

RESOLUTION PC 14-4433

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A MODIFICATION OF A CONDITIONAL USE PERMIT TO REVISE THE PREVIOUSLY APPROVED PHASE 2 SITE PLAN TO ALLOW FOR A 21,299 SQUARE-FOOT BUILDING AT AN EXISTING PRIVATE K-12 SCHOOL WITHIN THE ESTATE RESIDENTIAL (R-1-20) ZONE

CUP 13-005
P13-0056
Saint Joseph's Academy

WHEREAS, on October 24, 2013 an application was received from Saint Joseph's Academy requesting a Modification of a Conditional Use Permit to revise the previously approved Phase 2 site plan to allow for an additional 3,499 square feet for a Phase 2 building (totaling 21,299 square feet) at an existing private K-12 school within the Estate Residential (R-1-20), more particularly described as:

Portion of Lot 2 in Block 105 of Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to Map 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895.

Assessor's Parcel Number: 219-061-55-00.

WHEREAS, the City of San Marcos approved CUP 03-587 and V 03-69 on July 7, 2003; to allow construction and operation of a private K-12 school in two phases; and

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

WHEREAS, the required public hearing held on October 6, 2014 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 14-008) 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 Modification of a Conditional Use Permit will not adversely affect the implementation of the General Plan in that the K-12 private school is consistent with the "Rural Residential (1 to 2 dwelling units per acre)" designation of the General Plan's Land Use Element; and the proposed 21,299 square-foot

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building (which includes an additional 3,499 square feet) is consistent with the conceptual Phase 2 site plan established by the previously approved Conditional Use Permit (CUP 03-587) for the K-12 private school.

2. The granting of the Modification of a 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 Phase 2 building will provide adequate setbacks and separation from surrounding properties in accordance with the Estate Residential (R-1-20) Zone and a previously approved building setback Variance (V 03-69) which reduced the rear yard setback from forty (40) feet to twenty (20) feet; and based on a parking survey, adequate parking will be provided on site for daily operations within the existing parking lot and temporary overflow parking is available on the athletic field for special events.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. A Mitigated Negative Declaration (ND 14-008) is hereby approved pursuant to the California Environmental Quality Act (CEQA).
- C. The Conditional Use Permit is approved per the submitted site plan (21,299 square-foot Phase 2 building for a gymnasium, 2 classrooms, 2 labs, storage room, restrooms, and a chapel), floor plans, architectural/color elevations, and conceptual landscaping plan, except as modified herein, and subject to compliance with the conditions of approval of this Resolution PC 14-4433.
- D. Within thirty (30) days of the approval of the Conditional Use Permit (CUP 13-005), 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 14-4433." 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.
- E. 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.
- F. 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.

G. Prior to issuance of any building permits, the following conditions shall be complied with:

1. The site plan shall be modified as follows:
 - a. Identify the existing Buildings A, B, & C as Phase 1.
 - b. Identify the proposed building as Phase 2.
 - c. Building setbacks shall be dimensioned.
 - d. All property lines shall be dimensioned.
 - e. Typical length of parking space shall be dimensioned.
 - f. All easements shall be shown and identified.
 - g. All existing and proposed above-ground utilities (e.g.: cabinets, back-flow device, hydrants, etc.) shall be shown and identified.
 - h. All Permanent Best Management Practices (BMPs) area shall be shown and identified.
 - i. All existing and proposed fencing shall be shown on the site plan. Proposed fencing shall match existing fencing in type and style.
 - j. Diamond planters shall have a minimum interior width of five (5) feet.
 - k. All existing and proposed landscape areas shall be shown and identified by shading or other pattern.
 - l. All existing and proposed retaining walls shall be shown and identified.
 - m. A solid roof cover shall be installed over the existing trash enclosure.
 - n. A City of San Marcos title block shall be completed and shown.
 - o. Seal of licensed architect shall be signed.
2. The architectural elevations shall be modified as follows:
 - a. On Sheets A-200 & 201, the building height at the roof ridgeline shall be 35' instead of 36'-2" as shown. Building heights shall be called out on each

building elevation as measured from adjacent grade, and shall not exceed thirty-five (35) feet in height in accordance with the Estate Residential (R-1-20) Zone (SMMC Section 20.215.050).

- b. On Sheet A-200 on the East Elevation, the south (right) side of the building shall be shown at the top of the building pad slope to be consistent with the South Elevation.
3. The landscape plans (Sheets L-1 to L-3) shall be modified as follows:
 - a. New plant material, as recommended by the landscape architect and engineer-of-work, shall be shown for the entire length of the vegetated swale along the boundary of the sewer easement on the south side of the site.
 - b. The minimum height and spread shall be indicated for each type of proposed tree in accordance with the City's Minimum Tree Standards.
 - c. Legend shall indicate quantities of all plant material.
 - d. Water efficiency calculations shall be shown.
 - e. Landscape plans shall show details of planting.
 - f. Red bark mulch or equivalent durable material shall be used throughout all planter areas for weed and erosion control purposes.
 - g. Square footage of proposed and existing landscape area shall be indicated.
4. The proposed building shall be architecturally compatible with the existing Phase 1 buildings. The exterior stucco siding and roof tile shall match in material, texture, and color to the existing buildings. Doors, windows, and railings shall match in type, style, and color to the existing buildings.
5. The applicant shall comply with all rules, regulations and design requirements of the respective sewer and water agencies regarding services to the project.
6. 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.
7. The applicant shall design the building foundation and footings with consideration to the existing sewer easement adjacent to the southerly property line.
8. 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.

9. 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.
10. Erosion control and/or sediment control details shall be submitted with/on the building plans to the City's Engineering Division for review and approval. The details shall conform to the City's 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. Plant material and irrigation design shall comply with the City's landscape Water Efficiency Ordinance, Section 20.82 of the San Marcos Municipal Code.
11. 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.
12. The applicant/developer shall submit to the City and implement a water quality improvement plan (WQIP) that depicts compliance with the National Pollutant Discharge Elimination System (NPDES) permit.
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. 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.
16. 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.

17. 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.
18. 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.
19. An automatic fire extinguishing and standpipe systems shall be designed in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance. Fire suppression systems shall be NFPA-13, and conform to the National Fire Protection Association standards. A fire alarm system (NFPA 72) shall also be required.
20. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles. Fire hydrants shall be Jones or Clow with two 4-inch and one 2 ½-inch outlets, and provide at least 1,500 gallons per minute fire flow for a minimum two hours.
21. 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.
22. The building permit applicant for the proposed development, redevelopment, or discretionary use shall pay Public Facilities Fees (PFF), if applicable, as established by the latest adopted Public Facilities Fee. The fee shall be based on the proposed land use.
23. 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.
24. The project is subject to the approval of the Vista Irrigation District (VID) for water services and all applicable fees and charges shall be paid to the satisfaction of the District prior to issuance of building permit.
25. The project is subject to the approval of the Vallecitos Water District (VWD) for sewer services and all applicable fees and charges shall be paid to the satisfaction of the District prior to issuance of building permit.
26. 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.

27. 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 Division 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.
28. The applicant shall submit a supplemental acoustical analysis, prepared by a qualified noise analyst, to substantiate any outdoor mechanical equipment will not exceed 60 dBA at the property line.
29. The applicant shall submit a parking management plan for special events (e.g.: sports competitions, graduation, etc.) to the Planning Division for review and approval. Said plan shall address operational procedures for when overflow parking is temporarily needed on the athletic field.
30. All exterior lighting shall comply with City standards for energy efficient lighting as approved by the City.
31. 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.
32. 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.).
33. A separate permit shall be required for any new signage. Signage shall be individual cut-out letters and non-illuminated.
34. All permanent parking and driveway areas shall be surfaced with Asphaltic Concrete (AC) or Portland Cement Concrete (PCC) over a prepared base. This condition does not apply to temporary parking on the athletic field.
35. Six (6) inch high Portland Cement Concrete (PCC) curbing shall be installed separating all permanent 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. This condition does not apply to temporary parking on the athletic field.
36. 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 irrigation system shall be designed to prevent water run-off onto the sidewalk or street. 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. The landscape plans, including plant material and irrigation design, shall comply with the City's Landscape Water Efficiency Ordinance, Section 20.330 of the San Marcos Municipal Code.
- e. Any plant material proposed to be installed within the sewer easement on the south side of the property shall be approved by the Vallecitos Water District (VWD). Applicant shall submit proof of approval to the City.
- 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.
- g. 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.

H. 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. 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.

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

1. The applicant shall ensure the as-built grading plans, prepared as part of phase one, are revised to reflect any and all changes (e.g., building foot prints, BMPs, etc.) proposed to be different from the original as-built grading plans. An updated signature and statement from the licensed civil engineer shall accompany any revisions.
2. The applicant shall reconstruct the existing vegetated swale, as shown on the approved grading plan (#2355), located along the existing 20-foot Vallecitos Water District (VWD) sewer easement. Any encroachment within the sewer easement shall be approved by VWD prior to any work performed with regards to the vegetated swale. Any deviation of the vegetated swale from the approved grading plan (#2355) shall require the applicant to verify compliance with the applicable MS4 permit.
3. 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.
4. Landscaping shall be inspected and approved by the Planning Division. The applicant/developer shall be responsible to contact the Planning Division for inspection. A Certificate of Completion, in accordance with the City's Landscape Water Efficiency Ordinance, shall be submitted by the landscape architect to the Planning Division for review and approval.
5. 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 Plan, respectively.
6. The applicant/developer shall stabilize all slopes per a City approved method.
7. Automatic fire extinguishing and standpipe systems, and fire alarm and other life-safety systems shall be installed as approved by the Fire Marshal.
8. 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.

- J. The proposed use shall comply with the following operational standards:
 - 1. The total student enrollment shall not exceed 400 students.
 - 2. An outdoor PA (public address) system/loudspeakers or bells shall be prohibited.
 - 3. Temporary parking on the athletic field shall be allowed for special events (e.g.: sports competitions, graduation, etc.). A maximum of ninety-nine (99) parking shall be allowed for temporary parking on the athletic field.
 - 4. Outdoor storage shall be prohibited on site.
 - 5. The operator shall comply with all applicable rules, regulations, and requirements of the State of California Department of Education.
 - 6. 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.
- K. The applicant shall be responsible for compliance with all relevant portions of the City of San Marcos Municipal Code.
- L. 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.
- M. 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.
- N. This Conditional Use Permit shall expire on October 6, 2016 unless a building permit is obtained by this date and construction has begun in accordance with the submitted plans.
- O. 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 6th day of October, 2014, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION