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# STAFF REPORT

## PLANNING COMMISSION MEETING

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MEETING DATE: May 18, 2020  
SUBJECT: Seventh Day Adventist Church; Preschool  
CASE NUMBER: Conditional Use Permit (CUP) 19-0007 (Modification of CUP 00-443)

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### Recommendation

Approve a Conditional Use Permit modification to allow for the operation of a preschool in conjunction with an existing assembly use (church) and approve and adopt a Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Section 15303, Class 3 (New Construction and Conversion of Small Structures).

### Introduction

On June 5, 2000, the San Marcos Planning Commission approved Conditional Use Permit (CUP) 00-443 to allow for the development of a 17,377 square foot assembly use (church) on a 3.45 acre site located at 363 Woodland Parkway in the Single Family Residential (R-1) zone. The project was approved to be developed in two (2) phases. Phase 1 consisted of a 9,437 square foot main building (assembly room, foyer, classrooms, and kitchen), parking area, two (2) driveways, and a storage/pump house building. Phase 2 of the project consisted of an additional 7,940 square feet of main building space and a central courtyard for the site. To date, only Phase 1 of the project has been completed and Phase 2 remains on hold. The applicant, Seventh Day Adventist Church, is now requesting to incorporate a preschool as part of their facility operations within the existing 9,437 square foot building and add a playground to the site. As part of the City's General Plan update in 2012, the project site was rezoned from R-1 to Single Family Residential (R-1-7.5).

### Discussion

The project site is 3.45 acres in size and is located east of Woodland Parkway and west of Bougher Road in the Single Family Residential (R-1-7.5) zone. The project site contains two (2) parcels and is currently developed with a 9,437 square foot church building consisting of an assembly room, classroom space, foyer, and kitchen area. The project site also contains a courtyard, a parking area with 109 parking spaces, landscaping, and two (2) driveways. Primary access to the site is provided off of Woodland Parkway at the west end of the site, and secondary access is provided off of Bougher Road at the east end of the site. The site is utilized solely by Seventh Day Adventist Church for worship services on the weekends and administrative office purposes on weekdays. Surrounding land uses to the site include single family residential to the north, south, and east, and San Marcos Fire Station No. 3 to the west.

The preschool is proposed to operate inside the existing church building. The facility will serve children ranging in age from 6 weeks to 5 years in age, with a target enrollment of 85 students and 12 staff (at maximum capacity). The preschool is proposed to operate Monday through Friday between 6:30 a.m. and 6:30 p.m. while the church would continue its regular services on weekends. The preschool would co-use existing church space including classrooms, the library, bathrooms, foyer, offices and a kitchen. No new building square footage is proposed. A new outdoor play area is proposed at the south end of the building on an existing grass area, and will be barricaded with a new tube steel fence as required by State of California licensing for preschools. Drop-off and pick-up times will be staggered with families utilizing the existing church parking lot and entering/exiting through the main church entrance (foyer).

Per San Marcos Municipal Code (SMMC) Chapter 20.340, the number of required parking spaces for a preschool with 85 children is nine (9) parking spaces (based on adequate drop-off facilities), and 109 parking spaces are available for use onsite. From a traffic standpoint, the project is not foreseen to have any negative impacts to the surrounding area. Vehicular access to the project site will occur at the site's primary entrance on Woodland Parkway, and secondary entrance on Bougher Road. When the church and preschool are not in operation, the entrance along Bougher Road will remain closed in compliance with the original conditions of approval as part of CUP 00-453. The City has determined that access from both Woodland Parkway and Bougher Road are sufficient to handle the projected pick up and drop off volume. Per the SANDAG guide for vehicular trip generation rate for daycare facilities, the project is calculated to generate 425 average daily trips (ADT) based on an enrollment of eighty-five (85) children. Per SANDAG's Congestion Management Program, a "traffic impact study (TIS) should be prepared for all projects which generate traffic greater than 1,000 total average daily trips (ADT) or 100 peak-hour trips." Because the estimated ADT will generate less than 1,000 ADT, a TIS is not warranted for the project.

Project generated noise is not foreseen to have a negative impact to the surrounding residential homes. The primary source of project-generated noise would be from children playing in the proposed outdoor play area. As indicated, the preschool would operate from 6:30 a.m. to 6:30 p.m. Monday through Friday, with children playing outside during recess and designated pickup times. The location of the play area is proposed within the courtyard of the existing building and extends south of the building as shown on the site plan in Attachment E. According to a noise analysis prepared by Rincon Consultants dated March 17, 2020, the existing building would block noise from impacting residences to the north of the site. The closest residence to the outdoor play area is located at least 125 feet south of the outdoor play area. According to the analysis, a previous study prepared for a middle school playground (HELIX Environmental Planning, Inc. 2015) was used to represent typical noise levels generated at the project's proposed active play areas. The report found that during active use, 45 individuals using the playground would generate a noise level of 55.5 dBA at 100 feet. This level of activity would be similar to the proposed outdoor recreational activities at the project site, although for the proposed project, it is anticipated that two classrooms totaling 24 children would potentially access the playground at the same time rather than the example 45 students. At an additional 25 feet away, noise would attenuate by approximately 1.0 dBA (i.e. noise would be approximately 54.5 dBA). Therefore, operational noise levels would not exceed the City's daytime noise limit in the single family residential zone of 60 dBA. It should be noted that the

project has also been conditioned so that use of the outdoor playground shall not be utilized before 7:00 am or after 6:30 pm.

**California Environmental Quality Act (CEQA)**

All requirements of the California Environmental Quality Act (CEQA) have been met, in that the proposed project has been found to be Categorically Exempt pursuant to CEQA Section 15303, Class 3 (New Construction and Conversion of Small Structures). According to the memorandum prepared by Rincon Consultants dated March 17, 2020 (Attachment F), the project consists of a new outdoor play area south of the existing classrooms, and a perimeter fence. The addition of an outdoor play area, specifically play equipment, could be considered a new, small facility or structure. No large construction equipment or substantial site modifications would be required for the addition of the play area and equipment. Installation of the proposed perimeter fencing is directly identified as an example of new construction that is exempt under Section 15303. Noise associated with the outdoor play area was analyzed and was found not to exceed the allowable daytime noise levels in the City's Noise Element of the General Plan and SMMC for the single family residential (R-1-7.5) zone. Traffic was analyzed and it was found that a traffic impact study is not warranted since the project would generate less than the 1,000 average daily vehicle trip (ADT) threshold and the existing site circulation would be sufficient to handle the projected pick up and drop off volume. Finally, implementation of the project will not result in localized, cumulative, or significant impacts related to scenic highways and resources, hazardous waste sites, or historic resources.

**Public Comment**

One public comment was received expressing support for the project. Please see Attachment H.

