

LETTER TO THE BOARD

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Date: April 10, 2009

To: Robert M. Silverman, Ph.D., Superintendent/President  
Board of Trustees, Victor Valley Community College District

From: Charlie Merrick, Vice President, gkkworks  
Prescilla Dugard, Land Acquisitions Lawyer, Stutz Artiano Shinoff & Holtz

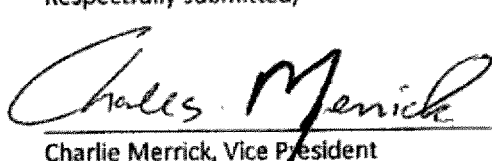
Re: Public Safety Training Center – Due Diligence

We have reviewed the findings of the due diligence report prepared by gkkworks staff, with input from the College, and find no compelling reason not to move forward at this time.


The property in question is part of the North Apple Valley Industrial Specific Plan, adopted October 24, 2006. The Specific Plan establishes development standards and provides the zoning ordinance for the Specific Plan Area. An EIR was prepared and certified by the Town of Apple Valley prior to adopting the Specific Plan, on October 10, 2006.

An updated geotechnical report and biological survey will be prepared prior to the issuance of the design-build RFP. The College also shall submit any required information to the Board of Governors, pursuant to Education Code 81031. We believe this will complete the due diligence efforts.

Respectfully submitted,



Charlie Merrick, Vice President  
gkkworks



Prescilla Dugard  
Stutz Artiano Shinoff & Holtz

Date 04.09.09

Date April 9, 2009

## **EASTSIDE DUE DILIGENCE PROCESS**

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Education Code section 81033 (a) requires, that prior to acquiring any site on which it proposes to construct any school building as defined in Section 81130.5, the District shall have the site, or sites, under consideration investigated by competent personnel to ensure that the final site selection is determined by an evaluation of all factors affecting the public interest. The code further states that certain studies are not required to be made if the site or sites under consideration have been subject to adequate prior studies. Factors required to be evaluated include location of the site with respect to population, geological, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting the operating costs.

In our efforts to progress and move forward with the planning process for the Eastside Public Safety Training Center (EPSTC), Victor Valley Community College, in conjunction with Stutz Artiano Shinoff & Holtz, legal counsel and gkkworks Inc., Measure JJ Bond Program Management team, has reviewed available documentation and conducted a series of public meetings to perform the due diligence necessary at this time to determine if the Apple Valley Fire Protection District (AVFPD) property is adequate for our proposed purpose.

The property ("Site"), consisting of 12.83 acres, is located southwest of the intersection of Navajo Road and Johnson Road in the Town of Apple Valley (APN #0463-2315900). The property is owned by the AVFPD in fee with a covenant for use for fire "training purposes." The property lies within a 5,101 acre area referred to as the North Apple Valley Industrial Specific Plan (NAVISP).

The NAVISP was adopted by the Town of Apple Valley on October 24, 2006. The NAVISP establishes development standards and provides the zoning ordinance for the Specific Plan Area. An EIR was prepared and certified by the Town of Apple Valley prior to adopting the Specific Plan, on October 10, 2006. The NAVISP EIR addresses all of our land due diligence issues and will be used, in part, to satisfy our review. The key exceptions are Biological and Geotechnical. Biological reviews must be enhanced with a burrowing owl count and mitigation at the time of site preparation. Cost of mitigation, if required, is expected to be minimal.

A Site specific geotechnical (soils) report has been prepared within the last few months. The results of this investigation are favorable. It was the opinion of C.H.J. Incorporated, the firm selected to conduct the study, that the proposed Public Safety Training Facility is feasible from a geological standpoint, provided the recommendations from the report are implemented during planning, grading and construction of the facility. These recommendations are reasonable and within the realm of what would generally be expected for this site.

## NORTH APPLE VALLEY INDUSTRIAL SPECIFIC PLAN (NAVISP)

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The North Apple Valley Industrial Specific Plan (NAVISP)

This Specific Plan was prepared to establish long-term development goals, standards and guidelines for 5,101 acres including and surrounding the airport. The 5,101 acres is inclusive of the proposed site for the Eastside Public Safety Training Facility. During the initial planning, the primary land uses envisioned in this area were industrial and commercial land uses, to promote the Town with long-term economic growth and vitality, job growth, and revenue. This plan was completed and adopted by the Town of Apple Valley in 2006 with amendments in 2007 and in 2008.

The following documents were available for review as part of the NAVISP development and are comprehensive studies completed by professional agencies:

- **Environmental Impact Report (EIR)** *Certified October 10, 2006*  
*Prepared by: Terra Nova Planning & Research, Inc.*

This Environmental Impact Report has been prepared to assess the potential environment impacts that may result from the development of the North Apple Valley Industrial Specific Plan (NAVISP). The subject property is within the northern portion of the Town of Apple Valley and encompasses a total of approximately 4,937± acres inclusive of APN: 0463-231-59-040, the proposed Site for the Victor Valley Community College Public Safety Training Center. The EIR was certified October 10, 2006. Subsequent to certification, the following documents have been completed.

