natural features, and provides recreational opportunities superior to that which can be achieved through strict application of current Town development criteria. Exhibit No. 5 of the attached LCER Specific Plan provides details of how the proposed LCER Specific Plan complies with the goals, policies and programs of the General Plan.

Relationship to Town's Zoning

The LCER Specific Plan functions as the zoning code for the LCER Specific Plan Area. In cases where the LCER Specific Plan contains standards differing from the Municipal Code, the LCER Specific Plan standard shall prevail. Exhibit II-2, (in the attached LCER Specific Plan) Zoning Map, illustrates the Specific Plan Zoning District designation for the adopted LCER Specific Plan.

Upon adoption by Town Council, the zoning district for the subject area shall be "Specific Plan" (SP). Section 9.56.040 of the Town Development Code lists specific plan requirements for developments within the Town of Apple Valley. These requirements are as follows:

The LCER Specific Plan, when adopted, will establish development standards and guidelines for the specific plan area. This LCER Specific Plan provides the zoning ordinances and development code within the area identified. Where the Apple Valley Development Code Standard is different than the LCER Specific Plan, the provisions in the LCER Specific Plan shall apply. When provisions are not identified in the LCER Specific Plan, the Apple Valley Development Code standard shall apply.

At its meeting of October 6, 2010, the Planning Commission adopted Planning Commission No. 2010-007, forwarding a recommendation that the Town Council find that the proposed General Plan Amendment No. 2009-001, Specific Plan No. 2009-001 and Zone Change No. 2009-001 will not have a significant impact upon the environment with adherence to mitigation measures, The Commission also adopted a Mitigated Negative Declaration stating that there is also

evidence before the Town that the proposed project could have the potential for an adverse impact on wildlife resources and; therefore, Fish and Game Fees will be paid by the applicant. Further, the Resolution recommends that the Town Council approve General Plan Amendment No. 2009-001 and Zone Change No. 2009-001 to change the current 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).

Attachments:

1. Resolution No. 2010-51 adopting General Plan Amendment No. 2009-001
2. Ordinance No. 415 adopting Specific Plan No. 2009-001 and Zone Change No. 2009-001
3. Planning Commission Resolution No. 2010-007
4. Planning Commission Staff Report October 6, 2010
5. Planning Commission Minutes October 6, 2010
6. LCER Specific Plan (Under separate cover)

RESOLUTION NO. 2010-51

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT TO CHANGE THE CURRENT 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). THE SPECIFIC PLAN ADDRESSES FUTURE DEVELOPMENT, INCLUDING EXPANSION OF THE EXISTING K-12 LEWIS CENTER FOR EDUCATIONAL RESEARCH SCHOOL SITE (THE "ACADEMY FOR ACADEMIC EXCELLENCE") ALONG WITH FUTURE DEVELOPMENT PLANS FOR A COLLEGE/UNIVERSITY CAMPUS. THE VACANT PROJECT SITE IS 150 ACRES IN SIZE AND IS LOCATED AT 17500 MANA ROAD; APN(S) 0474-183-21 AND 22.

WHEREAS, the Town of Apple Valley General Plan was adopted by the Town Council on August 11, 2009; and

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

WHEREAS, on October 6, 2010, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on General Plan Amendment No. 2009-001, reviewing testimony from the public and adopting Planning Commission Resolution No. 2010-007 forwarding a recommendation to the Town Council; and

WHEREAS, on November 19, 2010, General Plan Amendment No. 2001-001 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 General Plan Amendment No. 2009-001 could have a significant effect on the environment; however, there will not be a significant effect in this case because revisions in the project have been made by, or agreed to, by the project proponent; therefore, a Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA; and

WHEREAS, the Town Council finds on the basis of the whole record before it (including the initial study, mitigation monitoring program and any comments received) that there is not substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town Council's independent judgment and analysis, and

WHEREAS, the Town Council hereby finds that the Mitigated Negative Declaration includes a mitigation monitoring program, and

WHEREAS, the Town Council hereby finds that the Mitigated Negative Declaration reflects its independent judgment. A copy of the Initial Study and Mitigated Negative

Declaration, including the Mitigation Monitoring Program may be obtained at THE Town of Apple Valley, Planning Division, 14975 Dale Evans Pkwy., Apple Valley, CA 92307, and

WHEREAS, the Town Council conducted a duly noticed public hearing on December 14, 2010, and heard all testimony of any person wishing to speak on the issue and considered the written recommendation of the planning Commission on the matter.

NOW, THEREFORE, the Town Council of the Town of Apple Valley, State of California, does hereby ordain as follows:

Section 1. Based upon the information contained within the Initial Study prepared in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), General Plan Amendment No. 2009-001, will not have an impact upon the environment and, therefore, the Town of Apple Valley Town Council adopts a Mitigated Negative Declaration and the Mitigation Monitoring Program for General Plan Amendment No. 2009-001.

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

Section 3. The Town Council hereby approves and adopts the Findings required for approval of General Plan Amendment No. 2009-001 as set forth in the staff report, including Findings and comments in the October 6, 2010 Planning Commission staff report, and adopts General Plan Amendment No. 2009-001 as shown on the attached Exhibit "A" and incorporated herewith by reference.

Section 4. There is evidence that the project could have the potential for adverse effects on wildlife resources and the applicant is responsible for the payment of Fish and Game fees at the time the Notice of Determination is filed with the County.

Section 5. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this resolution.

Section 6. Effective Date. This Resolution shall become effective upon its adoption.

Section 7. Severability. If any provision of this Resolution 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 Resolution are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this 14th day of December 2010.

Mayor

ATTEST:

Ms. La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. John Brown, Town Attorney

Mr. Frank Robinson, Town Manager

ORDINANCE NO. 415

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING PROGRAM, SPECIFIC PLAN NO. 2009-001 AND A ZONE CHANGE 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 SPECIFIC PLAN ADDRESSES FUTURE DEVELOPMENT, INCLUDING EXPANSION OF THE EXISTING K-12 LEWIS CENTER FOR EDUCATIONAL RESEARCH SCHOOL SITE (THE "ACADEMY FOR ACADEMIC EXCELLENCE") ALONG WITH FUTURE DEVELOPMENT PLANS FOR A COLLEGE/UNIVERSITY CAMPUS. THE VACANT PROJECT SITE IS 150 ACRES IN SIZE AND IS LOCATED AT 17500 MANA ROAD; APN(S) 0474-183-21 AND 22.

WHEREAS, the Town of Apple Valley General Plan was adopted by the Town Council on August 11, 2009; and

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

WHEREAS, Title 9 (Development Code), including Chapter 9.03 *Specific Plans*, has been utilized to adopt one or more Specific Plans by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, a specific changes are proposed to Chapter 9.05, Section 9.05.040 "Adoption of the Official Zoning Districts Map" of Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley by amending the zoning designation of two (2) parcels, located at 17500 Mana Road; APN(s) 0474-183-21 and 22; and

WHEREAS, on, November 19, 2010, proposed Specific Plan No. 2009-001, and Zone Change No. 2009-001 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 Specific Plan could have a significant effect on the environment; however, there will not be a significant effect in this case because revisions in the project have been made by, or agreed to, by the project proponent; therefore, a Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA; and

WHEREAS, the Town Council finds on the basis of the whole record before it (including the initial study, mitigation monitoring program and any comments received) that there is not substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town Council's independent judgment and analysis, and

WHEREAS, the Town Council hereby finds that the Mitigated Negative Declaration includes a Mitigation Monitoring Program, and

WHEREAS, the Town Council hereby finds that the Mitigated Negative Declaration reflects its independent judgment. A copy of the Initial Study and Mitigated Negative Declaration, including the Mitigation Monitoring Program may be obtained at: Town of Apple Valley, Planning Division, 14975 Dale Evans Pkwy., Apple Valley, CA 92307, and

WHEREAS, on October 6, 2010, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Specific Plan No. 2006-001, receiving testimony from the public and adopting Finding and Planning Commission Resolution No. 2010-007 and forwarding a recommendation to the Town Council, and

WHEREAS, proposed Specific Plan No. 2009-001 and Zone Change No. 2009-001 is consistent with Town of Apple Valley General Plan and 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.

WHEREAS, the Town Council conducted a duly noticed public hearing on December 14, 2010, and heard all testimony of any person wishing to speak on the issue and considered the written recommendation of the planning Commission on the matter.

NOW, THEREFORE, BE IT RESOLVED, that, in consideration of the evidence received at the public hearing, and for the reasons discussed by the Town Council at said hearing, the Town Council of the Town of Apple Valley, California does ordain as follows:

Section 1. Based upon the information contained within the Initial Study prepared in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), Specific Plan No. 2009-001 and Zone Change No. 2009-001, will not have an impact upon the environment and, therefore, the Town of Apple Valley Town Council adopts a Mitigated Negative Declaration for Specific Plan No. 2009-001 and Zone Change No. 2009-001, and the Mitigation Monitoring Program.

Section 2. Specific Plan No. 2009-001 and Zone Change No. 2009-001 are 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.

Section 3. In consideration of the evidence received at the public hearing, and for the reasons discussed by the Council at said hearing, the Town Council of the Town of Apple Valley, California, finds that the change proposed by Specific Plan No. 2009-001 and Zone Change No. 2010-001 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 4. Based upon the information contained within the Initial Study prepared for Specific Plan No. 2009-001 and Zone Change No. 2009-001, there is evidence that the project could have the potential for adverse effects on wildlife resources and the applicant is responsible for the payment of Fish and Game fees at the time the Notice of Determination is filed with the County.

Section 5. The Town Council hereby approves and adopts the Findings required for approval for the Specific Plan No. 2009-001 and Zone Change No. 2009-001 as set forth in the staff report, including Findings and comments in the October 6, 2010 Planning Commission

staff report and adopts Specific Plan No. 2009-001 and Zone Change No. 2009-001 as shown on the attached Exhibit "A" and incorporated herewith by reference.

Section 6. 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 7. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 8. 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 to by the Town Clerk this _____ day of January 2011.

Mayor

ATTEST:

Ms. La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

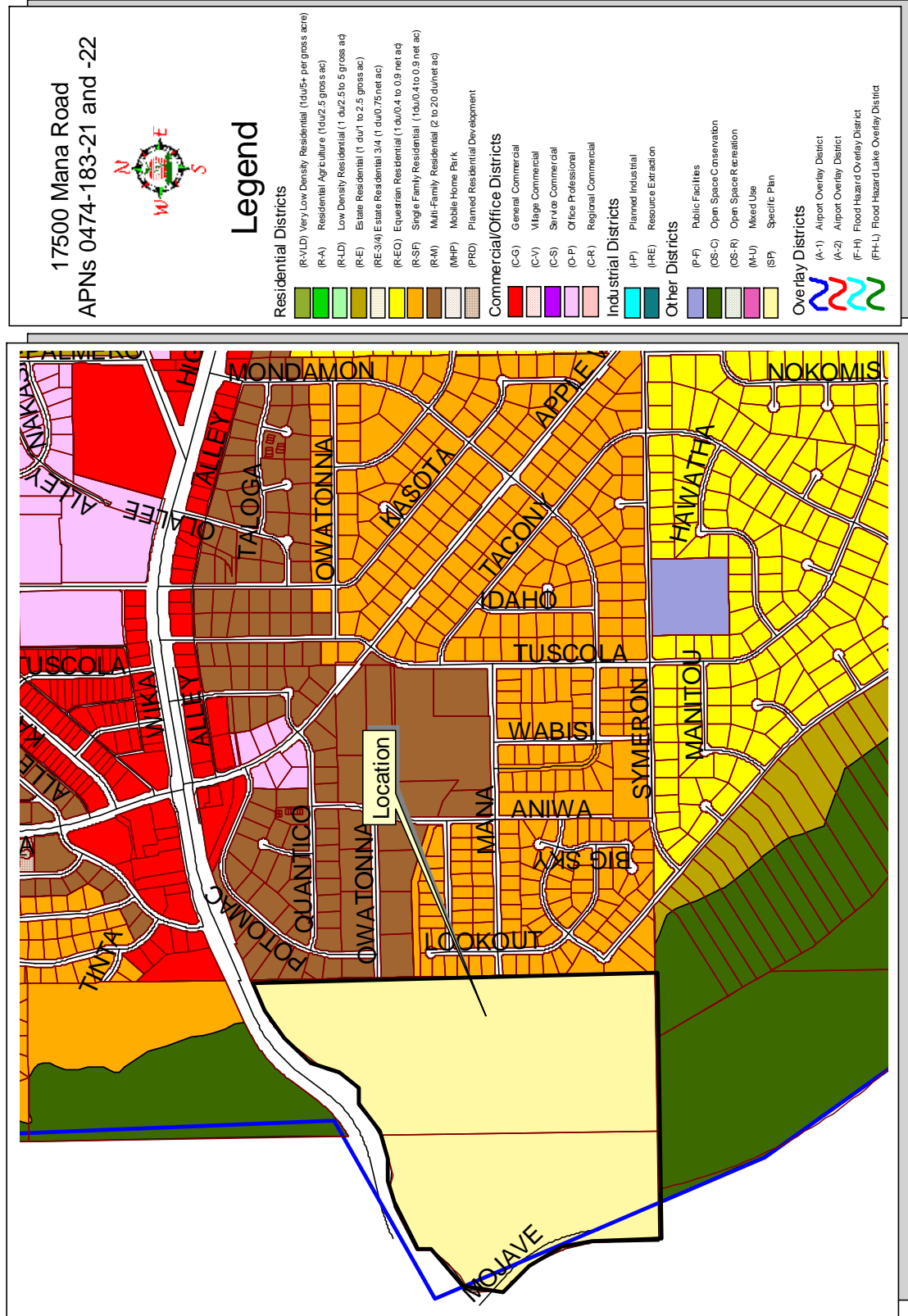
Mr. John Brown, Town Attorney

Mr. Frank Robinson, Town Manager

Exhibit "A"

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

Proposed Zoning Map



PLANNING COMMISSION RESOLUTION NO. 2010-007

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL APPROVE A GENERAL PLAN AMENDMENT TO CHANGE THE CURRENT 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 SPECIFIC PLAN ADDRESSES FUTURE DEVELOPMENT, INCLUDING EXPANSION OF THE EXISTING K-12 LEWIS CENTER FOR EDUCATIONAL RESEARCH SCHOOL SITE (THE "ACADEMY FOR ACADEMIC EXCELLENCE") ALONG WITH FUTURE DEVELOPMENT PLANS FOR A COLLEGE/UNIVERSITY CAMPUS. THE VACANT PROJECT SITE IS 150 ACRES IN SIZE AND IS LOCATED AT 17500 MANA ROAD; APN(S) 0474-183-21 AND 22.

WHEREAS, the Town of Apple Valley General Plan was adopted by the Town Council on August 11, 2009; and

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

WHEREAS, The General Plan and Title 9 (Development Code), including the Official Zoning Districts Map of the Municipal Code of the Town of Apple Valley have been previously amended by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, specific changes are proposed to Chapter 9.05, Section 9.05.040 "Adoption of the Official Zoning Districts Map" of Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley by amending the zoning designation of two (2) parcels, located at 17500 Mana Road; APN(s) 0474-183-21 and 22; and

WHEREAS, on, September 17, 2010, General Plan Amendment No. 2009-001, Specific Plan No. 2009-001, and Zone Change No. 2009-001 were 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 General Plan Amendment No. 2009-001, Specific Plan No. 2009-001, and Zone Change No. 2009-001, could have a significant effect on the environment; however, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent; therefore, a Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA; and

WHEREAS, the Planning Commission finds on the basis of the whole record before it (including the initial study, mitigation monitoring program and any comments received) that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis, and

WHEREAS, the Planning Commission hereby finds that the Mitigated Negative Declaration includes a mitigation monitoring program, and

WHEREAS, the Planning Commission hereby finds that the Mitigated Negative Declaration reflects its independent judgment. A copy of the Initial Study and Mitigated Negative Declaration, including the Mitigation Monitoring Program may be obtained at: Town of Apple Valley, Planning Division, 14955 Dale Evans Pkwy., Apple Valley, CA 92307, and

WHEREAS, on September 17, 2010, the Planning Commission of the Town of Apple Valley opened a duly noticed and advertised public hearing on General Plan Amendment No. 2009-001, Specific Plan No. 2009-001, and Zone Change No. 2009-001, and

WHEREAS, the proposed General Plan Amendment No. 2009-001, Specific Plan No. 2009-001 and Zone Change No. 2009-001, are consistent with Town of Apple Valley General Plan and 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, DETERMINED AND ORDERED THE PLANNING COMMISSION RECOMMENDS THAT THE TOWN COUNCIL FIND AND ACT AS FOLLOWS:

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

Section 2. Based upon the information contained within the Initial Study and Mitigated Negative Declaration prepared in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), that General Plan Amendment No. 2009-001, Specific Plan no. 2009-001 and Zone Change No. 2009-001, may have an impact upon the environment if not mitigated and, that based on the whole record, therefore, the Town Council of the Town of Apple Valley should adopt the Mitigated Negative Declaration and the Mitigation Monitoring Plan for General Plan Amendment No. 2009-001, Specific Plan and Zone Change No. 2009-001.

Section 3. Adopt a Town Council Resolution approving a General Plan Amendment as requested, and

Section 4. Adopt an ordinance amending that certain portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "Adoption of the Official Zoning Map" as shown on Exhibit "A" attached to this Resolution.

Section 5. Direct staff to file a Notice of Determination.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 6th day of October, 2010.

Bruce Kallen, Chairman

ATTEST:

I, Patty Hevle, 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 October 2010, by the following vote, to-wit:

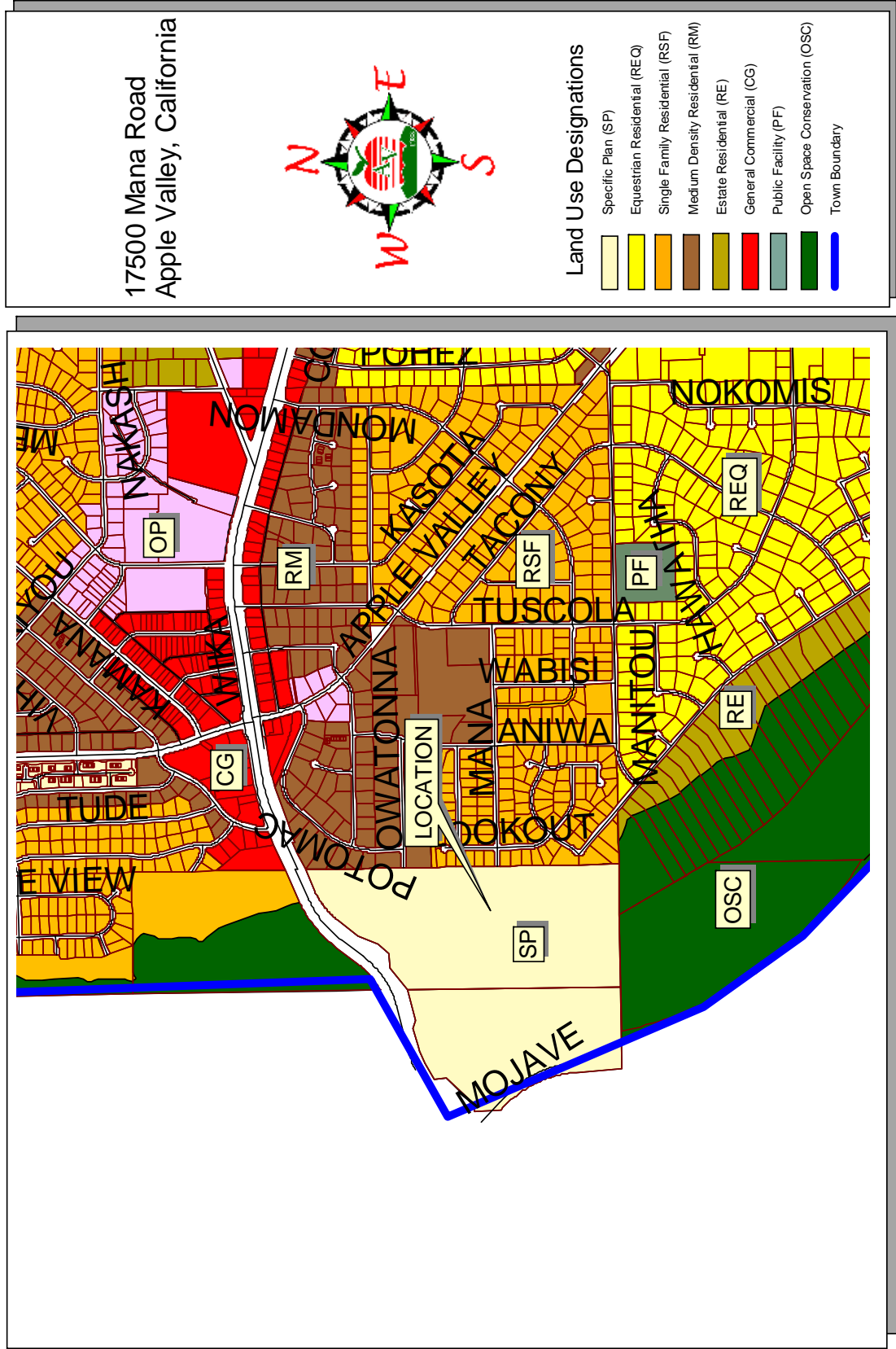
AYES:
NOES:
ABSENT:
ABSTAIN:

Patty Hevle, Planning Commission Secretary

EXHIBIT "A"

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

Proposed General Plan & Zoning Land Use





TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

AGENDA DATE:	October 6, 2010
CASE NUMBER:	General Plan Amendment No. 2009-001, Zone Change No. 2009-001 and Specific Plan No. 2009-001
APPLICANT:	Mr. Rick Piercy, representative of the Lewis Center for Educational Research
PROPOSAL:	A request to amend the General Plan 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 Specific Plan addresses future development, including expansion of the existing K-12 Lewis Center for Educational Research school site (the "Academy for Academic Excellence") along with future development plans for a college/university campus. The project is 150 acres in size; APN(s) 0474-183-21 and 22.
LOCATION:	17500 Mana Road, Apple Valley, California.
ENVIRONMENTAL DETERMINATION:	Based upon an Initial Study, the proposed project will not have a significant adverse effect on the environment and, therefore, under the State Guidelines to Implement the California Environmental Quality Act (CEQA) a Mitigated Negative Declaration has been prepared.
CASE PLANNER:	Mr. Douglas Fenn, Senior Planner
RECOMMENDATION:	Approval

A. 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.

	EXISTING LAND USE	TOWN OF APPLE VALLEY ZONING AND GENERAL PLAN DESIGNATION
North	Highway 18	O-S and R-SF
South	Mojave River	O-S
East	Single Family Residential	R-SF
West	State Route 18	O-S

B. Detailed Project Description

The High Desert Partnership in Academic Excellence Foundation, Inc., (Foundation) is proposing a General Plan Amendment (GPA) 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 Specific Plan covers the entire site and includes the following four land use designations: 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 following is a description of the (4) four land use designations proposed within the LCER Specific Plan.

