

# Report

## MEETING OF THE PLANNING COMMISSION

**MEETING DATE:** November 7, 2011

**SUBJECT:** DWO Enterprises, Inc. Preschool  
CUP 11-854

### **Recommendation**

Conditionally approve a Conditional Use Permit to allow the construction of a preschool per the entitlements requested in Attachment A.

### **Introduction**

The project proposes a 6,975 square-foot preschool on a 0.62-acre lot within the existing Albertsons commercial center on the south side of Elfin Forest Road. The proposed preschool will be developed on an existing graded building pad within the center. The development will provide thirty (30) parking spaces for its employees and visitors. No comments were received from the public regarding the proposal.

### **Discussion**

The site is zoned Specific Plan Area (SPA), and located within Planning Area C2 of the San Elijo Hills Specific Plan. The General Plan designates the site as "Specific Plan Area, Mixed-Use". The project site is surrounded by a commercial center to the west and south, and multi-family residential to the north across Elfin Forest Road, and to the east across Copper Creek. The San Elijo Hills Specific Plan allows for a preschool within Planning Area C2 through approval of a Major Conditional Use Permit. This approval process assures the proposal complies with the development standards of the specific plan. The site was previously graded per the previously approved Site Development Plan (SDP 04-287) for the Albertsons center which anticipated a preschool for the subject building pad.

The project proposes an enhanced architectural style with stone veneer, canvas awnings, window shutters, and entry trellis. The proposal is architecturally compatible with the existing Albertsons building and the adjacent mixed-use buildings of the San Elijo Town Center, and complies with the Specific Plan. In addition, the trash enclosure will be architecturally compatible with the building and have a solid cover, roof equipment will be required to be screened from view from Elfin Forest Road, and landscaping plant material will be consistent with the Albertsons center.

It is estimated the proposed preschool will generate 650 Average Daily Trips (5 trips per child). Due to the size of the development, the increase in ADT for the town center is negligible and no greater than anticipated under the San Elijo Hills Specific Plan which allows for a preschool within the town center.

The project will have direct access off of Elfin Forest Road or through the Albertsons center from San Elijo Road. The project complies with the parking requirement by proposing thirty (30) parking spaces using a rate of 4.3 spaces per 1,000 square feet of building area which complies with the San Elijo Hills Specific Plan. Parking will be provided in the commercial center through a shared parking agreement, and on-street parking as allowed per the collective parking standards of the specific plan. In addition, the site layout provides adequate circulation for parental drop-off and pick-up of children and emergency vehicle access.

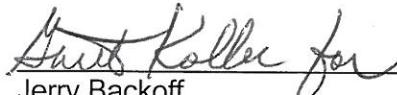
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**Attachment(s)**

Adopting Resolution

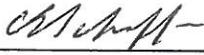
- A- Requested Entitlements
- B- Site & Project Characteristics
- C- Vicinity Map
- D- Aerial Photo
- E- Negative Declaration 11-817

Submitted by:

  
\_\_\_\_\_  
Jerry Backoff  
Planning Division Director

  
\_\_\_\_\_  
Michael D. Edwards  
City Engineer

Reviewed by:

  
\_\_\_\_\_  
Charlie Schaffer  
Development Services Director

**ATTACHMENT A**  
Requested Entitlements

- Conditional Use Permit (CUP 11-854) to allow for the construction of a preschool within the San Elijo Hills Specific Plan Area (SPA)

## ATTACHMENT B

### Site & Project Characteristics

<u>Property</u>	<u>Existing</u> <u>Land use</u>	<u>Zoning</u>	<u>General Plan</u> <u>Designation</u>
Subject	Vacant Pad	SPA	Specific Plan Area: Mixed-Use
North	Multi-Family Residential	SPA	Specific Plan Area: Mixed-Use
South	Commercial Center	SPA	Specific Plan Area: Mixed-Use
East	Multi-Family Residential	SPA	Specific Plan Area: Mixed-Use
West	Commercial Center	SPA	Specific Plan Area: Mixed-Use
Flood Hazard Zone		<u>yes</u>	<u>x</u> no
Resource Conserv. Area		<u>yes</u>	<u>x</u> no
Redevelop. Proj. Area 3		<u>x</u> yes	<u> </u> no
Sewers		<u>x</u> yes	<u> </u> no
Septic		<u> </u> yes	<u>x</u> no
Water		<u>x</u> yes	<u> </u> no
Gen. Plan Conformance		<u>x</u> yes	<u> </u> no
Land Use Compatibility		<u>x*</u> yes	<u> </u> no

\*with approval of CUP 11-854 to allow for a preschool.

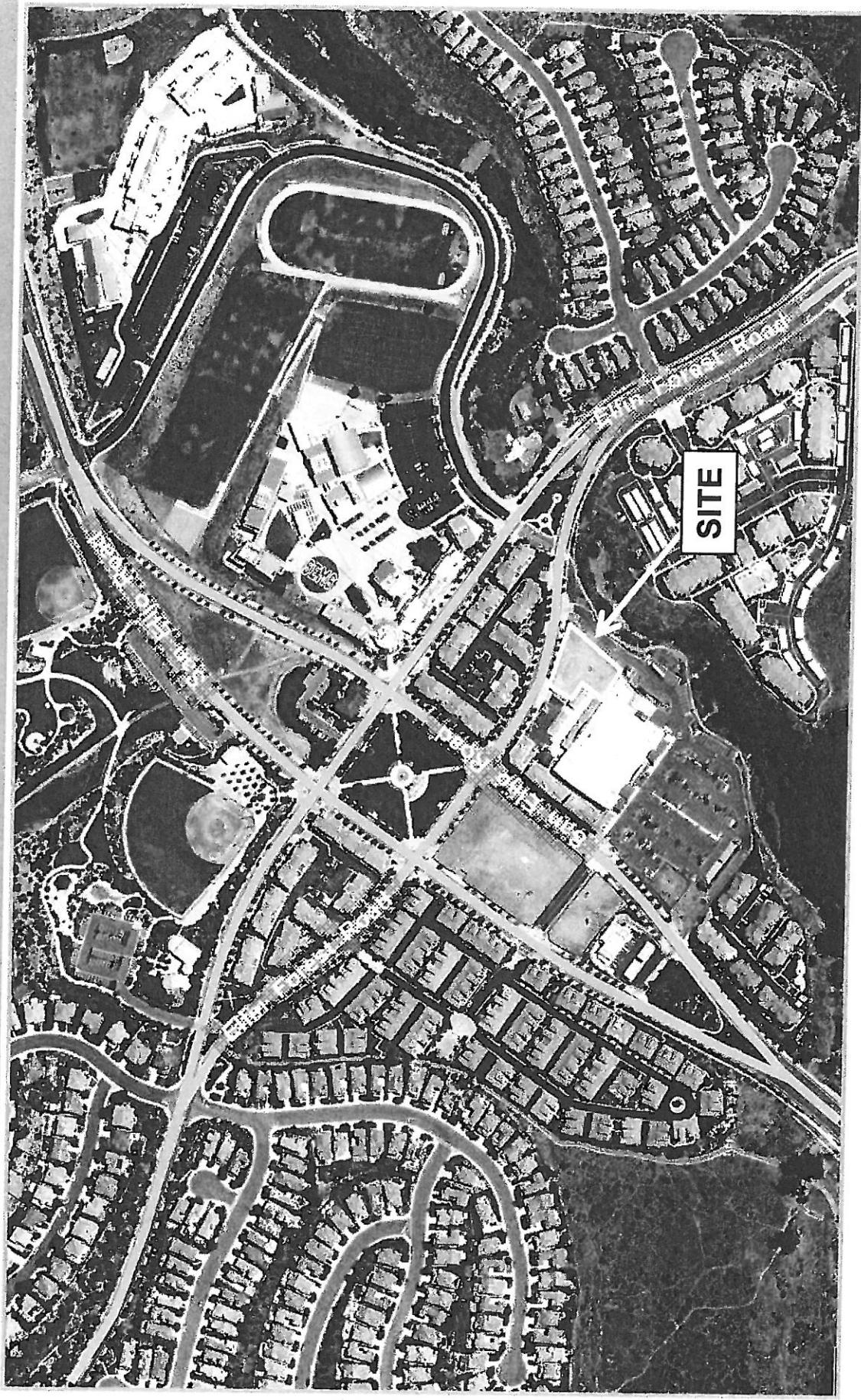
#### Development Standards per the San Elijo Hills Specific Plan:

<u>Setbacks</u>	<u>Required</u>	<u>Proposed</u>
Front	0'	5'
Rear	0'	15' 3"
Side	0'	36'/38'
Height	45' (3-story)	21' (1-story)
Parking	30	30