- **Paleontological Resources Technical Report** *January 18, 2007*  
*Prepared by CRM TECH for Terra Nova Planning & Research, Inc.*

As part of the environmental overview for the Specific Plan and EIR, the purpose of this study is to provide the Town of Apple Valley with the necessary information and analysis to facilitate paleontological resources considerations in the planning process and in formulating municipal policies. In order to inventory previously identified paleontological resources and prepare a sensitivity assessment of the planning area, CRM TECH initiated records searches at the San Bernardino County Museum and the Natural History Museum of Los Angeles County, conducted a literature search, and carried out a reconnaissance-level field survey.

- **Cultural Resources Technical Report** *January 18, 2007*  
*Prepared by CRM TECH for Terra Nova Planning & Research, Inc.*

As part of the environmental overview for the Specific Plan and EIR, the purpose of this study is to provide the Town of Apple Valley with the necessary information and analysis to facilitate cultural resources considerations in the planning process and in formulating municipal policies. In order to inventory previously identified cultural resources and prepare a sensitivity assessment of the planning area, CRM TECH initiated a historical/archaeological resources records search, pursued historical and ethnohistorical background research, carried out a reconnaissance-level field survey, consulted with the Mohave Historical Society, and contacted Native American representatives.

- **EIR Noise Analysis** *February 5, 2007*  
*Prepared by: Urban Crossroads for Terra Nova Planning & Research, Inc.*

The purpose of this noise assessment is to evaluate the noise impact for the project study area and to recommend noise mitigation measures, if necessary, to minimize the potential project impacts.

- **Biological Resources** *February 6, 2007*  
*Prepared by: AMEC Earth & Environmental*

The report describes the Specific Plan area's biological features and identifies potential biological resource occurrences within the area's topography that may require additional survey and permitting. All relevant information on the natural and built environment is considered in the Specific Plan, including biological resources within and surrounding the Town of Apple Valley.

- **CPM Traffic Impact Analysis** *April 3, 2007*  
*Prepared by: Urban Crossroads for Terra Nova Planning & Research, Inc.*

The purpose of this traffic impact analysis is to evaluate the noise impact for the project study area and to recommend noise mitigation measures, if necessary, to minimize the potential project impacts.

**Geotechnical Investigation Report** *April 6, 2009*  
*Prepared by: C.H.J. Incorporated*

This Geotechnical Investigation report was prepared specifically for the proposed Site, located southwest of the intersection of Johnson Road and Navajo Road, in the Town of Apple Valley, California. The purpose of this investigation was to explore and evaluate the geotechnical conditions at the subject site and provide appropriate geotechnical recommendations for design and construction of the proposed structure and infrastructure.

## **INFRASTRUCTURE**

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### **UTILITIES**

The Site has generally good access to water, sewer, gas and electricity. While exact demands and capacities have not yet been determined, our initial investigations suggest that there is adequate capacity in all utilities to service the project.

#### **Water**

The Site is served by the Apple Valley Ranchos Water Company. Water supply pipes exist on Johnson Road, immediately adjacent to the Site; Navajo Road, south of Lafayette Street, and Lafayette Street, east of Navajo Road. There is adequate supply and pressure to service the Site. In discussions with the Water Company, they will require the College to pay for the installation of approximately 2,700 feet of 16" diameter ductile iron water line in Navajo Road to connect Johnson Road to Lafayette Street. This line will complete a loop design and will ensure a backup water supply to the Site in the event of a water main failure. The College investment will be repaid at the rate of 2.5% over a 40 year period.

#### **Sewer**

A public sewer system is located under Navajo Road immediately adjacent to the Site. The College will connect laterally to this sewer and pay for sewer connection fees.

#### **Electricity**

The area is served by Southern California Edison. There are electrical power poles on Navajo Road, south of Lafayette Street and on Johnson Road, west of Dachshund Avenue. Access to power is within a reasonable distance of the Site.

#### **Gas**

There is an existing gas line in Navajo Road immediately adjacent to the property and within 30 feet of the property line. This will supply gas to the Site.

### **ROADS**

The NAVISP designates Navajo Road as a Divided Major Arterial, with a 128-foot right of way from Johnson Road south to Fresno Road. A dedication has already been made for the property on the west side of Navajo Road. The College will be required to prepare a street improvement plan (recorded map) showing curbs, gutters and sidewalk along the Site frontage.

## TOWN OF APPLE VALLEY

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As part of the due diligence efforts, Victor Valley Community College representatives have met with Frank W. Robinson, Town Manager and Kenneth Henderson, Assistant Town Manager to discuss the College's plans and review the site. The following is a statement from Mr. Henderson on March 23, 2009.

