

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**ADOPT ORDINANCE NO. 415, AMENDING THE OFFICIAL ZONING MAP 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.**

**Summary Statement:**

At its meeting of December 14, 2010, the Town Council reviewed and introduced Ordinance No. 415, amending the official zoning map by changing 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. As part of the requirements to adopt a new Ordinance, Ordinance No. 415 has been scheduled for adoption at the January 11, 2011 Town Council meeting.

**Recommended Action:**

Adopt Ordinance No. 415

**Proposed by:**           Planning Division          

**Item Number** \_\_\_\_\_

**Town Manager Approval:** \_\_\_\_\_

**Budget Item**  Yes  No  N/A

**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:

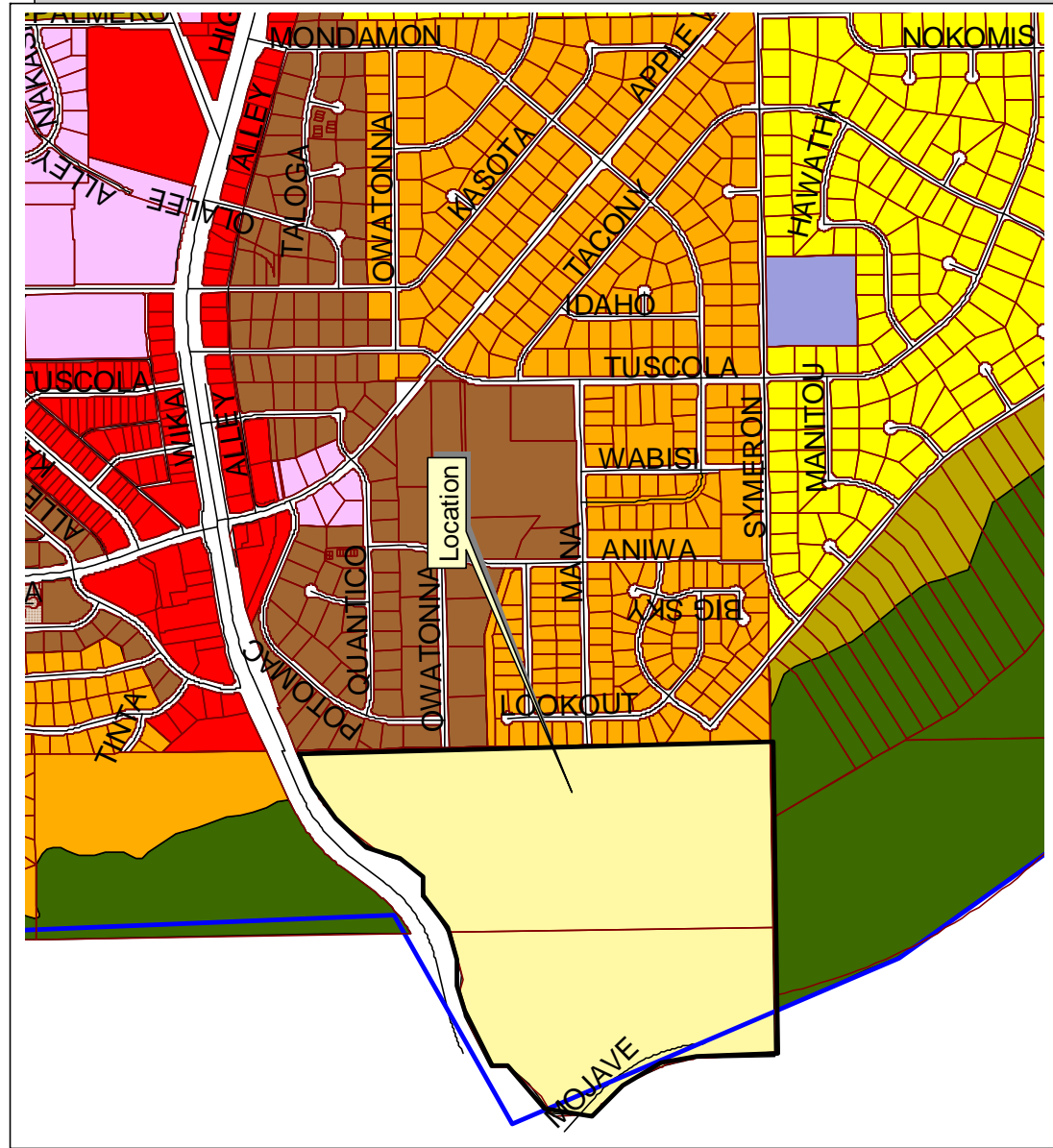
Approved as to content:

\_\_\_\_\_  
Mr. John Brown, Town Attorney

\_\_\_\_\_  
Mr. Frank Robinson, Town Manager

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

# Proposed Zoning Map



17500 Mana Road  
 APNs 0474-183-21 and -22



## Legend

- Residential Districts**
- (R-VLD) Very Low Density Residential (1du/5+ per gross acre)
  - (R-A) Residential Agriculture (1du/2.5 gross ac)
  - (R-LD) Low Density Residential (1 du/2.5 to 5 gross ac)
  - (R-E) Estate Residential (1 du/1 to 2.5 gross ac)
  - (RE-3/4) Estate Residential 3/4 (1 du/0.75 net ac)
  - (REC) Equestrian Residential (1 du/0.4 to 0.9 net ac)
  - (R-SF) Single Family Residential (1du/0.4 to 0.9 net ac)
  - (R-M) Multi-Family Residential (2 to 20 du/net ac)
  - (MHP) Mobile Home Park
  - (PRD) Planned Residential Development
- Commercial/Office Districts**
- (C-G) General Commercial
  - (C-V) Village Commercial
  - (C-S) Service Commercial
  - (C-P) Office Professional
  - (C-R) Regional Commercial
- Industrial Districts**
- (I-P) Planned Industrial
  - (I-RE) Resource Extraction
- Other Districts**
- (P-F) Public Facilities
  - (OS-C) Open Space Conservation
  - (OS-R) Open Space Recreation
  - (M-U) Mixed Use
  - (SP) Specific Plan
- Overlay Districts**
- (A-1) Airport Overlay District
  - (A-2) Airport Overlay District
  - (F-H) Flood Hazard Overlay District
  - (FH-L) Flood Hazard/Lake Overlay District