



AGENDA REPORT

Meeting of the San Marcos Planning Commission

MEETING DATE: December 15, 2015
SUBJECT: United Methodist Church / Applied Scholastics Academy, 800 W. Mission Rd.
APN: 220-021-20
CASE: Conditional Use Permit 12-897

Recommendation

Conditionally approve the use of an existing facility at the United Methodist Church for a private school operated by Applied Scholastics Academy North County through a Major Conditional Use Permit (CUP) that is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the Public Resources Code.

Introduction

The private school is located at the site of the United Methodist Church, in an existing facility east of the main sanctuary building. The project site is an approximately 3.75 acre parcel located at the northwest corner of W. Mission Road and Aberdeen Avenue. The project site was originally developed in the mid 1980's as a church under Conditional Use Permit (CUP) 34-84. Although the church operation is allowed under CUP 34-84 (and unaffected by this project), the operation of an additional use (i.e. a private school) from the existing facilities requires a separate Conditional Use Permit.

Discussion

The subject site is zoned Office Professional (OP) and has a General Plan land use designation of Office Professional. The project site is already developed with a 7,650 square foot main sanctuary building and a 3,800 square foot classroom/office complex oriented around a courtyard, 107 surface parking spaces and two (2) detached accessory storage buildings (i.e. "sheds"). The private school is operating from a 3,097 square foot portion of the existing 3,800 foot classroom and office complex (the remaining area of the complex is utilized by the United Methodist Church for administrative offices). The developed portion of the site slopes gently towards the north, with the buildings at 578 feet Above Mean Sea Level (AMSL) and an undeveloped high point of the property in the rear at 630 Feet AMSL. To the north and west of the project site is Palomar College. To the east of the project site is San Marcos Middle School and in the rear of the project site, to the northeast is the Vallecitos Ridge subdivision.



Applied Scholastics Academy North County relocated from the locally known "Old Richland Schoolhouse" located at 134 Woodland Parkway to the site of the United Methodist Church at 800 W. Mission Road. The Conditional Use Permit application to operate a private school was determined to be incomplete and several revised materials were requested by the City, including updated floor and site plans. Earlier this year the final incomplete item was addressed by the applicant and inspectors from the Fire Department and Building Division inspected the facility. During the inspections, City staff determined that violations of the California Building Code were present. Since this time, the applicant has been working with the respective City Departments and Divisions to correct these violations and has implemented temporary safety measures to protect public safety. At the current time, fire alarm upgrades and modifications to the latch on the gate of the fenced outdoor lunch area remain outstanding. Although not yet complete, the applicant has committed to remediating these outstanding issues within sixty (60) days of the approval of this Conditional Use Permit. Failure to address these issues in the time provided or violation of any other provision of the Conditional Use Permit will result in fines/penalties, additional code enforcement actions and/or permit modification/revocation.

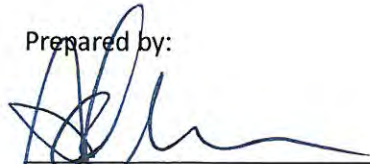
The private school provides Lower (pre-kindergarten and kindergarten), Elementary and Middle School programs and has a maximum enrollment of sixty (60) students taught by seven (7) teachers and up to five (5) support staff. Parking for school staff and students is provided in the existing 107 parking spaces onsite. The school will operate between 7:30 AM and 6:00 PM on weekdays with the ability to operate twelve (12) months a year (although the school operates from September through June with a 2 week summer program in late June). Student transportation occurs privately and the school does not utilize or store buses onsite. The drop-off and pick-up of students occurs onsite in the portion of parking lot located adjacent to the facility (on the south side of the property). During student pick-up and drop-off operations, vehicles containing students enter the west side of the property from Mission Road and precede easterly across the front of the property in the parking lot and exit on the east, on Aberdeen Avenue. City staff has observed both pick-up and drop-off operations and confirm that all functions are orderly and occur onsite, with no back-ups occurring offsite.

Attachment(s)**Adopting Resolution**

- A- Vicinity Map
- B- Aerial Photo
- C- Requested Entitlement
- D- Site & Project Characteristics
- E- Floor and Site Plans



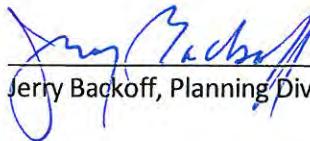
Prepared by:


Sean del Solar, Assistant Planner

Reviewed by:


Karen Brindley, Principal Planner

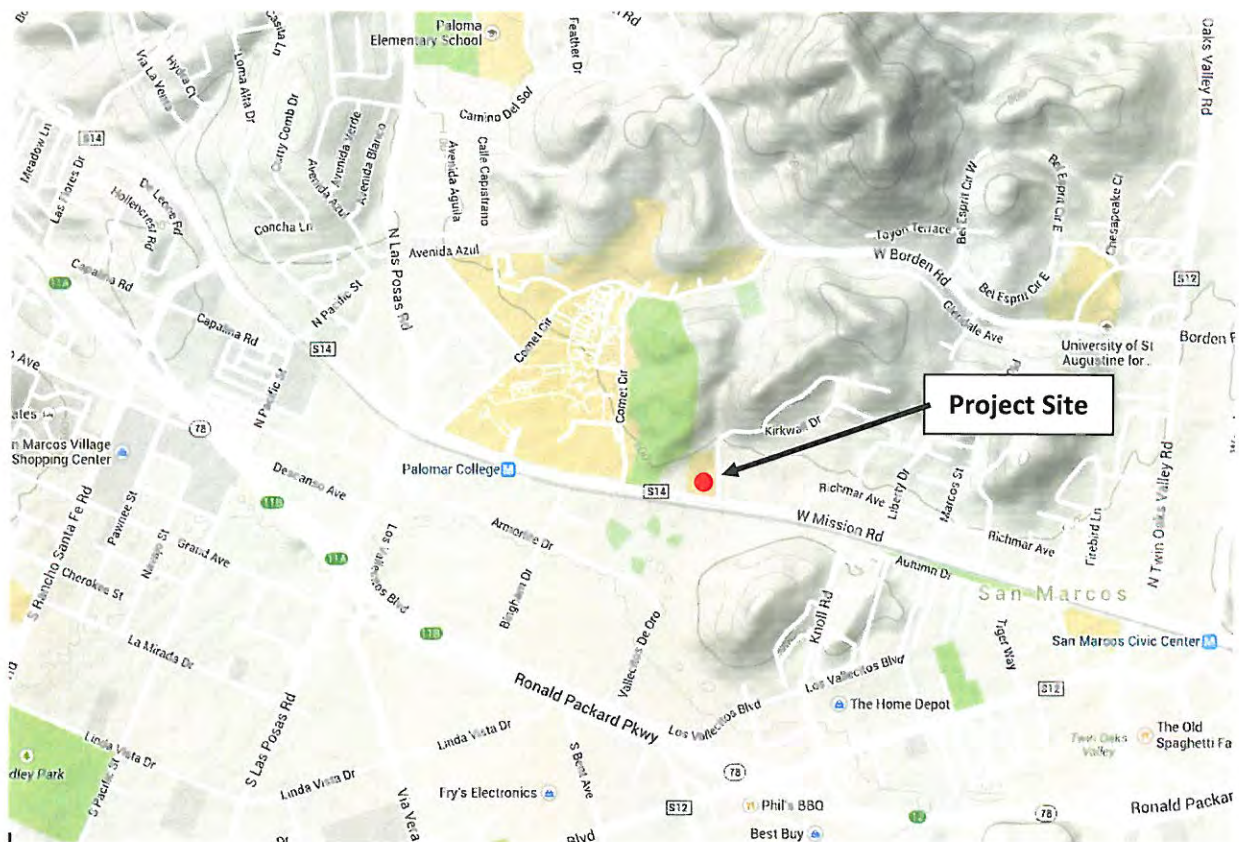
Approved/Submitted by:


Jerry Backoff, Planning Division Director

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ATTACHMENT A Vicinity Map



● Project Site

AGENDA ITEM NO. _____



ATTACHMENT B

Aerial Photo



Project Site



AGENDA ITEM NO. _____



ATTACHMENT C

Requested Entitlement

- A Major Conditional Use Permit to allow the operation of a private school from existing facilities in the Office Professional (OP) zone.