K-12 School Zone - Proposed development within this land use designation will accommodate an additional 440 students, increasing the existing student body from 860 students to 1,300 students at build-out, and developing the remaining 14.5 acres within the twenty-five (25)-acre area. The existing classroom/learning facility space will increase from 15,577 square-feet to 78,417 square-feet. In addition, a new 6,030 square foot library, a new 19,840 square foot gymnasium, a new 5,745 square foot administrative building, an expansion of the existing cafeteria from 6,098 square feet to 15,878 square feet and parking areas are proposed within this designation.

College/University School Zone - Proposed uses within this designation include the Mojave Desert Peoples Welcome Center, a 1,400-student college and services on eleven (11) acres of the approximate 150-acre site. Buildings within this portion of the Specific Plan will total 90,740 square feet, and will include classrooms, lecture hall, laboratory, research center, student union, library, administrative and office buildings. The Mojave Desert Peoples Welcome Center will include the welcome/information center, an exhibition room, and building services totaling 2,550 square feet.

Flood Control Channel Zone - This designation provides for the design and implementation of a San Bernardino County approved flood control plan and will occupy seven (7) acres of the approximate 150-acre project site (a wash currently bisects the project site). Features of the design, as approved by the Town of Apple Valley and San Bernardino County Flood Control

District, include: 1) A channel designed to support the San Bernardino County General Plan for flood control; 2) Educational observation points (for schools) at various points in the flood zone; 3) A soft bottom channel to protect local desert animal life, slow flood flow velocities, and allow educational studies; 4) A vehicular and pedestrian bridge to permit circulation over the flood control channel; and, 5) Overflow capacity onto playfields, if needed, to protect nearby structures.

Improvements to the Desert Knolls Wash are required before future development of the Lewis Center can commence. As such, in June 2009, Allard Engineering prepared the Desert Knolls Wash Phase III Project Report. The purpose of the report was to prepare a preliminary plan for the Wash and to provide necessary flood protection for the Lewis Center and surrounding area. The existing wash on the project site is shown on the County of San Bernardino Master Plan of Drainage (Line A-01).

The Town of Apple Valley is currently designing a Watershed Management Plan for the wash. Currently, low impact design techniques are in place and detention basins for individual lots are being constructed. The Town is also constructing regional debris basins to mitigate the impact of debris transported to the lower reaches of the wash.

The proposed channel will follow its existing alignment and will continue to vary in width to permit lower velocities and greater groundwater infiltration. Natural rock edges will be used for the channel banks and drop structures will be constructed along the bottom of the channel to slow flood flow velocities and assist in infiltration. A detention basin will be constructed at the bottom of the wash and rip-rap will be utilized for bank protection.

Open Space Conservation Zone – This designated area complies with the Conservation Open Space District (OS-C) as identified by the Town of Apple Valley General Plan and Development Code, and will conserve and protect agricultural and anthropological history within 107 acres of the approximate 150-acre site.

Part of this conservation area may be used as single-site conservation or a mitigation bank by selling the credits towards property it owns for compensatory mitigation to comply with the federal Endangered Species Act (ESA). Both conservation and mitigation banks provide compensation for adverse impacts to certain natural resources. A “conservation bank” is land that is preserved and/or restored in perpetuity to off-set adverse impacts to the same type species impacted elsewhere. A “mitigation bank,” on the other hand, restores, establishes, or preserves wetlands, streams or riparian areas to provide mitigation for impacts authorized by the Army Corps of Engineers for similar types of aquatic resources. On May 7, 2009, Lewis Center staff met with representatives from the Army Corps of Engineers, the U.S. Fish and Wildlife Service, the California Department of Fish and Game and the Lahontan Regional Water Quality Control Board to explore the "banking" opportunities the LCER site provides. Establishment of a conservation or mitigation bank on 107 acres is addressed in this Initial Study.

The proposed LCER Specific Plan would result in an increase of building square footage from 24,542 to 222,067 and would increase the developed area from approximately 10.5-acres to thirty-six (36)-acres within the 150-acre site. The Specific Plan also proposes additional access from State Route 18 (SR-18). The development of the LCER Specific Plan is planned in phases and constructed as funds become available. Funds for the development of the LCER Specific Plan will be provided by grants, donations and fundraising. It is anticipated that build-out of the campus will occur at approximately 2030.

The LCER Specific Plan includes provisions for the permitting of projects within the 150-acre planning area through an administrative process by the Town and referred to as Site Plan

Review. The process is designed to provide streamlined permitting for projects that comply with the approved LCER Specific Plan. Qualifying projects are those that will be developed in accordance with the LCER Specific Plan and guidelines as outlined within the Specific Plan.

C. Project Location

The LCER Specific Plan is located on approximately 150+ acres owned by the High Desert Partnership in Academic Excellence Foundation, Inc. located in the western section of the Town. It is bounded on the north by State Route 18, on the south by Mojave Narrows Regional Park, and on the east by Mana Road and Riverside Drive.

D. History/Background of LCER

The Lewis Center for Educational Research began as the Apple Valley Science and Technology Center in 1985 when members of the community joined together to build an observatory and science center. In 1996, the Lewis Center for Educational Research was selected by NASA and JPL to take over a deep space radio telescope located at the Deep Space Network at Goldstone, northeast of Barstow. The Goldstone Apple Valley Radio Telescope (GAVRT) was the first and only such partnership in the Nation. In the years since, the program has grown to be one of the top NASA educational programs in the United States.

In 1999 the High Desert "Partnership in Academic Excellence" Foundation, Inc. (the 501(c)(3) took over the Lewis Center for Educational Research and was able to purchase 150 acres of land at the entrance of Apple Valley, known by most residents as the Mojave Narrows. The land had been devastated by illegal dumping, homeless people, off road activity, camping and parties, and graffiti covered most of the beautiful rock outcroppings. The Apple Valley Fire Protection District and Sheriff's Department were responding on almost a weekly basis to serious crimes or injuries in the area. The LCER Specific Plan reflects the schools desire to create a beautiful visualization of Apple Valley's commitment to education. State Route 18, at the Narrows, is the historic entrance to the Town. It is the first impression visitors see and prospective business owners experience.

Unlike other educational institutions, the LCER is unique. The charter school serves other schools in thirty-seven (37) states, eighteen (18) countries and three (3) U.S. territories. LCER also partners with NASA and JPL, Northrop Grumman and many other educational institutions around the world. The charter school works every day with teachers and children in eighteen (18) different time zones, creates jobs and revenue by adding one-half (1/2) a million dollars of payroll each month to Apple Valley's economy, while enhancing the reputation and prestige of Apple Valley.

The property is home for approximately forty (40) endangered or protected species of plants and animals. The riparian area is an important part of the migratory flyway for countless birds and the constant up-welling of the Mojave River in this location provides the gift of life to animals whose habitat is rapidly being consumed by growth and development elsewhere.

This property also has a deep, extensive cultural heritage. The waters of the Mojave have also provided shelter and resources to the Native American people who lived in the area for thousands of years before Columbus sailed to North America. Creating a modern, twenty-first century learning environment in the middle of this living laboratory not only enhances the lives of the students at LCER, but through the variety of virtual activities it provides students in schools around the world an understanding of the beauty of the High Desert.

ANALYSIS

E. Authority of Specific Plan

This LCER Specific Plan has been prepared pursuant to the provisions of California Government Code, Title 7, Division 1, Chapter 3, Article 8, Section 65450 *et seq.*, which grants local planning agencies the authority to prepare a Specific Plan for any area covered by a General Plan, for the purpose of establishing systematic methods for implementation of the General Plan. A Specific Plan is designed to address site-specific issues, such as existing on-site conditions relative to topography and existing environmental constraints, site designs and layout, including building setbacks and visual appearance, as well as on-site and off-site circulation, utility provisions, and infrastructure financing alternatives.

A General Plan focuses upon a town/city or county at a macro level, while a Specific Plan concentrates on the individual development issues and opportunities of a particular area or project. In addition, the General Plan establishes objectives, which may require the preparation of individual Specific Plan documents in order to ensure that new developments comply with the implementation requirements of the General Plan.

California Government Code, Sections 65450 through 65454, identifies the required contents of a Specific Plan and mandate consistency with the General Plan. Section 65451 of the Government Code requires that a Specific Plan contain the following minimum elements:

- (a) A Specific Plan shall include text and diagram(s) which specify all of the following in detail:
 - (1) The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.
 - (2) 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.
 - (3) Standards and criteria, by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
 - (4) A program of implementation measures including regulations, programs, public works projects, and financing measures are necessary to carry out paragraphs (1) and (2).
- (b) The LCER Specific Plan shall include a statement of the relationship of the Specific Plan to the General Plan.

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.

F. Relationship to Town's 2020 Vision

In May 2009, the Town Council adopted "Vision 2020" which established priorities for guiding the Town towards quality, balanced growth. This section describes this LCER Specific Plan's consistency with the applicable provisions of Vision 2020.

Goal 1 - A Strong Transportation System

Objective: *Develop and maintain a comprehensive transportation system and equestrian trails.*

Compliance: This LCER Specific Plan supports the Town's 2020 Vision by providing an access to State Route 18 and a traffic signal at Apple Valley and Mana Roads. The project provides for ample area for pedestrian access to include elements designed to encourage and support alternative transportation (e.g., sidewalks, pedestrian crossings) and will not interfere with any existing or proposed bus stops.

Goal 2 - Economic Development

Objective: *Enhance and expand the Town's economic base.*

Compliance: This LCER Specific Plan supports future economic growth by providing higher educational near residential, commercial and industrial planned areas. Students will be near future employment centers along State Route 18, the future High Desert Corridor, the I-15 Freeway Corridor and the Apple Valley Airport Industrial Area.

Goal 3 - A Safe Community

Objective: *To maintain and enhance the high level of public safety in Apple Valley.*

Compliance: One key component of the LCER Specific Plan is the 1,400-student college university campus that will provide for higher educational opportunities. Institutions for higher learning provide professionally trained and educated employees that contribute to society instead of creating an adverse demand for law enforcement services.

Goal 4 - Adequate and Well-Maintained Infrastructure

Objective: *To provide the infrastructure necessary for Apple Valley's residents and businesses to live and grow.*

Compliance: This LCER Specific Plan provides design guidelines that support site planning and architectural design features for the educational research center.

Goal 5 - Ample Parkland and Diverse Recreational Opportunities

Objective: *Expand and enhance the Town's network of parkland and recreational opportunities.*

Compliance: The LCER Specific Plan will not create additional demand on the Town's existing parks; however, it will enhance and conserve 107 acres of the project community with the Conservation Open Space District (OS-C). A mitigation bank will be established, per the California Fish and Game and U.S. Fish and Wildlife regulations, which will be managed by the Lewis Center. The only activities allowed in the Conservation Zone will be controlled access hiking and natural tours. No construction of any structures or facilities will be allowed.

Goal 6: Highest Quality Staff

Objective: *Attract and retain the highest quality Town staff.*

Compliance: This is not applicable for the LCER Specific Plan.

Goal 7: A Sense of Community and Civic Pride

Objective: *To ensure that the Town of Apple Valley is a community that residents are proud of and participate in.*

Compliance: The LCER Specific Plan will expand the existing LCER K-12 school site (the "Academy for Academic Excellence"). The 1,400-student university/college will be the first of its kind for higher educational opportunity in the Town of Apple Valley. Additionally, there will be a 2,250 square foot Mojave Desert Peoples Welcome Center as a part of the university/college component, which includes a welcome/information center and an educational exhibition room. Such a state-of-art, unique campus style, educational facility will be the only one of its kind in the High Desert and Southern California.

Goal 8: The High Desert's Premier Destination

Objective: *To ensure that the Town of Apple Valley is a destination for prospective residents and visitors seeking high quality events, amenities, and upscale residential neighborhoods.*

Compliance: As stated above under Goal 7: The LCER Specific Plan proposes an educational facility in a state-of-art campus that is unique in the High Desert and Southern California.

Goal 9: Respect for Environment, Economy and Equality

Objective: *To ensure that the Town of Apple Valley is a fiscally and environmentally sustainable community with opportunities for all residents.*

Compliance: The Open Space District of the LCER Specific Plan will protect the existing natural habitat from any encroachment from urban development. This is a project that allows students who seek a higher education the option to remain within Apple Valley and the surrounding High Desert region. Revenues that would otherwise be lost to other communities, which have a university/college campus, will remain in Apple Valley.

Goal 10 - Higher Education Opportunities

Objective: *To ensure that the Town of Apple Valley provides educational opportunities at the university level that benefits residents and the Town's business community.*

Compliance: The LCER Specific Plan will expand the existing LCER K-12 school site. The proposed 1,400-student university/college will be the first of its kind for higher educational opportunities in the Apple Valley area. The 2,250 square foot Mojave Desert Peoples Welcome Center will include the welcome/information center and an educational exhibition room. Such a state-of-art, unique campus style, educational facility will be the only one of its kind in the High Desert and Southern California.

G. Relationship to Town's General Plan

The LCER Specific Plan complies with the Long Range vision of the Town's General Plan. The LCER Specific Plan is in full compliance with the Town of Apple Valley's General Plan and establishes a comprehensive land plan and development standards for the unique site. Appendix A depicts in detail the goals and policies in which the LCER Specific Plan is in compliance with the Town's comprehensive land plan and development standards.

The Specific Plan provides some design flexibility while preserving open space and natural features and providing recreational opportunities superior to that which can be achieved through strict application of current Town development criteria.

Exhibit five (5) of the LCER Specific Plan (attached), provides details of how the proposed LCER Specific Plan complies with the goals, policies and programs of the General plan.

H. Relationship to Town's Zoning

The LCER Specific Plan functions as the zoning code for the LCER Specific Plan Area. In cases where this LCER Specific Plan contains differing standards from the Municipal Code, the LCER Specific Plan standard shall prevail. Exhibit II-2, Zoning Map, illustrates the Specific Plan zoning district designation for the adopted LCER Specific Plan.

Upon adoption by Town Council, the zoning district for the subject area shall be "Specific Plan (SP)." Section 9.56.040 of the Town Development Code lists the LCER Specific Plan Requirements for specific plans within the Town of Apple Valley. These requirements are as follows:

The LCER Specific Plan, when adopted, will establish development standards and guidelines for the specific plan area. This LCER Specific Plan provides the zoning ordinances and development code within the area identified. Where the Apple Valley Development Code Standard is different than the LCER Specific Plan, the provisions in the LCER Specific Plan shall apply. When provisions are not identified in the LCER Specific Plan, the Apple Valley Development Code standard shall apply.

I. Environmental Assessment:

Based upon an Initial Study, pursuant to the State Guidelines to implement the California Environmental Quality Act (CEQA), a proposed Mitigated Negative Declaration (MND) and Mitigation Monitoring Plan has been prepared for the proposed project. A Draft Mitigated Negative Declaration was circulated on September 17, 2010 for review and comments. The MND included mitigation measures for both the requested Specific Plan and Zone Change to reduce impacts to a less than significant level, per the CEQA guidelines.

J. Noticing

General Plan Amendment No. 2009-001, Specific Plan No. 2009-001 and Zone Change No. 2009-001 were advertised as a public hearing in the Apple Valley News newspaper on September 17, 2010. In addition, a large sign was posted at the entrance of the school on Mana Road, as required under Development Code Section 9.13.030 *Notice of Public Hearings*.

In accord with SB 18, all pertinent Indian tribes have been notified of the project and their responses are attached in the LCER Specific Plan.

K. Findings

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

General Plan

As required under Section 9.02.050.H.3 of the Development Code, prior to approval of a General Plan Amendment, the Planning Commission must make the following findings:

1. The proposed General Plan amendment is consistent with the goals, policies and standards of all elements of General Plan and will further those goals, policies and standards.

Comment: This proposal is consistent with the goals, policies and standards of all General Plan Elements and will further their implementation. The subject property is suitable for development and will be a logical extension of the existing LCER K-12 school. Water and sewer lines, as well as streets, can be readily extended to the site. Development will occur in ways which allow for clear linkages to circulation and vehicular access to State Route 18 and Mana Road. Any future development will be complementary to the surrounding existing residential neighborhoods to the south and west of the subject site.

2. The General Plan, as amended, will comprise an integrated, internally consistent and compatible statement of policies for the Town.

Comment: The request is consistent with, and complementary to, an integrated, internally consistent and compatible statement of policies for the Town's General Plan. The General Plan encourages a range of educational type and price to meet the growth needs of the Town. The LCER Specific Plan planned expansion of the existing K-12 school, including new libraries, research laboratory and the university/college component, fulfills the Town of Apple Valley's vision for academic excellence.

3. The General Plan Amendment furthers the public interest and promotes the general welfare of the Town by providing for a logical pattern of land uses and clarifying various land use policies for the Town.

Comment: The expansion of the existing K-12 school and the proposed college/university is consistent with existing school use and has proven to be a compatible neighbor to the established single-family neighbors

and the community at large, by providing educational opportunities that are conveniently located.

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 specifies with text and diagrams the distribution, location and amount of land uses, including open space. Approximately 10.5 acres of the 150-acre project site is currently developed with a 24,542 square foot K-12 campus. The Specific Plan covers the entire site and includes the following four land use designations: 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.

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 proposed 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.

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 proposal, through text, diagrams and photographs, specifies the standards and criteria by which, development will proceed and natural resources will be preserved, managed and utilized in designated Open Space Conservation (OS-C) areas. Detailed topographic mapping was utilized to more precisely locate the site's hills, knolls and rock outcroppings. The specific plan includes a detailed topographic map and an aerial photograph.

4. Specifies a program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out Findings A.1, A.2 and A.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.

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 LCER Specific Plan designates an Open Space Conservation Zone as part of the plan. This designated area complies with the Conservation Open Space District (OS-C) as identified by the Town of Apple Valley General Plan and Development Code, and will conserve and protect architectural, agricultural, and anthropological history within 107 acres of the approximate 150-acre site.
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 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).
7. Addresses any other subjects that are necessary for implementation of the General Plan.

Comment: The project 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 location and design is 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 LCER Specific Plan preserves and provides access to the site's significant knolls and rock outcroppings. It also includes appropriate 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.
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 includes conceptual plans for circulation, trails, open space and recreation, landscaping, water, wastewater, and drainage, as well as an infrastructure phasing plan.

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: Although the project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by, or agreed to, by the applicant and mitigations will be implemented to reduce any potential impacts to a level of insignificance.

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, including new libraries, research laboratory and the university/college component, 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 is consistent with the General Plan and Development Code and will not be detrimental to the public health, safety or welfare of the Town.

Zoning

As required under Section 9.06.060 of the Development Code, prior to approval of a Zone Change, the Planning Commission must make the following findings:

1. The proposed use shall meet the intent of, and be consistent with the goals, objective and policies of the General Plan.

Comment: The request is consistent with the goals, policies and standards of all General Plan Elements and will further their implementation. The LCER Specific Plan planned expansion of the existing K-12 school, including new libraries, research laboratory and the university/college component, fulfills the Town of Apple Valley's vision for academic excellence. Water and sewer lines, as well as streets, can be readily extended to the site.

2. The proposed use shall meet the stated purpose and general intent district in which the use is proposed to be located.

Comment: The proposed uses reflect the existing uses currently in the subject area. The proposed Specific Plan is compatible with the existing K-12 school and with the additional college/university component. The college/university expands educational opportunities in the Apple Valley and High Desert region. The proposed Flood Control Channel Zone, along with associated public works improvements, provides for the orderly control of storm water runoff in the existing Desert Knolls Wash. The Open Space Conservation Zone is compliance with the existing Conservation Open Space District and protects the designated area from urban development.

3. The proposed amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: The request will not adversely affect those residing in the area and will not be detrimental to the surrounding uses or enjoyment of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to public health, safety or welfare. Adequate sewer and water capacity exists to serve the project. The project has adequate street access, via State Route 18 and Mana Road, which will allow the project to stay within the Town's, adopted Level of Service for impacted intersections.

4. The proposed use shall share characteristics in common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed in the land use district in which it is to be located.

Comment: The proposed expansion of the existing K-12 school and the college/university has been planned in this area and the Town has anticipated the expansion of the charter school for this site. The existing Open Space and the Mojave Narrows will not be developed and will remain in their natural state.

RECOMMENDATION

Based upon the information contained within this report, and any input received from the public at the hearing, it is recommended that the Planning Commission move to adopt Planning Commission Resolution No. 2010-007 recommending the following to the Town Council:

1. Adopt the Mitigated Negative Declaration finding and Mitigated Monitoring Program for General Plan Amendment No. 2009-001, Specific Plan No. 2010-001 and Zone Change No. 2009-001 finding that, on the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town's independent judgment and analysis;
2. Adopt the recommended findings in the staff report and General Plan Amendment No. 2009-001, changing the land use designation to those identified in the LCER Specific Plan No. 2009-001;
3. Adopt an Ordinance approving LCER Specific Plan No. 2009-001;

4. Adopt an Ordinance approving Zoning Change No. 2009-001, implementing the zoning established by LCER Specific Plan No. 2009-001, including the land use designations identified therein; and
5. Direct staff to file a Notice of Determination.

