



ATTACHMENT D

OPERATIONS AND MANAGEMENT PLAN

PREVIOUS STAFF REPORT AND RESOLUTION WITH CONDITIONS OF APPROVAL

BAYPOINT PREPARATORY ACADEMY

520 E. Carmel St. San Marcos, CA 92078

Statement Of Operations

RE: Baypoint Preparatory Academy

Operation and occupancy description regarding the property described as:

520 E. Carmel St. San Marcos, 92078

School Description:

- School Name: Baypoint Preparatory Academy
- Entity: Non-profit 501c (3) Corporation-formed in 2013
- School opened in August 2018 in San Marcos.
- A State of California Dept. of Education chartered/authorized school through 2026
- TK-8 charter school program.
- No High School (9-12) is offered.

Facility & Operations:

- The project site is approximately 3.4 acres and contains approximately 41,380 square foot existing building.
- The proposed project would utilize 25,610 square feet of the existing building.
- For the 2025-26 school year the school will enroll a maximum capacity of 200 students on site.
- The school hours of operation is 7:30am-5:30pm, Monday through Friday.
- Student on-site hours are from 7:30am-3:30pm on full days and 7:30am-12:30pm on early release days.
- Early release days are every Wednesday for all students.
- Occasional events (i.e. Art Show, school orientation, etc.) occur after hours on weekdays and will be limited to grade span only activities. 4 - 6 months per year, there is archery practice for students on the weekends. This is usually on Sunday afternoons for 2 hours, approximately 20 students.

Drop-off & Pick-up:

- Drop-off and pick-up times will be staggered by grade span to ensure queuing does not occur (see Exhibit B)
- The public street has been improved to allow for a dedicated entrance lane to the school per approved plans. Public street improvements include allowance for pass-through public access at the new 3-way stop sign intersection at the school entrance. There will be no public street cuing for the pick-up and drop-off of students.

Exhibit Reference:

Exhibit A -Enrollment & Staffing Plan

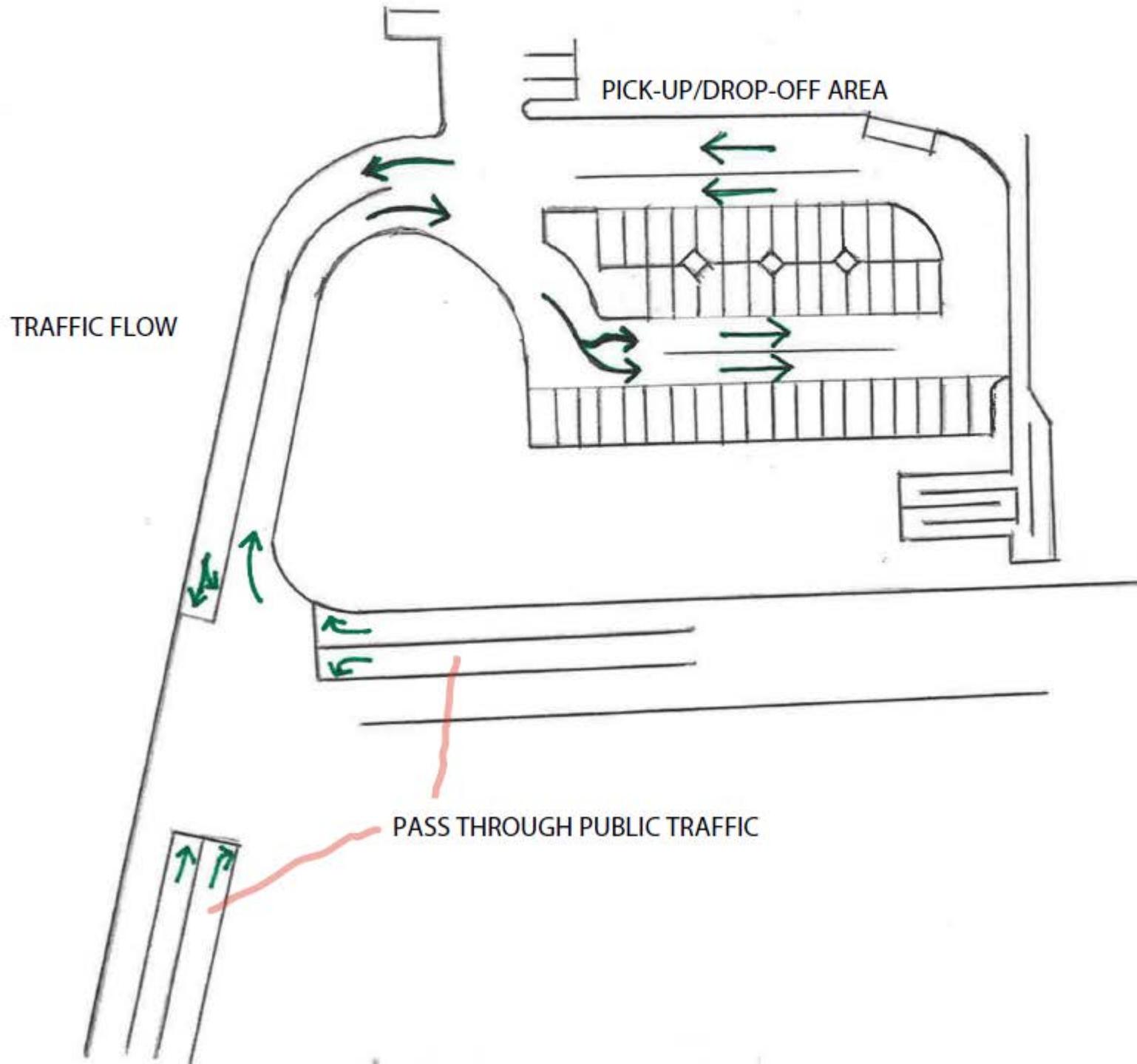
Exhibit B -Drop-off & Pick-up Plan

Exhibit C -School Calendar

Frank Ogwaro | CEO | fogwaro@baypointprep.com | Cell: (760) 497-4208

Baypoint Preparatory Academy

Pick-Up/Drop-Off Plan



Baypoint Preparatory Academy

2025-2026 Academic Calendar

TK-8th Student Hours MTTTF: 8:30 AM - 3:15 PM

TK-8th Student Hours W: 8:30 AM - 12:30 PM

TK-8th Parent/Teacher Conferences: 8:30 AM - 12:30 PM

ELOP School Day Hours: M-F: 7:30 a.m.-8:30 a.m.; 3:30 p.m.-4:30 p.m.

July						
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First and Last Day of School						
August 18, 2025 and June 5, 2026						
School Closed						
July 1 - July 22, 2025						
Sep 1, 2025: Labor Day						
Nov 11, 2025: Veteran's Day						
Nov 24-28, 2025: Thanksgiving Break						
Dec 22, 2025- Jan 2, 2026: Winter Break						
Jan 19, 2026: Martin Luther King Jr. Day						
Feb 13-Feb 16, 2026: President's Weekend						
March 30-April 3, 2026: Spring Break						
May 25, 2026: Memorial Day						
June 19, 2026 Juneteenth						

Admin/Office Staff Work Schedule						
July 23, 2025 Office Opens, June 26, 2026 Office Closes						
Staff Development: Non Student Days						
Aug 11-15,2025; Sep 26, 2025; Oct 29,2025;Jan 5 & 30, 2026;						
Mar 20,2026;June 8-9, 2026						
Parent Teacher Conference Days						
Sep. 29-Oct 3 Early Release Days Dismiss 12:30						
Early Release Days-Wednesdays 12:30 Dismiss						
Governance Board Meetings						
ELOP Summer Program (Hours:7:30 a.m.-4:30 p.m.) July 23-Aug 8, 2025						
ELOP (Non-School) Dates: Oct 29, 2025; Jan 5, 2026;						
Jan 30, 2026; Mar 30, 2026						
June 10-24, 2026						

Board Approved March 2025

STAFF REPORT

PLANNING COMMISSION MEETING

MEETING DATE: July 6, 2020
SUBJECT: Baypoint Preparatory Academy
CASE NUMBER: CUP19-0006
APN: 220-250-16-00 (520 E. Carmel Street)

Recommendation

ADOPT a CEQA exemption and APPROVE a Conditional Use Permit (CUP19-0003) 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.

Introduction

The project site is located on the east side of Hill Street, at the end of E. Carmel Street, north of E. Barham Drive. The project site has a General Plan land use designation of Medium Density Residential 2 (MDR2), which allows residential density of 15.1 to 20.0 dwelling units per acre and a Zoning designation of Multifamily Residential 3 (R-3-10). The site is currently developed with a vacant 41,830 square foot industrial building, parking lot, and partially paved outdoor storage yard. The proposed project would operate a charter school from a 25,610 square foot portion of the building, create an approximately 20,000 square foot outdoor playground, and install parking, driveway, landscaping, and street improvements.

Discussion

The project applicant is requesting approval of a Conditional Use Permit (CUP) to allow the operation of a charter school at the project site. The proposed use of the project is classified as a "school" by the San Marcos Municipal Code (SMMC) and pursuant to SMMC Section 20.215.140, a school is allowed in the R-3-10 Zone with approval of a CUP. The CUP will also allow the project to construct a fence up to eight feet in height, pursuant to SMMC Section 20.335.030(F).

Prior to 2012, the project site was zoned Manufacturing (Industrial "I"). As part of the 2012 General Plan update, the project site was rezoned to R-3-10, which was an expansion of the existing R-3-10 zoning district

to the south and east of the project site. West of the project site is the San Marcos Industrial Park, located in the Industrial (I) Zone. North of the project site is SR-78. As a result of the zone change to R-3-10, the existing industrial use and structure were classified as “nonconforming,” although classified as nonconforming in 2012, the operation of the existing industrial use of the building continued uninterrupted. In 2017, the industrial use of the building was discontinued, and the site has since been vacant. The reuse of the nonconforming structure with a conforming land use is allowed per SMMC Section 20.345.050 (Nonconforming Uses and Structures).

Baypoint Preparatory Academy (“Baypoint”) has operated in the city since 2005 in various locations and under the prior name, Bayshore Preparatory Academy. Most recently, Baypoint temporarily operated from the Boys and Girls Club at 1 Positive Place while they searched for a facility for the 2020-2021 school year. Baypoint is a 501C(3) nonprofit organization chartered through the State of California and authorized for instruction through the year 2023. The proposed project will utilize a 25,610 square foot portion of an existing 41,830 square foot industrial building as a Transitional Kindergarten (TK) through eighth (8) grade charter school. The school would have a maximum enrollment of 200 students, divided into 10 classrooms with no more than 20 students per classroom and up to 20 staff members onsite. Under this Conditional Use Permit, the remaining 16,220 square foot portion of the building would be limited to use as storage and any educational uses of this space would be prohibited. Additionally, the school plans to utilize a 20,000 square foot outdoor area in the rear of the building (east side) as a playground.

The project would not significantly change the exterior of the existing building, which is clad with corrugated metal siding. The project would paint the exterior of the building an earth-toned color and install a new driveway, parking, and landscaping. The project will install a segment of curb, gutter, and sidewalk improvements along the Hill Drive project frontage, extending the existing sidewalk north, to the proposed onsite ADA accessible ramp. To allow for the school to commence in fall, 2020 the project is permitted to install interim street improvements north of the ADA accessible ramp to the project driveway. These interim improvements will consist of an asphalt curb at the edge of the existing roadway and a stabilized decomposed granite (“DG”) sidewalk. Permanent curb, gutter, and sidewalk improvements along the full project frontage will be constructed at a time when the school is not in session and will replace the interim improvements. The applicant is required to maintain a surety bond with the City for the installation of the permanent improvements.

The property is partially screened by a landscaped berm along the project frontage of Hill Drive that also has a 6-foot high fence with view-obscuring slats. The project includes enhancements to the existing front landscaping and replacement of the front fence segment with a safety fence up to 8 feet in height and constructed of tubular steel or a similar material. On the north side of the property, the development of an expanded parking lot with landscaping will additionally screen the building from public view of SR-78. The

proposed landscaping will include a mixture of trees, shrubs, and ground cover including, but not limited to, *Olea Europa* (Swan Hill), *Agonis Flexuosa* (peppermint tree), and *Cercis Occidentalis* (Western Redbud) tree species. All landscaping is required to comply with the City's Water Efficient Landscape Ordinance (WELO) and will be subject to submittal and approval of a Landscape Permit.

Pursuant to SMMC Section 20.340.040, elementary schools are required to provide 1.5 parking spaces per classroom plus one space per every two employees and 1 space for every 75 square feet of multipurpose room. The project is required to provide a total of 43 parking spaces (10 classrooms, up to 20 staff, and a 1,321 square foot cafeteria) but will provide a total of 59 parking spaces. In accordance with the California Green Code, a total of 6 parking spaces will need to be designated for clean air vehicles.

The school proposes staggered start and end times for TK-3rd grade (7:30 am to 3:00 pm) and 4th-8th grade (8:00 am to 3:30 pm). The school also implements two additional programs to manage traffic and prevent off-site parking: (1) a "curbside pick-up and drop-off" program requires parents/guardians to queue onsite and students are loaded/unloaded from vehicles by school staff at the building entrance, and (2) a "six-to-six" program where a minimum of 30% of students will be dropped off at 6:00 am and released at 6:00 pm (currently 37% of students are enrolled in this program).

A traffic memo dated April 21, 2020 was prepared by Chen Ryan and Associates and is provided as attachment E. The memo analyzed vehicle trips associated with the operation of the school as proposed (200 student maximum) as well as a larger enrollment of students, which is not allowed under this Conditional Use Permit. The memo determined that with a 200 student enrollment, a total of 700 average daily trips (ADT) were anticipated to be generated by the school (for reference, the operation of the 41,830 square foot building with an industrial use would generate approximately 669 ADT and redevelopment of the site as multifamily residential would generate approximately 588-788 ADT). Of those average daily trips, 274 are anticipated to occur during AM Peak (6:00 am to 9:00 am) and 84 during PM Peak (4:00 pm to 6:00 pm).