AGENDA ITEM NO. _____



ATTACHMENT D

Site & Project Characteristics

Property	Existing Land use	Zoning	General Plan Designation
Subject	Assembly ("Church")	OP	Office Professional
North	Palomar College	P-I	Public Institutional
South	Mission Sports Park	P-I	Public Institutional
East	San Marcos Middle School	P-I	Public Institutional
West	Palomar College	P-I	Public Institutional

Flood Hazard Zone	☐ yes	☒ no
Resource Conserv. Area	☐ yes	☒ no
Sewer	☒ yes	☐ no
Septic	☐ yes	☒ no
Water	☒ yes	☐ no
Gen. Plan Conformance	☒ yes	☐ no
Land Use Compatibility	☒ yes	☐ no

* with approval of CUP

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ATTACHMENT E

Floor & Site Plans

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Floor Plan

Ball Court

Grass
Future
Field
Use
Area

Rock
Climber

Shade

Swings

Large
Climber

Stairs

Play
House

Shade
Sandbox

Yellow Ship Hall

Garden

Janitor
Closet

Pastor's
Office

Church
Office

Classroom

Storage

Classroom
Kindergarten

Garden

Classroom
3+4

Classroom

Storage

Teacher's
Lounge

Preschool
Office

Sandwich

Fenced Patio

APS North County

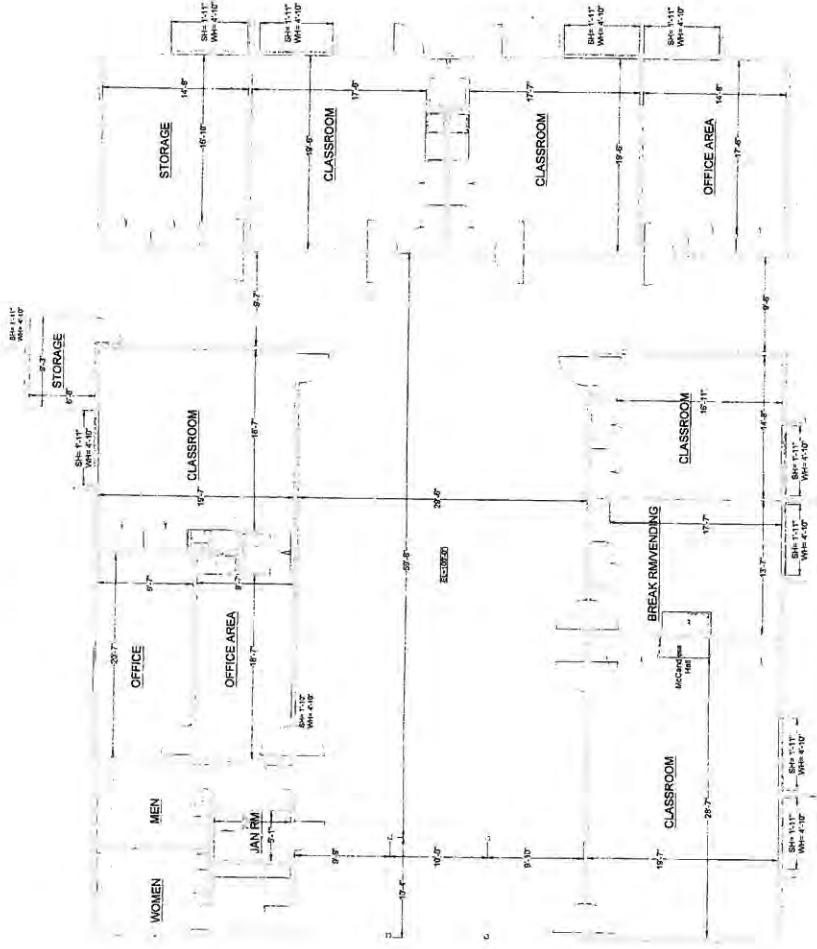
PREPARED FOR:
 AFS Academy North County
 800 W. Mission Rd
 San Marcos, CA 92069
 Tel (760) 752-3125
<http://www.apacademynorthcounty.org>

Measured Area: 3,977 s.f.
 Exterior Area: 2,251 s.f.