Prepared By:

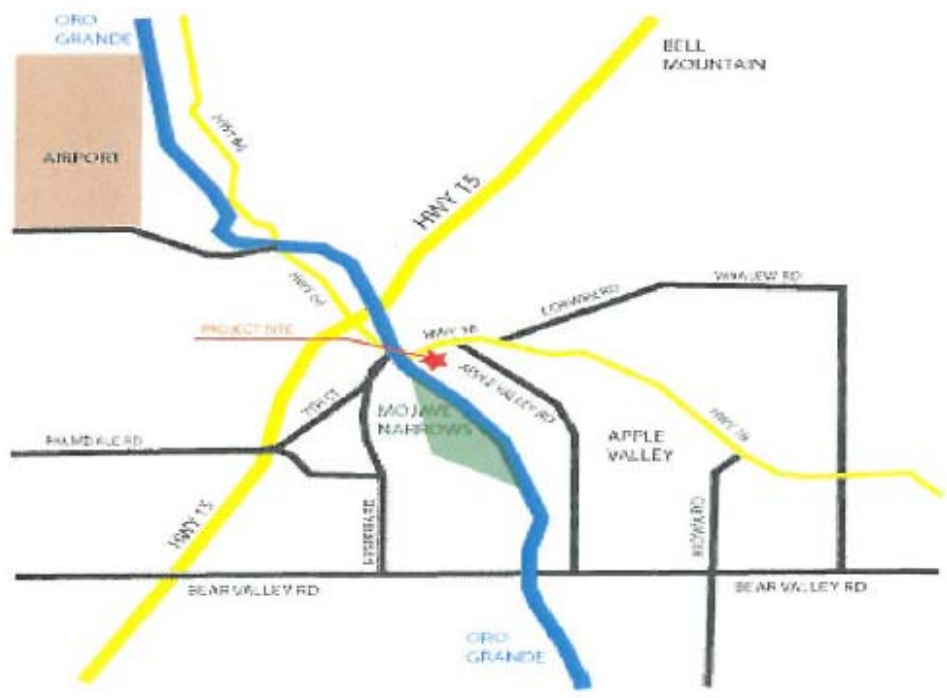
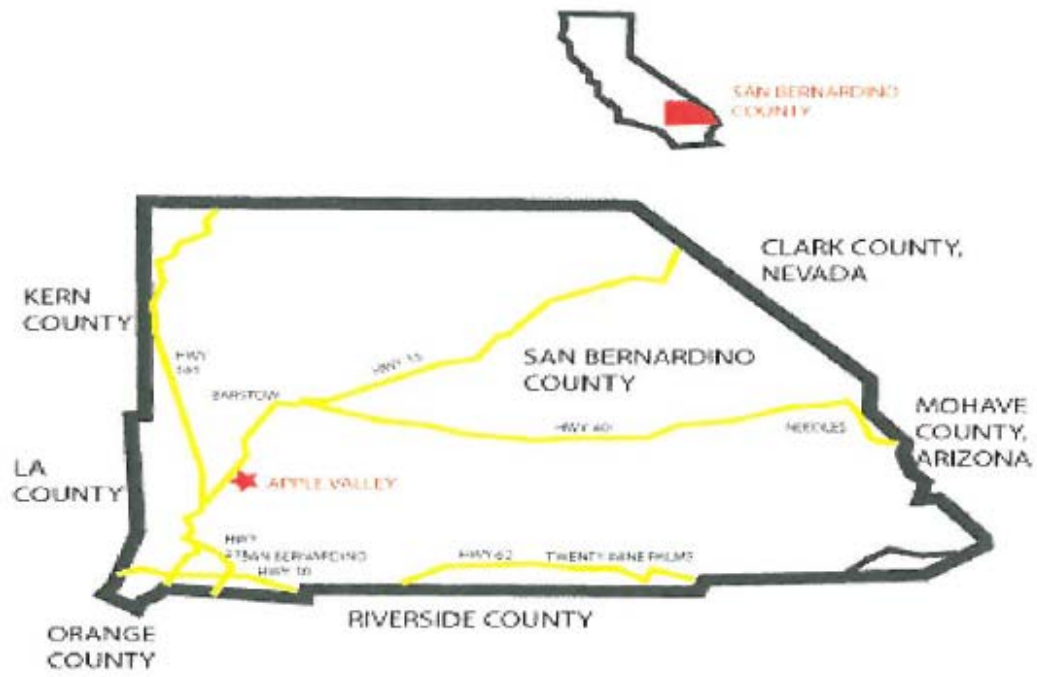
Reviewed By:

Douglas Fenn
Senior Planner

Lori Lamson
Assistant Director of Community Development

ATTACHMENTS:

1. Aerial photo of site
2. Vicinity Map
3. Draft Planning Commission Resolution No. 2010-007 with Exhibit A
4. Initial Study
5. Draft Specific Plan (separate attachment)



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PLANNING COMMISSION 2010-007

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL APPROVE A GENERAL PLAN AMENDMENT TO CHANGE THE CURRENT 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 SPECIFIC PLAN ADDRESSES FUTURE DEVELOPMENT, INCLUDING EXPANSION OF THE EXISTING K-12 LEWIS CENTER FOR EDUCATIONAL RESEARCH SCHOOL SITE (THE "ACADEMY FOR ACADEMIC EXCELLENCE") ALONG WITH FUTURE DEVELOPMENT PLANS FOR A COLLEGE/UNIVERSITY CAMPUS. THE VACANT PROJECT SITE IS 150 ACRES IN SIZE AND IS LOCATED AT 17500 MANA ROAD; APN(S) 0474-183-21 AND 22.

WHEREAS, the Town of Apple Valley General Plan was adopted by the Town Council on August 11, 2009; and

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

WHEREAS, The General Plan and Title 9 (Development Code), including the Official Zoning Districts Map of the Municipal Code of the Town of Apple Valley have been previously amended by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, specific changes are proposed to Chapter 9.05, Section 9.05.040 "Adoption of the Official Zoning Districts Map" of Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley by amending the zoning designation of two (2) parcels, located at 17500 Mana Road; APN(s) 0474-183-21 and 22; and

WHEREAS, on, September 17, 2010, General Plan Amendment No. 2009-001, Specific Plan No. 2009-001, and Zone Change No. 2009-001 were 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 General Plan Amendment No. 2009-001, Specific Plan No. 2009-001, and Zone Change No. 2009-001, could have a significant effect on the environment; however, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent; therefore, a Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA; and

WHEREAS, the Planning Commission finds on the basis of the whole record before it (including the initial study, mitigation monitoring program and any comments received) that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis, and

WHEREAS, the Planning Commission hereby finds that the Mitigated Negative Declaration includes a mitigation monitoring program, and

WHEREAS, the Planning Commission hereby finds that the Mitigated Negative Declaration reflects its independent judgment. A copy of the Initial Study and Mitigated Negative Declaration, including the Mitigation Monitoring Program may be obtained at: Town of Apple Valley, Planning Division, 14955 Dale Evans Pkwy., Apple Valley, CA 92307, and

WHEREAS, on September 17, 2010, the Planning Commission of the Town of Apple Valley opened a duly noticed and advertised public hearing on General Plan Amendment No. 2009-001, Specific Plan No. 2009-001, and Zone Change No. 2009-001, and

WHEREAS, the proposed General Plan Amendment No. 2009-001, Specific Plan No. 2009-001 and Zone Change No. 2009-001, are consistent with Town of Apple Valley General Plan and 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, DETERMINED AND ORDERED THE PLANNING COMMISSION RECOMMENDS THAT THE TOWN COUNCIL FIND AND ACT AS FOLLOWS:

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

Section 2. Based upon the information contained within the Initial Study and Mitigated Negative Declaration prepared in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), that General Plan Amendment No. 2009-001, Specific Plan No. 2009-001 and Zone Change No. 2009-001 may have an impact upon the environment if not mitigated and, that based on the whole record, therefore, the Town Council of the Town of Apple Valley should adopt the Mitigated Negative Declaration and the Mitigation Monitoring Plan for General Plan Amendment No. 2009-001, Specific Plan and Zone Change No. 2009-001.

Section 3. Adopt a Town Council Resolution approving a General Plan Amendment as requested, and

Section 4. Adopt an ordinance amending that certain portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "Adoption of the Official Zoning Map" as shown on Exhibit "A" attached to this Resolution.

Section 5. Direct staff to file a Notice of Determination.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 6th day of October, 2010.

Bruce Kallen, Chairman

ATTEST:

I, Patty Hevle, 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 October 2010, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Patty Hevle, Planning Commission Secretary

**TOWN OF APPLE VALLEY
INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM**

PROJECT INFORMATION

1. Project title: Lewis Center for Educational Research Specific Plan

2. Lead agency name and address:

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

3. Contact person and phone number: Douglas Fenn, Senior Planner

4. Project location: Lewis Center, 17500 Mana Road, Apple Valley, San Bernardino County, CA (see Figure 1 Regional Map, and Figure 2 Vicinity Map)

5. Applicant's name and address: High Desert Partnership in Academic Excellence, Foundation, Inc.
17500 Mana Rd, Apple Valley, CA 92307

6. General Plan Designation: Single-Family Residential and Open Space Conservation (OS-C)

7. Zoning: Single-Family Residential and Open Space Conservation (OS-C)

8. Description of project:

The High Desert Partnership in Academic Excellence Foundation, Inc. (Foundation) is proposing a General Plan Amendment (GPA) 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 Specific Plan covers the entire site and includes the following four land use designations: 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 following is a description of the (4) four land use designations proposed within the LCER Specific Plan.

K-12 School Zone - Proposed development within this land use designation will accommodate an additional 440 students increasing the existing student body from 860 students to 1,300 students at build-out, and developing the remaining 14.5 acres within the twenty-five (25)-acre area. The existing classroom/learning facility space will increase from 15,577 square-feet to 78,417 square-feet. In addition, a new 6,030 square foot library, a new 19,840 square foot gymnasium, a new 5,745 square foot administrative building, an expansion of the existing cafeteria from 6,098 square feet to 15,878 square feet and parking areas are proposed within this designation.

College/University School Zone - Proposed uses within this designation include the Mojave Desert Peoples Welcome Center, a 1,400-student college and services on eleven (11) acres of the approximate 150-acre site. Buildings within this portion of the Specific Plan will total 90,740 square feet, and will include classrooms, lecture hall, laboratory, research center, student union, library, administrative and office buildings. The Mojave Desert Peoples Welcome Center will include the welcome/information center, an exhibition room, and building services totaling 2,550 square feet.

Flood Control Channel Zone - This designation provides for the design and implementation of a San Bernardino County approved flood control plan and will occupy seven (7) acres of the approximate 150-acre project site (a wash currently bisects the project site). Features of the design, as approved by the Town of Apple Valley and San Bernardino County Flood Control District, include: 1) A channel designed to support the San Bernardino County General Plan for flood control. 2) Educational observation points (for schools) at various points in the flood zone. 3) A soft bottom channel to protect local desert animal life, slow flood flow velocities, and allow educational studies. 4) A vehicular and pedestrian bridge to permit circulation over the flood control channel. 5) Overflow capacity onto playfields, if needed, to protect nearby structures.

Improvements to the Desert Knolls Wash are required before future development of the Lewis Center can commence. As such, in June 2009, Allard Engineering prepared the Desert Knolls Wash Phase III Project Report. The purpose of the report was to prepare a preliminary plan for the wash and to provide necessary flood protection for the Lewis Center and surrounding area. The existing wash on the project site is shown on the County of San Bernardino Master Plan of Drainage (Line A-01).

The Town of Apple Valley is currently designing a Watershed Management Plan for the wash. Currently low impact design techniques are in place and detention basins for individual lots are being constructed. The Town is also constructing regional debris basins to mitigate the impact of debris transported to the lower reaches of the wash.

The proposed channel will follow its existing alignment and will continue to vary in width, to permit lower velocities and greater groundwater infiltration. Natural rock edges will be used for the channel banks and drop structures will be constructed along the bottom of the channel to slow flood flow velocities and assist in infiltration. A detention basin will be constructed at the bottom of the wash and rip-rap will be utilized for bank protection.

Open Space Conservation Zone – This designated area complies with the Conservation Open Space District (OS-C) as identified by the Town of Apple Valley General Plan and Development Code, and will conserve and protect agricultural and anthropological history within 107 acres of the approximate 150-acre site.

Part of this conservation area may be used as single-site conservation or mitigation bank by selling the credits towards property it owns for compensatory mitigation to comply with the federal Endangered Species Act (ESA). Both conservation and mitigation banks provide compensation for adverse impacts to certain natural resources. A “conservation bank” is land that is preserved and/or restored in perpetuity to off-set adverse impacts to the same type species impacted elsewhere. A “mitigation bank,” on the other hand, restores, establishes, or preserves wetlands, streams or riparian areas to provide mitigation for impacts authorized by the Army Corps of Engineers, similar types of aquatic resources. On May 7, 2009, Lewis Center staff met with representatives from the Army Corps of Engineers, the U.S. Fish and Wildlife Service, the California Department of Fish and Game and the Lahontan Regional Water Quality Control Board to explore the "banking" opportunities the LCER site provides. Establishment of a conservation or mitigation bank on 107 acres is addressed in this Initial Study.

The proposed LCER Specific Plan would result in an increase of building square footage from 24,542 to 222,067 and would increase the developed area from approximately 10.5-acre to thirty-six (36)-acres within the 150-acre site. The Specific Plan also proposes additional access from State Route 18 (SR-18).

The development of the LCER Specific Plan is planned in phases and constructed as funds are available. Funds for the development of the LCER Specific Plan will be provided by grants, donations and fundraising. It is anticipated that build-out of the campus will occur at approximately 2030.

The LCER Specific Plan includes provisions for the permitting of projects within the 150-acre planning area through an administrative process by the Town and referred to as Site Plan Review. The process is designed to provide streamlined permitting for projects that comply with the approved LCER Specific Plan. Qualifying projects are those that will be developed in accordance with the LCER Specific Plan and guidelines as outlined within the Specific Plan.

ENVIRONMENTAL/EXISTING SITE CONDITIONS

9. Surrounding land uses and setting: Briefly describe the project’s surroundings:

The project site is currently developed with the Foundation’s educational research center, the “Lewis Center for Educational Research”, and its public charter school, the “Academy for Academic Excellence.” It is surrounded by single-family residential development to the east, Highway 18 to the north and west, and the Mojave River to the south.

	EXISTING LAND USE	TOWN OF APPLE VALLEY ZONING AND GENERAL PLAN DESIGNATION
North	Highway 18	O-S and R-SF
South	Mojave River	O-S
East	Single Family Residential	R-SF
West	Highway 18	O-S

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

- | | | |
|---|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural/Paleontological | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | |
| <input type="checkbox"/> Mandatory Findings of Significance | | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the following finding is made:

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

Signature (prepared by)

Date

Lori Lamson
Assistant Director of Community Development

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, and then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c) (3) (D). In this case, a brief discussion should identify the following:

- a) Earlier Analyses Used. Identify and state where they are available for review.
- b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources. A source list should be attached and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

- a) The significance criteria or threshold, if any, used to evaluate each question; and
- b) The mitigation measure identified, if any, to reduce the impact to less than significance.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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I. AESTHETICS

Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION

- a. All proposed buildings as outlined in the Specific Plan would be reviewed and approved prior to construction by the Building and Safety Department to ensure compliance with the Uniform Building Code (UBC). The Community Development Department will also review proposed building heights, materials and colors to ensure consistency with the approved Specific Plan.

Currently there is a large outcropping hill formation within the boundaries of the site. The hill is considered a landmark feature. Any new construction will be visible to adjacent land uses. Therefore building heights must be carefully considered in relation to the hill and adjacent residential neighborhood. The following provisions as contained in the Specific Plan would ensure potential impacts to the hill remain less than significant:

- The shape, material, color and plant life of the hillside shall be considered carefully when designing all structures and site improvements.
- Existing grades within the Conservation Zone shall remain in place with no modifications.
- Existing grades within the Flood Zone shall be modified per approved flood control plans.
- Existing grades within the College/University and K-12 School Zones shall be modified as little as possible to achieve appropriate site circulation and building pad location. Where slopes occur, buildings shall be designed to accommodate change in elevation.
- New construction within the School Zone K-12 shall consider the scale of the adjacent residential area and provide appropriate transition using landscaping, setbacks, building height and/or other architectural or site design elements.
- New construction within the School Zone: College/University Zone shall consider the visibility to SR-18, the adjacent residential area and the hillside. Where available, the building shall integrate into the existing hillside.

The proposed project is not located within a Scenic Corridor and will not have a substantial adverse effect on a scenic vista, as there are none identified within the vicinity of the project site that would be affected by development of the site.

- b. The site is not located along or within the viewshed of a Scenic Route that is either listed in the County General Plan or the Town General Plan, or designated by the State of California. The project site is current developed with the LCER campus and includes other educational amenities. Students at the Academy participate in various activities designed to study the environment in an outdoor laboratory. Approval of the Specific Plan will increase amenities at the site. Educational amenities are also available to other school groups and organizations, which are encouraged to visit the campus, walk the trails, and learn about the importance of the surrounding environment. Proposed development as outlined in the Specific Plan will not be visible from a scenic highway.
- c. The project site is currently developed with LCER buildings, parking and related lighting. Currently there is a large hill formation within the boundaries of the site. The hill is considered a landmark feature. Any new construction will be visible to adjacent land uses. Therefore building heights must be carefully considered in relation to the hill and adjacent residential neighborhood. Provisions as contained in the Specific Plan and listed in response (a) above, would ensure potential impacts to the hill remain less than significant.

The Town of Apple Valley Development Code identifies standards for plant protection and management preservation standards (Chapter 9.76). The development code requires permitting for removal of Joshua trees. Joshua trees are located throughout the site, and will be subject to the development code provisions if they are to be removed to accommodate future development.

The following development standards as listed within Section III Design Standards & Guidelines of the LCER Specific Plan would ensure future development at the site would not degrade the existing visual character of the campus and surrounding area:

- AES-1: Building materials shall provide architectural aesthetic quality, durability and ease of maintenance and shall be compatible with the architectural style of the building.**
- AES-2: New development shall be encouraged to utilize adobe, precise concrete stucco, smooth plasters, earthen color palette, natural stone, wood and terra cotta color as the dominant building materials in response to the Town's desert environment. The use of metal panel or metal sheeting on the exterior of any portion of a structure is not permitted.**
- AES-3: The applicant's use of wood siding should consider factors such as fading, staining and premature breakdown in the extreme climate of the high desert; and shall be maintained.**
- AES-4: Exterior building materials shall be composed of colors that will be consistent with the environment.**
- AES-5: The different parts of a building's façade shall be articulated with color, arrangement of façade elements, or a change in materials.**
- AES-6: Recesses that provide shade and create a interplay of light and shadow, such as building pop-outs, covered walkways, colonnades, arcades, and other human scale openings shall be provided to reduce the impact of building mass and to create visual interest.**

d. The project site is currently developed with LCER buildings, parking and related lighting. General lighting provisions are listed within Section III "Development Standards & Guidelines" of the LCER Specific Plan, and require all on-site lighting to be shielded and directed onto the site and away from adjacent properties. General provisions also require that the Center adhere to the Town's Dark Sky Policy, and use lighting only for safety, security, and identification. Proposed lighting provisions within the LCER Specific Plan would ensure future development at the site would not create a significant amount of light/glare on-site. The following prohibited materials as listed within the Specific Plan would also ensure potential impacts from light and glare remain less than significant:

AES-7: Highly reflective or mirror-like materials and standard gray concrete block on the exterior walls on any building or structure shall be prohibited with the exception that such materials may be used if finished with a masonry veneer including, but not limited to brick or stucco.

AES-8: Exposed plywood or particle board shall be prohibited on any building or structure.

AES-9: Piecemeal embellishment and frequent changes in materials or color shall be avoided.

AES-10: High-intensity colors, or fluorescent colors shall not be used.

AES-11: Building trim and accent areas may feature brighter, metallic, black and primary colors, if the width of the trim shall not exceed two feet.

AES-12: Should nighttime lighting be installed at the proposed athletic field, then appropriate shielding shall be installed to minimize increased lighting beyond the area needed.

Adoption of the Specific Plan with the above list of prohibited materials would ensure that future building development within the Specific Plan area would have a less than significant impact on light and glare. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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II. AGRICULTURE RESOURCES

Would the project:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the states

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project;

and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zone Timberland Production (as defined by Government Code section 5114(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

- a: The subject property is not identified or designated as Prime Farmland, Unique Farmland, or Farmland of Statewide importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. There are no agricultural uses on the site and therefore no impact is anticipated.
- b: The property is currently designated Single-Family Residential and Open Space Conservation and the proposed use does not conflict with any agricultural land use or Williams Act land conservation contract.
- c-d: The property is currently zoned Single-Family Residential and Open Space Conservation and the proposed project does not involve other changes in the existing environment that due to their location or nature would result in conversion or loss of forestland, timberland, or timberland zoned Timberland Production. Therefore, no impacts are identified or anticipated and no mitigation measures are required.
- e) There are currently no forestlands or agricultural operations being conducted on the project site. The project would not have an impact on any existing agricultural use, and would not convert farmland to a non-agricultural use, nor would the project convert forestland to a non-forest use. No impacts would result.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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III. AIR QUALITY

Would the project:

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

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

- a: Approval of the Specific Plan would not conflict with nor obstruct implementation of the air quality plan requirements imposed by the Mojave Desert Air Quality Management District (MDAQMD), which lies in the San Bernardino County portion of the Mojave Desert Air Basin (MDAB). This portion of the basin has been designated as a 'non-attainment' area with respect to violating National Air Quality Standards for particulate matter classified as equal to, or smaller than, (10) microns in diameter (PM₁₀). As the proposed site disturbance will be greater than one half ½-acre, the project is subject to the regulatory provisions of Rule 403.2 (Fugitive Dust Control for the Mojave Desert Planning Area), which requires a number of operating conditions to reduce fugitive dust generation to the lowest extent possible. Development shall be required to comply with the Town's adopted development standards to minimize any potential impacts. Therefore, impacts are anticipated to be less than significant.
- b: The proposed project would result in development of 25.5 acres of currently vacant land and would increase the K-12 student body by approximately 350 students. The college would generate approximately 1,400 students. Development of an approximately 2,550-square foot welcome center is

also proposed. Site development and construction was screened using the Urban Emission Model 2007 version 9.2.4 (URBEMIS 2007) prepared by the South Coast Air Quality Management District (SCAQMD) (Note: MDAQMD accepts this model). This model is used to generate emissions estimates for land use development projects. The criteria pollutants screened for included: reactive organic gases (ROG), nitrous oxides (NO_x), carbon monoxide (CO), particulates (PM₁₀ and PM_{2.5}) and carbon dioxide (CO₂) the largest contributor of Greenhouse Gases. Two of these criteria pollutants, ROG and NO_x, are ozone precursors. The emission levels modeled reflect the estimated winter season levels, which are normally higher due to atmospheric conditions (marine layer) and increased use of heating systems. The general construction phases for most projects include site grading and building.

Construction Emissions

Construction grading and building emissions are considered short-term and temporary emissions. The following construction parameters were assumed: site grading (mass and fine grading) would total approximate three (3)-month duration and building construction would take approximate ten (10)-month duration for all proposed uses. Completion of all facilities included in the Specific Plan would occur over time and each would be of shorter duration than the used in the model. The construction phase modeling assumptions were used to present a worst-case analysis. Once construction is complete and the buildings are in use, emissions will be generated by energy utilized for on-site building heating and cooling, and vehicular traffic.

The emissions calculations for the construction phase include fugitive dust from grading and exhaust emissions from on-site equipment and worker travel. Construction emissions are calculated based on the number of new students and total building square footage on approximately 25.5 acres. The fugitive dust emissions are based on approximately 25.5 being graded over a three (3)-month period. Construction impacts are considered short-term, temporary impacts and are not anticipated to occur for more than fourteen (14) months. Table 1 shows the model results for construction emissions.

Table 1*
Building Emissions Summary
(Pounds Per Day)

Source	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}	CO ₂
Mass Grading	4.2	33.7	18.8	0.0	74.1	16.7	3,162.3
Fine Grading	4.2	33.7	18.8	0.0	74.1	16.7	3,162.3
Trenching	2.0	17.7	9.3	0.0	0.8	0.8	1,838.5
Paving	4.7	22.0	13.0	0.0	1.6	1.4	2,353.4
Building Construction	4.1	18.8	23.6	0.0	1.3	1.2	3,179.9
Architectural Coating	119.5	0.1	1.4	0.0	0.0	0.0	172.6
Highest Value (lbs/day)	119.5	33.7	23.6	0.0	74.4¹	16.7	3,179.9
MTCO ₂ E	---	---	---	---	---	---	1.4
MDAQMD Threshold	137	137	548	137	82	55	10,000 ²
Significance	No	No	No	No	No	No	No

Source: URBEMIS2007

*Phases don't overlap and represent the highest concentration.

¹ Value with mitigation. Refer to mitigation measures below

² Interim threshold: 10,000 MTCO₂E/year

As shown in Table 1, the project would not exceed MDAQMD thresholds with mitigation incorporated. Therefore, the following mitigation measures shall be implemented during the grading phase:

AQ-1: The project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading activity on the site at least two (2) times per day.

The applicant will also be required to implement the following MDAQMD rules as conditions of approval:

Compliance with Rule 1113

Architectural Coatings are coatings applied to stationary sources and their trimmings, to portable buildings, to pavements, or to curbs. Trimmings are accessories to an architectural structure, including, but not limited to: hand railings, cabinets, bathroom and kitchen fixtures, fences, decks, rain gutters and downspouts, window screens, lamp posts, signs, concrete forms, heating and air conditioning equipment, large fixed stationary tools, and other mechanical equipment.

A key ingredient contributing to ozone formation is solvents, which contain volatiles referred to as volatile organic compounds (VOCs). These solvents are commonly found in many architectural and industrial paints. SCAQMD has studied the cumulative VOC emissions from architectural painting operations and has found that these emissions exceed the combined emissions from a variety of industrial operations. Emissions from the application of architectural and industrial maintenance coatings during the summer months, typically known as the peak painting and smog season, are estimated to be more than thirty-eight (38) tons each day. VOCs from solvent and paint emissions contribute to harmful ozone formation.

To reduce impacts from VOC emissions, the applicant will be required to implement the following measures as required by MDAQMD:

AQ-2: The contractor shall utilize (to the extent feasible) pre-coated building materials and coating transfer or spray equipment with high transfer efficiency, such as high volume, low pressure (HVLP) spray method, or manual coating applications such as paint brush, hand roller, trowel, dauber, rag, or sponge.

AQ-3: The contractor shall utilize water-based or low VOC coating as well as the following conditions as required by MDAQMD:

- **Use Super-Compliant VOC paints whenever possible.**
- **If feasible, avoid painting during peak smog season: July, August, and September.**
- **Recycle leftover paint. Take any leftover paint to a household hazardous waste center; do not mix leftover water-based and oil-based paints.**
- **Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors.**
- **For water-based paints, clean up with water only. Whenever possible, do not rinse the clean-up water down the drain or pour it directly into the ground or the storm drain. Set aside the can of clean-up water and take it to a hazardous waste center (www.cleanup.org).**
- **Recycle the empty paint can.**
- **Look for non-solvent containing stripping products.**
- **Use Compliant Low-VOC cleaning solvents to clean paint application equipment.**

- **Keep all paint and solvent laden rags in sealed containers to prevent VOC emissions.**

Compliance with Rule 402, and 403

The project shall comply with, Rules 402 Nuisance, and 403, Fugitive Dust, which require the implementation of Best Available Control Measures (BACM) for each fugitive dust source, and the Air Quality Management Plan (AQMP), which identifies Best Available Control Technologies (BACT) for area sources and point sources, respectively. This would include, but not be limited to the following mitigations:

- AQ-4: The project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.**
- AQ-5: The project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading activity on the site. Portions of the site that are actively being graded shall be watered regularly to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.**
- AQ-6: The project proponent shall ensure that all disturbed areas are treated to prevent erosion until the site is constructed.**
- AQ-7: The project proponent shall ensure that landscaped areas are installed as soon as possible to reduce the potential for wind erosion.**
- AQ-8: The project proponent shall ensure that all grading activities are suspended during first and second stage ozone episodes or when winds exceed twenty-five (25) miles per hour.**

During construction, exhaust emissions from construction vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, would increase NO_x and PM₁₀ levels in the area. The applicant will be required to implement the following conditions as required by MDAQMD:

- AQ-9: To reduce emissions, all equipment used in grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.**
- AQ-10: The project proponent shall ensure that existing power sources are utilized where feasible via temporary power poles to avoid on-site power generation during construction.**
- AQ-11: The project proponent shall ensure that construction personnel are informed of ride sharing and transit opportunities.**
- AQ-12: All buildings on the project site shall conform to energy use guidelines in Title 24 of the California Administrative Code.**
- AQ-13: The operator shall maintain and effectively utilize and schedule on-site equipment in order to minimize exhaust emissions from truck idling.**

AQ-14: The operator shall comply with all existing and future CARB and MDAQMD regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.

Operational Emissions

Kunzman Associates prepared a Traffic Impact Analysis (TIA) for the proposed project. The operational mobile source emissions were calculated using the Institute of Transportation Engineers (ITE) Trip Generation Manual 7th edition. Trips associated with the project consist of approximately 2,275 trips per day. Emissions associated with the project’s estimated vehicle trips are listed in Table 2.

**Table 2
Operational Emissions Summary
(Pounds Per Day)**

Source	ROG	NO_x	CO	PM₁₀	PM_{2.5}	CO₂
Area Source	1.0	1.5	1.2	0.0	0.0	1,811.9
Mobile Source	27.4	39.1	235.4	39.5	7.3	20,287.1
Totals	28.5	40.6	236.6	39.5	7.3	22,099.0
MTCO ₂ E	---	---	---	---	---	10.0
MDAQMD Threshold	137	137	548	82	55	10,000
Significance	No	No	No	No	No	N/A

Source: URBEMIS2007

¹ Interim threshold: 10,000 MTCO₂E/year

As shown in Table 2, operational emissions for the proposed expansion would not exceed MDAQMD thresholds.

- c: The proposed project is the LCER Specific Plan. Currently the site is being used as an educational facility operated by the Lewis Center. The site has been used as an educational facility since the late 1990s and therefore, the land use has been included within the MDAQMP. Operational emissions, as shown in Table 2, would not generate a cumulatively considerable net increase of any criteria pollutant. Therefore, approval of the Specific Plan would not conflict with nor obstruct implementation of the air quality plan requirements imposed by the MDAQMD as the use has already been included in the plan. No impact is anticipated
- d: The project is a Specific Plan to allow for new and expanded facilities at an existing education facility predominately surrounded by single-family residential, Highway 18 and the Mojave River. As shown in Table 1, approval of the project is not anticipated to exceed MDAQMD thresholds. Therefore, air quality impacts to sensitive receptors are anticipated to be less than significant.
- e: Development proposed within the Specific Plan does not include any sources of odor producers. Therefore, air quality impacts related to odors, for a substantial number of people would not occur.

Potentially Significant Less than Significant with Less than Significant No

IV. BIOLOGICAL RESOURCES

Would the project:

	Impact	Mitigation Incorp.	Impact	Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a. In February 2007, a Biological Technical Report and Focused Desert Tortoise Survey were prepared for the project site. No desert tortoise or active burrows were observed within the project site. The site is surrounded by unsuitable tortoise habitat or barriers to tortoise travel and the likelihood that tortoises may occur on-site or travel onto the site is considered minimal. As concluded by the Biologist, construction as proposed in the Specific Plan would eliminate low quality and evidently unoccupied desert tortoise habitat.

The project site is near the southern margin of the Mohave ground squirrel's historic geographic range. Most published sources indicate that the species has not been seen in this part of its range in several decades. The

potential for Mohave ground squirrel at the site is considered to be low due to the local rarity and surrounding land uses.

Loggerhead shrike was observed on-site and suitable habitat for several other special status species may also occur near the Mojave River area. Cooper's hawk was also observed on-site, and is known to nest in riparian or oak woodlands. The bird observed may have been a local resident of the adjacent Mojave River corridor, or (more likely) it may have been a migrant. There is no suitable nesting habitat on-site for Cooper's hawks, but shrublands on-site are suitable for foraging habitat for resident, migratory, or wintering Cooper's hawks. Habitat on-site is also suitable for loggerhead shrikes, which typically forage from perches over open scrub or grassland. No direct impacts are anticipated to either of these species, however the following mitigation measures would ensure potential impacts are reduced to less than significant levels:

- BIO-1:** Prior to construction, a pre-construction survey shall be conducted by a qualified biologist to confirm that no burrowing owls occur on the site and to "force disperse" them if needed. Forced-dispersal is done by excluding the owls from their occupied burrows, often providing alternative burrow sites for them. Depending on the project design, alternative burrow sites may be located on the property, or (more likely) on a suitable off-site parcel.
- BIO-2:** In order to avoid incidental killing of birds protected under the Migratory Bird Treaty Act, grading and vegetation removal shall be scheduled outside of the breeding season of most migratory birds (February 1st to August 30th).
- BIO-3:** Prior to ground disturbance, the project proponent may either: 1) contact a biologist qualified to conduct a live-trapping surveys for Mohave ground squirrel; or 2) apply to the California Department of Fish and Game (CDFG) under Section 2081 of the Fish and Game Code to disturb potential Mojave ground squirrel habitat.
- BIO-4:** Since the occurrence of desert tortoise is unknown, the project may be subject to: 1) consultation with the U.S. Fish and Wildlife Service under Section 7 or Section 10 of the Federal Endangered Species Act, and/or 2) permitting by the CDF&G under Section 2081 of the California Fish and Game Code. The project proponent shall notify both agencies of the proposed project to determine whether consultation and permitting are needed.

- b. The Specific Plan includes a 107-acre area that will be designated for conservation purposes. The LCER is considering creating a single-site conservation bank or mitigation bank for the 107-acre area to sell credits for compensatory mitigation. Both conservation banks and mitigation banks provide compensation for adverse impacts to certain natural resources. A "conservation bank" is a parcel of land that is preserved and/or restored for the benefit of specific species listed as threatened or endangered under the federal Endangered Species Act ("ESA") in order to offset adverse impacts occurring elsewhere to the same type of habitat on other lands. A "mitigation bank," on the other hand, restores, establishes, or preserves wetlands, streams, or riparian areas to provide mitigation for impacts authorized by the Department of the Army to off-site, similar types of aquatic resources. Thus, the two types of banks have similar goals, but one is set up primarily for the benefit of listed species, and the other is set up primarily for the benefit of aquatic resources.

On May 7, 2009, Lewis Center staff met with representatives from the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the California Department of Fish and Game and the Lahontan Regional Water Quality Control Board to explore the "banking" opportunities that the Lewis Center site provides.

A conservation bank is defined as privately or publicly owned land managed for its natural resource values. For example, in order to satisfy the legal requirement for mitigation of environmental impacts from a development [to listed species], a landowner can buy credits from a conservation bank. Conservation banking can assist in processes under both Section 7 and Section 10 of the ESA. The goal of conservation banks is to provide an economically effective process that provides options to landowners or developers to offset adverse effects of proposed projects to listed species. Conservation banks may be established on lands owned by tribes, the state, local governments, or private individuals. Land used to establish conservation banks must not have been previously designated for conservation purposes (including parks, green spaces, or municipal watershed lands), unless the proposed designation as a conservation bank would add additional conservation benefit. In considering whether specific land is appropriate for conservation banking, topographic features, habitat quality, compatibility of existing and future land uses, species use in that area, and whether the parcel is large enough to maintain viable populations should all be taken into consideration. It is important to correctly estimate budgetary needs up front.

A mitigation bank is used to preserve, restore, or create aquatic resources in order to mitigate impacts to such resources by other projects. It is defined as: a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing compensatory mitigation for impacts authorized by [Department of the Army] permits. In general, a mitigation bank sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation [for impacts to wetlands or other aquatic resources] is then transferred to the mitigation bank sponsor.

To set up a mitigation bank, two documents must be created: a Prospectus, which contains a summary of information about the proposed mitigation bank, and a Mitigation Banking Agreement, the legal document for the establishment, operation, and use of a mitigation bank. This process requires four basic steps: (1) the creation of a draft Prospectus for submission to the District Engineer of the Army Corps of Engineers in the district in which the program will be located; (2) creation of a final Prospectus based on the District Engineer's comments; (3) creation of a draft Mitigation Bank Instrument for review by the District Engineer, the interagency review team ("IRT"),^[1] and the public; and (4) create of a final Mitigation Bank Instrument incorporating issues raised during the public review period.

Either form of banking would ensure the preservation of the 107-acre conservation area and prevent future development in riparian areas; less than significant impacts would occur.

- c. The proposed Specific Plan includes improvements to the Desert Knolls Wash. The wash is an intermittent drainageway and appears to meet jurisdictional criteria as a streambed (as defined by the California Fish and Game Code), and possibly Waters of the United States (per Section 404 of the Federal Clean Water Act). Implementation of the following mitigation measure would ensure potential impacts are reduced to a less than significant level:

BIO-6: The proposed proponent shall conduct a jurisdictional delineation to submit to CDFG and ACOE to determine potential jurisdiction, and the need for permits.

[1] IRT is an interagency group of federal, tribal, state, and/or local regulatory and resource agency representatives that review mitigation bank documentation and advise the District Engineer on the establishment and management of the mitigation bank's compensatory mitigation program.

BIO-7: The improvements to the wash shall be designed to minimize impacts to downstream hydrology and habitat and, to the extent feasible, incorporate native riparian species into landscape buffering in or adjacent to the wash alignment.

- d. In many regions, land development and linear structures (e.g., roadways) have converted once-contiguous habitat into scattered patches separated by barriers, so that individual animals and entire populations are now isolated in remnant habitat fragments. Lands surrounding the site have already been significantly fragmented by development and roadways. The Mojave River corridor still provides a suitable wildlife movement route between Mojave Narrows Regional Park and undeveloped land to the north (via crossings beneath SR-18 and the I-15 Freeway). The site itself is not within the river corridor and does not provide access to open space off-site. Therefore it does not serve as an important wildlife movement route and less than significant impacts would occur.
- e. The Town of Apple Valley regulates the removal of certain plant species as indicated in their Plant Protection and Management Ordinance (Ordinance). The Ordinance requires the issuance of a permit for the removal of native trees or plants including Joshua trees, cacti, yuccas, creosote bush rings and other species identified in the State of California Food and Agricultural Code, as it relates to the California Desert Native Plants Act. Implementation of the Specific Plan would be subject to the provisions of the Ordinance, and would require an inventory of plant species to comply with both the Ordinance and the California Desert Native Plants Act. Compliance with provisions of the Ordinance and Act would ensure potential impacts are reduced to a less than significant level.
- f. The project includes approval of a 107-acre conservation area. Approval of the Specific Plan and implementation of the Specific Plan would ensure long-term protection of on-site riparian habitat. The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan because no such plan has been adopted in the area of the project site.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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V. CULTURAL RESOURCES

Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

a-b. According to the Town's General Plan, materials of historic and prehistoric nature are likely to occur in the vicinity of the Mojave River. In December 2006, a Phase I Cultural Resources Investigation was conducted at the site by McKenna et al. The investigation included: an archaeological records check, historic land use research, Native American consultation, paleontological overview, and field survey.

The record search revealed that seventeen (17) cultural resource investigations have been completed within one-mile of the project area. Of these studies, a minimum of twelve (12) prehistoric archaeological sites; three prehistoric isolates, five historic archaeological sites; one pending historic archaeological sites, and one possible historic structures location were identified. In addition, the research identified one National Register of Historic Places property (AT&SF Railroad), and one California Historic Landmark (Mojave Trail).

Only four of the resources previously recorded occur within the boundaries of the current study area including: CA-SBR-58; CA-SBR-967; CA-SBR-7146H; and CA-SBR-7147H. CA-SBR-58 is a habitation site originally identified in 1949 with its presence reconfirmed in 1992. CA-SBR-967 was identified in 1977 as a sparse lithic scatter within evidence of midden deposits. CA-SBR-7146H was identified in 1992 and is a historic rock alignment associated within circa 1920s encampment. CA-SBR-7147H is a 1920s refuse scatter also associated with a small encampment. In 1992, it was recommended that the resources be tested for significance. CA-SBR0967 was reported to have been destroyed and no further studies were recommended.

Based on current findings, the report concluded that there is no significant evidence of historic use of the site, but there is considerable evidence for prehistoric occupation and use. Sites in the area have yielded evidence of midden deposits, lithic scatters, ground stone implements, and in the nearby hills, highly significant rock art panels. The Upper Narrows area was used by prehistoric populations as a place of long-term occupation and as a locale conducive to the production of rock art. The proposed development will have no direct adverse impacts of the hillsides, but means should be implemented to protect the rock art panels. To ensure the panels remain in their current state, the following mitigation measure shall be implemented:

CR-1: Fencing shall be placed between the athletic fields and the hillside to ensure protection of the rock art panels.

b. A field survey was conducted on November 14, 2006 as part of the cultural resource investigation. Evidence of modern refuse was noted in the general area, but previously identified concentrations of historic refuse (e.g. CA-SBR-7147H) were not located. Likewise, the short rock alignment identified as CA-SBR-7147H) was not identified. As a result, the report concluded that there is no evidence of potentially significant historic archaeological resources within the project area. The survey did result in

the identification of prehistoric resources including four granitic manos which were recorded and recovered. The four manos can be associated with two specific locales in which case Mano No. 1 is in the general area identified with CA-SBR-58, attesting to the presence of materials pertaining to the habitation site along the Mojave River and indicating additional materials may be present in a buried context.

Manos 2, 3 and 4 group in an area associated with CA-SBR-7148H and in an area of a previously identified isolated mano, indicating prehistoric context in this area also associated with historic resources. Overall, the presence of these artifacts indicate a relatively high potential for buried prehistoric archaeological materials throughout the project area.

Native American consultation was initiated as part of the Phase I Cultural Resource Investigation. In a response letter dated November 1, 2006, the Native American Heritage Commission indicated they performed a Sacred Lands File (SLF) for the project area. The SLF failed to locate the presence of Native American cultural resources in the immediate project area. Recommendations within the letter include consultation with local Native American tribes. A list of contacts was provided with the letter.

The proposed development will impact areas that have yielded evidence of prehistoric occupation. The manos are indicative of Millingstone to Late Prehistoric occupation and there is ample evidence to suggest that additional buried deposits may be present in this area. Therefore, to ensure potential impact are reduced to a less than significant level the following mitigation measure shall be implemented:

CR-2: The project area shall be monitored for prehistoric resources during the course of any site grading or alteration. If potentially significant prehistoric resources are identified, a Native American observer (Serrano) shall be added to the monitoring project to assist in the identification and recovery of resources (see attached Native American Letters).

CR-3: In order to preserve any potential specified places, features, and objects that may potentially occur on-site, the Lewis Center shall notify Native American contacts regarding the proposed project and any ground disturbing activities.

c. The project site, as most of the area within the Town of Apple Valley, is comprised predominantly of unconsolidated alluvium. The alluvium is derived from granitic rock of the Fairview Mountains. More specifically, the alluvial soils on-site are classified as 157 Riverwash and 158 Rock outcrop-Lithic Torriorthents complex. According to the U.S. Department of Agriculture, Natural Resources Conservation Service, these shallow, well drained soils were formed in alluvium derived dominantly from granitic material.

Older alluvium has high potential to contain significant nonrenewable resources throughout its extent and, therefore, is assigned high paleontologic sensitivity. Exposures of Pleistocene older alluvial sediments in the nearby Victorville and Hesperia area were documented to contain fossil resources.

The paleontological overview performed as part of the Phase I Cultural Resources Investigation identified the area as sensitive for fossil specimens. To ensure potential impacts to paleontological resources are reduced to a less than significant level, the following mitigation measure shall be implemented:

CR-4: Paleontological monitoring shall be conducted through all ground altering activities. If specimens are identified, they shall be recovered and evaluated in accordance with the guidelines established by the San Bernardino County Museum in Redlands.

d. The project site includes the existing Lewis Center for Educational Research. The project site is not known to contain human remains. Should remains be uncovered during grading activities, appropriate authorities would be contacted as required by State law. However in the event remains are deemed prehistoric, the following mitigation measure shall be implemented:

CR-5: The Native American Heritage Commission shall be notified in the event remains are deemed prehistoric, and the Most Likely Descendant (MLD) will be named. The deposition of the remains will be determined in consultation with the Coroner, MLD, and archaeological monitor, as appropriate.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS

Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18 1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

- a. (i) The General Plan Figure S-1 indicates that the project site is not located within a special studies (Alquist-Priolo) zone and, therefore, does not require a geologic study. Future development as proposed within the Specific Plan would not subject students, faculty, or visitors to geologic hazards involving fault rupture. The Mojave Desert is a seismically-active region; however, safety provisions identified in the Uniform Building Code shall be required during construction, and would reduce potential ground shaking hazards to a less than significant level.
- a. (ii) Apple Valley, like most cities in California, is located in a seismically active region. It can be expected, therefore, that the project site could experience strong seismic ground shaking at some point in time. Construction of on-site structures shall be seismically designed to mitigate anticipated ground shaking.
- a. (iii) In August 1999, a soils investigation was performed for the site by John R. Byerly, Inc., in the area that is currently developed with the existing LCER facilities. To evaluate the liquefaction potential of the subsoils underlying the site, the soils below a projected high groundwater table were analyzed for relative density. The most effective measurement of relative density of sands with respect to liquefaction potential is standard penetration resistance. Groundwater was encountered as shallow as twenty-three (23) feet in the test borings.

Test results indicated a minimum safety factor of 1.32 for liquefaction of soils encountered between forty (40) and fifty (50) feet, and safety factors of 4.99 and 1.42 for depths of twenty-six (26) feet and thirty (30) to (40) feet, respectively. A factor of safety of 1.30 is generally considered acceptable regarding liquefaction. Therefore, liquefaction or liquefaction-induced settlement would not be a threat at the site. Additionally, the high clay content in on-site soils further assists in the resistance to liquefaction. The proposed project would be required to meet and/or exceed the development standards set by the Town of Apple Valley for proper construction methods and development as defined in the Town of Apple Valley Development Code and the latest ICBO regulations.

- a. (iv) No buildings or other habitable structures are proposed directly adjacent to any hillside. Improvements to the natural drainage course include a soft bottom channel that would include rock and concrete sidewalls for stability. Construction of proposed buildings as outlined in the Specific Plan would be required to meet and/or exceed the development standards adopted by the Town.
- b. According to the Soil Survey of San Bernardino County (Mojave River Area, Sheet No. 25 – Victorville Quadrangle), on-site soils are classified as 157 Riverwash and 158 Rock outcrop-Lithic Torriorthents complex. Riverwash soil can generally be classified as unstable sandy and gravelly alluvium that is frequently removed, resorted, and redeposited. Permeability of the Lithic Torriorthents is very rapid to rapid. Runoff is medium or rapid, and the hazard of water erosion is high. Implementation of the following mitigation measure would reduce impacts to a less than significant level:

GEO-1: During grading of the site, as much of the existing natural vegetation as feasible should be left to reduce soil erosion. Areas disturbed during construction should be revegetated as soon as feasible.

- c: Proposed structures would be constructed on leveled benches and would not subject students, faculty or visitors to unstable areas or landslides. As concluded within the Soils Investigation, on-site soils are of a very low expansion potential in accordance with Table 18-I-B of the Uniform Building Code. In addition, test results indicated that liquefaction or liquefaction-induced settlement is not a threat at the site due to the high clay content in on-site soils. The proposed project would be required to meet and/or exceed the development

standards set by the Town of Apple Valley for proper construction methods and development as defined in the Town of Apple Valley Development Code and the latest ICBO regulations. No impact is expected.

- d: According to the U.S. Department of Agriculture, Natural Resources Conservation Service, two soils occur on-site and include Riverwash and Rock outcrop-Lithic Torriorthents complex. Both soil types are alluvial based, and are not considered expansive. No impact is expected.
- e. Wastewater generated at the Lewis Center is currently conveyed via existing sewer lines (operated by the Town of Apple Valley) to the Victor Valley Wastewater Reclamation Plant operated by the Victor Valley Wastewater Reclamation Authority (VWVRA). There are no on-site septic systems; no impact would occur.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS

Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b: Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION:

- a: In September 2006 Governor Schwarzenegger signed Assembly Bill 32, The Global Warming Solutions Act of 2006. The Act requires that by the year 2020, the Greenhouse Gas (GHG) emissions generated in California be reduced to the levels of 1990. This is part of a larger plan in which California’s objective for the year 2050 is to reduce state-wide emissions by eighty (80%) below 1990 levels. This will be accomplished through a statewide cap on GHG emissions by 2012, which will be regulated by the California Air Resources Board (CARB). The CARB is responsible for setting specific standards for different sources of emissions, as well as implementing these standards and monitoring whether they are being met.

Per CEQA guidelines, project emissions are treated as new emissions for new projects. For standard air emissions, air quality impacts are evaluated for significance on an air basin or even at a neighborhood level. Greenhouse gas emissions are different in that the perspective is global, not local. Therefore these emissions for certain types of projects could be considered as not necessarily new emissions if the project is primarily population driven. Many gases make up the group of pollutants that are believed to contribute to global climate change. Carbon dioxide (CO₂) is a gas that if not addressed can lead to climate change impacts. Tools are available for forecasting the major pollutant categories associated with new projects and regional emission inventories are available for California. URBEMIS2007 calculates emissions of CO₂ from vehicles, electric generation, and emissions from natural gas combustion (i.e., water heaters and space heaters). These are shown in the above analysis as applicable. The Governor’s Office of Planning and Research has published amendments to the state CEQA guidelines to address GHG emissions. These amendments are pending adoption by the Natural Resources Agency prior to

being official requirements. However, these guidelines do not present specific significance thresholds for GHG emissions.

An interim threshold of 10,000 Metric Tons (ton) Carbon Dioxide Equivalent (MTCO₂E) has been adopted by SCAQMD and is applicable to projects in the MDAB. Refer to Table 1 for the project-related model outputs. As shown in Table 1 impacts are anticipated to be less than significant

- b) The proposed project would not conflict with the provisions of any adopted, applicable plan, policy or regulation. On July 13, 2010, the Town adopted a Climate Action Plan (“CAP”) that enhances the General Plan’s goals, policies and programs relating to meeting the greenhouse gas emission targets established in the California Global Warming Solutions Act. The Plan includes reduction strategies to achieve 1990 levels by including an emissions inventory. The Plan achieves emission targets that apply at reasonable intervals throughout the life of the plan, enforceable GHG control measures, monitoring and reporting, and mechanisms to allow for the revision of the plan, if necessary. The goal of the CAP is to reduce greenhouse gas emissions within the Town’s control and to achieve the emission reduction goals required by AB 32, as further developed and quantified by CARB. Therefore, the applicant will be required to implement the following mitigation measure:

- GH-1: Preserve trees occurring on-site through on-site protection during and after construction, or through transplant and relocation within landscaped areas.**
- GH-2: Utilize the Collaborative for High performance Schools (CHPS) best practices for school design, building, and operation.**
- GH-3: During project construction, on-site off-road construction equipment shall utilize biodiesel fuel (a minimum of B20), except for equipment where use of biodiesel fuel would void the equipment warranty. The applicant shall provide documentation to the Town that verifies that certain pieces of equipment are exempt, a supply of biodiesel has been secured, and that the construction contractor is aware that the use of biodiesel is required. As a conservative measure, no reduction in GHG emissions was taken for the implementation of this measure as it is unknown if biodiesel can be readily applied to the various pieces of construction equipment that will be necessary for the project.**
- GH-4: Install bus stop(s) and secure scheduled transit service from Victor Valley Transit.**
- GH-5: Install pedestrian, bicycle and/or equestrian trails connecting project to school(s), commercial project(s), or transit.**
- GH-6: For employers, implement a Transportation Demand Management program, and document trip reduction by employees.**
- GH-7: Building and site plan designs shall ensure that the project energy efficiencies surpass applicable 2008 California title 24 Energy Efficiency Standards by a minimum of twenty percent (20%). Verification of increased energy efficiencies shall be documented in Title 24 compliance Reports provided by the applicant, and reviewed and approved by the Town prior to the issuance of the first building permit. Any combination of the following design features, or additional features may be used to fulfill this measure provided that the total increase in efficiency meets or exceeds twenty percent (20%) beyond 2008 Title 24 standards:**

- Buildings shall exceed California Title 24 Energy Efficiency performance standards for water heating and space heating and cooling.
- Increase insulation such that that heat transfer and thermal bridging is minimized.
- Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.
- Incorporate dual-paned or other energy efficient windows.
- Incorporate energy efficient space heating and cooling equipment.
- Promote building design that will incorporate solar control in an effort to minimize direct sunlight upon windows. A combination of design features including roof eaves, recessed windows, “eyebrow” shades, and shade trees shall be considered.
- Interior and exterior energy efficient lighting, which exceeds the California Title 24 Energy Efficiency performance standards, shall be installed, as deemed acceptable by Town. Automatic devices to turn off lights when they are not needed shall be implemented.
- To the extent that they are compatible with landscaping guidelines established by the town, shade-producing trees, particularly those that shade paved surfaces such as street and parking lots and buildings shall be planted at the Project site.
- Paint and surface color palette for the project shall emphasize light and off-white colors, which will reflect heat away from the building.
- Consideration shall be given to using LED lighting for all outdoor uses (i.e. buildings, pathways, landscaping and carports).

GH-8: For commercial projects, secure Leadership in Energy and Environmental Design (LEED) Silver, Gold or Platinum certification and document GHG reduction resulting from same.

GH-9: Use passive solar design by orienting buildings and incorporating landscaping to maximize passive solar heating during the winter, and minimize solar heating during the summer.

GH-10: To reduce energy demand with potable water conveyance:

- Landscaping palette emphasizing drought tolerant plants and exceeding Town standards for water conservation.
- Limit turf areas to no more than (20%) of all landscaped areas (Non Sport Turf Areas)
- Use of water-efficient irrigation techniques exceeding Town standards for water conservation.
- U.S. EPA Certified Water Sense labeled or equivalent faucets, high-efficiency toilets (HETs), and water-conserving showerheads.

GH-11: Install Energy Star appliances and energy efficient fixtures.

GH-12: Install all CFL or LED light bulbs.

GH-13: Install common area electric vehicle charging station(s) and secure bicycle racks.

GH-14: To reduce the project’s energy use from the grid:

- Install solar panels sufficient to heat water within the project.

- GH-15: Install solar or photovoltaic systems on new roofs.**
- GH-16: Use bio-gas in appropriate applications.**
- GH-17: Install combined heat and power facilities in appropriate applications.**
- GH-18: Specify rubberized and/or recycled asphalt for roads and driveways to the extent economically viable.**
- GH-19: Recycle and/or salvage non-hazardous construction and demolition waste, and develop and implement a construction waste management plan quantifying the reduction in the waste stream.**
- GH-20: Reuse construction waste in project feature (e.g. shattered concrete or asphalt can be ground and used in walkways and parking lots).**
- GH-21: Facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that serve each building and are dedicated to the collection and storage of paper, cardboards, glass, plastics, and metals.**
- GH-22: Provide educational information to residents addressing energy efficiency, solid waste reduction, and water conservation measures.**

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result,				

would it create a significant hazard to the public or the environment?

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

Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

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

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

SUBSTANTIATION:

a-c: The project will not create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials because no use approved on the site is anticipated to be involved in such activities. If such uses are proposed on-site in the future, they will be subject to land use approval, permit and inspection.

d: The project site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, the project would not create a significant hazard to the public or the environment. No impact is anticipated.

e-f: The project site is not located within two miles of a public airport or public use airport. The nearest airport is the Apple Valley Airport located approximately 6.5 miles northeast of the project site. The Osborne Airstrip is the nearest private airstrip and is located approximately four miles north of the project site. No impacts related to air traffic are anticipated to occur.

g: Improvements to the on-site channel, expansion of the existing K-12 campus, construction of a college and a welcome center, and creation of a 107-acre conservation area would occur at the existing Lewis Center property and would not impair or interfere with the Town’s adopted emergency evacuation plan. However, the Specific Plan includes a new entry to the site from SR-18, a designated emergency evacuation route. Improvements to SR-18 would involve construction of the roadway to its ultimate width and the installation of a signalized “T” intersection with right-turn in and out lanes along SR-18. The Town Engineer has expressed conceptual approval of the proposed improvements indicating that the project would greatly improvement traffic along that stretch of the highway. The project site would

also have three ingress/egress points available for emergency evacuation. The proposed project would be reviewed by Town staff to ensure appropriate set backs and other design elements are consistent with the Town's emergency response plan. Less than significant impact is anticipated.

h: The Apple Valley Fire District reviews development projects to ensure applicable development requirements are met. Prior to construction, the project proponent would be required to contact the Fire District for verification of current fire protection development requirements. Upon implementation of conditions of approval, impacts from fire hazards would be reduced to a less than significant level.

IX. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

a: The Specific Plan for the existing Lewis Center would disturb approximately 25.5 acres that are currently vacant and would therefore be subject to the National Pollution Discharge Elimination System (NPDES) permit requirements.. The State of California is authorized to administer various aspects of the NPDES. Construction activities covered under the State's General permit include removal of vegetation, grading, excavating, or any other activity that causes the disturbance of one acre or more. The General Construction permit requires recipients to reduce or eliminate non-storm water discharges into stormwater systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP).

Prior to issuance of grading permits, the applicant is required to submit a Notice of Intent (NOI) to the Town Engineer to comply with obtaining coverage under the NPDES General Construction Storm Water Permit from the SWRCB. Evidence that this has been obtained (i.e., a copy of the Waste Dischargers Identification Number) must be submitted to the Town Engineer for coverage under the NPDES General Construction Permit. Implementation of requirements set forth by the Town of Apple Valley would ensure impacts to water quality are reduced to a less than significant level.

b: According to the Town's General Plan, the Lewis Center, located south of Highway 18, east of the Mojave River and west of Mana Road, is not designated for groundwater recharge. The project would not deplete groundwater supplies or interfere substantially with groundwater recharge. A significant portion (114 acres) of the approximate 150-acre site will be dedicated for flood control and for conservation purposes, and will allow rainfall to continue to percolate and ultimately recharge the groundwater system.

Currently, the Apple Valley Ranchos Water Company (AVR) provides water service to the Lewis Center. Implementation of the Specific Plan would increase water demand at the site. A will serve letter was received from AVR indicating the ability to serve the project without depleting groundwater supplies.

c: The LCER Specific Plan includes improvements to the existing on-site channel. The proposed design will include a sedimentation basin, a soft bottom planted with native plants, rip-rap sides, and will be conveyed along its natural existing alignment. At certain intervals the bottom will drop three (3) to five (5) feet at a 3:1 slope with rip-rap at a depth of eight (8) feet to reduce erosive flows. Proposed plans will be reviewed by the Town of Apple Valley, the Lahontan Regional Water Quality Control Board, and the County of San

Bernardino Flood Control District. The proposed project would have a positive impact both on-site and off-site. Improvements to the drainage channel would not alter the course of the adjacent Mojave River and therefore less than significant impacts would occur. A grading and drainage plan must be approved by the Town Engineer prior to the issuance of a grading permit.

- d. The project is located within the FEMA Flood Zones AE, A, and X, Map No. 06017C5820H (August 28, 2008, Panel 5820 of 9400). The Desert Knolls Wash is presently a natural earthen drainage course with erosive velocities. The proposed engineering design for the wash will convey 3200 cfs through the site and change the FEMA boundary from Flood Zone AE and A to Flood Zone X, for the ball fields, track and soccer fields (see response to question h within this section). The proposed design will include a sedimentation basin, a soft bottom planted with native plants, rip-rap sides, and flows conveyed along the existing natural alignment. At certain intervals the bottom will drop three (3) to five (5) feet at a 3:1 slope with rip-rap at a depth of eight (8) feet to reduce erosive flows. The proposed project would have a positive impact on off-site conditions because flows would enter a sedimentation basin prior to discharge to the Mojave River, relieving the river of additional sediment. Proposed improvements would not alter the course of the adjacent Mojave River.

Proposed plans will be reviewed by the Town of Apple Valley, the Lahontan Regional Water District, and the County of San Bernardino Flood Control District. Any comments or conditions required by the review agencies will be incorporated into the final plan and become conditions of approval for the project.

- e: The proposed Specific Plan includes improvements to the existing drainage channel that would alleviate existing erosion problems at the Lewis Center as discussed in the response above. Runoff would continue to discharge into the Mojave River. The proposed project would not exceed the capacity of an existing storm water drainage system or create additional sources of polluted runoff. Proposed plans include a sedimentation basin, which would reduce flows and minimize sediments entering the Mojave River; impacts would be less than significant.
- f: The proposed Specific Plan includes improvement to the on-site drainage channel that would alleviate existing erosion problems at the Lewis Center. Runoff would continue to discharge into the Mojave River. The proposed project would not create additional sources of polluted runoff. Proposed plans include a sedimentation basin, which would reduce flows and minimize sediments entering the Mojave River. Grading activities associated with the construction could result in a temporary increase in the amount of suspended solids in surface flows during a concurrent storm event, thus resulting in surface water quality impacts. The site is more than one (1) acre and therefore, is required to comply with the National Pollution Discharge Elimination System (NPDES) to minimize water pollution. The General Construction permit requires recipients to reduce or eliminate non-storm water discharges into stormwater systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP).

Prior to issuance of grading permits, the applicant is required to submit a Notice of Intent (NOI) to the Town Engineer to comply with obtaining coverage under the NPDES General Construction Storm Water Permit from the SWRCB. Evidence that this has been obtained (i.e., a copy of the Waste Dischargers Identification Number) must be submitted to the Town Engineer for coverage under the NPDES General Construction Permit. Implementation of requirements set forth by the Town of Apple Valley would ensure impacts to water quality are reduced to a less than significant level.

- g: The proposed project does not including housing, and therefore will not place housing within a 100-year flood zone.

h: The project is located within the FEMA Flood Zone AE, A, and X, Map No. 06017C5820H, August 28, 2008, Panel 5820 of 9400. The Desert Knolls Wash is presently a natural earthen drainage course with erosive velocities. The proposed engineering design for the wash will convey 3200 cfs through the site and remove the FEMA boundary from the ball fields, track and soccer fields. The proposed design will include a sedimentation basin, a soft bottom planted with native plants, rip-rap sides, and flows conveyed along the existing natural alignment. At certain intervals the bottom will drop three (3) to five (5) feet at a 3:1 slope with rip-rap at a depth of eight (8)-feet to reduce erosive flows.

The new buildings proposed as part of the Specific Plan will not be placed within a 100-year flood plain. No impacts are anticipated.

i-j: No levees, dams or large bodies of water are located near the development site which would subject people to flooding, seiche, tsunami or mudflow. The nearest area prone to seiche and tsunami is approximately 100 miles west of the project site.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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X. LAND USE AND PLANNING

Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

a: The project site is currently developed with the Lewis Center Academy for Academic Excellence (a charter school). The proposed project includes approval of a GPA to allow for the LCER Specific Plan to establish development standards for future projects at the site and ensure compatibility with surrounding land uses. Proposed development as outlined within the Specific Plan would be consistent with existing uses and would not physically divide an established community.

b: The proposed project includes a request to amend the Town's General Plan to allow for the implementation and operation of the LCER Specific Plan to encompass the existing 150-acre Lewis Center and related facilities. Currently the existing Lewis Center is conditionally permitted within the Single-Family Residential and Medium Density Residential land use districts. The proposed Specific Plan includes four (4) land use designations including: twenty-five (25)-acre School Zone: K-12; the eleven (11)-acre School Zone: College/University; the seven (7)-acre Flood Zone; and the 107-acre Conservation Zone. Upon adoption of the LCER Specific Plan, the Town of Apple Valley General Plan would be amended and the existing and proposed uses at the Lewis Center would be consistent with the General Plan.

California Government Code Section 65450 through 65457 authorizes cities to adopt Specific Plans as tools in the implementation of their General Plan. The Government Code also specifies the content of specific plans and allows local jurisdictions to adopt Specific Plans either by resolution or ordinance.

The LCER Specific Plan is a tool for implementing the goals of the Town’s General Plan in relation to the 150-acre site. The Plan is consistent with the Apple Valley General Plan, and implements the goals for the Town including:

- Guiding future growth of the LCER by regulating the location and use of structures, land and open space, including recreation, enjoyment of scenic beauty and uses of natural resources, and other purpose;
- Reduce hazards to the public resulting from the inappropriate location or use of improvements; and
- Maintain Apple Valley’s distinctive character

Upon adoption, the LCER Specific Plan would establish 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.

A Specific Plan Area designation shall be utilized for those areas where a Specific Plan has been adopted, which exceeds the parameters of the existing General Plan Land Use designation applied to the property. Specific Plans may be prepared for any area in the Town, but typically should be prepared for land with environmental constraints or unique land use concerns which require specific land use and/or design controls. Specific Plans must be consistent with all Elements of the General Plan. Amendment to the Land Use Policy Map shall be required for projects which exceed the parameters of the existing land use designation for the property. The Specific Plan Area designation shall be applied to the Land Use Policy Map, and be accompanied by an identifier that will correspond to the adopted Specific Plan, which will contain the types and intensities of land uses, special standards, and Specific Plan provisions for the site.

- c: The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan. The project includes approval of a 107-acre conservation area. Approval of the Specific Plan and implementation of the Specific Plan would ensure long-term protection of on-site riparian habitat.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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XI. MINERAL RESOURCES

Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

SUBSTANTIATION:

- a) The site is not designated as a State Aggregate Resource Area according to the General Plan FEIR; therefore, there is no impact.
- b) The site is not designated by the General Plan as a Mineral Resource Zone; therefore, there is no impact.

XII. NOISE

Would the project result in:

- | | Potentially Significant Impact | Less than Significant with Mitigation Incorp. | Less than Significant Impact | No Impact |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Potentially Significant Impact | Less than Significant with Mitigation Incorp. | Less than Significant Impact | No Impact |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

- a) Incremental increases in ambient noise levels would occur during construction. However, construction activities would be short-term and would be required to comply with the Town's adopted Noise Ordinance.