**Attachment(s)**

Adopting Resolution PC 20-4866 (Conditional Use Permit 19-0007)

- A- Vicinity Map
- B- Aerial Photo
- C- Requested Entitlements
- D- Site & Project Characteristics
- E- Project Plans
- F- Categorical Exemption Memorandum (Rincon Consultants 2020)
- G- Resolution PC 00-3271 (CUP 00-433)
- H- Public Comment

Prepared by:



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Art Piñon, Senior Planner

Reviewed by:



Saima Qureshy, Principal Planner

Reviewed by:



Stephanie Kellar, Principal Civil Engineer

Submitted by:



Joseph Farace, Planning Division Manager

RESOLUTION PC 20-4866

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN MARCOS APPROVING A CONDITIONAL USE PERMIT MODIFICATION TO ALLOW FOR THE OPERATION OF A PRESCHOOL IN CONJUNCTION WITH AN EXISTING ASSEMBLY USE (CHURCH) IN THE SINGLE FAMILY RESIDENTIAL (R-1-7.5) ZONE

CUP19-0007

Seventh Day Adventist Church

WHEREAS, on July 16, 2019, the City received an application from Steven Hinger of Seventh Day Adventist Church requesting a modification to Conditional Use Permit (CUP) 00-443 to allow for the operation of a preschool in conjunction with an existing assembly use (church) located at 363 Woodland Parkway in the Single Family Residential (R-1-7.5) Zone in the Richland Neighborhood more particularly described as:

Brief Legal Description: Portions of Lot 9 in Block 23 of Rancho Los Vallecitos De San Marcos, according to Map thereof No. 806, filed in the Office of the County Recorder of the County of San Diego, State of California, on December 21, 1895 of Rancho Los Vallecitos de San Marcos, Map No. 806

Assessor's Parcel Number(s): 220-233-06-00 & 220-233-07-00; and

WHEREAS, the Development Services Department did study said request, and recommends approval of said request; and

WHEREAS, on May 18, 2020, the Planning Commission held a duly noticed public hearing in the manner prescribed by law to consider said request; and

WHEREAS, the Planning Commission did review and consider a Categorical Exemption (EX20-061) pursuant to the California Environmental Quality Act (CEQA) Section 15303, Class 3 (New Construction); and

WHEREAS, the subject property has been annexed into Community Facility District (CFD) 98-01: Improvement Area 1, Police Only; CFD 98-02: Lighting, Landscape and Street Maintenance; and CFD 2001-01: Fire and Paramedic.

NOW, THEREFORE, the Planning Commission does hereby resolve as follows:

- A. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Resolution.
- B. The Planning Commission hereby approves this Conditional Use Permit modification per the submitted plans date stamped December 10, 2019 (9,437 square foot building on a

3.45 acre site) and subject to compliance with the conditions of approval in Exhibit A attached hereto and incorporated by reference and made a part of this Resolution as though fully set forth herein.

C. The Planning Commission's decision is based on the following findings and determinations:

1. Approval of the Conditional Use Permit would not result in detrimental impacts to adjacent properties or the character and function of the neighborhood, in that the proposed project co-uses existing facilities with a sufficient amount of parking to accommodate the use, traffic and noise were analyzed and found to not have negative impacts to the surrounding neighborhood, all business operations will occur inside the existing building (with exception to the outdoor play area), and the facility will comply with all relevant provisions of the California Building Code and California Fire Code.
2. The design, development, and conditions associated with the Conditional Use Permit are consistent with the goals, policies, and intent of the General Plan in that the facility helps to promote a balanced distribution and compatible mix of land uses to meet the future and present needs of all residents and the business community (Goal LU-1), helps to maintain a supportive business climate and a healthy, sustainable economy creating additional employment opportunities (Goal LU-6), and establishes community facilities that enrich the quality of life for residents of the City of San Marcos (Goal LU-9). The design, development, and conditions associated with the Conditional Use Permit are consistent with the purpose and intent of the Single Family Residential (R-1-7.5) Zone in that the facility is compatible with single family residential development and provides a service capable of catering to the surrounding residential neighborhood within close proximity.
3. The land use allowed in conjunction with the Conditional Use Permit is compatible with the existing and future land uses of the applicable Zone, and the general area in which the proposed use is to be located, in that the proposed project provides a needed service (child care) within close proximity to existing single family residential development, the site has an ample amount of parking to accommodate the use, and the proposed outdoor play area has been demonstrated to not have any negative noise or aesthetic impacts to surrounding residential development.
4. All requirements of the California Environmental Quality Act (CEQA) have been met, in that the proposed project has been found to be Categorically Exempt pursuant to CEQA Section 15303, Class 3 (New Construction and Conversion of Small Structures). According to a memorandum prepared by Rincon Consultants Inc. dated March 17, 2020, the project consists of a new outdoor play area north of the existing classrooms, and a perimeter fence. The addition of an outdoor play area,

specifically the fence, could be considered a new, small facility or structure. No large construction equipment or substantial site modifications would be required for the addition of the play area. Installation of the proposed perimeter fencing is directly identified as an example of new construction that is exempt under Section 15303. Noise associated with the outdoor play area was analyzed and was found not to exceed the allowable daytime noise levels in the City's Noise Element of the General Plan and SMMC 20.300.070.E. Traffic was analyzed and it was found that a traffic impact study (TIS) is not warranted since the project would generate less than the 1,000 average daily vehicle trip (ADT) threshold and the existing site circulation would be sufficient to handle the projected pick up and drop off volume. Furthermore, implementation of the project will not result in localized, cumulative, or significant impacts related to scenic highways and resources, hazardous waste sites, or historic resources.

- D. This Conditional Use Permit modification is Categorically Exempt (EX20-061) from environmental review pursuant to CEQA Section 15303, Class 3 (New Construction).
- E. 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.
- F. Any future expansion to the facility outside the parameters of this Conditional Use Permit modification (CUP 19-0007) or as approved through CUP 00-443 shall require a modification to this Conditional Use Permit. The Conditional Use Permit application must be submitted for review and approval by the Development Services Department prior to issuance of any building permits.
- G. 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 Chapter 20.505 of the San Marcos Municipal Code (SMMC).
- H. The applicant/developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, and all City ordinances, resolutions, policies and procedures, and with all applicable state and federal regulations, as may be amended from time to time, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated by reference and made a part of this Resolution with the same force and effect as though fully set forth herein.
- 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, or equipment needed, and the hiring of local residents to stimulate the San Marcos economy to the greatest extent possible.

- J. To the extent permitted by law, the applicant/developer shall defend and hold the City of San Marcos, 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 applicant/developer or its contractors, subcontractors, agents, employees or other persons acting on applicant/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. The applicant/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, APPROVED AND ADOPTED by the Planning Commission of the City of San Marcos, California, at a regular meeting thereof, held on this 18th day of May, 2020, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

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Eric Flodine, Chairman

ATTEST:

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Gina Henderson, Senior Office Specialist

**ATTACHMENT(S):**

EXHIBIT A – Conditions of Approval

EXHIBIT A  
RESOLUTION ADM NO. 20-4866  
CUP 19-0007  
Conditions of Approval

A. Prior to reliance on this Conditional Use Permit modification, the applicant/developer shall comply with the following conditions:

1. The applicant/developer shall mitigate for impacts on City services related to emergency response, traffic congestion, landscaping, and infrastructure maintenance. The mitigation shall be met through the execution of applications to annex the real property of the project into the following Community facilities Districts (CFD):

CFD 2011-01: Congestion Management

Operation of the preschool shall not commence without receipt of a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced CFDs for the establishment of the special taxes. In lieu of annexation, the applicant/developer may pay a fee for each CFD consentient with the pre-payment option laid out in each CFD's formation documents. The applicant/developer shall be responsible for compliance with all rules, regulations, policies and practices established by State Law and/or the City with respect to the CFD including, without limitation, requirements for notice and disclosure to future owners and/or residents.

2. The applicant must submit a playground plan to the Planning Division for review and approval. The playground plan must include details of fencing, gates, playground equipment, and ground cover. Groundcover for the playground must be pervious. Details and/or photos of the proposed playground equipment shall also be included with the playground plan. Approval of a building permit may be required for playground equipment depending on the type of equipment to be installed.

B. Reliance on this Conditional Use Permit modification shall comply with the following operational standards:

1. The assembly use must continue to operate in compliance with all conditions as set forth in Resolution PC 0-3271 (CUP 00-443) and hereby incorporated herein. This includes continued compliance with all mitigation measures in Mitigated Negative Declaration (ND 00-450).
2. Operation of the preschool is not allowed on site until occupancy has been approved by the Building Division. Prior to occupancy, the applicant must schedule and pass inspections from the Building and Planning Division, as well as

the Fire Department.

3. Trash dumpsters shall be kept within the existing enclosure(s) on site, and gates shall be closed to screen the dumpsters from view. When not in use, dumpster lids shall remain closed in order to prevent rainfall from entering the dumpsters in compliance with the City's Storm Water Management requirements.
4. The facility must comply with all applicable provisions of San Marcos Municipal Code (SMMC) Chapter 14.15 (Storm Water Management and Discharge Control) and other State and regional permits/standards for the protection of storm water quality.
5. Non-storm water discharge into the City's storm drain conveyance system is considered an illicit discharge and is prohibited during construction, operation and maintenance of the business in accordance with SMMC Chapter 14.15.
6. The building address and suite number must be clearly labeled at the front and rear doors for day- and night-time emergency responses. In addition, adequate lighting must be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc.).
7. A separate permit will be required for any new signage, including temporary signs. Signage must comply with the City's Sign Ordinance (SMMC Chapter 20.320). Portable signs (i.e.: A-frame, T-frame, etc.) are prohibited on or off site.
8. Use of the site must be conducted so as not to become obnoxious by reason of noise, odor, refuse, parking impacts, or maintenance of grounds and in such a manner as will not detrimentally affect adjoining properties and uses.
9. All trees and landscaping shall be maintained in a healthy, thriving manner. If any trees/landscaping shall die or become diseased, the trees/landscaping shall be replaced in numbers and quantity to provide the same landscaping and screening value.
10. Outdoor storage shall be prohibited on site.
11. All on-site operations of the preschool facility shall occur within the building, except for the approved outdoor playground area.
12. Normal hours of operation of the preschool facility shall be limited to Monday through Friday, 6:00 AM to 6:30 PM, unless modified by the Planning Division Manager. Operation of the preschool shall not occur at the same time as assembly use (church) services.
13. Use of the outdoor playground area shall not occur before 7:00 am or after 6:30

pm. If noise complaints are received regarding use of the outdoor playground area, the applicant must take corrective action to resolve those complaints which may include but not be limited to modifying the hours in which the outdoor playground area is used, reducing the number of children utilizing the playground at any one time, or other corrective actions as approved and deemed appropriate by the Planning Division Manager.

14. Daytime use of the outdoor playground shall be staggered. No more than 24 children are permitted to utilize the playground at any one time.
  15. The preschool facility shall not exceed eighty-five (85) children on site at any one time, unless an increase is approved by the Planning Division Manager.
  16. Number of employees shall be limited to twelve (12) on-site at any one time, unless an increase is approved by the Planning Division Manager.
  17. Passenger loading/unloading shall occur only within parking spaces. No drop-off or pick-up of children within the driveway aisle is permitted.
  18. Drop-off and pick-up of children shall occur at staggered times.
  19. The applicant/developer shall comply with any and all Federal, State, County and City rules, regulations, and requirements for a preschool facility. The applicant/developer shall submit to the City a copy of any applicable Federal, State or County permit(s) required to operate the business.
  20. Outdoor storage shall not be permitted on site with exception to affixed outdoor play equipment.
  21. No outdoor PA (public address) system/loudspeakers or bells shall be permitted.
  22. Special events (i.e.: performances, graduations, etc.) may be permitted on site on an occasional basis. Larger special events (i.e. parking lot fundraisers, outdoor holiday festivals, etc.) require issuance of a Special Event Permit by the City.
  23. The secondary access at Bougher Road shall continue to be limited and only be utilized during preschool and assembly use (church) services. Said driveway shall remain closed when the preschool and assembly use (church) are not operating.
- C. Any modifications, alterations, expansions or other changes requires modification to this Conditional Use Permit and may necessitate the issuance of Building Permits and reissuance of a Certificate of Occupancy from the Building Division.
- D. Prior to issuance of any building permit, the applicant/developer shall comply with the following conditions:

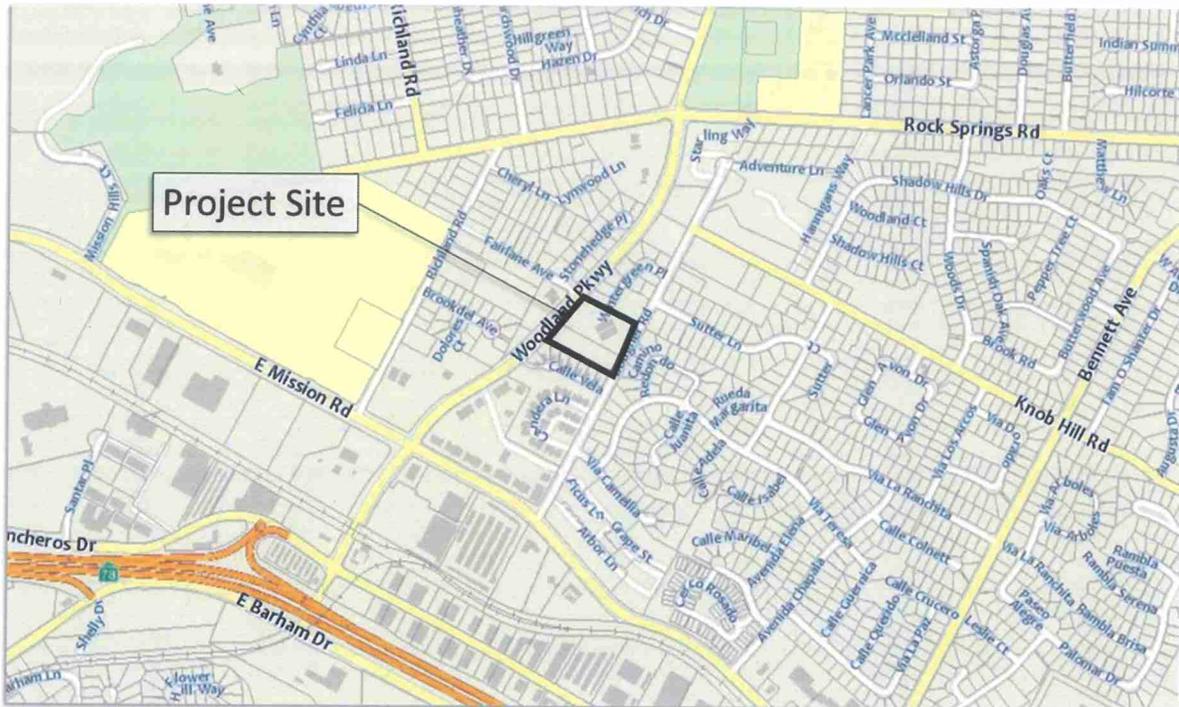
1. The applicant/developer must obtain written approval from the Planning Division that the modifications proposed under any Building Permit will be in substantial conformance with this adopted Conditional Use Permit.
2. Tenants are required to obtain written permission from the building owner, or owner's agent, prior to obtaining a building permit from the City. Per SMMC Section 17.08.030 (Section 105.10), the tenant must obtain written permission from the building or property owner that the applicant/developer is authorized to proceed with the proposed construction.
3. All rooftop mechanical units, vents, ducts, etc. shall be screened by parapet walls or other architectural features from street grade view and adjacent properties as approved by the Planning Division Manager. A roof plan and cross sections showing lines of sight shall be submitted with construction drawings illustrating that roof equipment will be screened. Screening plan shall be approved by the Planning Division prior to issuance of a building permit.
4. The applicant/developer shall submit a parking management plan to the Planning Division for review and approval.
5. 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.
6. 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.
7. The City 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.
8. The handling, storage, use and disposal of hazardous, toxic or flammable materials shall be clearly indicated on all floor plans submitted for a building permit and shall be in compliance with any and all Federal, State, County and City rules, regulations, and requirements for hazardous waste control, including but not limited to the Hazardous Waste Control Act of 1973 (HWCA) (Health & S C §25100 *et seq.*), as may be amended from time to time, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated by reference and made a part hereof with the same force and effect as though fully set forth herein.
9. The project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, for accessibility

standards.

10. The project is subject to the approval of the applicable water/sewer district(s) for water and sewer services and all applicable fees and charges shall be paid to the satisfaction of the water/sewer district(s) prior to issuance of building permit.
  11. The outer boundary of schools (grades K through 12) as listed in the current California Private School Directory shall comply with Education Code Section 33190 relating to the location of a school facility within 1,000 feet of businesses that are regulated for the storage, use and handling of hazardous materials as defined by the California Health and Safety Code.
  12. The project shall include an automatic fire extinguishing system in accordance with the latest adopted California Building Code, California Residential Code and/or San Marcos Fire Code Ordinance. Fire suppression systems shall conform to the standards adopted by the National Fire Protection Association and the San Marcos Fire Marshal.
- E. During the construction phase, the applicant/developer shall comply with the following conditions:
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 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 shall be conducted on Sundays or Holidays observed by the City. 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 applicant/developer 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.
- F. Prior to occupancy, the applicant/developer shall comply with the following conditions:

1. Prior to a final inspection or issuance of a Certificate of Occupancy, the proposed development must satisfy the conditions of approval prior to the occupancy. The applicant/developer must obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy from the Development Services Department.
2. All rooftop mechanical units, vents, ducts, etc. shall be screened from view from street grade & adjacent properties. Said screening mechanism shall be inspected by the Planning Division, and if determined necessary, additional screening may be required, as determined acceptable by the Planning Division Manager.

## ATTACHMENT A Vicinity Map



## ATTACHMENT B

Aerial Photo



**ATTACHMENT C**  
Requested Entitlement

Conditional Use Permit modification to allow for the operation of a preschool in conjunction with an existing assembly use (church)

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

Property	Existing Land use	Zoning	General Plan Designation
Subject	Assembly Use (Church)	R-1-7.5	LDR
North	Single Family Residential	R-1-7.5	LDR
South	Single Family Residential	R-1-7.5 (PRD)	LDR
East	Single Family Residential	R-1-10 (PRD)	VLDR
West	San Marcos Fire Station 3	P-I	PI

LDR - Low Density Residential (4.1-8 DU/AC)

VLDR - Very Low Density Residential (8.1-12 DU/AC)

PI - Public Institutional

Flood Hazard Zone	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
Sewers	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Septic	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
Water	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Gen. Plan Conformance	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Land Use Compatibility	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no

\*\*With approval of a Conditional Use Permit

Development Standards per the Single Family Residential (R-1-7.5) zone

Setbacks	Required	Proposed Facility
Front	20 feet	≈ 160 feet
Rear	20 feet	≈ 86 feet
Side	7.5 feet	≈ 50 feet
Building Height	2 stories / 35 feet	1 <sup>st</sup> Floor

**ATTACHMENT E**  
Project Plans





**ATTACHMENT F**  
CEQA Exemption Memorandum (March 17, 2020)  
Rincon Consultants, Inc.

March 17, 2020  
Project No: 20-09168

W. Steven Hinger  
4455 Murphy Canyon Road, Suite 200  
San Diego, California 92123

*Sent via email: steven.hinger@svn.com*

**Subject: California Environmental Quality Act Recommendation for the 363 Woodland Parkway Preschool Project in the City of San Marcos, California**

This memorandum describes the findings for Rincon Consultants, Inc.'s evaluation of the 363 Woodland Parkway Preschool Project (project) located at 363 Woodland Parkway in the City of San Marcos, California. The purpose of this California Environmental Quality Act (CEQA) Recommendation is to provide direction to the City of San Marcos (City) in making its CEQA Determination as the Lead Agency. This memorandum concludes that the project would be eligible for a Class 3 Categorical Exemption (CE).

## Existing Site Conditions

The project site is a rectangular parcel located at the southeast corner of Woodland Parkway and Fairlane Avenue, at 363 Woodland Parkway (APN 220-233-060) in the City of San Marcos. The site is currently being operated by San Marcos Seventh Day Adventist Church, and contains the church, landscaped areas, and a parking lot. There are two entrances to the parking lot: one to the west along Woodland Parkway and one to the east along Bougher Road. This project would introduce potential minor interior and exterior alterations to the existing structure. Residential buildings are adjacent to the north, south, and east, and a fire station is west of the site across Woodland Parkway. Existing buildings on and around the site range from one to two stories in height.

## Project Description

The proposed project is for the establishment and operation of a state licensed preschool located inside the existing Seventh Day Adventist Church. The preschool would serve children ranging in age from 6 weeks – 5 years old, with a target enrollment of 85 students and 12 staff (at maximum capacity). The school would operate Monday through Friday between 6:30 a.m. and 6:30 p.m. The church would continue its regular operation schedule on weekends. The preschool would co-use existing church space including classrooms, the library, bathrooms, the foyer, offices and a kitchen. No new building square footage is proposed, though the school anticipates a potential future interior improvement to construct a new faculty bathroom. A new outdoor play area would be designated, and play equipment installed, on the northern side of the existing classrooms. A new perimeter fence would be placed on the site as required by state licensing for preschools. Drop-off and pick-up logistics would be handled like existing church operations, with families utilizing the church parking lot as designed and entering/exiting through the main church entrance (foyer).

## Methodology

Article 19, *Categorical Exemptions*, of the CEQA Guidelines provides a list of classes of projects that have been determined not to have a significant effect on the environment and that are, therefore, exempt from the provisions of CEQA. The CEQA Guidelines Section 15303 states that a project may warrant a Class 3 CE if the project consists of: construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; or the conversion of existing small structure from one use to another where only minor modifications are made in the exterior of the structure. Examples of this exemption pertinent to the proposed project include 153030(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

CEQA Guidelines Section 15300.2 details exceptions to a CE as follows:

- a. Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- b. Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- c. Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- d. Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
- e. Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- f. Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

At the request of the City, project impacts pertaining to traffic and noise were also evaluated to confirm the project's eligibility for a categorical exemption.

## Consistency Analysis

### *Section 15303(e)*

The proposed project consists of future potential interior improvements to construct a new faculty bathroom, a new outdoor play area north of the existing classrooms, and a perimeter fence. The addition of an outdoor play area, specifically play equipment, could be considered a new, small facility or structure. No large construction equipment or substantial site modifications would be required for the addition of the play area and equipment. Installation of the proposed perimeter fencing is directly identified as an example of

new construction that is exempt under Section 15303. The proposed project would primarily entail minor interior improvements to the existing church building; only minor modifications would be made to the exterior of the facility.

### *Section 15300.2*

#### **(a) Location, (b) Cumulative Impact, and (c) Significant Effect**

The project site is a rectangular, fully developed parcel currently occupied by the San Marcos Seventh Day Adventist Church. No unusual or unique features are present on the site. This project would involve potential minor interior and exterior alterations to an existing structure. No substantive, new building space would be developed as part of the project and no other facilities in the vicinity would allow for the addition of a preschool. No other developments are proposed in the immediate vicinity of the site and so the project would not contribute to cumulative impacts. Implementation of the project would not result in localized, cumulative, or significant impacts related to scenic highways and resources, hazardous waste sites, or historic resources, as discussed below.

#### **(d) Scenic Highways**

The project site is in an urbanized area that is completely developed and is located approximately 0.5 miles north of State Route 78 and approximately 1.75 miles west of Interstate 15, neither of which are designated or eligible for designation as scenic highways (Caltrans 2020). Furthermore, there are no scenic resources, such as historical buildings, geologic formations, trees, or similar resources, on or in the immediate vicinity of the project site. Therefore, CE exception 15300.2(d) does not apply to the proposed project.

#### **(e) Hazardous Waste Sites**

A review of State hazardous site databases (GeoTracker and EnviroStor) revealed no hazardous waste sites within a 1,000-foot radius of the project site and there are no National Priorities List ("superfund") sites in the City of San Marcos. The project would not be located on or in the vicinity of a hazardous waste site. Therefore, CE exception 15300(e) does not apply to the proposed project.

#### **(f) Historical Resources**

The site is surrounded by existing development, and there are no historical structures or resources on the project site or vicinity. The project would be part of the San Marcos Seventh Day Adventist Church, which was constructed in the early 2000s and is not considered a historical resource by Office of Historic Preservation (California Office of Historic Preservation 2020). Implementation of the project would not cause an adverse impact to historical resources. Therefore, CE exception 15300(f) does not apply to the proposed project.

Based on the analysis provided above, the project is consistent with the provisions of State CEQA Guidelines Section 15303(e) and there are no exceptions listed under 15300.2 that apply to the project.

### *Traffic Impact*

Aerial maps indicate two entrances to the project site parking lot, one on the west along Woodland Parkway which is a right-in/right-out driveway, and one on the east along Bougher Road which is an all access driveway. The entrance along Bougher Road has a gate and the preschool operator would have permission to open the gate as needed. Per SANDAG's Congestion Management Program, a "traffic impact study (TIS) should be prepared for all projects which generate traffic greater than 1,000 total average daily trips (ADT) or

100 peak-hour trips." The proposed project would serve a maximum of 85 children. Using the SANDAG guide for vehicular trip generation rate for daycare facilities in the San Diego region, the proposed project was calculated to generate 425 ADT. Based on this analysis, a traffic impact study was not warranted as the project ADT would be less than the 1,000 ADT threshold. Furthermore, upon review, the city determined that the existing site circulation would be sufficient to handle projected pick up and drop off volume. The city concluded that a TIS is not required and no further analysis under CEQA is required (Quezada 2020).

### *Noise Impact*

The primary source of project-generated noise would be from the children enrolled at the preschool. Children would play in the outdoor play area, within the perimeter fence. The preschool would operate from 6:30 a.m. to 6:30 p.m. Monday through Friday, with children playing outside during recess and designated pickup times. The anticipated location of the play area would be within courtyard of the existing building and extend south of the building. The existing building would block noise from impacting residences to the north of the site. The residence nearest to the project site is at least 125 feet to the south of the proposed outdoor play area. For the purposes of this analysis, a previous study prepared for a middle school playground (HELIX Environmental Planning, Inc. 2015) was used to represent typical noise levels generated at the project's proposed active play areas. The report found that during active use, 45 individuals using the playground would generate a noise level of 55.5 dBA at 100 feet. This level of activity would be similar to the proposed outdoor recreational activities at the project site, although for the proposed project, it is anticipated that two classrooms totaling 24 children would potentially access the playground at the same time rather than the example 45 students. At an additional 25 feet away, noise would attenuate by approximately 1.0 dBA (i.e. noise would be approximately 54.5 dBA). Therefore, operational noise levels would not exceed the City's Noise Element operational noise limit of 60 dBA.

Construction would consist of minor interior alterations and installation of an outdoor play area and perimeter fence, resulting in a low noise output. Construction activity would be temporary and subject to city Noise Element policy N-3.2, which limits the hours of construction and maintenance operations located adjacent to noise-sensitive land uses to Monday through Friday from 7:00 a.m. to 6:00 p.m. and Saturday from 8:00 a.m. to 5:00 p.m. (City of San Marcos). Therefore, construction and operation noise would not have a significant impact.

## Summary and Recommendation

Based on review of the project, the proposed preschool project located at 363 Woodland Parkway meets all criteria for a Class 3 CE, Section 15303(e), pursuant to CEQA Guidelines. No further environmental review is necessary.

If you have any questions regarding the findings presented herein, please contact us.

Sincerely,

**Rincon Consultants, Inc.**



Sally Schifman  
Supervising Planner



Joe Power  
Principal-in-Charge

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**ATTACHMENT G**  
Resolution PC 00-3271 (CUP 00-433)

RESOLUTION PC 00-3271

A RESOLUTION OF THE SAN MARCOS CITY PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A CHURCH IN THE R-1 RESIDENTIAL ZONE THROUGH A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM

Case No. CUP 00-443/ND 00-540  
Seventh Day Adventist Church

WHEREAS, on February 11, 2000 an application was received from Seventh Day Adventist Church to construct a 17,377 square foot church with 142 parking spaces on 3.45 acres. Located on the east side of Woodland Parkway, approximately 1,200 feet north of Mission Road within the R-1 (Single Family) Zone, more particularly described as:

Portions of Lot 9 in Block 23 of Rancho Los Vallecitos  
de San Marcos, Map 806.  
Assessors Parcel No. 220-233-06; 220-233-07

WHEREAS, the Developmental Services Department did study and recommend approval of said request; and

WHEREAS, the required public hearing held June 5, 2000 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 00-540) pursuant to CEQA which included the imposition of certain mitigation measures through a Mitigation Monitoring Program to mitigate the impacts of the church facility and related activities;

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

1. The granting of the Conditional Use Permit will not be materially detrimental to the public health, safety, or welfare or injurious to the property or improvements in such vicinity and zone in which the property is located, in that the use, with the conditions of approval, will provide for adequate sight distance and with limited access to Bougher, and minimizes on-site traffic conflicts on Woodland Parkway, and provides adequate parking and landscaping.
2. The proposed Conditional Use Permit with the proposed staff conditions will not be detrimental to the public health, safety, or welfare or the surrounding land uses in the area. Provisions of church facilities will provide positive benefits for the public as they make religious and related services available to the public.

3. The proposed Conditional Use Permit for the construction of the church will be consistent with the General Plan based upon compliance with all of the attached conditions and mitigation measures.
4. The proposed Conditional Use Permit has been prepared for the use of the site for exclusively religious purposes. In the event the site is to be used for other than exclusively religious purposes, or additional facilities (such as modular trailers, for example) are added, a modification to the CUP is required which shall be subject to subsequent environmental review which may result in additional requirements to mitigate the impacts of the same and/or to ensure continued consistency with General Plan and Zoning Ordinance requirements.

NOW THEREFORE, the Planning Commission resolves as follows:

1. The foregoing recitals are true and correct.
2. Negative Declaration (ND 00-540) is hereby approved along with the Mitigation Monitoring Program.
3. The Conditional Use Permit is approved based upon the submitted plans and subject to compliance with the following revisions/conditions:
  - A. The site plan shall be modified to reflect the following:
    1. Provide a minimum of 10 ft street setback from the public right-of-way for all parking spaces. All parking spaces to be 9 ft X 20 ft with 24 ft backup or driveway area with the exception of handicap parking spaces as required by the Building Director. No parking overhang into the 10 ft street setback allowed.
    2. Provide correct assessor parcel numbers on the site plan (220-233-06 & 07).
    3. Provide a "good neighbor" fence allowing jogging of the fence on the applicant's property along the northerly property line adjacent to the existing single family residences. The fence shall be of solid material, be approved by the Planning Director and constructed to avoid the existing mature trees on-site. If trees are removed, then trees shall be replaced at a appropriate ratio.
  - B. Prior to issuance of any grading permits, the following conditions shall be complied with:

1. The applicant shall submit plans and specifications for improvement of all streets, rights-of-way and drainage facilities to the City of San Marcos ("City") Engineering Division for approval. Plans shall include all off-site improvements as specified by the City Engineer. In addition, a signage and striping plan shall be included with the improvement plans utilizing CalTrans standards and to the satisfaction of the City Engineer.
2. Improvement plans shall delineate street alignments and grades including the change of any existing or proposed street alignments and grades required by the City Engineer and City's "Urban Street Design Criteria" in effect at the time of project approval.
3. The applicant shall bear the expense of all on-site and offsite grading and construction of curb, gutter, sidewalk, paving, streetlights, utility undergrounding or relocation, and drainage facilities, as required by the City Engineer.
4. The applicant shall irrevocably offer to dedicate to the City of San Marcos easements or rights-of-way for all public streets, utilities, drainage facilities and appurtenances thereto, and all other interests in real property required by these conditions and as shown on the site plan. All property or property interests shall be granted to the City free and clear of all liens and encumbrances and without cost to the City and free of environmental hazards, hazardous materials or hazardous wastes.
5. The access driveway to the site from Woodland Parkway shall be located south of the northerly property line at a point as determined by the City Engineer.
6. Bougher Road shall be dedicated by the applicant along a portion of the project based on a Collector Street centerline to right-of-way width of 34 feet. Adequate right-of-way transitions shall be dedicated or acquired as necessary.
7. Bougher Road shall be designed to half width Collector Street standards per the City's "Urban Street Design Criteria", plus a minimum twelve (12) foot paved lane width with a minimum eight (8) foot graded D.G. shoulder on the other side of the roadway. Adequate off-site transitions are required. All pavement sections shall be designed to ultimate structural section.

8. The access driveway to the site from Bougher Road shall be placed at a location to provide the best sight distance visibility, subject to the approval of the City Engineer.
9. The applicant shall complete the off-site transition street improvements along Bougher Road as determined by the City Engineer..
10. The exact depth of the street structural section shall be determined based on subgrade "R" value tests and the appropriate Traffic Index for the type of street as described in the City's "Urban Street Design Criteria".
11. Where proposed off-site improvements including but not limited to streets, slopes, public utility facilities, and drainage facilities are to be constructed, the applicant shall obtain all necessary easements or other interests in real property and shall dedicate the same to the City as required. The applicant shall provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to the approval of the final map.

If said dedication and easements are not acquired after negotiations between the private parties, the applicant shall submit a written request and provide sufficient information not later than sixty (60) days prior to filing of any final map for approval, in accordance with Section 19.16.110 of the City's of San Marcos Municipal Ordinance, in order for the City to initiate condemnation proceedings as necessary for offsite acquisition of property. In any case, the applicant shall be responsible for all costs incurred in acquiring offsite property.

12. Improvement plans shall show all existing and proposed drainage facilities including surface and subsurface construction. All drainage channels shall be lined with a suitable material as approved by the City Engineer. All required drainage easements shall be monumented along the boundaries as approved by the City Engineer. Access easements shall be provided where necessary and shall be improved, fenced and aligned to the satisfaction of the City Engineer and/or the Director of Public Works.
13. The design of all private drainage systems for this project shall be approved by the City Engineer. All drainage systems shall be inspected by the City, and the standard plan check fees and inspection fees shall be paid and appropriate bonds shall be posted with the City prior to, issuance of any grading for this project.
14. The exact alignment, width and design of all median islands, turning lanes, travel lanes, driveways, striping, and all other traffic control devices and

measures, including turnouts, bike lanes, and width transitions, shall be approved by the City Engineer.

15. The applicant shall post securities to the City of San Marcos, in amounts approved by the City Attorney and the City Engineer or their designees, for the construction of all public and private improvements including but not limited to the following: grading and erosion control, street improvements, storm drain facilities, landscaping, and off-site street repair. Said security shall be in a form acceptable to the City and shall remain in force until completion of the project and final approval by the City. Said security shall ensure the construction of the "Approved" public improvements within a period to be specified in the Development Improvement Agreement.
16. The applicant shall enter into a Development Improvement Agreement with the City to complete the all required public improvements and complete all required off-site transitions within a period specified in the agreement, or satisfy the City Engineer that said work is in a suitable stage toward completion by the deadline.
17. A low pressure sodium vapor street lighting system shall be shown on the street improvement plans and shall be installed at locations specified by the City Engineer at no cost to the public. All on-site lighting systems shall also comply with City's standards for low-pressure sodium vapor.
18. The applicant shall submit separate petitions to annex into and establish with respect to the property the special taxes levied by the following community facilities districts:
  - a. Lighting and Landscaping Community Facilities District, CFD 98-02
  - b. Police and Fire Community Facilities District, CFD 98-01

No development entitlement or grading permit will be issued without receipt of an executed petition for annexation into each of the above-referenced CFDs and establishment of the special taxes. The subdivider shall comply with all rules, regulations, policies and practices established by the City with respect to the CFDs including, without limitation, requirements for notice and disclosure to future owners or residents.

19. The applicant shall make necessary arrangements with each of the serving utilities, including cable television, for the undergrounding of all utilities fronting, abutting, or within the property with the exception of sixty-nine (69) KVA or greater power lines within the site. Overhead power (less than 69 KVA) and other utility lines currently on 69 KVA transmission poles/towers shall be relocated underground along & within the project boundary.

20. The applicant shall comply with all rules, regulations and design requirements of the Vallecitos Water District regarding sewer and water services to the project.
21. The approval of this project does not guarantee that potable water and/or sewer capacity will be available for the project at the time of grading or building permit application.
22. Minimum throat stacking distance for all driveways shall be twenty (20) feet (measured from the ultimate right-of-way line). The entire twenty (20) foot throat distance shall be designated by a raised curb. This minimum shall be increased as deemed necessary by the City Engineer. Radius-type driveways are required per City standards.
23. Unless a standard variance has been issued, no variance from City Standards is authorized by virtue of approval of this site plan.
24. A detailed grading plan shall be submitted to the City's Engineering Division for review and approval. Grading plans and activities shall be based on a comprehensive investigation of surface and subsurface conditions. Results of this investigation and recommendations arising therefrom shall be submitted in the form of a report.
25. A geologic and soils study shall be conducted for the proposed project. Said study shall give recommendations for cut and fill slopes, compaction and suitability for step foundations. Said study shall be prepared by a registered Civil and/or Geotechnical Engineer and approved by the City's Engineering and Building Divisions. Recommendations of the Civil and/or Geotechnical Engineer, City Engineer and Building Official shall be implemented at the time of development of the project.
26. The applicant shall secure letters of permission from adjacent property owners for all graded slopes crossing property lines. In lieu of such permission, grading plans shall conform to the required grading setbacks as provided in the City's Grading Ordinance.
27. All permanent manufactured fill slope banks shall be constructed at a gradient no steeper than 2:1 (horizontal to vertical). The Civil and/or Geotechnical Engineer shall verify slope stability for any cut slope greater than 2:1; in no case shall the cut slope exceed 1.5:1. The City Engineer will require support documentation from a licensed Civil and/or Geotechnical Engineer for graded cut slopes greater than 2:1.

28. Line of sight easements, if necessary, shall be delineated on all grading plans as approved by the City Engineer. Adequate sight distance for all intersections, driveways and access points shall be provided per latest edition of the California Department of Transportation (CalTrans) Highway Design manual and the American Association of State Highways and Transportation Officials (AASHTO) Geometric Design of Highways and Streets.
29. The applicant shall delineate all streets, drainage channels, drainage easements, culverts, drainage structures, and retaining/crib walls on an approved grading plan. Street and drainage structure alignments, and retaining/crib walls shall be designed to the satisfaction of the City Engineer.
30. Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to City standards, codes and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.
31. A hydrology report (calculations) shall be prepared for the proposed project to determine the existing and future runoff flow after development for the 100-year storm conditions. Storm drains and drainage structures shall be sized for build-out according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the buildout runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvement requirements. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner. This report shall be subject to approval of the City Engineer.
32. The applicant shall be responsible for mitigating impacts created by changes in drainage runoff course, concentration, or quantity to the satisfaction of the City Engineer for both on-site and off-site drainage. This may require the applicant to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.
33. The owner of the subject property shall execute a "Hold Harmless" Agreement with the City of San Marcos regarding drainage across the adjacent property prior to approval of any grading or building permit.

34. The applicant/developer shall process a boundary adjustment to consolidate parcels 220- 233-06 & 07 into one parcel prior to any grading plan approval.
  35. A digital file on a 3 ½" disk of all plans and maps shall be submitted to the City.
  36. Provisions shall be made to upgrade fire hydrant at the southeast corner of Sutter Lane and Bougher to a Jones 3775.
- C. Prior to the issuance of any building permit, the following conditions shall be complied with:
1. The Engineer-of-Work shall certify that all grading and construction of grading related improvements (erosion control, storm drains, etc.) have been in substantial conformance with the approved plans, reports, and standards.
  2. All grading shall be supervised by an Civil and/or Geotechnical Engineer, who shall prepare a written report to the satisfaction of the City Engineer certifying that the work has been performed in compliance with the recommendations contained within the geotechnical report and approved plans. If not so done, the report shall describe the actual work performed and any deficiencies observed. The final report shall specifically detail conditions and remedial work performed that was not specifically mentioned in the initial report of subsurface conditions.
  3. All structures shall be designed to comply with the latest adopted Uniform Building Code, published by the International Conference of Building Officials (ICBO) and with the State of California Building Code, Part 2, Title 24, California Code of Regulations.
  4. This project is subject to the payment of Public Facilities Fees as established by San Marcos Ordinance No. 99-5197. The fee shall be based on the proposed land use and shall be paid prior to the issuance of the first permit for the development.
  5. The proposed development is subject to the payment of School fees as required by law.
  6. Final detailed Landscape plans shall be submitted to the City for review and approval. Said landscape plans shall contain a mixture of trees, shrubs and ground cover, and be provided with an irrigation system. Provisions for trees and shrubs shall be provide in the areas between the

parking spaces and the public right of way. A fencing plan shall also be utilized which contains provisions a solid wood fence along the northerly property line. The fencing along the northerly property line shall weave around the existing trees along the northerly property line.