APPLIED SCHOLASTICS ACADEMY NC
 800 W. MISSION RD
 SAN MARCOS, CA
 (As Measured April 2013)



FLOOR PLAN



ABERDEEN AVE

CHURCH

RECEIVED
 MAY 30 2013
 CITY OF SAN MARCOS
 PLANNING DIVISION



TEL: (888) 382-6655
 FILE: 13-149

WEST MISSION RD

Note: All dimensions shown are rounded to the nearest inch, for information only.
 All measurements are rounded to 1/8" accuracy as documented in the final CAD drawing supplied.
 LASERTECH is not responsible for any errors or omissions.
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ELEVATION LEGEND	
Spot Height AFF:	8'-0"
Sill Height:	5'-0"
Window Height:	5'-0"
(Shown adj to windows)	
Survey Accuracy:	± 0.07 %

RESOLUTION PC 14-4449

A RESOLUTION OF THE CITY OF SAN MARCOS
PLANNING COMMISSION APPROVING A CONDITIONAL
USE PERMIT FOR THE OPERATION OF A PRIVATE
SCHOOL IN AN EXISTING RELIGIOUS ASSEMBLY
FACILITY IN THE OFFICE PROFESSIONAL (O-P) ZONE OF
THE COLLEGE NEIGHBORHOOD

CUP 12-987

United Methodist Church / Applied Scholastics Academy

WHEREAS, on June 28, 2012 an application was received from Tae Kim on behalf of the United Methodist Church and Applied Scholastics Academy requesting a Conditional Use Permit for the operation of a 3,079 square foot private school, at 800 W. Mission Road within an existing religious assembly facility located in the Office Profession (O-P) Zone of the College Neighborhood with a General Plan Land Use Designation of Office Professional, more particularly described as:

Portion of fractional Section 10, Township 12 South, Range 3 West, San Bernardino Meridian, in the City of San Marcos
Assessor's Parcel Number (APN): 220-021-20-00

WHEREAS, the Development Services Department did study said request and does recommend approval of the requested use; and

WHEREAS, A Conditional Use Permit (CUP) 34-84 was previously approved on January 7, 1985 for the development of a religious assembly building and associated facilities; and

WHEREAS, the City of San Marcos did find the project Categorically Exempt pursuant to Section 15301 Class 1(a) of the California Environmental Quality Act (CEQA); and

WHEREAS, the required public hearing held on December 15, 2014 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission's decision is based on the following findings and determinations:

1. Approval of the Conditional Use Permit will not result in detrimental impacts to adjacent properties or the character and function of the neighborhood in that all improvements will be installed in conformance with the California Building and Fire Codes, and sufficient facilities (i.e. parking) exist on site to service the project as conditioned.

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2. The design, development and conditions associated with the Conditional Use Permit are consistent with the goals, policies and intent of the General Plan and Office Professional Zone because the project will provide educational opportunities are provided in accessible facilities that compliment the surrounding land uses (GP Goal LU-11.1).

NOW, THEREFORE, the City of San Marcos resolves as follows:

- A. The foregoing recitals are true and correct.
- B. The Conditional Use Permit is approved per the site and floor plans stamped "received May 13, 2013," for a 3,079 square foot tenant space and the submitted statement of operations dated June 7, 2012, except as modified herein and will not be expanded/intensified unless a modification to this permit is approved.
- C. Prior to reliance on the Conditional Use Permit for the operation of the facility, compliance with the following is required:

1. The applicant/property owner shall submit executed versions of separate petitions to annex into and establish, with respect to the property, the special taxes levied by the following community facilities districts ("CFD"):

CFD 98-01, Improvement Area (IA) 1, Police
CFD 98-02, Lighting & Landscaping Open Space Preserve Maintenance
CFD 2001-01, Fire and Paramedic

No development entitlement, Certificate of Occupancy or Business License will be issued without receipt of an executed petition for annexation into the above-referenced CFDs and establishment of the special taxes or payment of a \$3,560.91 fee in-lieu of annexation (\$352.92 for CFD 98-01IA1, \$2,881.75 for CFD 98-02 and \$326.24 for CFD 2001-01). The applicant/property owner must comply with all rules, regulations, policies and practices established by the City with respect to the CFD's including, without limitation, requirements for notice and disclosure to future owners or residents.

2. Within 60 days of approval, a final inspection shall be passed for Building Permit Number B14-00370 and a Certificate of Occupancy for an educational use must be issued by the Building Division. This shall include, but is not limited to, the installation of the following:
 - a. A manual and automatic fire alarm system shall be installed in Group E occupancies having an occupant load of 50 or more persons, or containing more than one classroom or one or more rooms used for Group E.
 - b. A time extension not to exceed an additional 30 days may be granted, if approved by the Fire Marshal and/or Building Official.

- c. The existing Manual pull station and fire alarm bell located in the exterior courtyard shall be utilized for on-site emergency notification to evacuate students (when necessary) until such time as a new fire alarm system is installed, and approved by the Fire Department.
 - d. Egress from the fenced outdoor eating area shall comply with all provisions of the California Building Code (i.e. Panic hardware must be added to the gate or the gate must be removed).
 - 3. The school shall provide the Fire Department with an evacuation plan that identifies safe dispersal areas that are a minimum of 100 feet from the building for use by students and staff during monthly fire drills.
- D. Reliance on the Conditional Use Permit for the operation of the facility shall be subject to the following operational standards:
- 1. Compliance with condition of approval "C" of this permit (Resolution No. PC 14-4449).
 - 2. A Certificate of Occupancy for private school use of the facility in conformance with the California Building Code (CBC) is required and must be maintained throughout the operation of the facility as a school during the term of the Conditional Use Permit.
 - 3. The operation of the private school shall conform substantially to the approved statement of operations, except as modified herein and observe all of the following:
 - a. The private school is limited to the 3,079 square feet of the 4 classrooms, 1 office, 1 library and 1 break room /vending area (per the approved floor plan).
 - b. Classes may only occur on weekdays between 7:00 A.M. and 6:00 P.M.
 - c. Student enrollment shall never exceed sixty (60) students onsite at any one time.
 - d. Special events during school hours (i.e. performances, graduations, art shows, etc.) may be permitted on site on an occasional basis. If complaints are received regarding special events, the Planning Division Director may require the applicant to take corrective action to address a valid complaint (e.g. reduce number of visitors, change time of event,

require additional permits by the City, and/or prohibit events if impacts cannot be mitigated through corrective actions).

4. A minimum amount of thirteen (13) onsite parking spaces must be made available to the private school for their exclusive use during the operation of the facility. In addition, a sufficient number of onsite parking spaces must also be made available to accommodate the school's pick-up and drop-off procedures for students. If a complaint about parking availability is received and validated by the City, the applicant will be required to take corrective action to respond to such complaints and ensure adequate parking availability to the satisfaction of the Planning Division Director.
5. During student and pick-up and drop-off operations, parents/guardians of students shall enter the site from the west, via the W. Mission Road driveway and exit on the east, via the Aberdeen Avenue driveway. The loading and unloading of passengers shall occur onsite and within existing parking spaces. The drive aisles shall remain clear and unobstructed during student pick-up and drop-off procedures. At no time shall traffic impacts occur offsite. If offsite traffic impacts occur during student pick-up and drop-off operations, the school is required to take immediate corrective action (i.e. modify class schedules, modify onsite circulation patterns, etc.) to the satisfaction of the Planning Division Director and/or City Engineer.
6. The maximum occupancy of the suite shall be determined by the City of San Marcos Building Division. Once determined, the applicant is required to post a sign indicating that number. The posted maximum occupancy of the facility must never be exceeded.
7. All operations of the program shall occur within the building or in the designated outdoor play areas.
8. All required emergency egress corridors are required to be kept free and clear of any obstructions (i.e. equipment, furniture, etc.) at all times.
9. An outdoor public address system, loudspeakers or use of any other type of amplified sound device is prohibited.
10. Pursuant to Section 12.20.130 of the San Marcos Municipal Code (S.M.M.C.), students are prohibited from loitering onsite.
11. No buses shall be utilized or stored onsite in association with the operation of the school.
12. The operation of the facility shall not cause a noise nuisance to adjacent properties. Should the City receive valid noise complaints, the applicant must take

corrective action to address complaints to the satisfaction of the Planning Division Director (this may include but is not limited to modifying the schedule and/or activities, relocation of outdoor recreation areas, etc.).