To ensure future recreational areas do not create significant noise impacts for the school classroom and other facilities, the following mitigation measure shall be implemented:

N-1: During selection of on-site recreational amenities, conditions shall be established to ensure any on-site sporting events or other recreational activities do not create an increase in noise levels during classroom hours.

b: Future construction and post-construction activities at the Lewis Center would not expose persons to or generate excessive groundborne vibration or groundborne noise level. Some incremental increase in ambient noise levels would occur during future construction. However, construction activities would be short-term and would be required to comply with the Town's adopted Noise Ordinance; impacts would be less than significant.

c: Post-construction activities at the Lewis Center could potentially increase ambient noise levels in the project vicinity. Single-family residential development occurs east of the site.

Athletic fields would be open during school hours and also used from 3 p.m. to 5:30 p.m. for organized practice and after school sports (i.e., soccer, baseball, basketball; track). Currently, there are no plans for nighttime sporting events (i.e., football), and therefore noise generated from students outside would be restricted to daytime hours. Typical noise measurements of these types of sport activities indicate that voices are generally the significant noise source. Voices levels during sport activities are generally in the range of about seventy-five (75) dBA at a distance of ten (10) feet.

The proposed collage would generate an additional 1,680 daily traffic trips at the site. For reference purposes, a road way would need to have more than 2,000 cars per day to generate sixty (60) CNEL noise level at a distance of fifty (50)-feet from the roadway centerline. To ensure noise impacts would resulting from the proposed project would be less than significant, the following mitigation measure shall be implemented:

N-2: Prior to project approval, the Lewis Center shall have a noise assessment prepared for the site. Recommendations presented within the report shall become conditions of approval for the project.

d: A temporary increase in ambient noise levels would occur during construction. As required in Mitigation Measure N-1, potential noise impacts would be assessed and appropriate mitigation measures provided to reduce impacts to adjacent sensitive receptors. Recommendations within the report would become a part of the conditions of approval for the project. Impacts would be less than significant.

e-f: The project site is not located within two miles of a public airport or public use airport. Therefore, no impact related to airport noise is anticipated.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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XIII. POPULATION AND HOUSING

Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and

businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

SUBSTANTIATION:

a: Implementation of the LCER Specific Plan would not induce population growth because approximately eighty (80) percent of the new jobs (approximately twenty-four (24) jobs) are anticipated to be filled by the local labor force and students would reside in the local community. Less than significant impact is anticipated.

b-c: Currently, there are no existing homes on the project site. Approval of the project would not displace any existing housing or people. No impact is anticipated.

Potentially Significant Impact Less than Significant with Mitigation Incorp. Less than Significant Impact No Impact

XIV. PUBLIC SERVICES

Would the project:

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 ratios, response times or other performance objectives for any of the public services:

Fire protection?

Potentially Significant Impact Less than Significant with Mitigation Incorp. Less than Significant Impact No Impact

Police protection?

Schools?

Parks?

Other public facilities?

SUBSTANTIATION:

- a. The Apple Valley Fire Protection District Fire provides fire protection for the Town. The nearest fire station is located on SR-18 approximately 1.5 miles east of the Lewis Center. The Town maintains a joint response/automatic aid agreement with the fire departments in neighboring cities including Victorville, and Hesperia. The District also participates in the California Master Mutual Aid Agreement. As stated within Section III Design Standards & Guidelines of the LCER Specific Plan, all site and building construction shall comply with Apple Valley Fire Protection District Requirements. Implementation of conditions of approval set forth by the Fire District would ensure the proposed project would not create a fire hazard or endanger the surrounding area.

The Fire Protection District reviews development projects to ensure applicable development requirements are met. Prior to construction, the owner is required to contact the Fire District for verification of current fire protection development requirements. Upon implementation of conditions of approval, impacts from fire hazards would be reduced to a less than a significant level.

The Apple Valley Police Department currently provides police protection at the Lewis Center. The campus will continue to implement existing on-site security features including; perimeter gates, monitored/secured entry, security guard and on-site traffic control. The proposed project is not anticipated to require additional police protection; less than significant impacts would occur.

The project provides for expanded educational facilities to meet demands of the High Desert communities. No impact to existing schools would occur.

Approval of the LCER Specific Plan would not result in substantial population growth that would in turn impact existing park services and facilities. Future construction at the site would be short-term and would not create any new long-term construction jobs. Operation of the newly constructed college and expansion of existing school facilities to accommodate a future increase of 1,750 students (including 1,400 college students and 350 K-12th grade students [120 of which are currently on another campus]) would require approximately thirty (30) new employees (including staffing for K-12 and college). Given the extensive housing to job ratio within the High Desert region, it is likely that these new jobs would be filled by people currently living within area.

In addition, the increase of 1,750 students would not induce a substantial population growth in the area, either directly or indirectly. It is anticipated that the college would be a satellite facility for a university “down the hill.” Therefore students that would otherwise commute twenty-five (25) plus miles to a college located either in the Inland Empire or Los Angeles County would have a facility within the High Desert. It is unlikely that college students would commute to the High Desert area when there are a number of similar college facilities down the hill. Therefore no increase in demand for parks would result.

The proposed project would not require the use of governmental services beyond the approval and permitting process. No impact is anticipated.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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XV. RECREATION

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

a-b: The proposed project would not increase the use of existing parks or other recreational facilities within the Town, as described above. Additionally, a number of new recreational amenities are proposed as part of the Specific Plan and are scheduled as a priority for construction.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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XVI. TRANSPORTATION/TRAFFIC

Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

SUBSTANTIATION:

a: In May 2009, Kunzman Associates prepared a Traffic Impact Analysis (TIA) for the proposed project. The report concluded that the east-west roadways which would be most affected by the project include: D Street, SR-18, Potomac Road, Tuscola Road, and Mondamon Road. North-south roadways expected to provide local access include: 7th Street, Hesperia Road, Stoddard Wells Road, Apple Valley Road, and Kasota Road.

The study area intersections currently operate at Level of Service (LOS) D or better during the peak hours for existing traffic conditions, except for the following study area intersections that operate at a LOS of E/F during the peak hours: 1) Hesperia Road at D Street; 2) Stoddard Wells Road at SR-18; and 3) Apple Valley Road at SR-18 and Tuscola Road. Currently, a traffic signal is warranted at the intersection of Apple Valley Road at Tuscola Road.

The Town is currently in the environmental and preliminary design phase of the realignment of SR-18 and Apple Valley Road. This 3-4 million dollar project will be designed and shelf ready for construction in 2011. The project is not currently funded, but it is anticipated to be funded by 2012. Once funding is secured, construction will be completed in 2013.

The project will continue to have access to Mana Road. A project access to SR-18 has been analyzed with two alternatives: without a traffic signal (right turns-in/out only access), and with a traffic signal (full access). Trip generation rates were determined for daily traffic and morning peak hour inbound and outbound traffic, and evening peak hour inbound and outbound traffic for the proposed land uses. By multiplying the traffic generation rates by the land use quantities, the traffic volumes are determined. The proposed project at build-out would generate a total of approximately 2,275 daily vehicle trips, 329 of which will occur during the morning peak hour and 240 of which will occur during the evening peak hour.

Results presented in the TIA indicate that a traffic signal is warranted for Opening Year with project traffic conditions at the intersection of SR-18 and the project access road, and also at the intersection of Tuscola Road and Apple Valley Road. Improvements that will eliminate all anticipated roadway operational deficiencies throughout the study area have been identified for Opening Year (2011) and Year 2035 traffic conditions. Implementation of the following mitigation measures would ensure impacts to traffic are reduced to a less than significant level:

- T-1: On-site improvements and improvements adjacent to the site will be required in conjunction with the proposed development to ensure adequate circulation within the project itself.**
- T-2: Sight distance at each project access shall be reviewed with respect to California Department of Transportation/Town of Apple Valley standards in conjunction with the preparation of final grading, landscaping, and street improvement plans.**
- T-3: On-site traffic signing and striping shall be implemented in conjunction with detailed construction plans for the project.**

- T-4: A traffic signal shall be installed concurrently with the proposed channel improvements at SR-18 and Project Access Road.**
- T-5: A traffic signal shall be installed at the intersection of Tuscola Road and Apple Valley Road prior to the expansion of the project.**
- T-6: Construct the Project Access Road between SR-18 and the project site at its ultimate cross-section width in conjunction with development.**
- T-7: The project shall contribute toward the cost of necessary study area improvements on a fair share or “pro-rata” basis.**
- T-8: As is the case for any roadway design, the Town of Apple Valley should periodically review traffic operations in the vicinity of the project once the project is constructed to assure that the traffic operations are satisfactory.**

b: As demonstrated in the TIA, the project does not contribute traffic greater than the freeway threshold volume of 100 two-way peak hour trips to the I-15 Freeway. Therefore an analysis of Year 2035 freeway level of service is not required. However, the project contributes traffic greater than the arterial threshold volume of fifty (50) two (2)-way trips in the peak hours on intersections in the City of Victorville. This means that the Town of Apple Valley must notify the City of Victorville and the California Department of Transportation. Each of these agencies must also be provided with a copy of the TIA, once the document is accepted by the Town of Apple Valley. (Note: the purpose of this notification is to allow Caltrans to identify opportunities to make improvements to intersections concurrent with adjacent development, at considerably less cost and disruption. Impacts to roadway designations and service levels as provided in the County’s Congestion Management Plan are expected to be less than significant.

c: The project site is not located within two miles of a public airport or public use airport. The nearest airport is the Apple Valley Airport located approximately 6.5 miles northeast of the project site. No impact is anticipated.

d: The project will not include the development of any potentially dangerous intersections or road curvatures. Standard conditions of approval would ensure traffic safety hazards are minimized. The project will not include the development of any potentially dangerous intersections or road curvatures. The project is the implementation of the LCER Specific Plan. To ensure construction traffic does not interfere with on-site school facilities the following mitigation shall be implemented:

T-9: Prior to construction, safety precautions including traffic directing and evacuation routes shall be selected and implemented by the Lewis Center and selected contractor to ensure safety to students and staff.

T-10: The proposed project access road at SR-18 shall be reviewed and approved by the Town Engineer to ensure that there are no potential safety hazards.

The Apple Valley Fire Protection District will review the proposed project for adequate emergency access, and develop requirements to be adopted as Conditions of Approval. No impact is anticipated.

e. Access to the Lewis Center is provided by Mana Road located just east of the site. The Specific Plan proposes an additional access point from SR-18. The Apple Valley Fire Protection District would review

proposed construction plans for adequate emergency access. Requirements to ensure appropriate emergency access would become conditions of approval and less than significant impacts would occur.

- f. The project design provides ample area for pedestrian access. Development on the site would be required to include elements designed to encourage and support alternative transportation (e.g. sidewalks, pedestrian crossings), and would not interfere with any existing or proposed bus stops; no impacts are anticipated.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

a-b: Wastewater generated at the Lewis Center is currently conveyed via existing sewer lines from the Town of Apple Valley to the Victor Valley Wastewater Reclamation Plant operated by the Victor Valley Wastewater Reclamation Authority (VWVRA). The sewer collection system for the existing K-12 zone is a sewer main along the western portion of the site. There is an existing twelve (12)-inch and fifteen (15)-inch VWVRA trunk line in the Desert Knolls Wash. The proposed design for the wash will require the trunk line to be relocated along the south twenty (20)-foot access road to protect it from being exposed during major storm events. Future needs for the K-12 and college will be tied to this trunk line with an eight (8)-inch sewer lateral. The new trunk line and any laterals will be constructed per the Town of Apple Valley standards, and will be the responsibility of the Lewis Center. The Lewis Center would continue to comply with discharge requirements set forth by the Lahontan Regional Water Quality Control Board (LRWQCB).

The impact of these new and relocated facilities is less than significant.

c: The LCER Specific Plan includes improvements to the existing on-site wash channel. The proposed design will include a sedimentation basin, a soft bottom planted with native plants, rip-rap sides, and will be conveyed along its natural existing alignment. At certain intervals the bottom will drop three (3) to five (5) feet at a 3:1 slope with rip-rap at a depth of eight (8) feet to reduce erosive flows. Proposed plans will be reviewed by the Town of Apple Valley, Lahontan Regional Water Quality Control Board and County of San Bernardino Flood Control District. The proposed project would have a positive impact to the collection, detention and management of storm water both on-site and off-site. Improvements to the drainage channel would not alter the course of the adjacent Mojave River.

The Town Engineer would review grading and drainage plans prior to the issuance of grading permits. There will be a less than significant impact to storm drainage facilities.

d: Currently, the Apple Valley Ranchos Water Company (AVR) provides water service at the Lewis Center. Since the proposed Specific Plan would result in a demand for an increased water supply, the AVR was notified of the proposed project. On February 17, 2009, a will serve letter was received from AVR indicating that additional water supplies would be available to serve the project upon compliance with Rule #15 which states that water rights and facilities are required for the development. As noted in the letter, the quantity of water available to AVR is contingent upon the ability of the Mojave Water Agency (MWA) to provide replacement water consistent with the MWA's representations in its 2005 Urban Water Management Plan (UWMP) and its obligations under the Judgment entered in *City of Barstow v. City of Adelanto, et al*, Riverside County Superior County, Case No. 208566 (herein "Judgment").

According to MWA's 2005 UWMP, MWA expects there will be sufficient replacement water supplies available to meet demand within its service area. However, since 2005, multiple events have transpired placing significant constraints on the availability of water supplies through the State. Therefore as concluded within the will serve letter, constraints, based on MWA's ability to satisfy its obligations under the Judgment, may be placed on AVR's ability to provide water service.

e: Wastewater at the Lewis Center is currently conveyed via existing sewer lines from the Town of Apple Valley to the Victor Valley Wastewater Reclamation Plant. According to VWVRA's Sewerage Facilities Plan Update (Year 2000 Amendment), nearly seventy-five (75) percent of the Town's residential development has been constructed with on-site sewerage systems using septic tanks and seepage pits. Residential properties have large lot sizes (18,000 square feet or more), and the failure of on-site systems

is often remedied by reconstructing a new on-site system, rather than connecting to the sewer system. Currently sewer systems are not available in all parts of the service area. The Town of Apple Valley estimates that approximately thirty (30) percent of the homes in the area are sewer, with the remaining using private septic systems. The Town estimates that approximately fifty (50) percent of new development over the next twenty (20) years will be sewer, ultimately reaching nearly thirty-seven (37) percent sewer by 2020. Estimates of flow for Apple Valley's sewer population are based on eighty (80) gallons per person per day, although historically Apple Valley residents have discharged less than eighty (80) gallons per person per day.

Under the existing and proposed update to the Town of Apple Valley General Plan, the project site is designated Single-Family Residential and could be developed at a density of one dwelling unit per 0.4 acres to 0.9 acres. Approximately seventy-five (75) percent of the area designated for future improvements could support up to 281 single-family residential units (112.5 acres divided by 0.4 acres), which would result in 827 new residents (2.94 people per dwelling unit). Under the existing land use designation, single-family development could generate up to 66,160 gallons of wastewater per day (based on 80 gallons per person per day). Approval of the proposed Specific Plan would result in an additional 48,900 gallons of wastewater per day (based on 1,630 new students and an average of thirty (30) gallons per student per day). Therefore implementation of the LCER Specific Plan would not generate a quantity of wastewater greater than was originally planned by the VVWRA. No significant impacts would result.

- f: According to the California Integrated Waste Management Board's estimated solid waste generation rates, solid waste generated at the existing LCER campus is currently 0.245 tons per day (980 students times 0.5 pounds per student per day). The proposed LCER Specific Plan would result in an additional 0.43 tons per day (with a net increase of 1.7 percent, and a total solid waste generation of 0.68 tons per day at build-out). The proposed Specific Plan would not generate a significant amount of additional solid waste into the Town's waste stream. Solid waste generated at the Lewis Center is currently transported to the Victorville Regional Sanitary Landfill. The landfill is currently permitted to receive a maximum of 3,000 tons per day and has a projected closure date of 2081. The estimated project-generated waste represents approximately 0.02 percent of the total permitted waste received at the facility. The solid waste collection system would not be adversely affected by the proposed project.
- g: As required by Assembly Bill 939 (AB939) of the California Integrated Waste Management Act, all cities and counties within the state were required to divert fifty (50) percent of their wastes from landfills by the year 2000. According to tonnage reports, the Town has met the fifty (50) percent diversion mandate. To achieve the State-mandated diversion goal, the Town has implemented a variety of programs that seek to reduce the volume of solid waste generated, encourage reuse, and support recycling efforts. The Lewis Center would continue to comply with Town waste standards.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Does the project have environmental effects which will cause Substantial adverse effects on human beings, either directly Or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION:

- a: In February 2007, a Biological Technical Report and Focused Desert Tortoise Survey were prepared for the project site. No desert tortoise or active burrows were observed within the project site. The site is surrounded by unsuitable tortoise habitat or barriers to tortoise travel and the likelihood that tortoises may occur on-site or travel onto the site is considered minimal. As concluded by the Biologist, construction as proposed in the Specific Plan would eliminate low quality and evidently unoccupied desert tortoise habitat.

The project site is near the southern margin of the Mohave ground squirrel's historic geographic range. Most published sources indicate that the species has not been seen in this part of its range in several decades. The potential for Mohave ground squirrel at the site is considered to be low due to the local rarity and surrounding land uses.

Loggerhead shrike was observed on-site and suitable habitat for several other special status species may also occur near the Mojave River area. Cooper's hawk was also observed on-site, and is known to nest in riparian or oak woodlands. The bird observed may have been a local resident of the adjacent Mojave River corridor, or (more likely) it may have been a migrant. There is no suitable nesting habitat on-site for Cooper's hawks, but shrublands on-site are suitable for foraging habitat for resident, migratory, or wintering Cooper's hawks. Habitat on-site is also suitable for loggerhead shrikes, which typically forage from perches over open scrub or grassland. Implementation of mitigation measures contained within Section IV of this Initial Study, would ensure potential impacts to sensitive species and on-site habitats are reduced to a less than significant level.

According to the Town's General Plan, materials of historic and prehistoric nature are likely to occur in the vicinity of the Mojave River. In December 2006, a Phase I Cultural Resources Investigation was conducted at the site. Based on current findings, the report concluded that there is no significant evidence of historic use of the site, but there is considerable evidence for prehistoric occupation and use. Sites in the area have yielded evidence of midden deposits, lithic scatters, ground stone implements, and in the nearby hills, highly significant rock art panels. The Upper Narrows area was used by prehistoric populations as place of long-term occupation and as a locale conducive to the project of rock area. The proposed development will have no direct adverse impacts of the hillsides, but means should be implemented to protect the rock art panels. Appropriate mitigation as contained in

Section IV of this Initial Study would ensure potential impacts to prehistoric resources is reduced to a less than significant level.

- b: Implementation of the LCER Specific Plan would occur within the existing Lewis Center property, and would not provide short-term environmental goals to the disadvantage of long-term environmental goals. The LCER Specific Plan includes provisions for the permitting of projects within the 150-acre planning area through an administrative process between the Town and the Lewis Center referred to as Site Plan Review. The process is designed to provide streamlined permitting for projects previously approved through adoption of this Specific Plan. Qualifying projects are those that will be developed in accordance with the Specific Plan and guidelines as outlined within the Specific Plan. The LCER Specific Plan was reviewed for potential environmental impacts. Proposed development as shown in the Specific Plan will still require review and approval by the Town's Building and Safety Department, and review by the Community Development Department to ensure consistency with the approved Specific Plan and guidelines for development contained therein.
- c: The proposed project is not associated with and would not cumulatively result in substantial unanticipated population growth.
- d: The proposed project would not cause substantial adverse effects on human beings, either directly or indirectly. The Initial Study identifies construction-related emissions and operational emissions of criteria pollutants as having a less than significant impact with mitigation and standard conditions, as set forth by the MDAQMD, incorporated.

Proposed construction would occur at the Lewis Center, which is currently developed with an existing school and educational center. Some incremental increase in ambient noise levels would occur during construction. Implementation of the mitigation measures within this Initial Study would ensure that noise levels in the future recreational areas are reduced to a less than significant level.

XIX. MITIGATION MEASURES

(Any mitigation measures which are not 'self-monitoring' shall have a Mitigation Monitoring and Reporting Program prepared and adopted at time of project approval.)

Aesthetics

- AES-1: Building materials shall provide architectural aesthetic quality, durability and ease of maintenance and shall be compatible with the architectural style of the building.**
- AES-2: New development shall be encouraged to utilize adobe, precise concrete stucco, smooth plasters, earthen color palette, natural stone, wood and terra cotta color as the dominant building materials in response to the Town's desert environment. The use of metal panel or metal sheeting on the exterior of any portion of a structure is not permitted.**
- AES-3: The applicant's use of wood siding should consider factors such as fading, staining and premature breakdown in the extreme climate of the high desert; and shall be maintained.**

- AES-4:** Exterior building materials shall be composed of colors that will be consistent with the environment.
- AES-5:** The different parts of a building's façade shall be articulated with color, arrangement of façade elements, or a change in materials.
- AES-6:** Recesses that provide shade and create a interplay of light and shadow, such as building pop-outs, covered walkways, colonnades, arcades, and other human scale openings shall be provided to reduce the impact of building mass and to create visual interest.
- AES-8:** Highly reflective or mirror-like materials and standard gray concrete block on the exterior walls on any building or structure shall be prohibited with the exception that such materials may be used if finished with a masonry veneer including, but not limited to brick or stucco.
- AES-9:** Exposed plywood or particle board shall be prohibited on any building or structure.
- AES-10:** Piecemeal embellishment and frequent changes in materials or color shall be avoided.
- AES-11:** High-intensity colors, or fluorescent colors shall not be used.
- AES-12:** Building trim and accent areas may feature brighter, metallic, black and primary colors, if the width of the trim shall not exceed two feet.
- AES-13:** Should nighttime lighting be installed at the proposed athletic field, then appropriate shielding shall be installed to minimize increased lighting beyond the area needed.