ATTACHMENT C

Vicinity Map

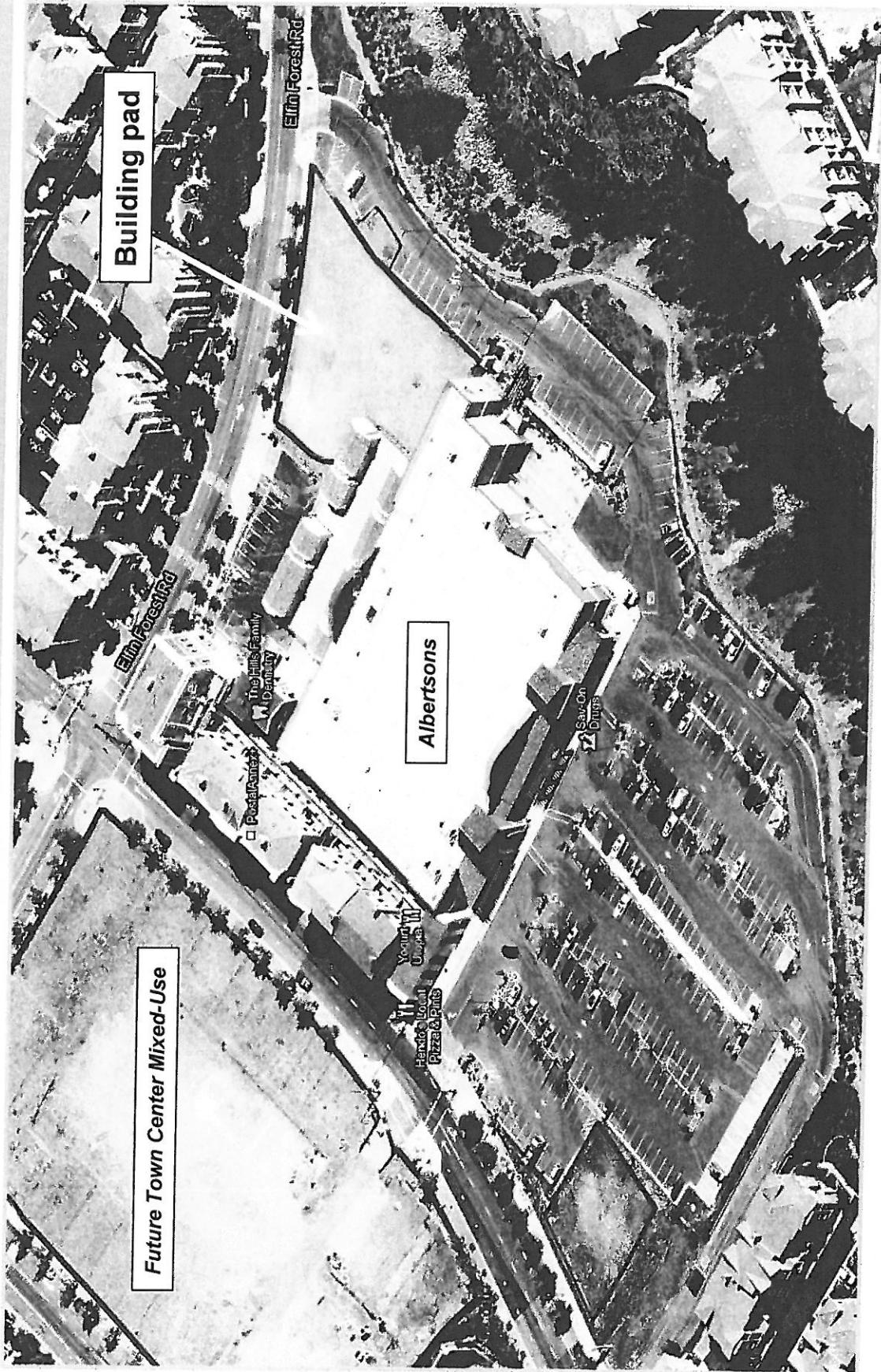
# Vicinity Map



**ATTACHMENT D**

Aerial Photo

# Project Area



**ATTACHMENT E**  
Negative Declaration 11-817

RESOLUTION PC 11-4255

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING  
COMMISSION APPROVING A CONDITIONAL USE PERMIT  
TO ALLOW THE CONSTRUCTION OF A PRESCHOOL  
WITHIN THE SAN ELIJO HILLS SPECIFIC PLAN AREA (SPA)

CUP 11-854  
DWO Enterprises, Inc.

WHEREAS, on May 26, 2011 an application was received from DWO Enterprises, Inc. requesting a Major Conditional Use Permit to allow the construction of a 6,975 square-foot preschool within an existing commercial center on the south side of Elfin Forest Road in Planning Area C2 of the San Elijo Hills Specific Plan Area (SPA), more particularly described as:

Lot 6 of San Marcos Tract No. 400, Phase 1, Unit No. 34, according to map thereof No. 15432, in the City of San Marcos, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County on September 19, 2006. Assessor's Parcel Number: 223-820-06.

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

WHEREAS, the required public hearing held on November 7, 2011 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Negative Declaration (ND 11-817) for said request pursuant to the California Environmental Quality Act (CEQA); and

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

1. The granting of the Conditional Use Permit will not adversely affect the implementation of the General Plan in that the proposed preschool is consistent with the "Specific Plan Area, Mixed-Use" designation of the Questhaven/La Costa Community; and complies with the conceptual site plan established by Site Development Plan (SDP 04-287) for the Albertsons commercial center.
2. The granting of the Conditional Use Permit will not be materially detrimental to the public health, safety and welfare or injurious to property or improvements in that the proposed preschool will provide adequate setbacks and separation from surrounding buildings within the commercial center; adequate parking per the requirements of the San Elijo Hills Specific Plan; and will meet Federal and State requirements for disabled access.

AGENDA ITEM  
# 2

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. A Mitigated Negative Declaration (ND 11-817) is hereby approved pursuant to the California Environmental Quality Act (CEQA).
- C. The Conditional Use Permit is approved per the submitted site plan (6,975 square-foot preschool), floor plans, architectural/color elevations, conceptual landscaping plan, and materials board, except as modified herein, and subject to compliance with the conditions of approval of this Resolution PC 11-4255.
- D. The site plan shall be modified as follows:
  - 1. Under Project Summary, the zone shall be indicated as “Specific Plan Area (SPA)”.
  - 2. The proposed trash enclosure shall have minimum dimensions of fourteen (14) feet by ten (10) feet.
  - 3. The proposed sidewalk along the east (entry) side of the site shall have a minimum width of forty-four (44) inches between the parking overhang and the proposed building/landscaping along the ADA path of travel.
- E. The architectural elevations shall be modified as follows:
  - 1. Exterior stucco shall have a “fine” textured finish as approved by the Planning Division Director. A material sample shall be submitted for review and approval prior to issuance of building permit.
- F. The landscape plans shall be modified as follows:
  - 1. A detail shall be shown of the proposed tubular steel fencing. Fencing shall be decorative with stucco pilasters and a stone cap. Pilaster spacing shall be indicated as sixteen (16) feet on center. Stone cap shall match stone accents on the proposed building.
  - 2. Plans shall also show pilasters along the proposed fencing on the east side of the playground adjacent to the parking spaces.
  - 3. Note 4 shall indicate a stucco block wall base with tubular steel fencing on top.
  - 4. All fencing and pilasters, including footings, shall not encroach into public right-of-way.

5. Landscaping adjacent to fencing along Elfin Forest Road and the parking lot shall be plant material that will grow on or through the fencing in order to soften the appearance of the fencing along the sidewalk.
6. Plans shall show groundcover, mulch, and/or gravel installed for weed control purposes between the proposed playground fencing and the adjacent Albertsons and garage buildings to the west and south.
7. The correct scale shall be indicated.
8. The proposed trees along Elfin Forest Road shall have a minimum size of twenty-four (24) inch box.
9. The minimum height and spread shall be indicated for each type of proposed tree in accordance with the City's Minimum Tree Standards.
10. Legend shall indicate quantities and size of all plant material.
11. Landscape plans shall show details of planting.
12. Symbols shall be indicated for each shrub and ground cover type and the locations shown on the landscape plan.
13. Red bark mulch shall be used throughout all planter areas for weed and erosion control purposes.
14. The proposed enhanced sidewalk shall be complimentary to other enhanced paving within the Albertsons center. Prior to approval of landscape plans, a color and pattern sample of the proposed enhanced paving shall be submitted to the Planning Division for review and approval.
15. The proposed playground shade structures (i.e.: umbrella shade, hip roof shade) shall be complimentary in color to the building color scheme, and the fabric shall be a high quality UV/fade resistant material. A material sample(s) shall be submitted to the Planning Division for review and approval.

G. Within 30 days of the approval of the Conditional Use Permit (CUP 11-854), the site plan shall be submitted as a digital file on a CD including this resolution on the title page. This title page shall include the statement "I(we), \_\_\_\_\_, the owner(s) or the owner's representative, have read, understand and agree to the conditions of Resolution PC 11-4255." Immediately following this statement shall appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the Project Planner and the Project Engineer shall also appear on this title page. The digital copy shall be approved by the City prior to any building permit submittal.

- H. Applicant shall perform all grading work compliant with SMMC 17.32. Issuance of a grading permit shall be required for grading activities performed outside of the exemptions listed in SMMC 17.32.045.
- I. The applicant shall sign a statement on the approved site plan and submitted building plans attesting to the fact that he/she has read Section 17.32.045 of the City's Grading Ordinance pertaining to permit exemptions, and that he/she believes to the best of his/her knowledge that he/she is exempt from the City's permit requirements based on one or more criteria set forth in said ordinance. Otherwise, a detailed grading plan shall be submitted to the City's Engineering Division for review and approval.
- J. Prior to issuance of any building permits, the following conditions shall be complied with:
  - 1. The applicant/developer 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 as applicable and determined by the City Engineer. 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 insure the construction of the "Approved" improvements.
  - 2. The applicant shall comply with all rules, regulations and design requirements of the respective sewer and water agencies regarding services to the project.
  - 3. 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.
  - 4. 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.
  - 5. Individual parking spaces shall be a minimum of nine (9) feet wide by twenty (20) feet depth. The depth maybe decreased down to seventeen and one-half (17.5) feet when there is allowable curb overhang onto adjacent landscaped areas. Curb overhang maybe allowed adjacent to sidewalks as long as there is a minimum unobstructed sidewalk width of four (4.0) feet. Otherwise, wheel stops shall be installed to prevent vehicles from hanging over the sidewalk.
  - 6. For commercial areas that share access and/or parking, an unsubordinated reciprocal access, parking, and maintenance agreement, in a form satisfactory to the City Attorney, shall be recorded with the Office of the San Diego County Recorder. A copy of the recorded agreement shall be submitted to the City's Planning Division.

7. Unless a standard variance has been issued, no variance from City Standards is authorized by virtue of approval of this site plan.
8. At the discretion of the Fire Marshal, a digital disk shall be submitted containing the following information: street centerline, subdivision boundary, lot lines, street right of way, building footprints and fire hydrants. Said files shall be in an Autocad format acceptable to the City of San Marcos and shall be on the correct coordinate system.
9. A geologic and soils update letter shall be prepared for the proposed project. Said update letter shall have a statement from an engineer providing details on any changes that have occurred since the preparation of the original soils report. Said letter 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. Infiltration Best Management Practices (BMPs) other than bio-retention swales shall be addressed with site specific permeability tests in accordance with the current City Standard Urban Storm Water Mitigation Plan (SUSMP). Proposed Low Impact Development Features should also be addressed in accordance with recommended design features in the current City SUSMP and/or California Storm Water Quality Association (CASQA) relative to geotechnical concerns.
10. The applicant/developer shall secure letters of permission from adjacent property owners for all grading and construction activities 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.
11. Erosion control and/or sediment control details shall be submitted with/on the construction plans to the City's Engineering Division for review and approval. The details shall conform to City standards, codes, San Diego Regional Water Quality Control Board (SDRWQCB) Municipal Storm Water Permit requirements, 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.
12. Any changes to the site drainage that results in a flow that is not consistent with the most recent Hydrology report on file in the City shall result in a supplement of said report. A hydrology report supplement 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 of proposed project. 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. Any supplement shall also determine the build-out 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. All required calculations to meet Order R9 2007-0001 and its current amendments shall be included in the hydrology submittals, including design calculations, cut sheets, and other information to comply with Order R9 2007-0001.

13. The applicant/developer 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/developer to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.
14. 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.
15. The developer shall submit a Water Quality Improvement Plan (WQIP) to reflect the latest City of San Marcos Storm Water Standards Manual guidelines as well as Order No. R9-2007-0001. Low Impact Development (LID) standards shall be incorporated to the satisfaction of the City Engineer. If the project is phased, the WQTR shall address the Best Management Practices (BMPs) to be utilized for each phase. The WQIP shall include a title sheet, a sheet addressing source control, a sheet addressing site design/LID, a sheet for water quality treatment control/ hydro-modification, and a sheet summarizing operation and maintenance. All Order R9 2007-0001 and current City SUSMP required constructed improvements shall be shown and tabulated on the WQIP. All Order R9 2007-0001 and current City SUSMP required constructed improvements shall be coordinated with building, grading, improvement, and landscape plans. Said WQIP shall be to the satisfaction of the City Engineer.
16. Each structural treatment control BMP shall have the following information listed on the WQIP sheet:
  - a. Latitude and Longitude.
  - b. Maintenance Requirements.
  - c. Assessor Parcel Number location for each BMP.
  - d. Type of BMP per CASQA classification.
  - e. Pollutants removed by each BMP and Efficiency.
  - f. Anticipated Project Generated Pollutants.
  - g. Downstream Impaired Water Body Pollutants.
  - h. Model number, manufacturer, manufacturer phone number, treatment flow, retention times for each BMP.
  - i. Area of project treatment for each BMP.

- j. A unique BMP ID number shall be assigned by the City and shall be shown on the BMP sheet.
- k. Long term maintenance schedules and mechanisms to ensure maintenance.

17. The WQIP shall identify the structural treatment controls shall remove the primary project pollutants of concern generated by the project and downstream impaired water bodies listed by the SWRCB 303(d) listing to a medium pollutant removal efficiency for those pollutants as listed in the Approved City of San Marcos Storm Water Standards Manual.

18. The applicant shall submit landscape plans with characteristics that maximize infiltration, provide retention, reduce irrigation and storm water runoff, use efficient irrigation, and minimize the use of fertilizers, herbicides and pesticides. The project landscape architect shall sign this plan certifying the BMP's have been incorporated into the landscape plans.

19. The applicant shall submit for City review for the implementation of a Storm Water Pollution Prevention Plan (SWPPP), per the latest CASQA SWPPP Preparation Manual, to manage storm water and non-storm water discharges from the site at all times. The SWPPP shall satisfy the requirements of the latest State Water Resources Control Board General Construction Permit. The SWPPP shall describe all BMPs to be implemented year round. Specific Best Management Practice (BMP) implementation may be dependent upon wet or dry season operations. The SWPPP shall also emphasize that erosion prevention is the most important measure for keeping sediment on site during construction. The SWPPP shall be prepared by a registered civil engineer or QSD.

20. The applicant shall submit proof of coverage under the State Water Resources Control Board General Construction Permit. The Waste Discharge ID number (WDID#) shall be identified on the Title sheet to the Project plans, the grading plans, and the erosion control plans. Coverage under the SWRCB General Construction Permit shall be maintained until the developer has submitted the Notice of Termination (NOT) to the San Diego Regional Water Quality Control Board and received approval of the NOT from the SDRWQCB. The developer shall notify the City Storm Water Program Manager forty-five (45) days in advance of submitting the NOT to the SDRWQCB. All required structural treatment controls identified in the approved WQTR shall be installed prior to the submittal of the NOT to the SDRWQCB. A copy of the NOT shall be submitted to the City.

21. All construction and grading related BMPs and post construction structural BMPs shall be shown in detail on the construction plans submitted to the City for review and approval.

22. The applicant/developer shall submit, for City review and approval, a mechanism which will ensure ongoing long-term maintenance of all structural post-construction

Best Management Practices (BMPs).

23. The applicant/developer shall submit executed versions of separate petitions to annex into and establish, with respect to the property, the special taxes levied by the following Community Facilities Districts (CFD):
  1. CFD 2011-01, Congestion Management.

No final map, development entitlement, or grading permit will be issued without receipt of a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced Community Facilities Districts for the establishment of the special taxes. The applicant/developer shall comply with all rules, regulations, policies, and practices established by State Law and/or by the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents.

24. Under separate permit, the applicant/developer shall submit construction landscape plans to the Planning Division for review and approval per the following requirements:
  - a. Final landscape and irrigation plans shall be prepared by a licensed landscape architect. Landscape plans shall incorporate all modifications as conditioned.
  - b. This project is subject to the payment of a landscape permit and inspection fee. The landscape permit and inspection fee shall be four and one-half percent (4.5%) of the Landscape Architect's estimate for the completion of all landscaping shown on approved mylars. All submitted estimates shall be stamped and signed by the Landscape Architect, and estimate the cost of plant and irrigation materials only.
  - c. Landscape plans shall contain a mixture of trees, shrubs, and ground cover, and be provided with an irrigation system. The irrigation system shall include an automatic rain sensor switch, master valve, stainless steel enclosure for the backflow device, and stainless steel controller cabinet. The landscape plan shall list the quantities of each plant type, including a legend indicating what each symbol represents; height and spread of trees (in accordance with City Minimum Tree Standards, City Council Resolution 2001-5747); and method of installation and irrigation.
  - d. Proposed plant material shall be consistent with the existing plant palette of the Albertsons center and comply with the landscape requirements of the San Elijo Hills Specific Plan.
  - e. Plant material and irrigation design, as well as reporting requirements, shall comply with the City's landscape Water Efficiency Ordinance, Section 20.82

of the San Marcos Municipal Code.

- f. All permanent Best Management Practices (BMPs) per the approved grading plan shall be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer-of-work that the proposed landscape design complies with the requirements of the water quality improvement plan (WQIP).
- g. Prior to installation, the proposed plants shall be inspected and approved by the Planning Division and/or Landscape District Supervisor for plant quality and compliance with minimum size requirements. The placement of plants shall be installed in accordance with the approved landscape plans. Upon completion of installation, all landscaping/irrigation shall be inspected and approved by the Planning Division and/or Landscape District Supervisor. The applicant/developer shall be responsible to contact the Planning Division for landscaping inspections.

25. New buildings and remodeled structures shall be designed to conform to the latest design standards adopted by the State of California in the California Building Code, Part 2, Title 24, California Code of Regulations.

26. 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.

27. The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.

28. The storage, use or handling of hazardous, toxic or flammable materials shall be clearly indicated on all floor plans submitted for a building permit. Materials shall be identified in accordance with Health and Safety Code Section 25101.

29. An automatic fire extinguishing system is required 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.

30. The proposed development shall comply with the latest Federal Law, Americans with Disabilities Act ("ADA-90"), and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled.

31. The applicant/developer for the proposed development, redevelopment or discretionary use is required to pay Public Facilities Fees as established by the latest

adopted Public Facilities Fee Resolution. The fee is based on the proposed land use and shall be paid prior to the issuance of the first permit for the development.

32. The proposed new development is subject to the payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
33. The proposed new development is subject to approval by the Vallecitos Water District and all applicable fees and charges shall be paid to the District prior to permit issuance.
34. Sewer and water utilities shall be located wholly on the lot that serves the building in accordance with the latest adopted edition of the California Plumbing Code.
35. All rooftop mechanical units, vents, ducts, etc. shall be screened from street grade view and surrounding properties by parapet walls and/or architectural enhanced enclosures as approved by the Planning Director. A roof plan and cross sections showing lines of sight shall be submitted with construction drawings illustrating that roof equipment will be screened. Cut sheets of actual units shall be included with plans. Screening plan shall be approved by the Planning Division prior to issuance of a building permit.
36. All exterior lighting shall comply with City standards for energy efficient lighting as approved by the City.
37. Architectural lighting plan shall be included with the building plans that show the type, style, and location of all exterior building and parking lot lights. Proposed exterior light fixtures shall match existing lighting. Plans shall include photo of fixture and manufacturer specifications indicating dimensions, materials, colors, bulb type, etc.
38. The trash enclosure (minimum dimensions of fourteen (14) feet wide by ten (10) feet deep by six (6) feet high) for trash and recycling containers shall be constructed to match the building in color and texture. In addition, the enclosure shall have solid view-obscuring, double swinging gates; must have a flat impervious, concrete slab designed not to allow run-on from adjoining areas; contain attached lids on all trash and recycling containers; and a roof to minimize direct precipitation. Trash container lids shall be kept closed at all times.
39. Building address shall be clearly labeled for day and night-time emergency responses. In addition, adequate lighting shall be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc.).
40. All parking and driveway areas shall be surfaced with Asphaltic Concrete (AC) or Portland Cement Concrete (PCC) over a prepared base.

41. Six (6) inch high Portland Cement Concrete (PCC) curbing shall be installed separating all paved areas from all landscaped areas. Where curbing may conflict with vehicle turning movements, corner cutoffs or radii shall be provided as required by the Fire Department.
42. The San Elijo Hills Town Center Comprehensive Sign Program shall be modified to include the proposed preschool. Any monument sign shall be consistent in style and not exceed in size with the existing Albertsons monument sign. A separate permit shall be required for any signage. No signage shall be permitted on the awnings. Final location of a monument sign shall be approved at time of sign permit issuance.
43. 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.
44. The applicant/developer shall provide the City Engineer a copy of the State Water Resources Control Board permit issued for the project under the NPDES General Permit.

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

1. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulation, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting and grading operations.
2. The project shall comply with Regional Air Quality Standards.
3. 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.
4. All grading shall be supervised by a 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.
5. The applicant shall minimize exposure time of disturbed soil areas. Paving of roads/parking lots shall be completed as early as possible to mitigate short-term dust problems associated with construction.

6. 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.
7. 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.
8. All construction operations authorized by building permits, including the delivery, setup and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
9. 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.
10. The hauling of earth and construction materials shall only occur along roadways that offer direct access to the site. No earth or construction material shall be allowed to use the adjacent developed residential streets. In the event that the hauling of earth and construction over residential streets of developed areas is unavoidable the applicant shall receive permission of City Engineer and/or the Director of Public Works and comply with all necessary review.
11. The applicant shall utilize sediment controls only as a supplement to erosion prevention for keeping sediment on-site during construction – NEVER as a single or primary method. All effective combinations of erosion and sediment control shall be in compliance with SWRCB Order 2010 -0009 DWQ and the updated SWPPP.
12. The applicant shall clear and grade only the areas on the project site that are necessary for construction. These areas shall be clearly denoted on the plans and in the SWPPP.
13. The applicant shall ensure that the grading and other construction activities meet the provisions specified in the California Regional Water Quality Control Board, San Diego Region, Order No. R9-2007-0001 – Section D.2.
14. Submittal letter from the State Water Resources Control Board (SWRCB),

showing WDID number assigned to project, shall be on site during construction to show proof of coverage under the current SWRCB General Construction Permit.

15. During construction the owner/developer/contractor shall implement and maintain the storm water pollution prevention plan (SWPPP) measures as required on the approved plans and according to the current California State Water Resources Control Board General Construction Permit. Violations of the City's Storm Water Management Ordinance SMMC 14.15 will result in citations and orders to stop work with required report to the SDRWQB until the City determines the project to be in compliance with the requirements.
16. Dewatering cannot be conducted unless a dewatering permit has been obtained by the SDRWQCB under Order 2008-0002 and submitted to the City Engineer.
17. Prior to release of any securities for grading activities, a digital disk of all as-built drawings and maps is required on a CD. Said files shall be in a CAD format acceptable to the City of San Marcos. Said drawings shall be on the correct coordinate system. PDF versions of all approved drawings and recorded documents shall be provided. In addition, electronic files of the project reports (i.e.: soils report, drainage study, SWPPP, Water Quality Improvement Plans (WQIP) and Required Water Quality and Hydro-modification Supporting Calculations and documents in accordance with Order R9 2007-001 and current amendments, structural calculations, title report and guarantee and etc.) shall be submitted on a CD. Copies of the final as-built drawings shall be submitted on a CD in a format acceptable to the City. A Mylar of all approved, As-Built, plans is also required.
18. A test sample of the proposed exterior colors shall be applied to an area of the building large enough to be representative of the finished color scheme. This sample shall be inspected and approved by the Planning Division prior to painting of the entire building. If determined necessary upon inspection, the color scheme may be required to be modified at the discretion of the Planning Division Director. The applicant/developer shall be responsible to contact the Planning Division for inspection.
19. Installation of landscaping and irrigation per the approved landscape plans shall commence at time of completion of hardscape areas.

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

1. All rooftop mechanical units, vents, ducts, etc. shall be screened from view from street grade and adjacent properties. Said screening mechanism shall be inspected by the Planning Division, and if determined necessary, additional screening may be required, subject to approval by the Planning Director.

2. All landscaping shall be completed, and inspected and approved by the Planning Division. The applicant/developer shall be responsible to contact the Planning Division for inspection.
3. The applicant shall submit a letter(s) by the landscape architect and engineer-of-work to the Planning Division certifying that the plant materials and irrigation system have been installed in accordance with the approved landscape plans and the Water Quality Improvement Plans, respectively.
4. The applicant shall have completed the installation of the playground equipment in accordance with the manufacturer's standards. The applicant shall submit a letter by the installation contractor indicating that the playground equipment has been installed per the manufacturer's specifications.
5. The applicant/developer shall stabilize all slopes per a City approved method.
6. All constructed water quality BMP's shall be inspected and approved by the Public Works Director, City Engineer, and Planning Director or a certification letter from proprietary storm water controls showing that the devices have been installed and activated in accordance with manufacturer requirements and design.
7. The City assigned BMP ID number of all water quality BMP's shall be shown on the installed BMP. Said ID number may be delineated with a stencil or sign to the satisfaction of the Public Works Director.
8. The applicant/developer shall provide evidence of existing coverage under the current State of California's statewide General NPDES Permit for Storm Water Discharges Associated With Construction Activities at all times.
9. The proposed development shall satisfy the conditions of approval prior to the first occupancy. The owner/developer/contractor shall obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department. For phased developments, the conditions of approval shall be satisfied prior to requesting the first occupancy in the phase.
10. The alignment and terminal point of storm drains shown on the developer shall not be considered final. These drains shall be subject to precise design considerations and approval by the City Engineer.

M. The proposed use shall comply with the following operational standards:

1. Classes shall occur only on weekdays between 6 a.m. and 6 p.m., unless modified by the Planning Division Director.

2. Passenger loading/unloading shall occur only within parking spaces. No drop-off or pick-up of students within the driveway aisle or double-parking on Elfin Forest Road permitted.
3. Student enrollment shall not exceed 130 students on site at any one time.
4. All operations shall be conducted within the enclosed building, except for the outdoor playground.
5. Special events (i.e.: performances, graduations, etc.) may be permitted on site on an occassional basis. However, if complaints are received regarding availability of parking, the applicant shall be required to take corrective action to respond to such complaints (i.e.: reduce number of visitors, change time of event, etc.) as determined by the Planning Division Director.
6. No outdoor PA (public address) system/loudspeakers or bells shall be permitted.
7. Outdoor storage shall not be permitted on site.
8. The operator shall comply with all rules, regulations, and requirements of the State of California, Department of Social Services, Community Care Licensing Division, during the operation of the facility.
9. The applicant shall obtain a City of San Marcos Business License.
10. 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.

N. The applicant shall be responsible for compliance with all relevant portions of the City of San Marcos Municipal Code.

O. Use of the site shall be conducted so as not to become obnoxious by reason of noise, odor, refuse or maintenance of grounds and in such a manner as will not detrimentally affect adjoining properties and uses.

P. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, and equipment needed, and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.

Q. This Conditional Use Permit shall expire on November 7, 2012 unless a building permit is obtained by this date and construction has begun in accordance with the submitted plans.

R. 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 7<sup>th</sup> day of November, 2011, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

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Steve Kildoo, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

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Lisa Kiss, Planning Secretary  
SAN MARCOS CITY PLANNING COMMISSION