Driveway improvements are required to limit vehicle movements to "right-in" and "right-out" of site driveway because of sight distance concerns for left turns entering the site from eastbound Carmel Street. With the above trip generation rates, the traffic analysis found that the intersection of Hill Drive and Barham Drive would continue to operate at a level of service (LOS) D or better during all peak traffic times. Additionally, the intersection of the project driveway and East Carmel Street would operate at a LOS A or better during all peak periods.

Environmental Review

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 (In-Fill Development Projects). This conclusion was based on the following findings (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.

Public Comment

A notice of application was circulated at the time the project application was filed. The City received two letters from businesses in the adjacent San Marcos Industrial Park with concerns related to traffic, parking, and land use compatibility (those letters are provided as attachment F). A phone call was also received from a resident of the multifamily property south of the project site that expressed similar concerns related to traffic. The student curbside pick-up and drop-off program ensures that all student loading and unloading occurs onsite and conditions of approval have been included to ensure that off-site student pick-up and drop-off is prohibited. Conditions of approval also require the school to obtain approval of a pick-up and drop-off plan that will ensure the orderly onsite circulation of vehicles. As previously discussed, the operation of the school with 200 students, as conditioned, will not impact the level of service of nearby intersections.

Attachment(s):

Adopting Resolutions: PC 20-4885 (CUP 19-0006)

- A. Vicinity Map
- B. Requested Discretionary Entitlements
- C. Site & Project Characteristics
- D. CEQA Exemption
- E. Traffic Memo dated April 21, 2020
- F. Public Comment Letters
- G. Project Plans

Prepared by:



Sean del Solar, AICP, Associate Planner

Reviewed by:



Saima Qureshy, Principal Planner

Reviewed by:



Stephanie Kellar, Principal Civil Engineer

Submitted/Approved by:



Joseph Farace, Planning Division Manager

ATTACHMENT A
Vicinity Map



Project No.: CUP 19-0006

Location: 520 E. Carmel Street

APN: 220-250-16-00

ATTACHMENT B
Requested Discretionary Entitlements

- A Conditional Use Permit (CUP 19-0006) to allow the operation of 200 student maximum Transitional Kindergarten (TK) through eighth (8) grade charter school within a 25,610 square foot portion of an existing 41,830 square foot building in the Multifamily Residential 3 (R-3-10) Zone with fence heights up to 8 feet.

ATTACHMENT C
Site & Project Characteristics

PROPERTY	EXISTING LAND USE	ZONING	GENERAL PLAN DESIGNATION
Subject	Vacant Industrial Building	Multifamily Residential (R-3-10)	Medium Density Residential 2 (MDR2) 15.1-20.0 du/ac
North	SR-78	N/A	N/A
South	Multifamily Residential	Multifamily Residential (R-3-10)	Medium Density Residential 2 (MDR2) 15.1-20.0 du/ac
East	Multifamily Residential	Multifamily Residential (R-3-10)	Medium Density Residential 2 (MDR2) 15.1-20.0 du/ac
West	San Marcos Industrial Park (SMIP)	Industrial (I)	Industrial (I)

	YES	NO
Flood Hazard Zone *		X
Sewer	X	
Water	X	
General Plan Conformance	X	
Land Use Compatibility *	X	
* With approval of Conditional Use Permit (CUP)		

ATTACHMENT D
CEQA Exemption

ATTACHMENT E
Traffic Memo dated April 21, 2020

ATTACHMENT F
Public Comment Letters

ATTACHMENT G
Project Plans

RESOLUTION PC 20-4885

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN MARCOS APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A 200 STUDENT CHARTER SCHOOL IN A 25,610 SQUARE FOOT PORTION OF AN EXISTING INDUSTRIAL BUILDING WITH FENCE HEIGHTS UP TO 8 FEET IN THE MULTIFAMILY RESIDENTIAL R-3-10 ZONE

CUP 19-0006

Baypoint Preparatory Academy

WHEREAS, on May 7, 2019, the City received an application from Baypoint Preparatory Academy requesting a Conditional Use Permit to allow the operation of a school in a 20,610 square foot portion of an existing 41,830 square foot building located at 520 E. Carmel Street in the Multifamily Residential R-3-10 Zone of the Barham/Discovery Community more particularly described as:

Brief Legal Description: 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 Number(s): 220-250-16-00; and

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

WHEREAS, on July 6, 2020, the Planning Commission held a duly noticed public hearing in the manner prescribed by law to consider said request; and

WHEREAS, the Planning Commission did review and consider a Categorical Exemption EX20-071 pursuant to the California Environmental Quality Act (CEQA) Section 15301, Class 1 (Existing Facility with No Expansion); and

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

- A. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Resolution.
- B. The Planning Commission hereby approves this Conditional Use Permit per the submitted plans date stamped June 22, 2020 (20,610 square foot portion of a 41,830 square foot existing industrial building for a school with 10 classrooms, 20,000 square foot outdoor recreational area, and a maximum number of 200 students onsite at any one time with fence heights up to 8 feet) except as modified herein, and subject to compliance with the conditions of approval in Exhibit A attached hereto and incorporated by reference and made a part of this Resolution as though fully set forth herein.
- C. The Planning Commission's decision is based on the following findings and determinations:
 1. Approval of the Conditional Use Permit would not result in detrimental impacts to adjacent properties or the character and function of the neighborhood, in that all improvements of the proposed project will be installed in conformance with the California Building Code and sufficient facilities exist on site to service the project as conditioned. The design and function, as proposed, are consistent with the site's General Plan and Zoning designations of Medium Density Residential 2 (MDR2) and Multifamily Residential (R-3-10), with approval of this Conditional Use Permit.
 2. The design, development, and conditions associated with the Conditional Use Permit are consistent with the goals, policies, and intent of the General Plan, the purpose and intent of the applicable Zone and the character of any applicable Specific Plan, in that the proposed project will ensure a range of traditional and distance-learning educational opportunities is provided in superior, accessible facilities that complement the surrounding land uses.
 3. The land use allowed in conjunction with the Conditional Use Permit is compatible with the existing and future land uses of the applicable Zone, and the general area in which the proposed use is to be located, in that the proposed project is a charter school, which is a more compatible use of the existing building than the prior nonconforming industrial use. Additionally, operations of the school as conditioned will not significantly impact traffic in the vicinity of the

project site with the inclusion of offset start and end times for classes, right-in-right out driveway improvements, 30% enrollment in a “six to six” program, as well as an onsite curbside student loading and unloading program.

4. The proposed location will be advantageous for public convenience or welfare, in that the proposed project provides an elementary school in the vicinity of the growing University District (“North City”) Specific Plan Area.
 5. The additional fence height of up to 8 feet is necessary to secure the property consistent with fence heights of other public schools in the City.
 6. All requirements of CEQA have been met, in that the proposed project constitutes an In-Fill Development pursuant to CEQA Section 15332, Class 32 because the project is consistent with the General Plan land use and zoning designation of Medium Density Residential 2 (MDR2) and Multifamily Residential R-3-10; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services.
- D. This Conditional Use Permit is Categorically Exempt EX20-071 from environmental review pursuant to CEQA Section 15332, Class 32 (In-Fill Development Projects).
- E. This Conditional Use Permit shall become null and void if not acted upon within twelve (12) months of the adoption of this resolution, or the approved use ceases to operate at the subject property for a period more than twelve (12) months.
- F. This Conditional Use Permit shall expire on July 6, 2024. Any request for permit extension shall be applied for by the permittee no later than 120 days prior to the expiration date.
- G. Any future expansion to the facility shall require a modification to this Conditional Use Permit. The Conditional Use Permit application must be submitted for review and approval by the Development Services Department prior to the issuance of any building permits.
- H. The Planning Division may, but is not obligated to, inspect the premises annually to ensure compliance with all conditions of the use permit approval. If the Planning Division determines that compliance is not being achieved after a cure period, then a public hearing must be scheduled for possible use permit modification and/or revocation, in accordance with Chapter 20.505 of the San Marcos Municipal Code (SMMC).
- I. The applicant/developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, and all City ordinances, resolutions, policies and

procedures, and with all applicable state and federal regulations, as may be amended from time to time, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated by reference and made a part of this Resolution with the same force and effect as though fully set forth herein.

- J. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, or equipment needed, and the hiring of local residents to stimulate the San Marcos economy to the greatest extent possible.
- K. To the extent permitted by law, the applicant/developer shall defend and hold the City of San Marcos, its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the applicant/developer or its contractors, subcontractors, agents, employees or other persons acting on applicant/developer's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. The applicant/developer further agrees that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of San Marcos, California, at a regular meeting thereof, held on this 6th day of July, 2020, by the following roll call vote:

AYES: COMMISSIONERS: NUTTALL, MATTHEWS, NORRIS, FLODINE,
OLEKSY, MUSGROVE, CARROLL

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

APPROVED:


Eric Flodine, Chairman

ATTEST:

A handwritten signature in blue ink that reads "Gina Henderson" with a long, sweeping underline.

Gina Henderson, Senior Office Specialist

ATTACHMENT(S):

EXHIBIT A – Conditions of Approval

EXHIBIT A
RESOLUTION PC NO. 20-4885
CUP19-0006
Conditions of Approval

A. General Provisions

1. All of the terms, covenants and conditions contained herein shall run with the land and be binding on and inure to the benefit of the heirs, successors, assigns, and representatives of the applicant/developer as to any and all of the property.
2. If any of the terms, covenants or conditions contained herein shall fail to occur or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City of San Marcos (City) shall have the right to revoke or modify all approvals herein granted including issuance of building permits, deny, or further condition the subsequent approvals that are derived from the approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or see damages for their violation. The applicant/developer shall be notified ten (10) days in advance prior to any of the above actions being taken by the City and shall be given the opportunity to remedy any deficiencies identified by the City.
3. The applicant/developer shall be responsible for bearing the costs of all grading activities, on-site and off-site improvements, labor, design, mitigation, and other costs associated with, but not limited to, the project's planning, engineering, construction and/or architecture for the project.
4. The proposed new development may be subject to the payment of development fees and in-lieu fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.
5. The development must comply with the storm water regulations applicable at the time of approval of the corresponding grading permit application.
6. Future tenant improvements for each building shall require issuance of a building permit(s). Tenant improvement plans for each building shall include a parking calculation to substantiate that the subject parcel contains the required amount of parking spaces for the proposed use in accordance with the City's Off-Street Parking Ordinance (SMMC Ch. 20.340).

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

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

- a. CFD 98-01: Improvement Area No. 1 (Police Only)
- b. CFD 98-02: Lighting, Landscaping, Open Space and Preserve Maintenance
- c. CFD 2001-01: Fire and Paramedic
- d. CFD 2011-01: Congestion Management

No building 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 CFDs for the establishment of the special taxes. In lieu of annexation, the applicant/developer may pay a fee for each CFD consentient with the pre-payment option laid out in each CFD's formation documents. The applicant/developer shall be responsible for compliance with all rules, regulations, policies and practices established by State Law and/or the City with respect to the CFD including, without limitation, requirements for notice and disclosure to future owners and/or residents.

- C. Prior to issuance of any building permit, the applicant/developer shall comply with the following conditions:

Planning Division

1. Under separate permit application, 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.
 - 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 if in public view. 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 handout, 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, SMMC Chapter 20.330, in addition to State of California water efficiency requirements.

- e. 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 Storm Water Quality Management Plans (SWQMP).
 - f. The applicant/developer shall submit a fencing plan, in conjunction with the landscape plan, which proposes a consistent type and style of fences and/or walls. The fencing plan shall include decorative fencing with a detail of each proposed fence/wall type, and shall not include chain link fencing adjacent to any right-of-way. All fencing along the southern side of the playground and along Hill Drive shall contain view obscuring slats or equivalent screening material, as determined by the Planning Division Manager. Any fences in excess of 7 feet shall also require a Building Permit.
 - g. All playground equipment shall comply with all C.P.S.C. and A.D.A. accessibility standards. Plans shall include a detail of each of the play areas with the proposed play equipment and specifications of said equipment. The installation of all playground equipment shall be inspected by a National Playground Safety Institute (NPSI) certified playground inspector.
 - h. Landscaping for the proposed project shall avoid the use of invasive plant species. Invasive plants shall be those identified on Lists A and B of the California Exotic Plant Council's List of Exotic Plants of Greatest Ecological Concern in California, as of October 1999, and updated if applicable.
 - i. Plant material shall be fire and drought tolerant and acceptable for defensible space in fire prone areas.
 - j. The landscape permit shall require that prior to installation, the proposed plants shall be inspected and approved by the Planning Division 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. The applicant/developer shall be responsible to contact the Planning Division for landscaping inspections.
2. The applicant/developer must obtain written approval from the Planning Division that the modifications proposed under any Building Permit will be in substantial conformance with this adopted Conditional Use Permit.
 3. 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 main buildings 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 enclosures shall be architecturally compatible with the proposed buildings.

Building Division

4. Tenants are required to obtain written permission from the building owner, or owner's agent, prior to obtaining a building permit from the city. Per SMMC Section 17.08.030 (Section 105.10), the tenant must obtain written permission from the building or property owner that the applicant/developer is authorized to proceed with the proposed construction.
5. All rooftop mechanical units, vents, ducts, etc. shall be screened by parapet walls or other architectural features from street grade view and adjacent properties as approved by the Planning Division Manager. A roof plan and cross sections showing lines of sight shall be submitted with construction drawings illustrating that roof equipment will be screened. Screening plan shall be approved by the Planning Division prior to issuance of a building permit.
6. Remodeled structures and/or tenant improvements must be designed to conform to the latest design standards adopted by the State of California in the California Building Code, Part 2, Title 24, California Code of Regulations.
7. 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.
8. The City is located in Seismic Design Category "D." Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
9. The handling, storage, use and disposal of hazardous, toxic or flammable materials shall be clearly indicated on all floor plans submitted for a building permit and shall be in compliance with any and all Federal, State, County and City rules, regulations, and requirements for hazardous waste control, including but not limited to the Hazardous Waste Control Act of 1973 (HWCA) (Health & S C §25100 *et seq.*), as may be amended from time to time, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated by reference and made a part hereof with the same force and effect as though fully set forth herein.
10. The project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, for accessibility standards.
11. The project is subject to the approval of the applicable water/sewer district(s) for water and sewer services and all applicable fees and charges shall be paid to the satisfaction of the water/sewer district(s) prior to issuance of building permit.
12. The outer boundary of schools (grades K through 12) as listed in the current California Private School Directory shall comply with Education Code Section 33190 relating to the location of a school facility within 1,000 feet of businesses that are regulated for the storage, use and handling of hazardous materials as defined by the California Health and Safety Code. In addition, compliance with any and all Federal, State, or County

requirements related to environmental health regulations on or offsite is also required and the responsibility of the applicant/developer.

Fire Department

13. Fire apparatus access roads shall have an unobstructed improved width of not less than 24 feet (curb line to curb line), and an unobstructed vertical clearance of not less than 13 feet 6 inches. Access roads shall be all weather surface and designed to support imposed loads of not less than 75,000 pounds in accordance with California Fire Code (CFC) Section 503.2.1, SMMC Section 17.64.120. For single-family residential driveways serving no more than one single-family dwelling, access roads shall have minimum width of 16 feet (curb line to curb line).
14. The gradient for a fire apparatus roadway shall not exceed 20 percent. Grades exceeding 12 percent (incline or decline) shall not be permitted without mitigation: Minimal surface of Portland cement concrete (PCC) with a deep broom finish perpendicular to the entire direction/length of travel and grade. The angle of departure and approach of fire access roads shall not exceed 7 degrees (12 percent) as required by CFC Section 503.2.7, as amended.
15. All dead end fire apparatus access roadways in excess of 150 feet in length shall be provided with an approved area for turning around of all San Marcos Fire apparatus. A hammerhead turn-around or cul-de-sac will be required by the Fire Department.
16. The project shall include an automatic fire extinguishing system in accordance with the latest adopted California Building Code, California Residential Code and/or San Marcos Fire Code Ordinance. Fire suppression systems shall conform to the standards adopted by the National Fire Protection Association (NFPA) and the San Marcos Fire Marshal.
17. The project shall include a fire alarm system installed in compliance with 2016 California Fire Code (CFC) and the most current edition NFPA 72. A voice alarm communication system shall be installed in accordance with CFC 907.2.3. Carbon monoxide detection shall be installed per CFC Section 915.
18. Access gate(s) at front driveway shall be equipped with a Knox Key switch with cover and all drive gates shall be equipped with approved emergency traffic strobe sensor(s), which opens the gate on approach of emergency vehicles. Access gate shall be a minimum of twenty-four (24) feet wide as determined by the City Fire Marshal.
19. Identify all fences gates around the property and indicate a safe dispersal area a minimum of 50 feet from the building. CFC 503.5.2

Land Development

20. Access gate location shall allow the fire apparatus to completely turn out from the public roadway while the gate is in a closed position to prevent conflicts with traffic on the public street. Such location shall be based upon the ultimate improvement of the driveway intersection to avoid future relocation. In addition, all gate and Knox Key hardware shall

be located on the private property.

21. The applicant shall obtain an improvement permit for frontage improvements including curb, gutter, and sidewalk along the property frontage on Hill Street connecting to the existing improvements to the south and up to the proposed pedestrian ramp. In addition, a stabilized decomposed granite path of travel and asphalt berm at the existing roadway edge shall be provided north of the proposed pedestrian ramp landing to the project driveway, to the satisfaction of the City Engineer. All applicable fees and securities shall be paid prior to permit issuance.
 22. The applicant will be required to post securities for the ultimate improvements including curb, gutter, and sidewalk along the property frontage to Hill Street and connecting to the existing improvement to the south, street striping, realigned private driveway, and signage to the satisfaction of the City Engineer. Said security shall be in a form acceptable to the City and shall remain in force until improvements are completed and final approval by the City is given.
 23. Site use and student capacity shall be limited to avoid vehicular impacts to Carmel Street and Hill Street until such time as the ultimate improvements are constructed at the private driveway intersection, as per the Chen Ryan Interim Operation trip generation memo dated April 21, 2020.
 24. The applicant shall obtain a grading permit for onsite earthwork and improvements including the driveway and gate improvements, fire apparatus turnaround, pedestrian access ramp, stormwater management and pollution control measures, and other proposed site improvements.
 25. The applicant/developer shall post securities with the City, in amounts approved by the City Attorney and the City Engineer or their designees, for the construction of all improvements including but not limited to the following: grading and erosion control driveway improvements, storm drain facilities, water quality BMP's, frontage improvements, and landscaping. 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.
 26. The applicant/developer shall execute a "Hold Harmless" Agreement with the City regarding drainage across the adjacent property.
 27. The applicant shall provide an onsite traffic and parking management plan to the satisfaction of the City Engineer and Planning Division Manager.
 28. All construction and grading related Best Management Plans (BMP's) shall be shown in detail on the construction plans submitted to the City for review and approval.
- D. During the construction phase, the applicant/developer shall comply with the following conditions:
1. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of

Regulations, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting, construction and grading operations. Projects are required to comply with the Air Pollution Control District's standards for mitigating fugitive dust during all phases of construction.

2. All construction operations authorized by building permits, including the delivery, setup and use of equipment must be conducted on premises during the hours of 7:00 AM and 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citation for hours of work violations requires a mandatory court appearance in North County Superior Court.
3. During construction the applicant/developer shall implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation and citations with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.
4. A test sample of the proposed exterior colors shall be applied to a mock-up with an area large enough to be representative of the finished color scheme and exposed to direct sunlight. This sample shall be inspected and approved by the Planning Division prior to painting of the buildings. If determined necessary upon inspection, the color scheme may be required to be modified at the discretion of the Planning Division Manager. The applicant/developer shall be responsible to contact the Planning Division for inspection.

E. Prior to occupancy, the applicant/developer shall comply with the following conditions:

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

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

1. Operation of the facility is not allowed on site until occupancy has been approved by the Building Division.
2. The applicant/developer shall obtain and maintain a City Business License for the duration of the business operations.

3. Trash dumpsters shall be kept within the existing enclosure(s) on site, and gates shall be closed to screen the dumpsters from view. When not in use, dumpster lids shall remain closed in order to prevent rainfall from entering the dumpsters in compliance with the City's Storm Water Management requirements.
4. The facility must comply with all applicable provisions of San Marcos Municipal Code (SMMC) Chapter 14.15 (Storm Water Management and Discharge Control) and other State and regional permits/standards for the protection of storm water quality.
5. Non-storm water discharge into the City's storm drain conveyance system is considered an illicit discharge and is prohibited during construction, operation and maintenance of the business in accordance with SMMC Chapter 14.15.
6. The building address and suite number must be clearly labeled at the front and rear doors for day- and night-time emergency responses. In addition, adequate lighting must be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc.).
7. A separate permit will be required for any new signage, including temporary signs. Signage must comply with the City's Sign Ordinance (SMMC Chapter 20.320). Portable signs (i.e. A-frame, T-frame, etc.) are prohibited on or off site.
8. Use of the site must be conducted so as not to become obnoxious by reason of noise, odor, refuse, parking impacts, or maintenance of grounds and in such a manner as will not detrimentally affect adjoining properties and uses.
9. All trees and landscaping shall be maintained in a healthy, thriving manner. If any trees/landscaping shall die or become diseased, the trees/landscaping shall be replaced in numbers and quantity to provide the same landscaping and screening value.
10. All fencing shall be maintained in good condition and any view obscuring materials used in fencing shall be approved by the Planning Division Manager and also maintained in good condition.
11. Outdoor storage shall be prohibited on site.
12. All on-site operations of the school facility shall occur within the building, except for the outdoor playground area.
13. Normal hours of operation of the school facility shall be limited to Monday through Friday, 6:00 AM to 6:00 PM, unless modified by the Planning Division Manager.
14. The school facility shall not exceed 200 students, onsite, at any one time.
15. A minimum of 30% of students must be enrolled in the "six-to-six" program, remaining onsite from 6:00 am to 6:00 pm. Alternatively, enrollment in the "six-by-six" program may be lower than 30% provided that the total number of student on a regular schedule is 140 or lower.

16. A pick-up and drop-off plan must be submitted to and approved by the Planning Division Manager. The plan shall demonstrate that all student loading and unloading will occur onsite and that sufficient queuing capacity is onsite to implement the approved plan without impacting the operation of the public right-of-way. All student loading and unloading shall be conducted in accordance with the approved plan. Should the City receive complaints about pick-up and drop-off operations impacting the public right-of-way, and those complaints are verified, the applicant shall agree to modify operations of the school to resolve said impacts.
 17. Number of employees shall be limited to no more than 20 onsite at any one time, unless an increase is approved by the Planning Division Manager.
 18. Student loading/unloading shall only occur onsite within parking spaces or as approved in the pick-up and drop-off plan. No student loading/unloading shall occur within the driveway aisle or on the public right-of-way.
 19. Drop-off and pick-up of clients shall occur at staggered times.
 20. The applicant/developer shall comply with any and all Federal, State, County and City rules, regulations, and requirements for a school facility. The applicant/ developer shall submit to the City a copy of any applicable Federal, State or County permit(s) required to operate the business.
 21. Outdoor storage shall not be permitted on site.
 22. No outdoor PA (public address) system/loudspeakers or bells shall be permitted.
 23. Special events (i.e. performances, graduations, etc.) may be permitted on site on an occasional basis. No special events shall occur on site, unless by issuance of a Special Event Permit by the City.
- G. Any modifications, alterations, expansions or other changes must require the modification to this Conditional Use Permit and may necessitate the issuance of Building Permits and reissuance of a Certificate of Occupancy from the Building Division.