



# MINUTES

## Regular Meeting of the Planning Commission

**MONDAY, JULY 06, 2020**

City Council Chambers – Teleconference and Electronic Means  
1 Civic Center Drive, San Marcos, CA 92069

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### **CALL TO ORDER**

At 6:30 p.m. Planning Commission Chair Flodine called the meeting to order.

**NOTE: Technical difficulties were experienced. A solution was found and the meeting resumed.**

### **Chair Flodine made the following statement:**

Pursuant to Governor Newsom's Executive Order N-29-20 dated March 17, 2020, and Executive Order N 33-20 dated March 19, 2020, issued with respect to COVID-19 pandemic, this Planning Commission meeting will be conducted utilizing teleconferencing and electronic mean. In the interest of reducing the spread of COVID-19, members of the public may only call in to hear the meeting and may not be present in the Council Chamber.

To submit a public comment at this Planning Commission meeting, please email [Ghenderson@san-marcos.net](mailto:Ghenderson@san-marcos.net) and write "Public Comment" in the subject line. In the body of the email, include the item number and/or title of the item as well as your comments. Email comments on matters not on the agenda must be submitted prior to the time the Chair calls the Oral Communications item. Email comments on any agenda item must be submitted prior to the time the Chair closes public comments on the agenda item. Please be advised that all emailed comments are subject to the same rules as would otherwise apply to speaker comments at any Planning Commission meeting, and that electronic comments on agenda items for this meeting may only be submitted by email. Comments via text message and/or social media (Facebook, Twitter, Instagram, etc.) will not be accepted.

The Planning Secretary will read all email comments, provided that the reading will not exceed three (3) minutes, or such other time as the Commissioners may provide, consistent with its ability to set time parameters for public comment at a Planning Commission meeting. If persons submitting their comments do not want their comment read out loud at the meeting (not to exceed three minutes), they should not "Do Not Read Out Loud at Meeting" at the top of the email. All emailed comments that were received by 4:00 p.m. today were provided to the Planning Commission members and included as "Supplemental Information" on the City's website prior to the meeting. Those comments received after 4:00 p.m. and prior to close of public comment on the applicable agenda item will be added to the record and will be shared with the Planning Commission members at the meeting.

Any presentations or materials provided by planning staff or applicants to be shared during this Planning Commission Meeting are available on the City's website.

**PLEDGE OF ALLEGIANCE**

Commissioner Nuttall led the Pledge of Allegiance to the Flag.

**ROLL CALL**

The Secretary called the roll:

PRESENT BY TELECONFERENCE: COMMISSIONERS: NUTTALL, MATTHEWS, NORRIS, FLODINE, OLEKSY, MUSGROVE, CARROLL

ALTERNATE COMMISSIONERS IN AUDIENCE BY TELECONFERENCE: CAVANAUGH

ABSENT: NONE

Also present were: Planning Manager Joe Farace; Principal Planner Saima Qureshy; Principal Civil Engineer Stephanie Kellar; Assistant Engineer Jonathan Quezada, Deputy City Attorney Punam Prahalad; Senior Planner Art Piñon; Associate Planner Sean del Solar; Senior Office Specialist Gina Henderson

**ORAL AND WRITTEN COMMUNICATIONS**

None were received by email or telephone prior to 4:00 p.m.

**CONSENT CALENDAR**

**1. Approval of Minutes, 05/18/2020**

**Action:**

COMMISSIONER MUSGROVE MOVED TO APPROVE CONSENT CALENDAR ITEM #1 AS PRESENTED; SECONDED BY COMMISSIONER MATTHEWS. MOTION CARRIED BY THE FOLLOWING VOTE.

AYES:	COMMISSIONERS: NUTTALL, MATTHEWS, NORRIS, FLODINE, OLEKSY, MUSGROVE, CARROLL
NOES:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: NONE
ABSTAIN:	COMMISSIONERS: NONE

## 2. Approval of Minutes, 06/01/2020

### **Action:**

COMMISSIONER CARROLL MOVED TO APPROVE CONSENT CALENDAR ITEM #2 AS PRESENTED; SECONDED BY COMMISSIONER OLEKSY. MOTION CARRIED BY THE FOLLOWING VOTE.

AYES:	COMMISSIONERS: NUTTALL, MATTHEWS, FLODINE, OLEKSY, MUSGROVE, CARROLL
NOES:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: NONE
ABSTAIN:	COMMISSIONERS: NORRIS

### **PUBLIC HEARING**

#### **3. Project No.:** CUP18-0002/EX20-070

**Applicant:** Bradley Family Rentals


**Request:** Conditional Use Permit to allow the continued operation of a portable restroom rental facility operated by Diamond Environmental consisting of a 15,715 square foot maintenance and repair shop for fleet trucks and portable restrooms; 6,313 square feet of office space; 4,625 square feet of equipment storage space, and a recreational vehicle (RV) and boat storage facility operated by Liberty RV and Boat Storage consisting of 21,000 square feet of indoor storage space and 1.11 acres of outdoor storage space.

**Environmental Determination:** This Conditional Use Permit is Categorically Exempt (EX20-070) Environmental review pursuant to CEQA Section 15301, Class 1 (Existing Facility with No Expansion).

**Location of Property:** 805 & 807 East Mission Road, more particularly described as a portion of the Northwesterly Parcel of Record of Survey Map No. 16113; portions of Lots 1 and 2 in Block 54, and a portion of Lot 9 in Block 22, Map 806, PARCEL B: A portion of the two Northwesterly Parcels of Record of Survey Map No. 16113; a portion of Lot 1 in Block 54, and a portion of Lot 9 in Block 22, Map 806. Assessor's Parcel Number: 220-220-58-00.

**Art Piñon, Senior Planner:** Presented staff report and power point presentation. The applicant is requesting approval of a Conditional Use Permit to allow for the continued operation of a portable restroom rental facility and RV storage facility at 805 and 807 E. Mission Road in the Heavy Industrial zone. The portable restroom rental facility is operated by Diamond Environmental, and the RV storage facility is operated by Liberty RV and Boat Storage. The CUP for Diamond Environmental was approved back in 2001, and in 2003 that CUP was modified to allow for an adjoining 20,000 square foot structure which would be





used for the storage and sales of the building materials. In 2007, Liberty RV and Boat Storage was approved by the City to occupy the adjoining 20,000 square foot structure. In 2008, the CUP for both uses expired but business operations continued. Because the CUP has expired, approval of a new CUP is required. The property is 6.15 acres in size, contains a 52,867 square foot building, and is accessed off Mission Road by two driveways. Along Mission Road is a 15 foot wide landscape buffer and 6 foot tall decorative screen wall to screen all business activities from the public right of way. Surrounding land uses include Mission Hills High School to the north, a construction storage yard to the east, the Sprinter rail line to the south, and an industrial building to the west. Diamond Environmental primarily occupies the eastern portion of the property, as highlighted here in blue, and contains a maintenance and repair shop for fleet trucks and portable restrooms; office space; an equipment storage area, and a fuel dispensing area for fleet trucks. Liberty RV and Boat Storage is located at the west end of the property and contains a 21,000 square foot storage room for RVs and over an acre of outdoor storage space.

[Site Photos were shown – presentation was available online for the public to view]

Beginning at the upper left, the first photo shows Diamond Environmental's fleet truck and portable restroom repair area and the second photo shows the fueling station for fleet trucks. The bottom left photo is the outdoor storage area for Liberty RV and the last photo is the 15 foot wide landscape buffer which screens all business activity from Mission Road. During a site inspection, staff observed that the site was kept in a clean, neat and orderly appearance. And all landscaping onsite was well maintained. In compliance with the California Environmental Quality Act, the project has been found to be Categorically Exempt in that this is an existing facility with no expansion. The applicant is however requesting to increase use of the existing water well onsite. Currently, well water is being utilized for non-portable purposes for the cleaning of portable restroom only. The applicant is now requesting to utilize the well water for drinking purposes for large events and natural disasters. Currently, Diamond Environmental already provides this service but uses water from the Vallecitos Water District source. Therefore, using well water for drinking purposes will not modify business operations or result in any traffic impacts. To confirm increased well use will not deplete groundwater supplies, a focused well water study was prepared, and concluded that the proposed use of the well will not impact underground water supplies. In conclusion, staff recommends approval of the Conditional Use Permit for a 10-year term. As required by law, public notification of this project has occurred and no comments were received. The applicant has reviewed all conditions of approval and is in agreement. The applicant is present this evening to respond to any questions. This concludes staff presentation, thank you.

**Planning Commissioner discussions included:** What type of events would need the water being stored on facility site; is water transported to the other sites; will any other wells in the area be affected with regards to the water being depleted due to a drought; why is the length of the CUP 10 years; what does washing mean, are you only cleaning, this is not a sewage disposal plant; why did the CUP lapse.

**Art Piñon, Senior Planner:** The type of large events would be concerts, fairs, and other special events that Diamond Environmental provides their restroom facilities for. This may include water tanks as well. Within the description, it is also natural disasters. If there was an earthquake or any other natural disaster, Diamond Environmental could provide porta potties to sites providing relief efforts and provide drinking water as well. Ten years for the CUP is reasonable. The business has been in operation since 2003 and seeing that they have been there for 17 years, they have complied with the Condition of Approvals, the site is well

kept up in a neat and clean orderly manner, all landscaping is well maintained, and we felt the 10 year term was appropriate.

**Rick Gettings, applicant representative:** None of those special events occur on site. All of the special events that staff is talking about occur elsewhere such as the Del Mar Fair, big events down in the City of San Diego. Yes, water is transported to the other sites having the events, as they do now. A detail study was done by a Hydrologist who analyzed the closest well located at the San Marcos Public Works yard. Correct, this is not a sewage disposal site. I believe the CUP lapse due to an oversight. I can't fault the applicant or the City. The applicant has a wide number of CUPs and I think there was a time period when perhaps the records weren't kept as well as they should have.

### **PUBLIC COMMENTS**

No public comments were received by email during the 3 minute pause.

### **CLOSE PUBLIC HEARING**

**Planning Commissioner discussions included:** No additional discussions were made.

### **Action:**

COMMISSIONER FLODINE MOVED TO APPROVE PC20-4884, CUP18-0002; SECONDED BY COMMISSIONER MUSGROVE. MOTION CARRIED BY THE FOLLOWING VOTE.


AYES:	COMMISSIONERS: NUTTALL, MATTHEWS, NORRIS, FLODINE, OLEKSY, MUSGROVE, CARROLL
NOES:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: NONE
ABSTAIN:	COMMISSIONERS: NONE

#### **4. Project No.: CUP19-0006/EX20-071**

**Applicant:** Baypoint Preparatory Academy

**Request:** A Conditional Use Permit to allow the operation of a TK-8<sup>th</sup> grade school with up to 200 students in a 25,610 square foot portion of an existing building, a fence up to 8 feet in height, an outdoor play area, and landscaping/parking lot improvements at a 4.93 acre site in the Multifamily Residential (R-3-10) zone in the Barham Discovery/Discovery Community.

**Environmental Determination:** This Conditional Use Permit is Categorically Exempt (EX20-071) from environmental review pursuant to CEQA Section 15332, Class 32 (In-Fill Development Projects).




**Location of Property:** 520 E. Carmel Street, more particularly described as all those portions of lots 6, 7, 8 and 9 in block 55 of Rancho Los Vallecitos de San Marcos, in the County of San Diego, State of California, according to Map thereof no. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895 lying southerly of the southerly boundary of that portion of California State Highway, road xi-sd-196-b conveyed to the State of California for purposes of a freeway and adjacent frontage road by deed recorded March 28, 1960 as Instrument No. 62715 of official records said southerly boundary being more particularly described in said deed as follows: beginning at a point on the easterly line of said lot 9, distant thereon north 16° 55' 50" west, 43.28 feet from the southeasterly corner of said lot 9; thence north 89° 14' 54" west, 311.42 feet; thence south 79° 56' 58" west, 107.49 feet; thence south 84° 06' 57" west, 147.51 feet; thence south 80° 02' 23" west 188.30 feet; thence north 84° 03' 30" west, 520.14 feet to the intersection with the easterly line of lot 26 in block 58 of said Rancho Los Vallecitos de San Marcos.  
Assessor's Parcel Numbers: 220-250-16-00.

**Sean del Solar, Associate Planner:** Presented staff report and power point presentation. The applicant is requesting approval of a Conditional Use Permit to allow the operation of a charter school from a 25,610 square foot portion of an existing 41,830 square foot industrial building on a 4.93 acre site with a fence height of up to eight feet at 502 E. Carmel Street, north of CSU San Marcos, east of the University District and south of State Route 78. The site was originally developed as industrial in the 1960s and has operated as such since that time. As part of the General Plan Update in 2012, the zoning of the site was changed to R-3-10 to expand the existing Multifamily Zone to the south. After the zone change, the site continued to operate as industrial until 2017 when those operations ended and the site has been vacant. The reuse of the non-conforming industrial building with a residentially conforming use like a charter school with a Conditional Use Permit is allowed per section 20.345.050 of the San Marcos Municipal Code.

[Site photos were shown – presentation was available online for the public to view]


Surrounding land uses include industrial shown in purple, to the west of the project site, Multifamily R-3-10 Zone to the south of the project site, shown in brown and State Route 78 to the north. The project site was selected by Baypoint Preparatory Academy after an exhaustive search for facilities in the City that were conducive to being converted into a school, in the residential zone. Baypoint has operated with the City since 2005, formerly under the name Bayshore Preparatory Academy, but it recently changed names as well as the format of its instruction to a classroom based program and has been temporarily operating from the San Marcos Boys and Girls Club. At the proposed site, Baypoint would have a maximum enrollment of 200 students in the TK-8<sup>th</sup> grade program with up to 20 faculty and staff onsite. The school would use a 25,610 square foot portion of the existing building onsite, reserving the remaining 16,220 square feet of the building for storage. Highlighted in red are the 10 classrooms and in blue the cafeteria can be seen. Administrative offices are highlighted in tan and will be primarily clustered on the north side of the building, with restrooms and mechanical facilities highlighted in green throughout the facility. The Conditional Use Permit contains conditions which limit the operations of the school to a TK-8<sup>th</sup> grade program, with a cap of 200 onsite students. The proposed site plan for the facility includes rehabilitating the existing landscaping of the site and adding trees, shrubs, and groundcover, primarily along Carmel Street. The project will include a 20,000 square foot outdoor recreation area in the rear of the facility. Vehicle entry into the facility will be via the existing driveway, which will be improved to allow only right turns into the facility. Due to a





curve in the road from Carmel Street to Hill Drive, there is not sufficient visibility to allow left turns into the facility and the driveway will include an island that will facilitate right turns only. Similarly, the exit of the facility will also be a right turn only, onto west bound Carmel Street. The project will also construct an ADA accessible ramp on the south side of the property for pedestrian entry into the site as well as extend the sidewalks with curb and gutter to the ADA ramp. To the north of the ADA ramp, the project will install an asphalt curb and a stabilized DG trail leading from the driveway to the ADA ramp. The applicant will post a bond, to remain in place until the full installation of street improvements north of the ADA ramp are completed. And lastly, the project will include an 8 foot tall fence at the front of the school to provide equivalent security as traditional public schools. Without approval of the fence height, the fence would be limited to 6 feet in the residential zone.

A traffic analysis for the project was conducted by Chen Ryan and was included in the staff report as attachment E. The analysis identified the limited visibility of a left turn into and out of the facility and recommended right-in, right-out operation of the driveway. To implement these turning restrictions the driveway will be redesigned to prevent left turns with an island and a set of two double yellow lines with lane delineators in the centerline of the street to enforce the turning restriction. To further limit impacts to the operation of nearby intersections, the school has limited enrollment to no more than 200 students, and 30% of students are required to be enrolled in a 6 to 6 program, whereby students are dropped off at the facility prior to 6 AM and pick-up after 6 PM, limiting peak hour trips. The program has been successful at the school and this past year, it operated with an average of 37% of students enrolled. Lastly, the school will stagger the start and end times of different grades to reduce the number of trips that occur during both AM and PM peak. Through the implementation of these programs, the level of service of the intersection of Hill Drive and Barham Drive will not change. In addition to the traffic measures previously discussed, the school also operates a controlled onsite curb side pick-up and drop off program. Parents or guardians picking-up or dropping off students enter the school property and queue onsite. Student loading and unloading is controlled by staff, who ensure that the correct student is loaded into each car, or that students exit vehicles onsite in the correct area. Parents then exit the site going westbound on Carmel Street. Parents are prohibited from dropping students off, or picking them up offsite. The school currently successfully operates this program at their current facility as well as their previous site. RECON Environmental, Inc. conducted an environmental analysis of the site for compliance with the California Environmental Quality Act (CEQA). The analysis concluded that the project qualifies for an exemption, pursuant to Section 15332 of the California Code of Regulations, as an "In-Fill Development Project". This conclusion was based on the following findings that: (a) the project is consistent with the General Plan and zoning designations of the property; (b) the project occurs within the city limits on a site less than 5 acres; (c) the project site has no value as habitat for endangered, rare, or threatened species; (d) the project will not result in any significant effects related to traffic, noise, air quality, or water quality; and (e) the project site can adequately be served by all required utilities and public services. A notice of application was circulated at the time of the project application was filed and the City received two letters from businesses and a phone call from a resident of the adjacent multifamily property. Both letters and that call indicated concerns related to traffic, offsite parking during student loading and unloading, and land use compatibility. Traffic impacts are less than significant due to the implementation of 6 to 6 program; 200 student enrollment cap; and staggered start and end times of grades. Additionally, offsite parking during student pick-up and drop-off is prevented with requirement of the onsite curbside pick-up and drop-off program, and lastly Industrial land uses are not allowed in the Multifamily Residential 3 (R-3-10) Zone. In conclusion, staff recommends adoption of CEQA



Exemption EX 20-071, and approval of Conditional Use Permit 19-0003 with resolution number PC 20-4885. The applicant Frank Ogwaro is on the line this evening to respond to any questions of the Commission. This concludes staff presentation, thank you.

**Planning Commissioners discussion included:** What grade levels are we talking about for this particular facility; where is the school currently operating; will this school help fill some of the numbers created from new construction projects; plans indicate clean air vehicle spaces which is different from Electric Vehicle (EV) parking, will EV be added in the future; are you here for long term; what happens when funding doesn't go through; how will you work out the COVID situation and still have 20 students per classroom; do you plan on being open for the 2020/2021 school year; what is your mission statement to the population; do you view yourself as a neighborhood school, what is your target population here; are you enrolling students from the San Marcos school district boundaries or are you taking them from a first come first serve basis; why does the CUP expire 4 years into the application; okay with keeping the CUP as a 4 year term; the traffic analysis was ran for 375 students and found you needed to have 140 students as a threshold in order to not trigger a significant impact at Hill and Barham, and the way you get to 140 with the 200 maximum is by having the 30% in the 6 to 6 program; concerned about an application that has a 200 student maximum, how do you ensure only 200 students are enrolled; what is the accounting system between the applicant and the City to ensure that only 200 students are allowed within this current CUP before it's brought back to the City for any other expansion; I trust the City and applicant can figure out the accounting for that; sensitive that we have a Categorical Exemption with this CUP and we are capping at 200 students, and going over 200 students will cause a significant impact to Barham and Hill; this is a great seed to start this school, but it's not going to be this way in the next 10 years with the current street improvements; did the applicant or the City discuss locating an elementary school immediately adjacent to a congested freeway and assess any air quality or health concerns that may or may not be there.

**Sean del Solar, Associate Planner:** The grade level is TK which is pre-kindergarten level through 8<sup>th</sup> grade. Currently the school is operating at the San Marcos Boys and Girls Club on Pico. With regards to EV Charging Stations, because this is an existing facility and parking lot, to require the installation of the additional infrastructure is limited in the California Green Code. What we've seen on this project, it appears the scope of the project will reflect 6 EV parking spaces. There is a trigger we believe will be captured to get some pre-wire conduit installed to insure future infrastructure can be required and if it does, when we get the building plans and implement the Green Code requirements, we'll have a date to implement that code requirement. The expiration date on the term of the permit is based off us matching the initial term of the charter as we knew it at the time the application was filed. The second part, we anticipated them within that timeframe to determine if they wanted to move forward with a school of this size or potentially file for a new permit for a larger school. It is within the Commissions privy if you want to amend that to make a standard 10 year term limit for the Conditional Use Permit in the motion.

**Frank Ogwaro, applicant:** Initially we were going to have a larger student body and our petition is to have 750 students, however the constraints are the facility and the study warranted that we revise the scope. We will initially start with 200 students. When we're able to put in the permanent driveway and access to the property, then we'll apply for a CUP to expand the student population. Currently our demand as with other charter schools is that we have a substantial waitlist of students who want to get in the school. We were





only able to serve up to 180 students We are hoping to serve up to 200 students and that will be our capacity for the upcoming school year. We currently do have about 375 students that do want to enroll in the school. We're hoping with the projects long term facility for the school we will be stable in the community to ease the capacity constraints of the public school system and the new homes being built in San Marcos. We definitely want to be a part of that solution. As an organization our experience is TK through 12<sup>th</sup> grade. The past school that was closed and turned into an Independent Study school is what the community was asking for. We made that shift in 2014 in the Riverside school and then moved back to the San Marcos school and adopted the same program here. That's why in staff's comments it was indicated we started our organization as Bayshore and now morphed onto this site based program which is now called Baypoint. Yes we are here for long term. Anytime you have a charter school approved at a local level it needs to stay within the geographic boundaries that you are approved on. We've been in San Marcos since 2009. This will be our fourth iteration of an Independent Fiscal Alternative. We want to be inclusive of all of the public school options. Our approval is a 5 year charter approval and we have another 3 years after we start in the Fall and then we apply for another 5 year renewal. In the past we have gotten unanimous 5 year renewals with the San Marcos Unified School District, however with Baypoint Preparatory Academy we are a State authorized charter school. I believe we are 1 of 12 in the local area; not just in San Marcos, but in Southern California. That is a high bar to be approved at the State level. You do go through an appeal type of process. The reason we had to repeal to the State was we did go to the San Marcos Unified School District and even with a long track record our student population with respect to how we get our state funding was restricted due to the free/reduced lunch eligible students not being more than 75% in the City of San Marcos. North of the 78 we do have families that we serve and are looking for high quality public school alternative education as well as other programs. We signed a 9 year lease with a right to purchase property, so we are here to stay. We have to be open by the Fall or closest to the Fall as we can. We talked with the City as far as be able to meet all of the requirements for this entitlement change, including a revision of the project. We will concurrently be filing an additional CUP fairly shortly so that we can do the improvements to the permanent access and be able to bump the enrollment up as soon as possible for the 2021 school year. With regards to COVID, we are on weekly calls with the California Department of Education and monitoring the County Health Guidelines. We talked about rotating. If we follow the guidelines as they stand today, we can only have 9 kids per classroom in order to maintain the 6 feet social distancing. We've sent surveys to our parents and guardians with respect to doing rotations. Weekly we are following the County Office of Education on some of their discussions. We will get some direction including direction from the Superintendent of Instruction, Tony Therman. We are consistently on webinars with the State trying to find a solution. There are several ideas out there with respect to rotating some of kids. So if we have a student enrollment of 200, we would have 100 students come part of the week and rotate out to do distance learning which is called virtual learning. Our background is Independent Study, so we were able to execute immediately on March 14<sup>th</sup> after notifying all of our parents on March 13<sup>th</sup> that we were closing due to COVID. We were able to implement the distant learning using our Independent Study background and get students engaged and back to continuum of instruction. Most parents and families need to get back to work, so we don't know what this is going to look like, which is why we are pleased this happened to work for the school that we considered the 6 to 6 program. In the statement it mentions 37% but more and more families are in need of the before and after care program, including the San Marcos Unified School District to take advantage of the program if they can get their kids in program. I wish we could build a bigger alternative for education and child care services. Keep in mind the 6 to 6 program is a supplement to the academic program and will have to be run

separately because of how it's funded. But we will be the ones to manage it, implement the policies and it will be the same students. With charter schools it's an option to implement, however we felt San Marcos really needed before and after school child care for their children.

We are open now in a temporary facility. In this facility we do plan on being open. We will not be able to receive a certain occupancy by August 17<sup>th</sup> but we are working as fast as we can to get all of the build outs done that will meet the City's requirements for safety, fire, to have occupancy in this building.

We enroll all students, but our mission is to educate TK through 8<sup>th</sup> grade students through a rigorous college prep curriculum in a student center learning environment. Our goal is to actively partner with students and parents to support student's academic goals and personal success. We are embedded in this community. We are directly funded to serve students with special needs, rather than us participating in a pool. We mirror our community with respect to students with special needs, students on the economic spectrum and students with diverse backgrounds. Since we are State authorized we can accept students from anywhere in the state, as long as they can get to the school. The way we support San Marcos as a community is our admissions policy. We have a preference with respect to students in San Marcos; students that attend San Marcos School District; and students that fall in a separate category of being underserved and being on the reduced lunch program. They get a weighted average with respect to enrollment. We have to accept all students. Any additional open spaces we hold a lottery in March and based on the weighted average of those students and San Marcos students that go to San Marcos School District have a weighted average that puts them in a preferential numbering system to get in the school. There is no guarantee. We do have students from Escondido, Vista, and students from San Marcos. Since we are in San Marcos, the highest numbers of students live in San Marcos.

We could certainly have a memorandum of understanding and submit student enrollment periodically or whatever would satisfy the Committee and the City. That has not been requested in the past CUPs. With every charter school you are required to have a CUP regardless unless you have a prop 39 district facility property. We would be happy to submit our enrollment numbers to the City maybe on P1 and P2 which is our budget revision time and it's focused on our average daily attendance and that would demonstrate enrollment. We certainly don't want to be a large school. Internally our operations work well to be a smaller school, I would say up to 375 students when the permit is active and the CUP is approved. I will take suggestions on how the City and school can manage the compliance requirement of maintaining a maximum of 200 students for this year.

We cap the temporary access; the revised scope of this school is 200 students, but in reality we cannot operate at 200 students. It doesn't work that way with siblings and enrollment. Our enrollment is actually capped at 180 students for this upcoming school year and that's the way it fell into place with the returning students. We left it at 180 when COVID hit to see if there was any flexibility to increase that, but it looks like we may have to revise that further down. If everything works out, our enrollment to date is capped at 180 students. We are chartered to provide Independent Study but we can only provide Independent Study for up to 20% of our student body. So if we are capping at 180 students, even if we added 20% of our student body to be home schooled students, they would only come to this school once a month then we are still meeting that compliance threshold.

We looked at the environmental report that the owners requested and my understanding is that the requirement called for a CEQA study to mitigate many of these environmental issues. We are working with the air filtration and HVAC systems to supplement additional air quality. We are going to have kids in this



building and we are going to require B occupancy approved facility. That is something that will be met prior to having students in this building.

**Joe Farace, Planning Manager:** I also want to supplement what Frank was saying. Although this is a Categorical Exemption it is a little unique. It does require a level of environmental analysis in order to use the Categorical Exemption. In the documentation, in addition to noise and traffic, there is an air quality discussion. We did consider that as part of the overall analysis in terms of the school's suitability for the site.

### **PUBLIC COMMENTS**

No public comments were received by email during the 3 minute pause.

### **CLOSE PUBLIC HEARING**

**Planning Commissioner discussions included:** Big supporter of having a charter school in San Marcos and the location; what is the density allowance for R-3-10 multifamily zoning; if we have a 5 acre site and a 20 du per acre project on this, you could under the current zoning have a 100 unit multifamily community on this site; we have to look at this project, this site as not just bringing school traffic but traffic from a multifamily site; concerns with circulation that the applicant and City need to work through.

**Sean del Solar, Associate Planner:** The density allowance for R-3-10 is up to 20 dwellings per acre.

### **Action:**

COMMISSIONER NUTTALL MOVED TO APPROVE CUP19-0006, PC20-4885, AND ADOPT EX20-071; SECONDED BY COMMISSIONER NORRIS. MOTION CARRIED BY THE FOLLOWING VOTE.

AYES:	COMMISSIONERS: NUTTALL, MATTHEWS, NORRIS, FLODINE, OLEKSY, MUSGROVE, CARROLL
NOES:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: NONE
ABSTAIN:	COMMISSIONERS: NONE

### **PLANNING MANAGER COMMENTS**

The Sunrise Project that was before the Planning Commission back in May for the 192 condominium units on the east side of town did go to City Council on June 23<sup>rd</sup> where it was approved. The Lomas San Marcos, regarding the traffic signal installation is headed to City Council on July 14<sup>th</sup> and we'll report back on the outcome of that meeting. In terms of future Planning Commission Meetings, we will not have a July 20<sup>th</sup> meeting; we will be back with some items for you in August. That concludes Planning Manager comments.

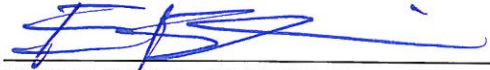


**PLANNING COMMISSIONERS COMMENTS**

No additional comments were made.

**ADJOURNMENT**

At 7:52 p.m. Chair Flodine adjourned the meeting.



ERIC FLODINE, CHAIRMAN  
CITY OF SAN MARCOS PLANNING COMMISSION

**ATTEST:**



GINA JACKSON, SENIOR OFFICE SPECIALIST  
CITY OF SAN MARCOS PLANNING COMMISSION