13. At no time shall both the school and the church sanctuary operate concurrently.
 14. The project must comply with all applicable provisions of Chapter 14.15 S.M.M.C. and other regional standards for the protection of stormwater quality.
 15. All signage requires a permit and must comply with the applicable provisions of the Sign Ordinance (Chapter 20.320 S.M.M.C.). The use of portable signs (i.e. A-frame, T-frame, feather, vehicle, etc.) is prohibited. All temporary signage requires a permit.
 16. Subleasing any portion of the suite is prohibited unless otherwise approved by the City.
 17. The applicant is required to maintain a City of San Marcos Business License for the duration of the business.
 18. The applicant must maintain an annual (1 year) certification for all required fire extinguishers.
 19. Fire drills in accordance with the approved evacuation plan are required to be conducted on a monthly basis.
 20. The operator of the school shall comply with all relevant provisions of California Educational Code, and maintain any required accreditations, certifications registrations, and/or licenses required by the State of California, County of San Diego or applicable School District for all operations of the private school subject to such authority/oversight.
 21. In conformance with California Educational Code 44237, all staff of the school that will come into contact with minor pupils are required to submit two sets of fingerprints to the Department of Justice for the purpose of obtaining criminal record summary information from the Department of Justice and the Federal Bureau of Investigation.
 22. Use of the site shall be conducted so as not to become obnoxious by any reason of noise, odor, refuse or maintenance of grounds and in such a manner as will not detrimentally affect adjoining properties and uses.
- E. Any modifications, alterations, expansions or other changes shall require the modification to this Conditional Use Permit and may necessitate the issuance of Building Permits and reissuance of a Certificate of Occupancy ("C of O") from the Building Division.

- F. Prior to the issuance of any Building Permits, the following conditions shall be complied with:
1. The applicant must obtain written approval from the Planning Division that the modifications proposed under the Building Permit will be in substantial conformance with the adopted Conditional Use Permit (Resolution No. PC 14-4449).
 2. Remodeled structures and/or tenant improvements shall be designed to conform to the latest design standards adopted by the State of California in the California Building Code, Part 2, Title 24, California Code of Regulations. Plans submitted for the issuance of a Building Permit shall include, but are not limited to the inclusion of the following items:
 3. Plans submitted for the issuance of a Building Permit shall also comply with the latest adopted standards of the National Fire Protection Association, and/or the City of San Marcos Fire Code Ordinance.
 4. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
 5. The City of San Marcos is located in Seismic Design Category "D." Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
 6. The proposed development shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled.
 7. The storage, use or handling of hazardous, toxic or flammable materials shall be clearly indicated on all floor plans submitted for a building permit. Materials shall be identified in accordance with Health and Safety Code Section 25101.
 8. Tenants are required to obtain written permission from the building owner, or owner's agent, prior to obtaining a building permit from the city. Per San Marcos Municipal Code Chapter 17.08.030 Section 105.10, the tenant must obtain written permission from the building or property owner that the applicant is authorized to proceed with the proposed construction.
- G. During any construction phase, the following conditions shall be complied with:

1. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting, construction and grading operations. Projects are required to comply with the Air Pollution Control District's standards for mitigating fugitive dust during all phases of construction.
 2. All construction operations authorized by building permits, including the delivery, setup and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
 3. During construction the owner/developer/contractor shall implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation and citations with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.
- H. Prior to a final inspection or issuance of a Certificate of Occupancy ("C of O"), the following conditions shall be complied with:
1. The proposed development shall satisfy the conditions of approval prior to the occupancy. The owner/developer/contractor shall obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department.
- I. This Conditional Use Permit shall become null and void if not acted upon within twelve (12) months of the adoption of this resolution, or the approved use ceases to operate at the subject property for a period more than twelve (12) months.
- J. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, and equipment needed, and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.
- K. The Planning Division may, but is not obligated to inspect the premises annually to ensure compliance with all conditions of the use permit approval. If the Planning Division determines that compliance is not being achieved after a cure period, then a public hearing shall be scheduled for possible use permit modification and/or revocation.

- L. This Conditional Use Permit shall expire on December 15, 2019. Any request for permit extension shall be applied for by the permittee no later than thirty (30) days prior to the expiration date.
- M. To the extent permitted by law, the Developer shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the Developer or its contractors, subcontractors, agents, employees or other persons acting on Developer's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Developer further agrees that such indemnification and hold harmless shall include all defense-related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 15th day of December, 2014, by the following electronic vote:

AYES: COMMISSIONER:

NOES: COMMISSIONER:

ABSENT: COMMISSIONER:

APPROVED:

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING

COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION