

## STAFF REPORT

### PLANNING COMMISSION MEETING

MEETING DATE: August 21, 2017  
SUBJECT: North County Baptist Church Conditional Use Permit (CUP) Renewal  
842 Nordahl Road; APN: 228-120-46-00  
CASE NUMBER: CUP 14-012 (P14-0031)

#### **Recommendation**

Conditionally approve the continued operation of an existing place of assembly ("church") and future Kindergarten through twelfth grade ("K-12") school through a Conditional Use Permit, exempt from CEQA pursuant to Section 15301 of the California Code of Regulations.

#### **Introduction**

In 2003, the City approved a Specific Plan Modification (SP 92-27(02M)) and Conditional Use Permit (CUP 02-568) to allow the operation of a church at the property. The CUP was subsequently renewed and modified in 2007 (CUP 06-706) to allow the continued operation of the church at the site and a future operation of an ancillary K-12" school.

#### **Discussion**

The subject property is zoned Specific Plan Area (SPA), with the Richland Hills North Specific Plan providing the development guidelines and land use regulations for the property. The Richland Hills North Specific Plan was originally adopted for the development and operation of an executive ("PAR 3") golf course, which was built and operated at the site until it closed in 2002. In 2003, the City approved a Specific Plan modification and Conditional Use Permit to allow the operation of a church at the site of the former executive golf course. In 2007, the City approved a CUP renewal and modification to allow for the continued operation of the church and a future thirty-two (32) student K-12 school. Although the operation of the school has not yet occurred, the applicant has requested that the CUP renewal continue to allow them the ability to operate a future K-12 school.

The subject site is approximately 4.3 acres and as indicated above, was originally developed as an executive golf course with an approximately 3,100 square foot clubhouse, parking lot facilities and landscaped grounds. Also at the site, two (2) wireless telecommunication facilities disguised as faux trees operate under separate Conditional Use Permits. The surrounding properties located to the north and east of the site are developed with single family residences, located in the City of San Marcos (Residential R-1-10 Zone) and unincorporated County of San Diego (Rural Residential, RR Zone). The properties located to the west of the subject property, across Nordahl Road, are developed with multifamily residential developments in the Rancho Vallecitos Specific Plan Area and Residential (R-3-10) zones, respectively. To the south of the project site is the Nordahl Medical Center, located in the Nordahl Medical-Professional Office Building Specific Plan Area (SPA) zone.

AGENDA ITEM  
# 2

During the processing of the application, the City received complaints regarding the condition of landscaping at the site. Upon further investigation of the issues, it was determined that the onsite well that provides landscape irrigation was not functioning properly and required significant repairs. In addition to well maintenance, the restoration of landscaping also required the development, review and approval of a Landscape Permit in conformance with the City's Water Efficient Landscape Ordinance. After the issuance of the Landscape Permit, the applicant made incremental progress on the restoration of the site but also experienced several setbacks due to health issues which delayed the full implementation of the approved Landscape Permit. At the current time, the applicant has made significant progress to restore the site under the approved Landscape Permit and will be required to complete all work within sixty (60) days of approval of this Conditional Use Permit.

In conformance with the California Environmental Quality Act (CEQA), a previous Mitigated Negative Declaration (ND 07-751) was considered and adopted by the City for the operation of the church and a thirty-two (32) student K-12 school. This CUP renewal is consistent with the scope of the project analyzed under ND 07-751 and proposes no significant changes. As a result, this CUP has been deemed categorically exempt pursuant to Section 15301 of the California Code of Regulations.

#### **Public Comment**

As previously indicated, the City did receive complaints about the condition of onsite landscaping. These issues were addressed through the processing of this Conditional Use Permit and as conditioned, the project will sufficiently address these issues. No other public comment about the project was received.