*"The proposed site of the Victor Valley Community College Public Safety Training Center was studied in detail by Wal-Mart prior to its construction of the 1.34 million square foot regional distribution and logistics facility. Subsequently, when the Town adopted the 5100-acre North Apple Valley Industrial Specific Plan (NAVISP), of which the proposed site is contained within the NAVISP boundaries, the entire specific plan was the subject of biological and archaeological studies as part of the preparation of a CEQA-compliant Environmental Impact Report that was, ultimately, certified by the Apple Valley Town Council. I mention this because these studies, and the EIR, are a matter of public record and available to VVC consultants, as appropriate. In addition, because of prior analysis by Wal-Mart and the Town of Apple Valley, it would be quite surprising if, during your investigation, a fatal defect surfaced that would compel VVC to search for alternative sites."*

Representatives from gkkworks met with Richard Pederson, Deputy Town Engineer, and Carol Miller, Senior Planner on April 8, 2009 to discuss NAVISP Development Standards and Guidelines applicable to the EPSTC. The following items were discussed and confirmed:

- Upon completion of design, the College will submit a site plan to the Town of Apple Valley for a courtesy review. There will be no formal review and no plan check fee required. This requirement will be included in the design-build scope of work.
- The Eastside Public Safety Training Center is considered by the Town Planning Staff to be an allowable use under the I-SP zone as defined in the NAVISP, *Table III-1, I. Public and Semi-Public Uses, 6. Government facilities/offices.*
- The required dedication of land for the Navajo Road widening has already been made.

Victor Valley Community College will continue to work with the Town of Apple Valley Economic and Community Development, Planning Division, to obtain all permits and to follow and adhere to the rules, procedures and requirements including the General Plan and Development Code as adopted by the Town Council and mandated by State and Federal Laws.

### **Town of Apple Valley Development Advisory Board**

The Development Advisory Board (DAB) meets regularly at 1:30 p.m. each Thursday. Invited staff members include representatives from Planning, Building & Safety, Public Works, Engineering, Economic Development, the Apple Valley Fire District, and Water Agencies.

Victor Valley Community College representatives attended a DAB meeting to seek information about the applicable standards and requirements for any construction within the Town. The Town staff and the advisory board have been supportive and recommend the design team arrange formal planning conferences, at an appropriate time, with Planning, Building & Safety, Public Works, Engineering, Economic Development, Fire District, and Water Agencies. At this time, the AV Development Advisory Board envisions no issues. The College has agreed to conform to standards set forth in the Town Development codes.

## THE STATE PROCESS

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### California Education Code

The California Education Code Article 2, Section 81031-81033 identifies the criteria required for School Sites.

Victor Valley Community College will comply with the California Educational Code for the evaluation of the Public Safety Training Center.

### California Community College Chancellor's Office

Before the district proceeds with the lease of a site for future development of Community College facilities, the Chancellor's Office requests specific information regarding the proposed site including; location, size, and access, seismic concerns, if any, aircraft flight paths and railroad easements affecting the location, future development potential, both of the educational facility and in the surrounding area, restrictions on the use of the parcel, if any, and other information affecting the use of the location as an educational facility such as infra-structure development needed, coastal use restrictions, hazardous materials present, and environmental limitations, such as an adjacent protected species area, that need to be considered . [See Exhibit D – Facilities Planning Manual, Site Selection]

The Board of Governors has been notified to review and address any concerns.  
[See Exhibit E – Letter to the Board of Governors]

In the future, if State funds are to be used for design and construction of facilities on the site, the information listed below will need to be submitted as part of the Request for Approval submitted to the Board of Governors:

1. An Environmental Impact Report, Negative Declaration or other CEQA report for the site.
2. Five-year (for a center site) or ten-year (for a college site) enrollment projections (Explained later in this chapter),
3. Educational and facility development plans for the new site (Explained later in this chapter).
4. Descriptions of the use, if any, to be made of existing facilities on the site.
5. Discussion of alternatives sites considered and not chosen.
6. Justification for the chosen site.
7. A timely appraisal of the site made by individuals authorized by the Office of Real Estate and Design Services, State Department of General Services.

Under this scenario, information expected in the Letter of Intent and the Request for Approval would most likely be submitted into a single communication or a series of communications that would then be used to develop the Board of Governor's Agenda Item requesting approval of the site while simultaneously supporting an initial project proposal.

## REFERENCES

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**California Education Code**

Sections 81031-81033

**California Community Colleges Chancellor's Office**

*Facilities Planning Manual, Part E, Chapter 10 Sections*

**North Apple Valley Industrial Specific Plan Adopted October 24, 2006**

*Town of Apple Valley, California – Planning Commission*

**Environmental Impact Report (SCH# 2006031112) for the NAVISP Certified October 10, 2006**

*Prepared by: Terra Nova Planning & Research, Inc.*

**Paleontological Resources Technical Report January 18, 2007**

*Prepared by CRM TECH for Terra Nova Planning & Research, Inc.*

**Cultural Resources Technical Report January 18, 2007**

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**Geotechnical Investigation Report April 6, 2009**

*Prepared by: C.H.J. Incorporated*

**EXHIBIT A – LETTER TO BOARD OF GOVERNORS**

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EXHIBIT B – SITE PLAN