7. This project is subject to the payment of a landscape permit fee and an inspection fee. The landscape permit fee shall be two percent (2%) of the Landscape Architects estimate for the completion of all landscaping shown on approved mylars. The landscape inspection fee shall be two and one-half percent (2.5%) of the Landscape Architect's estimate. All submitted estimates shall be stamped and signed by the Landscape Architect.

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

1. The applicant shall retain a professional registered Civil and/or Geotechnical Engineer (Engineer-of-Work) to oversee the grading and construction activities as specified in Section 6703.1 of the Professional Engineer Act.
2. The applicant shall submit a traffic control plan for all phases of construction for approval by the Director of Public Works. Said plan shall include all traffic control devices including traffic signals as required.
3. Paving of roads/parking lots shall be completed as early as possible to mitigate short-term dust problems associated with construction.
4. During grading and construction phases of development, the application of water or other means of dust control shall be performed to the satisfaction of the Building Inspector and the Public Works Director.
5. During grading and construction operations, the applicant shall maintain public and private driveway access to neighboring businesses/properties at all times unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.
6. The applicant shall design and construct erosion control devices of a type and size and at locations as approved by the City Engineer. Devices shall be installed and maintained in working condition during the rainy season (November 1 through April 1).
7. Hauling of earth over residential streets of developed areas shall be avoided. Where not possible to avoid, a truck hauling route shall be submitted to the City for approval prior to commencement of any grading

operation. Such approved haul routes may require a greater structural section, to the satisfaction of the City Engineer and/or the Director of Public Works.

8. Grading, excavation or other related earth moving operations, including warm-up and maintenance activities, shall be limited to the hours of 7:00 a.m. to 4:30 p.m., Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays.
9. Construction work and related activities (excluding grading activities) shall be conducted Monday through Friday between the hours of 7:00 am and 6:00 p.m. and on Saturdays between the hours of 8:00 am to 5:00 p.m.

E. Prior to occupancy of any structure on the site, the following conditions shall be complied with:

1. The All improvements shown on the improvement plans, as approved by the City Engineer, shall be constructed as stated in conditions Section A prior to release of any improvement securities and as specified in the Development Improvement Agreement for this project.
2. All utilities fronting, abutting or within the project shall be undergrounded with the exception of sixty-nine (69) KVA or greater power lines. Undergrounding shall take place prior to surfacing of streets.
3. "As-Built" reproducible grading and improvement plans shall be submitted and approved by the Public Works Director and the City Engineer. "As-Built" plans shall reflect minor field changes and approved construction changes in accordance with the City's "As-Built" policy. The plan set shall also include the as-built layout for all utilities (gas, telephone, electric, television, and street lighting) as depicted on the individual utilities plan sheets.
4. The applicant shall post a security with the City in an amount approved by the City Engineer for the warranty of all dedicated public improvements for a one (1) year period from the time of acceptance by the Director of Public Works.
5. Water wells shall be abated or reconstructed in strict compliance with San Marcos Municipal Code Section 8.44.130 through 8.44.170 and the State Water Code.

6. Sewer and water utilities shall be located wholly on the lot that serves the building in accordance with the latest adopted edition of the Uniform Plumbing Code.
  7. Buildings or structures shall not be used or occupied until the appropriate City departments and agencies have accepted or approved the buildings for occupancy. A Certificate of Occupancy ("C of O") shall not be issued until the conditions of approval for the proposed development have been satisfied.
  8. The proposed development shall comply with Federal Law, Americans with Disabilities Act ("ADA-90"), and State Law, California Code of Regulations, Title 24, for accessibility standards for the proposed construction.
  9. All parking and landscape areas shall be installed in Phase I.
  10. Fire Hydrant at the corner of Sutter Lane and Bougher shall be upgraded and fire sprinklers installed in the proposed building if required by the Fire Department.
- F. The access driveway on Bougher Road shall have limited access. This driveway shall be open during church services on Saturdays, Wednesdays and Fridays. This driveway shall be closed during normal day time and evenings hours when group activities are not scheduled. A knock box shall be provided to this driveway if required by the Fire Department.
- G. The impacts associated with the use of the property have been evaluated based on the submitted site plan of 17,377 square feet. Conditions of approval have been developed and approved to mitigate issues associated with traffic, land use compatibility, drainage and street improvements. These improvements have reduced or eliminated identified environmental impacts associated with the proposed church and provides positive benefit to the community. If the use of the property expands from or modifies the expressed religious uses described in a letter dated March 18, 2000 and supplemented by Pastor Will James' testimony at this hearing of June 5, 2000, the applicant shall inform the City and shall pursue subsequent environmental review and apply for a CUP modification prior to any such use or expansion. Such CUP modification shall be subject to additional requirements consistent with State and City regulations.
- H. 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.

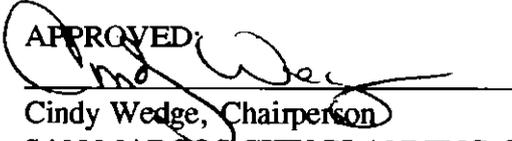
PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 5th day of June, 2000 by the following vote:

AYES: COMMISSIONERS: COLLINS, CHINN, CLANCY, DECENA,  
HERNANDEZ, SUMRALL, WEDGE

NOES: COMMISSIONERS: NONE

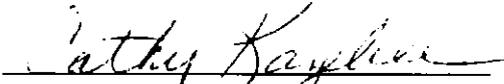
ABSENT: COMMISSIONERS: NONE

APPROVED:

  
Cindy Wedge, Chairperson

SAN MARCOS CITY PLANNING COMMISSION

ATTEST:



Cathy Kazebee, Secretary

SAN MARCOS CITY PLANNING COMMISSION

**ATTACHMENT H**  
Public Comment

CUP19-0007  
Public Comment  
Received: 5/5/2020  
Time: 1:34 P.M.  
Via Voicemail  
From: Suzanne Hutchins

Comment: “Understanding you are building a fence and have no objections. Want to commend you for having a phone number for comments because I do not have a computer. This is a big help. Thank you.”