Air Quality

- AQ-1:** The project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading activity on the site at least 2 times per day.
- AQ-2:** The contractor shall utilize (to the extent feasible) pre-coated building materials and coating transfer or spray equipment with high transfer efficiency, such as high volume, low pressure (HVLP) spray method, or manual coating applications such as paint brush, hand roller, trowel, dauber, rag, or sponge.
- AQ-3:** The contractor shall utilize water-based or low VOC coating as well as the following conditions as required by MDAQMD:
- Use Super-Compliant VOC paints whenever possible.
 - If feasible, avoid painting during peak smog season: July, August, and September.
 - Recycle leftover paint. Take any leftover paint to a household hazardous waste center; do not mix leftover water-based and oil-based paints.
 - Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors.
 - For water-based paints, clean up with water only. Whenever possible, do not rinse the clean-up water down the drain or pour it directly into the ground or the storm drain. Set

aside the can of clean-up water and take it to a hazardous waste center (www.cleanup.org).

- Recycle the empty paint can.
- Look for non-solvent containing stripping products.
- Use Compliant Low-VOC cleaning solvents to clean paint application equipment.
- Keep all paint and solvent laden rags in sealed containers to prevent VOC emissions.

AQ-4: The project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.

AQ-5: The project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading activity on the site. Portions of the site that are actively being graded shall be watered regularly to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.

AQ-6: The project proponent shall ensure that all disturbed areas are treated to prevent erosion until the site is constructed.

AQ-7: The project proponent shall ensure that landscaped areas are installed as soon as possible to reduce the potential for wind erosion.

AQ-8: The project proponent shall ensure that all grading activities are suspended during first and second stage ozone episodes or when winds exceed twenty-five (25) miles per hour.

AQ-9: To reduce emissions, all equipment used in grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.

AQ-10: The project proponent shall ensure that existing power sources are utilized where feasible via temporary power poles to avoid on-site power generation during construction.

AQ-11: The project proponent shall ensure that construction personnel are informed of ride sharing and transit opportunities.

AQ-12: All buildings on the project site shall conform to energy use guidelines in Title 24 of the California Administrative Code.

AQ-13: The operator shall maintain and effectively utilize and schedule on-site equipment in order to minimize exhaust emissions from truck idling.

AQ-14: The operator shall comply with all existing and future CARB and MDAQMD regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.

Biological Resources

BIO-1: Prior to construction, a pre-construction survey shall be conducted by a qualified biologist to confirm that no burrowing owls occur on the site and to "force disperse" them if needed. Forced-

dispersal is done by excluding the owls from their occupied burrows, often providing alternative burrow sites for them. Depending on the project design, alternative burrow sites may be located on the property, or (more likely) on a suitable off-site parcel.

- BIO-2:** In order to avoid incidental killing of birds protected under the Migratory Bird Treaty Act, grading and vegetation removal shall be scheduled outside of the breeding season of most migratory birds (February 1st to August 30th).
- BIO-3:** Prior to ground disturbance, the project proponent may either: 1) contact a biologist qualified to conduct a live-trapping surveys for Mohave ground squirrel; or 2) apply to the California Department of Fish and Game (CDFG) under Section 2081 of the Fish and Game Code to disturb potential Mojave ground squirrel habitat.
- BIO-4:** Since the occurrence of desert tortoise is unknown, the project may be subject to: 1) consultation with the U.S. Fish and Wildlife Serve under Section 7 or Section 10 of the Federal Endangered Species Act, and/or 2) permitting by the CDF&G under Section 2081 of the California Fish and Game Code. The project proponent shall notify both agencies of the proposed project to determine whether consultation and permitting are needed. Specific additional mitigation measures are generally required by the agencies (i.e., pre-construction clearance surveys, fencing, monitoring and employee training).
- BIO-5:** Should nighttime lighting be installed at the proposed athletic field, then appropriate shielding shall be installed to minimize increased lighting beyond the area needed.

Cultural/Paleontological

- CR-1:** Fencing shall be placed between the athletic fields and the hillside to ensure protection of the rock art panels.
- CR-2:** The project area shall be monitored for prehistoric resources during the course of any site grading or alteration. If potentially significant prehistoric resources are identified, a Native American observer (Serrano) shall be added to the monitoring project to assist in the identification and recovery of resources.
- CR-3:** In order to preserve any potential specified places, features, and objects that may potentially occur on-site, the Lewis Center shall notify Native American contacts regarding the proposed project and any ground disturbing activities.
- CR-4:** Paleontological monitoring shall be conducted through all ground altering activities. If specimens are identified, they shall be recovered and evaluated in accordance with the guidelines established through the San Bernardino County Museum in Redlands.
- CR-5:** The Native American Heritage Commission shall be notified in the event remains are deemed prehistoric, and the Most Likely Descendant (MLD) will be named. The deposition of the remains will be determined in consultation with the Coroner, MLD, and archaeological monitor, as appropriate.

Geology/Soils

GEO-1: During grading of the site, as much of the existing natural vegetation as feasible should be left to reduce soil erosion. Areas disturbed during construction should be revegetated as soon as feasible.

CLIMATE CHANGE AND GHG REDUCTION

GH-1: Preserve trees occurring on-site through on-site protection during and after construction, or through transplant and relocation within landscaped areas.

GH-2: Utilize the Collaborative for High performance Schools (CHPS) best practices for school design, building, and operation.

GH-3: During project construction, on-site off-road construction equipment shall utilize biodiesel fuel (a minimum of B20), except for equipment where use of biodiesel fuel would void the equipment warranty. The applicant shall provide documentation to the Town that verifies that certain pieces of equipment are exempt, a supply of biodiesel has been secured, and that the construction contractor is aware that the use of biodiesel is required. As a conservative measure, no reduction in GHG emissions was taken for the implementation of this measure as it is unknown if biodiesel can be readily applied to the various pieces of construction equipment that will be necessary for the project.

GH-4: Install bus stop(s) and secure scheduled transit service from Victor Valley Transit.

GH-5: Install pedestrian, bicycle and/or equestrian trails connecting project to school(s), commercial project(s), or transit.

GH-6: For employers, implement a Transportation Demand Management program, and document trip reduction by employees.

GH-7: Building and site plan designs shall ensure that the project energy efficiencies surpass applicable 2008 California title 24 Energy Efficiency Standards by a minimum of twenty percent (20%). Verification of increased energy efficiencies shall be documented in Title 24 compliance Reports provided by the applicant, and reviewed and approved by the Town prior to the issuance of the first building permit. Any combination of the following design features, or additional features may be used to fulfill this measure provided that the total increase in efficiency meets or exceeds twenty percent (20%) beyond 2008 Title 24 standards:

- Buildings shall exceed California Title 24 Energy Efficiency performance standards for water heating and space heating and cooling.
- Increase insulation such that that heat transfer and thermal bridging is minimized.
- Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.
- Incorporate dual-paned or other energy efficient windows.
- Incorporate energy efficient space heating and cooling equipment.
- Promote building design that will incorporate solar control in an effort to minimize direct sunlight upon windows. A combination of design features including roof eaves, recessed windows, “eyebrow” shades, and shade trees shall be considered.

- Interior and exterior energy efficient lighting, which exceeds the California Title 24 Energy Efficiency performance standards, shall be installed, as deemed acceptable by Town. Automatic devices to turn off lights when they are not needed shall be implemented.
- To the extent that they are compatible with landscaping guidelines established by the town, shade-producing trees, particularly those that shade paved surfaces such as street and parking lots and buildings shall be planted at the Project site.
- Paint and surface color palette for the project shall emphasize light and off-white colors, which will reflect heat away from the building.
- Consideration shall be given to using LED lighting for all outdoor uses (i.e. buildings, pathways, landscaping and carports).

GH-8: For commercial projects, secure Leadership in Energy and Environmental Design (LEED) Silver, Gold or Platinum certification and document GHG reduction resulting from same.

GH-9: Use passive solar design by orienting buildings and incorporating landscaping to maximize passive solar heating during the winter, and minimize solar heating during the summer.

GH-10: To reduce energy demand with potable water conveyance:

- Landscaping palette emphasizing drought tolerant plants and exceeding Town standards for water conservation.
- Limit turf areas to no more than (20%) of all landscaped areas (Non Sport Turf Areas)
- Use of water-efficient irrigation techniques exceeding Town standards for water conservation.
- U.S. EPA Certified Water Sense labeled or equivalent faucets, high-efficiency toilets (HETs), and water-conserving showerheads.

GH-11: Install Energy Star appliances and energy efficient fixtures.

GH-12: Install all CFL or LED light bulbs.

GH-13: Install common area electric vehicle charging station(s) and secure bicycle racks.

GH-14: To reduce the project's energy use from the grid:

- Install solar panels sufficient to heat water within the project.

GH-15: Install solar or photovoltaic systems on new roofs.

GH-16: Use bio-gas in appropriate applications.

GH-17: Install combined heat and power facilities in appropriate applications.

GH-18: Specify rubberized and/or recycled asphalt for roads and driveways to the extent economically viable.

- GH-19:** Recycle and/or salvage non-hazardous construction and demolition waste, and develop and implement a construction waste management plan quantifying the reduction in the waste stream.
- GH-20:** Reuse construction waste in project feature (e.g. shattered concrete or asphalt can be ground and used in walkways and parking lots).
- GH-21:** Facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that serve each building and are dedicated to the collection and storage of paper, cardboards, glass, plastics, and metals.
- GH-22:** Provide educational information to residents addressing energy efficiency, solid waste reduction, and water conservation measures.

Noise

- N-1:** During selection of on-site recreational amenities, conditions shall be established to ensure any on-site sporting events or other recreational activities do not create an increase in noise levels during classroom hours.
- N-2:** Prior to project approval, the Lewis Center shall have a noise assessment prepared for the site. Recommendations presented within the report shall become conditions of approval for the project.

Transportation/Traffic

- T-1:** On-site improvements and improvements adjacent to the site will be required in conjunction with the proposed development to ensure adequate circulation within the project itself.
- T-2:** Sight distance at each project access shall be reviewed with respect to California Department of Transportation/Town of Apple Valley standards in conjunction with the preparation of final grading, landscaping, and street improvement plans.
- T-3:** On-site traffic signing and striping shall be implemented in conjunction with detailed construction plans for the project.
- T-4:** A traffic signal shall be installed concurrently with the proposed channel improvements at SR-18 and Project Access Road.
- T-5:** A traffic signal shall be installed at the intersection of Tuscola Road and Apple Valley Road prior to the expansion of the project.
- T-6:** Construct the Project Access Road between SR-18 and the project site at its ultimate cross-section width in conjunction with development.
- T-7:** The project shall contribute toward the cost of necessary study area improvements on a fair share or “pro-rata” basis.

- T-8: As is the case for any roadway design, the Town of Apple Valley should periodically review traffic operations in the vicinity of the project once the project is constructed to assure that the traffic operations are satisfactory.**
- T-9: Prior to construction, safety precautions including traffic directing and evacuation routes shall be selected and implemented by the Lewis Center and selected contractor to ensure safety to students and staff.**
- T-10: The proposed project access road at SR-18 shall be reviewed and approved by the Town Engineer to ensure that there are no potential safety hazards.**

XX. REFERENCES

The following references cited in the Initial Study are on file in the Town of Apple Valley Planning Department.

1. Lewis Center Educational Research Specific Plan, Architecture for Education Incorporated, February, 2009
Town of Apple Valley current General Plan, and proposed General Plan Update
2. Town of Apple Valley Development Code
3. Sewerage Facilities Plan Update, Year 2000 Amendment, Victor Valley Wastewater Reclamation Authority, October 26, 2006.
4. Lewis Center For Educational Research Traffic Impact Analysis, Kunzman Associates, May 11, 2009
5. Results of a Phase I Cultural Resources Investigation for the Proposed Lewis Center, McKenna et al., December 5, 2006.
6. Desert Knolls Wash Phase III Project Report, Allard Engineering, June 5, 2009.
7. Lewis Center for Educational Research Master Infrastructure Plan, Allard Engineering, May 19, 2009.
8. Biological Technical Report and Focused Desert Tortoise Survey: Proposed Lewis Center Site Development Plan, Scott White Biological Consulting, February 5, 2007.
9. Apple Valley Ranchos Water Company, Will Serve Letter for APN 0473-183-21, Proposed Lewis Center for Educational Research, Upper Campus, February 17, 2009
10. Soils Investigation, Proposed Educational Facility, Lewis Center for Earth Science Research, John R. Byerly Incorporated, August 6, 1999.

XXI. ABBREVIATIONS AND ACRONYMS

ADA	Average Daily Attendance (school funding criteria)
AQMD	Air Quality Management District
AQMP	Air Quality Management Plan
AVFD	Apple Valley Fire Department
AVUSD	Apple Valley Unified School District
BLM	Bureau of Land Management
BMP	Best Management Practice
CAAQS	California Ambient Air Quality Standards
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
cfs	Cubic feet per Second
CIWMB	California Integrated Waste Management Board
CNDDB	California Natural Diversity Data Base
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CR	Regional Commercial
dBA	A-weighted decibel
EIR	Environmental Impact Report
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FPA	Free Production Allowance
gpm	gallons per minute
gsf	gross square feet
IL	improvement level
ITE	International Traffic Engineers
LCER	Lewis Center for Educational Research
LOS	Level of Service
MDAQMD	Mojave Desert Air Quality Management District
MGD	million gallons per day
MMRP	Mitigation Monitoring and Reporting Program
MWA	Mojave Water Agency

NAAQS	National Ambient Air Quality Standards
NPDES	National Pollutant Discharge Elimination System
RC	Resource Conservation
RL	Rural Living
RLD	Rural Low Density
RWQCB	Regional Water Quality Control Board
SCAG	Southern California Associated Governments
SWPPP	Storm Water Pollution Prevention Plan
USFWS	U.S. Fish and Wildlife Service
UWMP	Urban Water Management Plan
VVWRA	Victor Valley Wastewater Reclamation Authority

XXII. GLOSSARY OF TERMS

Active fault: Geologic fault with recent seismic activity that has displaced materials not more than 12,000 years old.

Alluvium: A loose, unconsolidated (not cemented together into a solid rock), soil or sediments, eroded, deposited, and reshaped by water in some form in a non-marine setting. Alluvium is typically made up of a variety of materials, including fine particles of silt and clay and larger particles of sand and gravel. When this loose alluvial material is deposited or cemented into a lithological unit, or lithified, it would be called an alluvial deposit.

Alquist-Priolo Fault Zone: State-identified areas of potentially active and recently active faults.

Alquist-Priolo Special Studies Zones Act: Places specific responsibilities on local governments for identification and evaluation of seismic and geologic hazards, and formulation of programs and regulations to reduce risk in identified locations.

Ambient noise: A composite of all the existing sounds within a given location; i.e., background noise.

California Endangered Species Act: California state legislation, enacted in 1984, with the intent to protect floral and faunal species by listing them as “rare,” “threatened” “endangered,” or “candidate” and by providing a consultation process for the determination and resolution of potential adverse impact to the species.

California Environmental Quality Act (CEQA): Policies enacted in 1970, and subsequently amended, the intent of which is the maintenance of a quality environment for the people of California now and in the future.

CNEL: Community Noise Equivalent Level-a noise index that accounts for the greater annoyance of noise during evening and nighttime hours.

Conservation Bank: The restoration, creation, enhancement, or preservation of specific parcels of land for the benefit of specific species (or their habitat) listed as threatened or endangered. The bank is established to offset expected adverse impacts to occurring elsewhere to the same type of habitat. Required by State and/or local agencies as mitigation for the disturbance or destruction of habitat. Once approved by regulatory agencies the mitigation bank may sell credits to developers whose projects will impact these various ecosystems. (Also see "Mitigation Bank").

dBA: A-weighted decibel; decibel weighted to reflect sounds most sensitive to human ears.

Discretionary actions: Conditions which can be imposed on a project action prior to approval for implementation. The approval would thus be "at the discretion" of an agency.

Endangered species: A CEQA definition of a species whose prospects of survival and reproduction in the wild are in immediate jeopardy from one or more causes.

Environmental Impact Report (EIR): Document in which the impacts of any state or local, public or private project action which may have a significant environmental effect are evaluated prior to its construction or implementation, as required by the California Environmental Quality Act.

Equivalent Noise Level: (L_{eq}): The average noise level, on an energy basis, for a stated period of time (e.g., hourly).

Fault: A geologic fracture or fracture zone along which there has been displacement of the sides relative to one another.

Fossil fuel: Petroleum, natural gas, or coal. A general term for any hydrocarbon that may be used as fuel.

Groundwater gradient: The slope of the profile of the water table under unconfined groundwater conditions, or the slope of the imaginary surface to which groundwater rises due to hydrostatic pressure under confined conditions (wells and springs).

Hazardous material: Substance which, because of its potential for either corrosivity, toxicity, ignitability, chemical reactivity, or explosiveness, may cause injury to persons or damage to property.

Infiltration: The flow of a fluid into a substance through pores or small openings.

Level of Service (LOS): An indicator of traffic conditions at an intersection or on a stretch of roadway, and of the delay that can be expected in the general area; A is the best (no delay) and F is the worst.

Lithic Scatters: A finding of stone artifacts, usually in the form of stone tools. Archaeologists frequently find lithic artifacts at archaeological sites because humans used to make their tools out of stone before they used metal.

L50: Noise level exceeded 50 percent of the time.

Mano: A smooth hand-held stone used in conjunction with metates and other grinding slabs to grind grain. A metate typically consists of a large stone with a smooth depression or bowl worn into the upper surface from long-term grinding with a mano.

Midden: Midden deposits can contain a variety of archaeological material, including animal bone, feces, shell, botanical material, vermin, sherds, lithics and other artifacts associated with past human occupation. These features provide a useful resource for archaeologists who wish to study the diet and habits of past societies. Generally, a midden is laid down in deposits as the debris of daily life are tossed on the pile.

Mitigation Bank: The restoration, creation, enhancement, or preservation of a wetland, stream, or riparian area which offsets expected adverse impacts to similar nearby ecosystems. Required by federal agencies as mitigation for the disturbance or destruction of wetlands, streams, or riparian habitat. Once approved, the mitigation bank may sell credits to developers whose projects will impact these various ecosystems. (Also see "Conservation Bank").

Mojave Desert Air Quality Management District (MDAQMD): The air quality regulatory agency for the Mojave Desert Air Basin.

Notice of Preparation (NOP): A brief notice sent by the public agency with principal responsibility for carrying out or approving a project to notify other agencies that an EIR is being prepared.

Ozone (O₃): An end product of complex reactions between reactive organic gases (or non-methane hydrocarbons) and nitrogen oxides (NO_x) in the presence of intense ultraviolet radiation.

Permeability: The capacity of porous rock, sediment, or soil for transmitting a fluid.

Rare species: A species that, although not presently threatened with extinction, is in such small numbers throughout its range that it may become endangered if its present environmental status worsens.

Refuse: Also referred to as Municipal solid waste - a waste type that includes predominantly household waste (domestic waste) with sometimes the addition of commercial wastes collected by a municipality within a given area. They are in either solid or semisolid form and generally exclude industrial hazardous wastes.

Regional Water Quality Control Board (RWQCB): Agency which administers the requirements of the California Administrative Code, Title 23, Division 3, Chapter 15 (Section 2595,g,7) to ensure the highest possible water quality consistent with all demands.

Responsible agency: The organization that has the lead duty to ensure that developers comply with the appropriate rules and regulations.

Right-of-way (ROW): The right to pass over property owned by another. The strip of land over which facilities such as roadways, railroads, or power lines are built.

Rip rap: Rock or other material used to armor shorelines, streambeds, bridge abutments, pilings and other shoreline structures against scour, water or ice erosion. Made from a variety of rock types, commonly granite, limestone, or occasionally concrete rubble from building and paving demolition.

Scat: Fecal evidence of wildlife presence.

Seismicity: The likelihood of an area being subject to earthquakes.

Sensitive species: Generic term for any plant or animal species which is recognized by the government or by any conservation group as being depleted, rare, threatened, or endangered.

Sewage: Wastewater carried by community sewer systems. As defined in Section 13005 of the California Waste Code, “any and all waste substance, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal body waste.”

Significant environmental impact: As defined by CEQA, Chapter 3, Article 1, Section 15002(g), “a substantial adverse change in the physical conditions which exist in the area affected by the proposed project.”

Specific Plan: A plan that implements, but is not technically a part of the local General Plan. Specific Plans describe allowable land uses, identify open space, and detail infrastructure availability and financing for a portion of the community. May also take the place of zoning and must be consistent with the General Plan.

Specific plan area: The extent of a detailed land use plan that is intended to implement the Comprehensive General Plan in the designated area. The specific plan incorporates and establishes land use policies and standards for activities and facilities under California Government Code Section 65450 *et seq.* and the County General Plan.

Threatened Species: Species, which although not presently threatened with extinction, is likely to become endangered in the foreseeable future in the absence of special protection and management efforts.

Type III soils: Defined as soils with severe limitations that reduce the choice of plants, that require special conservation practices, or both.

Wastewater: Comprises liquid waste discharged by domestic residences, commercial properties, industry, and/or agriculture and can encompass a wide range of potential contaminants and concentrations. In the most common usage, it refers to the municipal wastewater that contains a broad spectrum of contaminants resulting from the mixing of wastewaters from different sources.

Water table: The upper water level of a body of groundwater.

TOWN OF APPLE VALLEY
MITIGATION MONITORING AND REPORTING PROGRAM

This mitigation monitoring and compliance program had been prepared for use in implementing the conditions of approval for:

**LEWIS CENTER FOR EDUCATIONAL RESEARCH
SPECIFIC PLAN**

The program has been prepared in compliance with State law and the initial environmental study prepared for the project by the Town of Apple Valley.

The California Environmental Quality Act (Public Resource Code Section 21081.6) requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment. The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation.

The monitoring program contains the following elements:

- 1) The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- 2) A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
- 3) The program contains a separate Mitigation Monitoring and Compliance Record for each action. On each of these record sheets, the pertinent actions and dates will be logged, and copies of permits, correspondence or other relevant data will be attached. Copies of the records will be submitted to the Community Development Department.
- 4) The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendation by those responsible for the program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

I. AESTHETICS

AES-1: Building materials shall provide architectural aesthetic quality, durability and ease of maintenance and shall be compatible with the architectural style of the building.

AES-2: New development shall be encouraged to utilize adobe, precise concrete stucco, smooth plasters, earthen color palette, natural stone, wood and terra cotta color as the dominant building materials in response to the Town's desert environment. The use of metal panel or metal sheeting on the exterior of any portion of a structure is not permitted.

- AES-3:** The applicant's use of wood siding should consider factors such as fading, staining and premature breakdown in the extreme climate of the high desert; and shall be maintained.
- AES-4:** Exterior building materials shall be composed of colors that will be consistent with the environment.
- AES-5:** The different parts of a building's façade shall be articulated with color, arrangement of façade elements, or a change in materials.
- AES-6:** Recesses that provide shade and create a interplay of light and shadow, such as building pop-outs, covered walkways, colonnades, arcades, and other human scale openings shall be provided to reduce the impact of building mass and to create visual interest.
- AES-8:** Highly reflective or mirror-like materials and standard gray concrete block on the exterior walls on any building or structure shall be prohibited with the exception that such materials may be used if finished with a masonry veneer including, but not limited to brick or stucco.
- AES-9:** Exposed plywood or particle board shall be prohibited on any building or structure.
- AES-10:** Piecemeal embellishment and frequent changes in materials or color shall be avoided.
- AES-11:** High-intensity colors, or fluorescent colors shall not be used.
- AES-12:** Building trim and accent areas may feature brighter, metallic, black and primary colors, if the width of the trim shall not exceed two feet.
- AES-13:** Should nighttime lighting be installed at the proposed athletic field, then appropriate shielding shall be installed to minimize increased lighting beyond the area needed.

IMPLEMENTATION

Implementation of Mitigation Measure AES-1 through AES-10 shall occur throughout construction of the project and shall be verified by the Town Engineer, Building and Safety and/or Community Development staff.

COMPLIANCE RECORD – WHEN REQUIRED

The verification of Mitigation Measure AES-1 through AES-10 at the initiation of a grading and building permit.

WRITTEN VERIFICATION:

Implementation compliance	Date	Signature of Town Official

III. AIR QUALITY

- AQ-1:** The project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading activity on the site at least 2 times per day.
- AQ-2:** The contractor shall utilize (to the extent feasible) pre-coated building materials and coating transfer or spray equipment with high transfer efficiency, such as high volume, low pressure (HVLP) spray method, or manual coating applications such as paint brush, hand roller, trowel, dauber, rag, or sponge.
- AQ-3:** The contractor shall utilize water-based or low VOC coating as well as the following conditions as required by MDAQMD:
- Use Super-Compliant VOC paints whenever possible.
 - If feasible, avoid painting during peak smog season: July, August, and September.
 - Recycle leftover paint. Take any leftover paint to a household hazardous waste center; do not mix leftover water-based and oil-based paints.
 - Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors.
 - For water-based paints, clean up with water only. Whenever possible, do not rinse the clean-up water down the drain or pour it directly into the ground or the storm drain. Set aside the can of clean-up water and take it to a hazardous waste center (www.cleanup.org).
 - Recycle the empty paint can.
 - Look for non-solvent containing stripping products.
 - Use Compliant Low-VOC cleaning solvents to clean paint application equipment.
 - Keep all paint and solvent laden rags in sealed containers to prevent VOC emissions.
- AQ-4:** The project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
- AQ-5:** The project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading activity on the site. Portions of the site that are actively being graded shall be watered regularly to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
- AQ-6:** The project proponent shall ensure that all disturbed areas are treated to prevent erosion until the site is constructed.

- AQ-7: The project proponent shall ensure that landscaped areas are installed as soon as possible to reduce the potential for wind erosion.**
- AQ-8: The project proponent shall ensure that all grading activities are suspended during first and second stage ozone episodes or when winds exceed 25 miles per hour.**
- AQ-9: To reduce emissions, all equipment used in grading and construction must be tuned and maintained to the manufacturer’s specification to maximize efficient burning of vehicle fuel.**
- AQ-10: The project proponent shall ensure that existing power sources are utilized where feasible via temporary power poles to avoid on-site power generation during construction.**
- AQ-11: The project proponent shall ensure that construction personnel are informed of ride sharing and transit opportunities.**
- AQ-12: All buildings on the project site shall conform to energy use guidelines in Title 24 of the California Administrative Code.**
- AQ-13: The operator shall maintain and effectively utilize and schedule on-site equipment in order to minimize exhaust emissions from truck idling.**
- AQ-14: The operator shall comply with all existing and future CARB and MDAQMD regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.**

IMPLEMENTATION

Implementation of Mitigation Measure AQ-1 through AQ-10 shall occur throughout construction of the project and shall be verified by the Town Engineer, Building and Safety and/or Community Development staff.

COMPLIANCE RECORD – WHEN REQUIRED

The verification of Mitigation Measure AQ-1 through AQ-10 at the initiation of a grading and building permit.

WRITTEN VERIFICATION:

Implementation compliance	Date	Signature of Town Official

IV. BIOLOGICAL RESOURCES

BIO-1: Prior to construction, a pre-construction survey shall be conducted by a qualified biologist to confirm that no burrowing owls occur on the site and to “force disperse” them if needed. Forced-dispersal is done by excluding the owls from their occupied burrows, often providing alternative burrow sites for them. Depending on the project design, alternative burrow sites may be located on the property, or (more likely) on a suitable off-site parcel.

BIO-2: In order to avoid incidental killing of birds protected under the Migratory Bird Treaty Act, grading and vegetation removal shall be scheduled outside of the breeding season of most migratory birds (February 1st to August 30th).

BIO-3: Prior to ground disturbance, the project proponent may either: 1) contact a biologist qualified to conduct a live-trapping surveys for Mohave ground squirrel; or 2) apply to the California Department of Fish and Game (CDFG) under Section 2081 of the Fish and Game Code to disturb potential Mojave ground squirrel habitat.

BIO-4: Since the occurrence of desert tortoise is unknown, the project may be subject to: 1) consultation with the U.S. Fish and Wildlife Serve under Section 7 or Section 10 of the Federal Endangered Species Act, and/or 2) permitting by the CDF&G under Section 2081 of the California Fish and Game Code. The project proponent shall notify both agencies of the proposed project to determine whether consultation and permitting are needed. Specific additional mitigation measures are generally required by the agencies (i.e., pre-construction clearance surveys, fencing, monitoring and employee training).

BIO-5: Should nighttime lighting be installed at the proposed athletic field, then appropriate shielding shall be installed to minimize increased lighting beyond the area needed.

IMPLEMENTATION

The Town Engineer and/or Community Development staff shall verify implementation of the above mitigation measures.

COMPLIANCE RECORD – WHEN REQUIRED

The verification of Mitigation Measure BIO-1 through BIO-3 at the initiation and completion of grading.

WRITTEN VERIFICATION

Implementation compliance	Date	Signature of Town Official

V. CULTURAL RESOURCES

CR-1: Fencing shall be placed between the athletic fields and the hillside to ensure protection of the rock art panels.

CR-2: The project area shall be monitored for prehistoric resources during the course of any site grading or alteration. If potentially significant prehistoric resources are identified, a Native American observer (Serrano) shall be added to the monitoring project to assist in the identification and recovery of resources.

CR-3: In order to preserve any potential specified places, features, and objects that may potentially occur on-site, the Lewis Center shall notify Native American contacts regarding the proposed project and any ground disturbing activities.

CR-4: Paleontological monitoring shall be conducted through all ground altering activities. If specimens are identified, they shall be recovered and evaluated in accordance with the guidelines established through the San Bernardino County Museum in Redlands.

CR-5: The Native American Heritage Commission shall be notified in the event remains are deemed prehistoric, and the Most Likely Descendant (MLD) will be named. The deposition of the remains will be determined in consultation with the Coroner, MLD, and archaeological monitor, as appropriate.

IMPLEMENTATION

The Town Engineer and/or Community Development staff shall verify implementation of the above mitigation measures.

COMPLIANCE RECORD – WHEN REQUIRED

The verification of Mitigation Measure CR-1 shall be completed prior to initiation of grading.

The verification of Mitigation Measures CR-2 through CR-5 shall occur during all grading activities, until completion.

WRITTEN VERIFICATION

Implementation compliance	Date	Signature of Town Official

VI. GEOLOGY AND SOILS

GEO-1: During grading of the site, as much of the existing natural vegetation as feasible should be left to reduce soil erosion. Areas disturbed during construction should be revegetated as soon as feasible.

IMPLEMENTATION

The Town Engineer and/or Community Development staff shall verify implementation of the above mitigation measure.

COMPLIANCE RECORD – WHEN REQUIRED

The implementation of Mitigation Measure GEO-1 is required during grading and shall be verified prior to initiation of and at completion of grading.

WRITTEN VERIFICATION

Implementation compliance	Date	Signature of Town Official

VII. CLIMATE CHANGE AND GHG REDUCTION

- GH-1:** Preserve trees occurring on-site through on-site protection during and after construction, or through transplant and relocation within landscaped areas.
- GH-2:** Utilize the Collaborative for High performance Schools (CHPS) best practices for school design, building, and operation.
- GH-3:** During project construction, on-site off-road construction equipment shall utilize biodiesel fuel (a minimum of B20), except for equipment where use of biodiesel fuel would void the equipment warranty. The applicant shall provide documentation to the Town that verifies that certain pieces of equipment are exempt, a supply of biodiesel has been secured, and that the construction contractor is aware that the use of biodiesel is required. As a conservative measure, no reduction in GHG emissions was taken for the implementation of this measure as it is unknown if biodiesel can be readily applied to the various pieces of construction equipment that will be necessary for the project.
- GH-4:** Install bus stop(s) and secure scheduled transit service from Victor Valley Transit.
- GH-5:** Install pedestrian, bicycle and/or equestrian trails connecting project to school(s), commercial project(s), or transit.
- GH-6:** For employers, implement a Transportation Demand Management program, and document trip reduction by employees.
- GH-7:** Building and site plan designs shall ensure that the project energy efficiencies surpass applicable 2008 California title 24 Energy Efficiency Standards by a minimum of twenty percent (20%). Verification of increased energy efficiencies shall be documented in Title 24 compliance Reports provided by the applicant, and reviewed and approved by the Town prior to the issuance of the first building permit. Any combination of the following design features, or additional features may be used to fulfill this measure provided that the total increase in efficiency meets or exceeds twenty percent (20%) beyond 2008 Title 24 standards:
- Buildings shall exceed California Title 24 Energy Efficiency performance standards for water heating and space heating and cooling.
 - Increase insulation such that that heat transfer and thermal bridging is minimized.
 - Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.
 - Incorporate dual-paned or other energy efficient windows.
 - Incorporate energy efficient space heating and cooling equipment.
 - Promote building design that will incorporate solar control in an effort to minimize direct sunlight upon windows. A combination of design

features including roof eaves, recessed windows, “eyebrow” shades, and shade trees shall be considered.

- Interior and exterior energy efficient lighting, which exceeds the California Title 24 Energy Efficiency performance standards, shall be installed, as deemed acceptable by Town. Automatic devices to turn off lights when they are not needed shall be implemented.
- To the extent that they are compatible with landscaping guidelines established by the town, shade-producing trees, particularly those that shade paved surfaces such as street and parking lots and buildings shall be planted at the Project site.
- Paint and surface color palette for the project shall emphasize light and off-white colors, which will reflect heat away from the building.
- Consideration shall be given to using LED lighting for all outdoor uses (i.e. buildings, pathways, landscaping and carports).

GH-8: For commercial projects, secure Leadership in Energy and Environmental Design (LEED) Silver, Gold or Platinum certification and document GHG reduction resulting from same.

GH-9: Use passive solar design by orienting buildings and incorporating landscaping to maximize passive solar heating during the winter, and minimize solar heating during the summer.

GH-10: To reduce energy demand with potable water conveyance:

- Landscaping palette emphasizing drought tolerant plants and exceeding Town standards for water conservation.
- Limit turf areas to no more than (20%) of all landscaped areas (Non Sport Turf Areas)
- Use of water-efficient irrigation techniques exceeding Town standards for water conservation.
- U.S. EPA Certified Water Sense labeled or equivalent faucets, high-efficiency toilets (HETs), and water-conserving showerheads.

GH-11: Install Energy Star appliances and energy efficient fixtures.

GH-12: Install all CFL or LED light bulbs.

GH-13: Install common area electric vehicle charging station(s) and secure bicycle racks.

GH-14: To reduce the project’s energy use from the grid:

- Install solar panels sufficient to heat water within the project.

GH-15: Install solar or photovoltaic systems on new roofs.

GH-16: Use bio-gas in appropriate applications.

- GH-17: Install combined heat and power facilities in appropriate applications.**
- GH-18: Specify rubberized and/or recycled asphalt for roads and driveways to the extent economically viable.**
- GH-19: Recycle and/or salvage non-hazardous construction and demolition waste, and develop and implement a construction waste management plan quantifying the reduction in the waste stream.**
- GH-20: Reuse construction waste in project feature (e.g. shattered concrete or asphalt can be ground and used in walkways and parking lots).**
- GH-21: Facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that serve each building and are dedicated to the collection and storage of paper, cardboards, glass, plastics, and metals.**
- GH-22: Provide educational information to residents addressing energy efficiency, solid waste reduction, and water conservation measures.**

IMPLEMENTATION

The Town Engineer and/or Community Development staff shall verify compliance with the above mitigation measures.

COMPLIANCE RECORD – WHEN REQUIRED

The completion of all related Mitigation Measures are required prior to the approval of individual projects within the Specific Plan.

WRITTEN VERIFICATION

Implementation compliance	Date	Signature of Town Official

XII. NOISE

Town Council Meeting: 12/14/10

N-1: During selection of on-site recreational amenities, conditions shall be established to ensure any on-site sporting events or other recreational activities do not create an increase in noise levels during classroom hours.

N-2: Prior to project approval, the Lewis Center shall have a noise assessment prepared for the site. Recommendations presented within the report shall become conditions of approval for the project.

IMPLEMENTATION

The Town Engineer and/or Community Development staff shall verify compliance with the above mitigation measures.

COMPLIANCE RECORD – WHEN REQUIRED

The completion of Mitigation Measure N-1 is required prior to the approval of individual projects within the Specific Plan; and completion of Mitigation Measure N-2 is required prior to approval of the Specific Plan project.

WRITTEN VERIFICATION

Implementation compliance	Date	Signature of Town Official

XVI. TRANSPORTATION/TRAFFIC

- T-1: On-site improvements and improvements adjacent to the site will be required in conjunction with the proposed development to ensure adequate circulation within the project itself.**
- T-2: Sight distance at each project access shall be reviewed with respect to California Department of Transportation/Town of Apple Valley standards in conjunction with the preparation of final grading, landscaping, and street improvement plans.**
- T-3: On-site traffic signing and striping shall be implemented in conjunction with detailed construction plans for the project.**
- T-4: A traffic signal shall be installed concurrently with the proposed channel improvements at SR- 18 and Project Access Road.**
- T-5: A traffic signal shall be installed at the intersection of Tuscola Road and Apple Valley Road prior to the expansion of the project.**
- T-6: Construct the Project Access Road between SR-18 and the project site at its ultimate cross-section width in conjunction with development.**
- T-7: The project shall contribute toward the cost of necessary study area improvements on a fair share or “pro-rata” basis.**
- T-8: As is the case for any roadway design, the Town of Apple Valley should periodically review traffic operations in the vicinity of the project once the project is constructed to assure that the traffic operations are satisfactory.**
- T-9: Prior to construction, safety precautions including traffic directing and evacuation routes shall be selected and implemented by the Lewis Center and selected contractor to ensure safety to students and staff.**
- T-10: The proposed project access road at SR-18 shall be reviewed and approved by the Town Engineer to ensure that there are no potential safety hazards.**

IMPLEMENTATION

The Town Engineer and/or Community Development staff shall verify compliance with the above mitigation measures. Measures T-2 through T-5 will be coordinated between Town staff and Caltrans.

COMPLIANCE RECORD – WHEN REQUIRED

The completion of Mitigation Measures T-1 through T-6, and T-9 will be required prior to Opening Year (approval and operation of the first new facility to be constructed in compliance with the Specific Plan).

Town Council Meeting: 12/14/10

Mitigation Measure T-7 will be implemented following completion of each Specific Plan project.

WRITTEN VERIFICATION

Implementation compliance	Date	Signature of Town Official

MINUTES EXCERPT

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, October 6, 2010

CALL TO ORDER

At 6:06 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for October 6, 2010, was called to order by Chairman Kallen.

ROLL CALL

Roll call was taken with the following members present: Commissioner Larry Cusack, Commissioner David Hernandez, Commissioner John Putko, Vice-Chairman B.R. "Bob" Tinsley, and Chairman Bruce Kallen.

STAFF PRESENT

Lori Lamson, Assistant Director of Community Development; Doug Fenn, Senior Planner; Brad Miller, Town Engineer; and Patty Hevle, Planning Commission Secretary.

2. General Plan Amendment No. 2009-001, Zone Change No. 2009-001 and Specific Plan No. 209-001.

Applicant: Mr. Rick Piercy, representative of the Lewis Center for Educational Research

Location: 17500 Mana Road, Apple Valley, California

Chairman Kallen opened the public hearing at 6:06 p.m.

Due to a conflict of interest, Commissioner Cusack recused himself from this item at 6:06 p.m.

Mr. Doug Fenn, Senior Planner, presented the staff report as filed by the Planning Commission. Mr. Fenn commented that this project meets one of the Town's Vision 2020 goals regarding higher educational opportunities. He stated the proposed university/college would be the only one in the High Desert.

Mr. Fenn complimented the applicant, Mr. Rick Piercy, on his willingness to work with staff on this project.

Commissioner Hernandez had questions concerning the mitigation of traffic.

Mr. Brad Miller, Town Engineer, stated the preferred access point to the campus would be directly from Highway 18. He further commented that a traffic signal is proposed at Tuscola and Apple Valley Roads, which will help mitigate some of the traffic.

Mr. Carl Ballard, traffic engineer for the project, commented on restricting access to the north to a right turn only on Highway 18.

Mr. Miller stated that additional turn lanes to help accommodate traffic are also a consideration.

Vice-Chairman Tinsley asked about the intersection of Apple Valley Road and Highway 18.

Mr. Miller stated that the project is in the design phase for the realignment at that intersection. He further commented that, because of the existing misalignment, it was difficult to synchronize the cycle length of the traffic signals at Kasota and Corwin Roads. Mr. Miller anticipated the design phase being completed in twelve (12) months.

Discussion ensued on the plans for the realignment.

Chairman Kallen asked about bike paths.

Mr. Miller stated there would be bike lanes which are adjacent to travel lanes for safety reasons.

Commissioner Hernandez requested to know the build-out time for the first phase of the project and whether or not the signal light at Tuscola and Apple Valley Roads would be in place before construction began on the first phase.

Mr. Fenn stated that the project was conditioned to have the signal in place before the first construction phase began.

Chairman Kallen had questions regarding equestrian trails and uses.

Mr. Fenn stated the trail would be wide enough for multi-uses and it will connect to the lifeline trail that is next to the river.

Mr. Rick Piercy, the applicant and CEO of the Lewis Center, stated that the equestrian trail comes into the back of their property and they work with the

riders regarding children's safety and felt that their appearance actually enhances their Western village theme.

Mr. Piercy further stated the proposed new parking lot will allow more access to and from school, and that the school is only in session 180 days with staggered pickup and drop off times for students. He stated the Lewis Center worked with other schools in the area to make sure these times do not overlap.

Chairman Kallen requested to know if the proposed gymnasium would add to the traffic flows.

Mr. Ballard, engineer for the project, stated they did not do an analysis for special events, were not expecting to have any special events and only reviewed peak hours, not weekend hours.

Commissioner Hernandez requested to know if lights would be installed for the football stadium.

Mr. Piercy responded that no lights would be installed due to the high school having less than 400 students and would play scheduled games during the afternoons rather than in the evenings. Also, since they have over 100 acres of riparian areas with a lot of bats, they do not want the lights attracting them.

With regard to a question posed by Commissioner Hernandez concerning bus transportation, Mr. Piercy stated the Lewis Center did not have bus transportation and that, for public schools, the student is required to live more than two (2) miles away. He further commented, as transportation costs rise, buses will be cut back. He stated parents of the students are encouraged to car pool.

Mr. Piercy stated that build out of the facility would depend upon funding, so it was hard to estimate a time frame.

Commissioner Putko commented that he had visited the site, went on a tour and was very impressed and excited about the school.

Ms. Ann Brierty, of the San Manuel Band of Indians, stated they did send a letter in regard to the project and have acknowledged the area is within the ancestral Serrano Bank of Indians. She stated that mitigation measures should be in place about having a native American on site when construction begins. She stated she met with Mr. Piercy five (5) years ago and his emphasis was to have tribes involved because of the educational aspects of the native Americans.

Mr. Fenn stated this was in the Initial Study as measures and Ms. Brierty stated they would continue to work in consultation with the Planning staff.

Commissioner Hernandez requested to know of Chief Art Bishop of the Apple Valley Fire Protection District if the District had any traffic considerations.

Chief Bishop stated they had worked very diligently with Mr. Piercy and his staff and, as a result, were able to evacuate the campus and move in equipment within 15 minutes during the recent fire at the back of the school, He stated he was satisfied with the project's emergency access.

Since there was no one else in the audience requesting to speak to this item, Chairman Kallen closed the public hearing at 7:05 p.m.

MOTION:

Motion by Vice-Chairman Tinsley, seconded by Commissioner Putko that the Planning Commission move to:

1. Adopt the Mitigated Negative Declaration finding and Mitigated Monitoring Program for General Plan Amendment No. 2009-001, Specific Plan No. 2010-001 and Zone Change No. 2009-001 finding that, on the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town's independent judgment and analysis;
2. Adopt the recommended findings in the staff report and General Plan Amendment No. 2009-001, changing the land use designation to those identified in the LCER Specific Plan No. 2009-001;
3. Adopt an Ordinance approving LCER Specific Plan No. 2009-001;
4. Adopt an Ordinance approving Zoning Change No. 2009-001, implementing the zoning established by LCER Specific Plan No. 2009-001, including the land use designations identified therein; and
5. Direct staff to file a Notice of Determination.

ROLL CALL VOTE:

Ayes: Commissioner Hernandez
Commissioner Putko
Vice-Chairman Tinsley
Chairman Kallen

Noes: None

Abstain: None

Absent: Commissioner Cusack

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