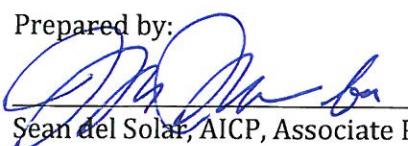
---

#### **Attachment(s)**

##### Adopting Resolution

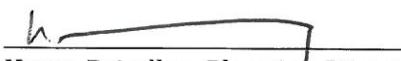
- A- Vicinity Map
- B- Aerial Photo
- C- Requested Entitlement
- D- Site & Project Characteristics
- E- Site Plan
- F- Floor Plan

Prepared by:



Sean del Solar, AICP, Associate Planner

Reviewed/Approved by:



Karen Brindley, Planning Division Manager



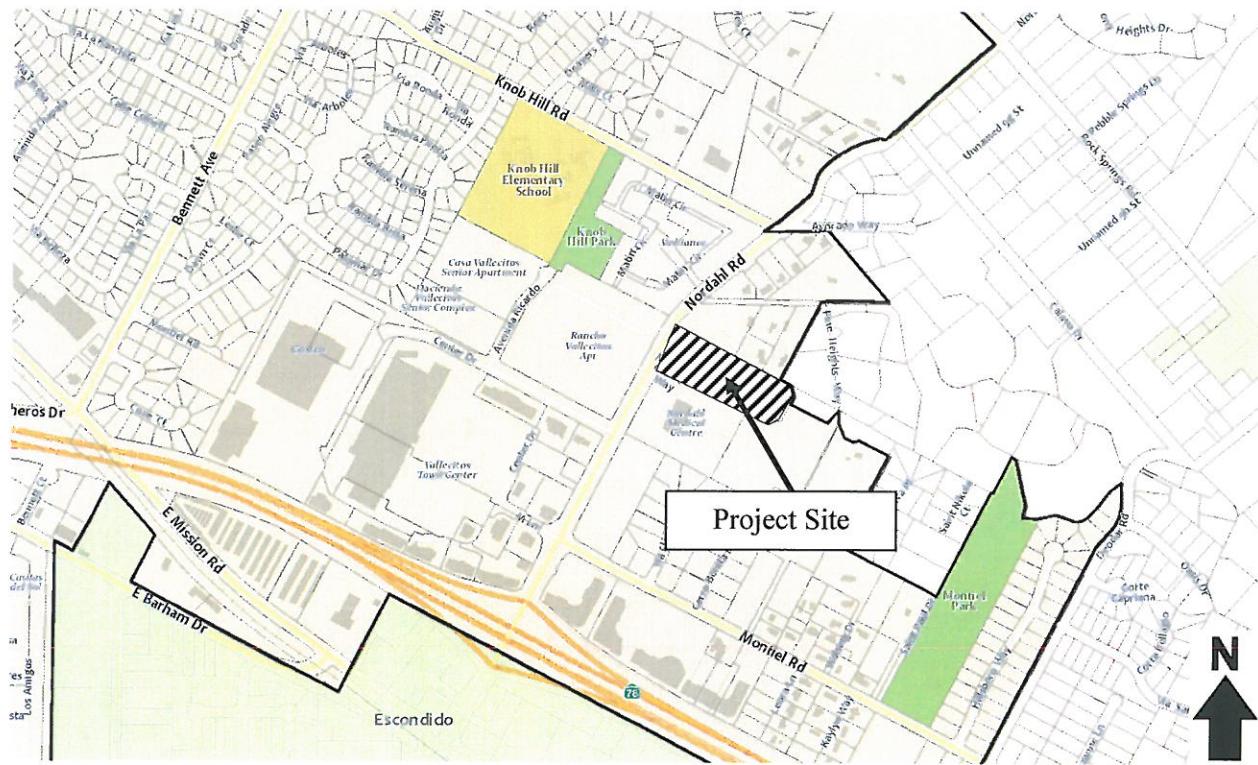
**City of San Marcos**  
1 Civic Center Drive  
San Marcos, CA 92069

Submitted by:

Dahvia Lynch for  
Dahvia Lynch, Development Service Director

## ATTACHMENT A

### Vicinity Map



**ATTACHMENT B**  
Aerial Photo



Boundary of subject property



**City of San Marcos**  
1 Civic Center Drive  
San Marcos, CA 92069

**ATTACHMENT C**  
Requested Entitlement

A Conditional Use Permit to allow the continued operation of an existing place of assembly ("church") and future K-12 school in the Richland Hills North Specific Plans Area (SPA) zone of the Richland Neighborhood.

**ATTACHMENT D**  
**Site & Project Characteristics**

<u>Property</u>	<u>Existing</u>	<u>Zoning</u>	<u>General Plan</u>
<u>Land use</u>	<u>Designation</u>		
Subject	Place of Assembly ("Church")	SPA	SPA
North	Single-Family Residence	R-1-10	VLDR (2.1-4.0 du/ac)
South	Medical Offices	SPA	SPA
East	Single-Family Residence	R-1-10	VLDR (2.1-4.0 du/ac)
West	Multifamily	SPA	SPA

Flood Hazard Zone	<u>yes</u>	<u>x</u> <u>no</u>
Resource Conservation Area	<u>yes</u>	<u>x</u> <u>no</u>
Sewers	<u>x</u> <u>yes</u>	<u>no</u>
Septic	<u>yes</u>	<u>x</u> <u>no</u>
Water	<u>x*</u> <u>yes</u>	<u>no</u>
Gen. Plan Conformance	<u>x**yes</u>	<u>no</u>
Land Use Compatibility	<u>x**yes</u>	<u>no</u>

Development standards of the Richland Hills North Specific Plan:

<u>Setbacks</u>	<u>Required</u>	<u>Existing "Clubhouse" Structure</u>
Front	61 ft.	~260 ft.
Rear	20 ft.	~400 ft.
Side	10 ft.	~60/115 ft.
Height Maximum	35 ft.	35 ft.

\* Potable water provided by the Vallecitos Water District ("VWD"), landscape irrigation water provided by an onsite well.

\*\* With adoption of CUP



**City of San Marcos**  
1 Civic Center Drive  
San Marcos, CA 92069

**ATTACHMENT E**  
**Site Plan**

P14-0031 (CUP)

North County Baptist Church  
842 NORDAHL RD

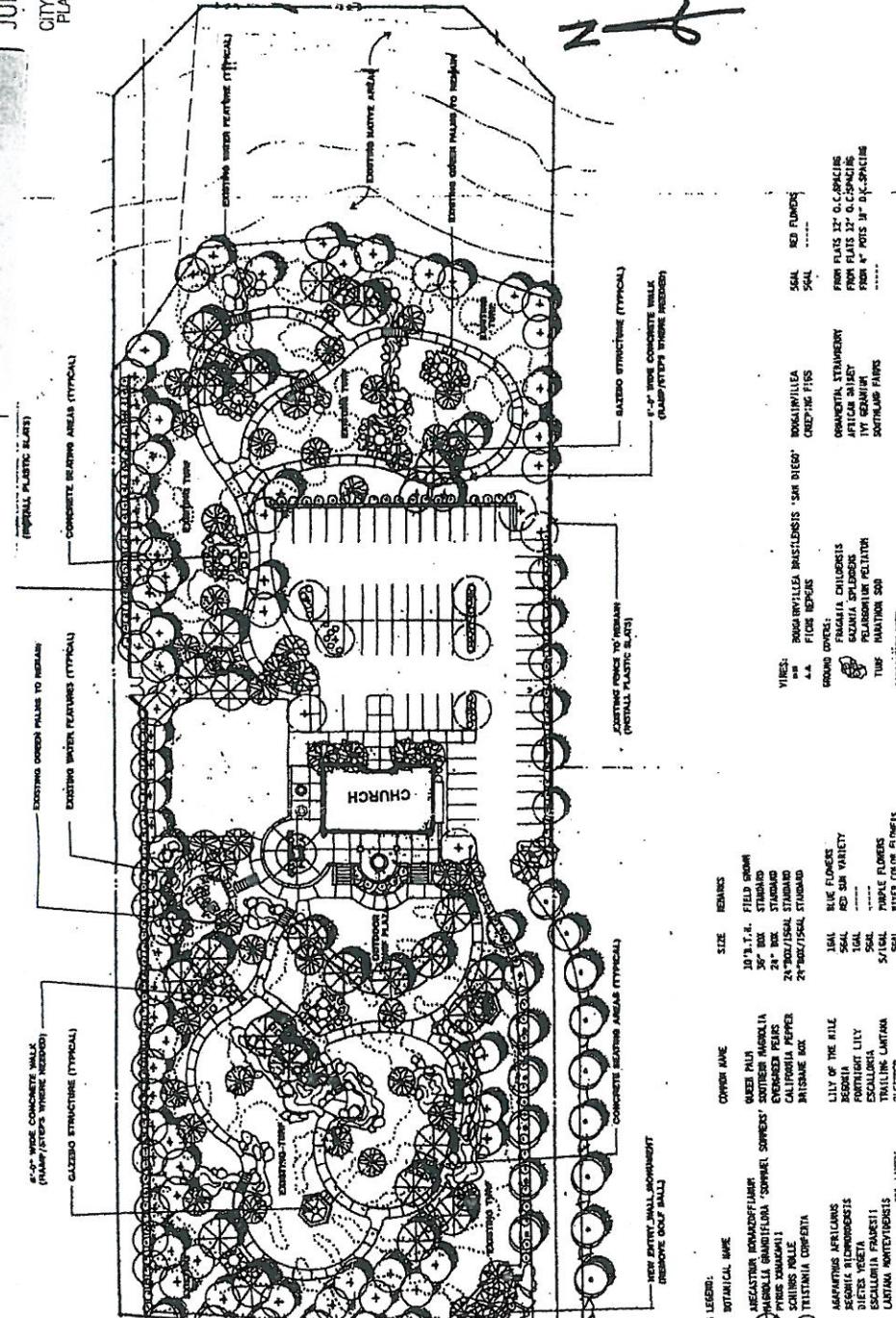
RECEIVED

三三三

CITY OF SAN MARCOS  
PLANNING DIVISION

WIN 12 2014

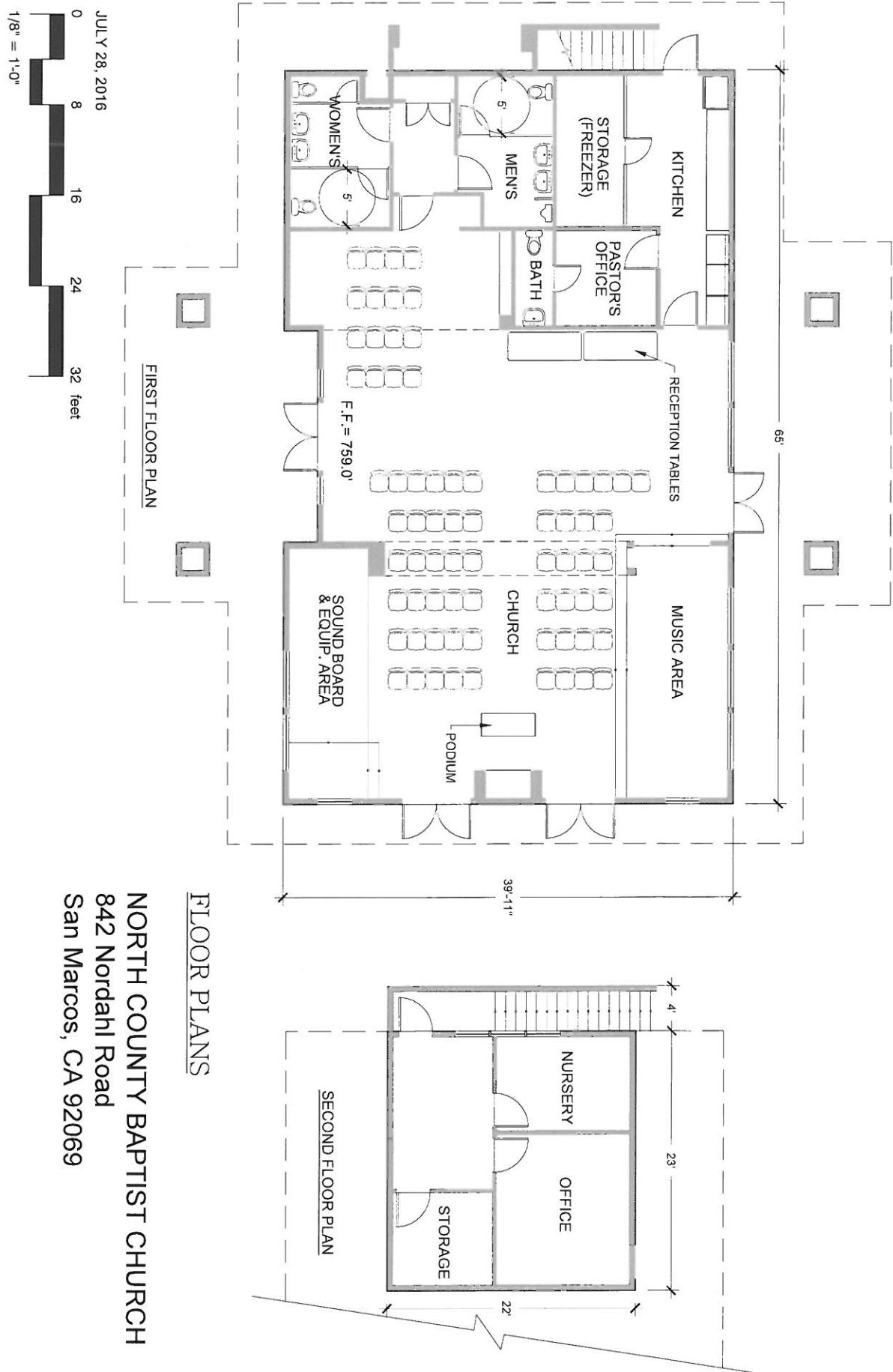
**CITY OF SAN MARCO  
PLANNING DIVISION**





**City of San Marcos**  
1 Civic Center Drive  
San Marcos, CA 92069

**ATTACHMENT F**  
Floor Plan





RESOLUTION PC 17-4634

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE CONTINUED OPERATION OF A PLACE OF ASSEMBLY ("CHURCH") AND FUTURE K-12 SCHOOL IN THE RICHLAND HILLS NORTH SPECIFIC PLAN AREA (SPA) ZONE OF THE RICHLAND NEIGHBORHOOD

CUP 14-012  
(P14-0031)

Applicant: North County Baptist Church

WHEREAS, on June 12, 2017, an application was received from North County Baptist Church requesting a Conditional Use Permit for the continued operation of an existing place of assembly ("church") at 842 Nordahl Road, in the Richland Hills North Specific Plan Area (SPA) zone of the Richland Neighborhood, more particularly described as:

All those portions of Lot 3 and 4, in Block 6 of Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806, filed in the office of the County of San Diego County, December 21, 1895.

Assessor's Parcel Number: 228-120-46-00

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

WHEREAS, on February 11, 2003 the City Council approved a Specific Plan Amendment (92-27(02M)) to allow places of assembly in the Richland Hills North Specific Plan (Ordinance No. 2003-1171) and a CUP (02-568) for the operation of a place of assembly (Resolution No. 2003-6040); and

WHEREAS, a Conditional Use Permit (CUP) 06-706 (Resolution PC 07-3938) was approved by the Planning Commission on February 5, 2007; and

WHEREAS, the property has already been annexed into Community Facility District (CFD) 91-02 Police and Fire, and CFD 98-02 Lighting, Landscape, Open Space, and Preserve Maintenance; and

WHEREAS, the place of assembly use was established prior to the formation of CFD 2011-01 Congestion Management, annexation is not required; and

WHEREAS, the City of San Marcos did previously adopt a Negative Declaration (ND 07-751) for CUP 06-706 on February 5, 2007; and

WHEREAS, the City of San Marcos does not find the renewal of the CUP as Categorically Exempt (EX 17-023) pursuant to Section 15301 Class 1, of the California Environmental Quality Act (CEQA) in that this is an existing facility with no expansion proposed; and

AGENDA ITEM  
# 2

WHEREAS, the required public hearing held on August 21, 2017, 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 have been installed in conformance with the California Building Code and sufficient facilities (i.e. parking) exist on site to service the project as conditioned.
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 the purpose and intent of the Richland Hills North Specific Plan Area (SPA) zone in that the operation of place of assembly ("church") will establish community facilities that enrich the quality of life for residents of the City of San Marcos (Goal LU-9) and helps to promote a balanced distribution and compatible mix of land uses to meet the future and present needs of residents (Goal LU-1).
3. The land use allowed in conjunction with the Conditional Use Permit is compatible with the existing and future land uses of the Richland Hills North Specific Plan Area (SPA) zone and the general area in which the proposed use is to be located.

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 submitted site and floor plans except as modified herein, and must not be expanded unless a modification to this permit is approved.
- C. Reliance on the Conditional Use Permit for the operation of the place of worship is subject to the following operational standards:
  1. By no later than October 23, 2017 ("sixty days"), the applicant shall have completed the installation of all landscape and irrigation systems in accordance with Landscape Permit LP15-00012, to the satisfaction of the Planning Division Manager.
  2. Prior to the operation of the proposed K-12 school, a modification to the existing Certificate of Occupancy shall be approved for all facilities utilized as a school. Operation of the K-12 school shall not occur until proper approval, inspections and reissuance of a modified Certificate of Occupancy by the City has occurred.

3. The proposed K-12 school at the site shall be ancillary to the primary use of the site as a place of assembly.
4. Enrollment at the school shall not exceed twenty-five (25) students.
5. Permitted activities of the place of assembly and proposed school shall be limited to the following days of the week/times:

Description of Activity	Day of the Week	Permitted Times
Office Hours*	Monday – Friday	8:00 AM – 5:00 PM
K-12 School	Monday – Friday	8:30 AM – 3:30 PM
Regular Services	Wednesday	6:00 PM – 10:00 PM
	Saturday	9:00 AM – 12:00 PM
	Sunday	9:00 AM – 10:00 PM
<p>*For purposes of this Conditional Use Permit, “Office Hours” shall mean regular staffing of the facility with administrative staff for administrative purposes. No services, meetings/activities or general assembly activities shall occur during these times.</p> <p>Special services are allowed on New Year’s Eve from 9:00 AM to 1:00 AM (of the following day); New Years Day from 9:00 AM to 6:00 PM; Easter from 9:00 AM to 6:00 PM; Veteran’s Day from 9:00 AM to 6:00 PM; Fourth of July from 9:00 AM to 6:00 PM; Memorial Day from 9:00 AM to 6:00 PM; Thanksgiving from 9:00 AM to 9:00 PM; Christmas Eve from 9:00 AM to 1:00 AM; and Christmas Day from 9:00 AM to 6:00 PM</p>		

6. Special events (not identified in the table above), entertainment not related to the place of assembly, or bingo shall not be permitted onsite without additional licenses and/or permits issued by the City of San Marcos.
7. In the event that complaints are received by the City regarding the availability of parking during church activities, the applicant shall modify the operations of the use to the satisfaction of the Planning Division Manager to ensure that adequate parking facilities are available to all tenants of the property in conformance with the City’s Off-Street Parking Ordinance.
8. Daycare services shall only be provided to parishioners during permitted church activities/services. Parents or guardians of children in daycare shall remain onsite at all times.
9. All activities shall be conducted within the enclosed building and all doors and windows of the facility shall remain closed, for sound attenuation purposes.
10. During any seasonal outdoor light display, lighting shall be maintained in a manner that is least impactive to surrounding residences (i.e. low brightness, thoughtful placement of display away from residences, automatic timer to “turn-off” display no later than 11:00 PM, etc.). If the City receives complaints about the outdoor display

of lights, then the applicant shall resolve the complaint to the extent possible. Outdoor lighting displays on the site shall not exceed a period of more than sixty (60) days of exhibition; on the sixty first (61) day, all components of the display shall be removed from public view.

11. The storage of intermodal (“land/sea”) containers, inoperable vehicles, recreational vehicles, or any other personal property on the site shall be prohibited.
12. A separate permit shall be required for all signage. Signage shall comply with all provisions of the Sign Ordinance and Comprehensive Sign Program for the site. Portable signs (e.g. A-frame, T-frame, feather-signs, etc.) either on or offsite are prohibited. Temporary signage (e.g. banners, ambient air balloons, etc.) requires a permit and is subject to the approval of the Planning Division.
13. The applicant shall be prohibited from subleasing the use of any part of the facility to a third party.
14. Residential use of the property is prohibited unless the Richland Hills North Specific Plan is modified.
15. All landscaping shall be properly irrigated and maintained in a healthy, thriving state free of weeds and/or trash/debris. Additionally, the landscaping shall be maintained in accordance with the approved plans of Landscape Permit No. LP15-00012, this includes but is not limited to maintaining all plant material species, quantities, and locations of said materials. Should any landscape perish, degrade, or otherwise need to be replaced, it shall be replaced in-kind, for the materials specified in LP15-00012. Any changes to the landscaping (including the replacement of materials) in excess of 2,500 square feet shall require a new Landscape Permit, subject to compliance with SMMC Chapter 20.330 (“Water Efficient Landscape Standards”) and approval by the City.
16. Operation and maintenance of the facility shall implement Best Management Practices for the protection of stormwater quality, including employee training for all pollutant generating activities. As needed, maintenance of the trash dumpster facilities and parking lot facilities are required year round. The parking lot and dumpster facilities must be thoroughly cleaned no later than October 1<sup>st</sup> of each year.
17. The applicant shall maintain a City of San Marcos Business License for the duration of the business.
18. The permittee shall be responsible for conducting the use in a manner as not to become obnoxious by reason of noise, refuse matter, odor, dust, smoke, maintenance of grounds and buildings or have a detrimental effect on the surrounding properties and improvements.

19. The screening of mechanical equipment, such as pumps, irrigation controllers, lighting control boxes and other similar facilities on the property shall be maintained.
20. The storage of two (2) buses used for the transportation of church parishioners are allowed to be stored on the northeast corner of the parking lot, out of public view, behind the existing building. The onsite storage of any other vehicles, travel trailers, boats, or similar vehicles is prohibited.
21. Outdoor area lighting shall be compliant with the City standards for Light Emitting Diodes (LED) or low pressure sodium. The use of any area lighting shall be prohibited after 10:00 PM.
22. All outdoor activity at the site (i.e. use of playground equipment, etc.) shall end by 10:00 PM.
23. The existing native plant area on the east side of the parking lot shall not be disturbed as a result of the operation of the church onsite.
24. The applicant shall be responsible for compliance with all relevant portions of the City of San Marcos Municipal Code.
25. Any change of occupancy, new construction, alteration, improvement, or modification to the existing building (including the operation of a K-12 school) requires the issuance of a building permit and compliance with the San Marcos Municipal Code requirements of the latest adopted California Building Code.

D. Prior to issuance of any Building Permits, the following conditions must be complied with:

1. Remodeled structures and/or tenant improvements must 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.
2. Plans submitted for the issuance of a Building permit must also comply with the latest adopted standards of the National Fire Protection Association, and/or the City of San Marcos Fire Code Ordinance.
3. Building plans and instruments of service submitted with a Building Permit application must be signed and sealed by California licensed design professional as required by the State of California Business and Professions Code.
4. The city of San Marcos is located in Seismic Design Category "D." Buildings and structures must be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.

5. The proposed development must 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.
6. The storage, use or handling of hazardous, toxic or flammable materials must be clearly indicated on all floor plans submitted for a building permit. Materials must be identified in accordance with Healthy and Safety Code Section 25101.
7. The proposed new development is subject to approval by the Vallecitos Water District and all applicable fees and charges shall be paid to the District prior to permit issuance.
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. Pursuant to 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.

E. During construction, the following conditions shall be complied with:

1. Dust and dust producing materials must be controlled within the maximum acceptable concentration for silica and silicates in accordance with the California Code of regulations, Title 8, Section 5155. Water and dust palliative must 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 must be conducted on premises during the hours of 7:00 AM and 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work must 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. Citation for hours of work violations requires a mandatory court appearance in North County Superior Court.
3. During construction the owner/developer/contractor must 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 citation with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.

F. Prior to final inspection or issuance of a Certificate of Occupancy ("C of O"), the following conditions must satisfy the conditions of approval prior to the occupancy. The owner/developer/contractor must obtain approval from all City departments and other

agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department

- G. The 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.
- H. Any future expansion of the place of assembly will require a modification this Conditional Use Permit. The application shall be submitted for review and approval by the Development Services Department prior to the issuance of any building permits.
- I. 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, equipment needed, and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.
- J. 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 must be scheduled for possible use permit modification and/or revocation, in accordance with SMMC Chapter 20.505.
- K. This Conditional Use Permit expires on August 21, 2027. Any request for permit extension must be applied for by the permittee no later than one hundred twenty (120) days prior to the expiration date.
- L. To the extent permitted by law, the applicant 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 21<sup>st</sup> day of August 2017, by the following electronic vote:

AYES:        COMMISSIONERS:

NOES:        COMMISSIONERS:

ABSENT:      COMMISSIONERS:

APPROVED:

---

Eric Flodine, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

---

Lisa Kiss, Office Specialist III  
SAN MARCOS CITY PLANNING COMMISSION