

PLANNING COMMISSION

Agenda Item No.: G.1
Date: January 11, 2011

CASE NUMBER: PHG 09-0018
APPLICANT: North County Community Services (NCCS)
LOCATION: 1317 and 1301 Oak Hill Drive (APNs 230-610-57 and -58)
TYPE OF PROJECT: Modification to a Conditional Use Permit

PROJECT DESCRIPTION: A modification to a Conditional Use Permit (County Permit) to allow an additional 48 children at the existing North County Community Services (NCCS) child-care facility. The NCCS facility currently is licensed to accommodate up to 76 children. The request also includes the installation of an approximately 36' x 60' single-story modular classroom building on the site to accommodate the additional children. Street improvements are proposed across the NCCS project frontage along with the extension of street improvements along the adjacent Oak Hill Church property to the west. A modification to the Conditional Use Permit (Case No. 82-57-R) for the adjacent church (Oak Hill Church of Christ) also is proposed to accommodate up to 30 of the existing NCCS children in order to use both facilities to accommodate a total of up to 124 children (total 94 at NCCS facility and 30 at the Oak Hill Church). The CUP modification also includes provisions for reciprocal parking, drop-off, and outdoor open space/recreation facilities.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION/TIER: Suburban/Tier 1- Midway Neighborhood

ZONING: R-1-10 (Single-Family Residential, 10,000 SF min. lot size)

BACKGROUND/SUMMARY OF ISSUES:

This item was continued from the December 14, 2010, hearing in order for the applicant to clarify project conditions between the two parties (NCCS and Oak Hill Church of Christ). City staff met with the project applicants to clarify the proposed conditions of approval, which have been modified accordingly indicating each applicant's responsibilities and timing of the conditions.

A preschool has been operating at the subject NCCS site since 1965 (formally Gingerbread House Preschool) and the property subsequently annexed to the City in 1978. In 1991, the City determined a preschool was permitted and a CUP was in effect even though the original County CUP files and approvals could not be obtained. A Conditional Use Permit to operate a preschool facility is required within all residential zones. NCCS is a nonprofit social service agency that provides affordable preschool opportunities and other services throughout North County. NCCS has been operating a preschool at the site for approximately 20 years and currently is licensed by the State for up to 76 children. However, the existing 2,865 SF building only is large enough to accommodate up to 46 children and NCCS has been leasing existing classroom space at the adjacent Oak Hill Church for the past several years to accommodate the other 30 children. All administrative, recreation and other activities for the 30 children are provided from the main NCCS facility. A paved walkway currently provides access between the two properties.

NCCS is requesting to accommodate an additional 48 children at their site for a total of 124 children to be licensed by Community Care Licensing (total of 94 at the NCCS site and 30 at the adjacent church site). In order to accommodate the additional 48 children, NCCS proposed to install a 2,160 SF modular classroom building on the property. Since the existing building on the NCCS site only can accommodate up to 46 children, NCCS is proposing to partner with the adjacent Oak Hill Church to continue to utilize existing classroom space at the church, along with agreements for shared drop off and parking. The Church has a current congregation of approximately 100 members and has underutilized building area and 80 available parking spaces during non-peak weekday hours. NCCS currently is licensed by Community Care Licensing to use the adjacent church facilities to accommodate up to 30 of the NCCS children. However, since a CUP is required to operate a preschool, the Church also must amend their current CUP to continue to

provide classroom space for the existing 30 children. The proposed site and street improvements would be funded by a combination of a State loan and Federal CDBG funds.

NCCS has requested a two-year time limit on utilization of the CUP rather than the standard one year in order to provide sufficient time prepare any necessary plans, and obtain final approvals and funding from state and federal agencies, which typically can be lengthy. The Planning Commission has approved longer CUP time frames in the past and staff supports the additional time requested by the applicant.

Staff feels the issues are as follows:

1. The suitability of the of the NCCS and Church site to accommodate the existing and proposed increase in the number of children.

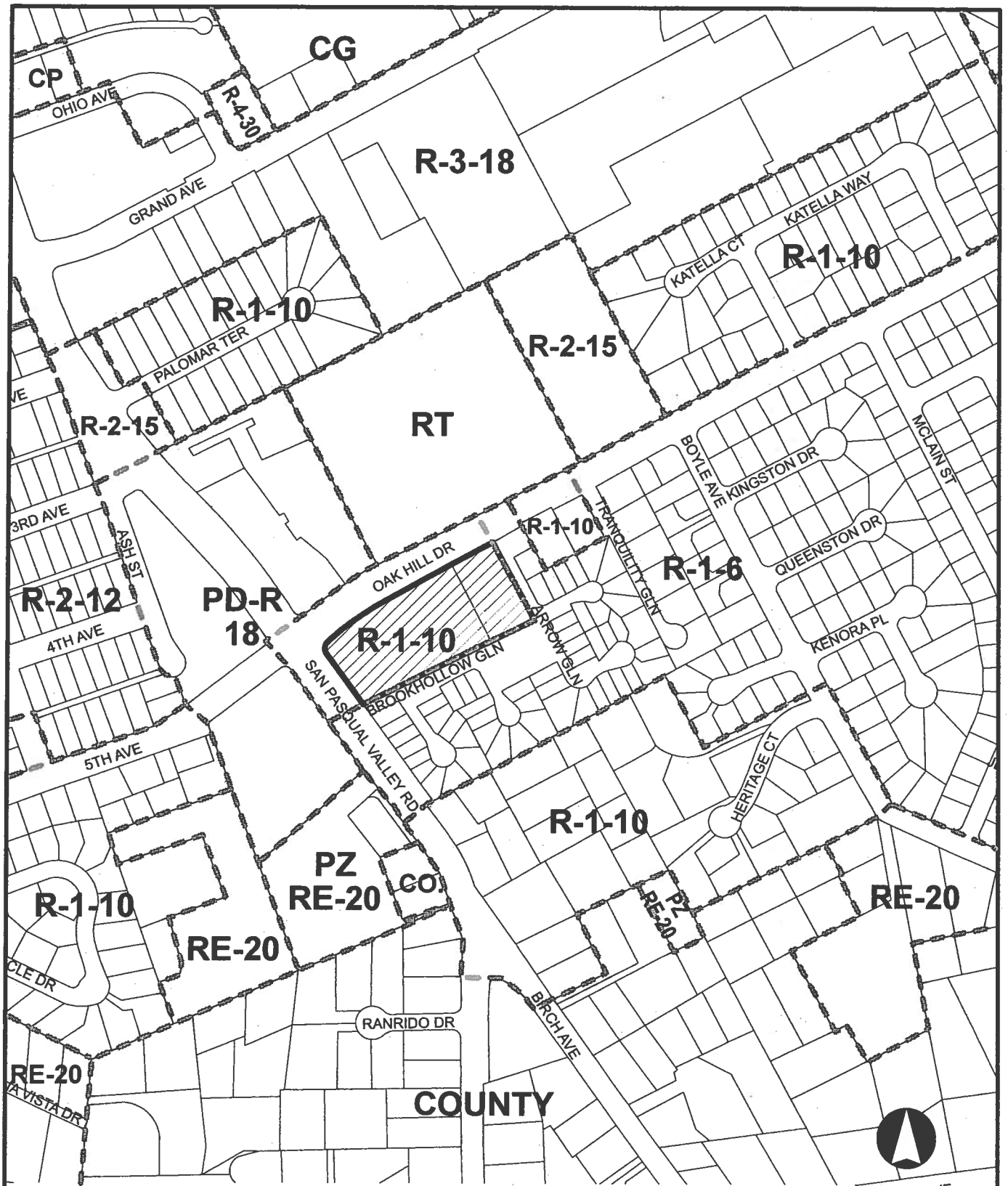
REASON FOR STAFF RECOMMENDATION:

1. Staff feels the existing NCCS site in combination with the existing Church facilities can reasonably accommodate the increase of 48 children for a total of 124 children split between both facilities. The NCCS site has sufficient area to accommodate the new modular classroom and still provide adequate parking and outdoor play area. No expansion to the adjacent church facility is necessary since there is sufficient available classroom space and on-site parking to accommodate the joint use request. Sufficient outdoor area also would be provided to satisfy the California Department of Social Services Community Care Licensing Division requirement of 75 SF per child upon final approval of a staggered recreation schedule. Adequate accessible paths of travel also would be provided between both facilities. The NCCS facility appears to operate efficiently and has not caused any problems in the area. No complaints have been received from neighboring property owners and one comment was received from an adjacent property owner in support of the proposal.
2. The joint use of parking and drop-off areas are appropriate for the existing and proposed preschool since the hours of operation for the preschool and the church activities would not conflict, and the number of parking spaces provided exceeds the code requirement during the proposed preschool hours of operation.

Respectfully submitted,



Jay Paul
Associate Planner

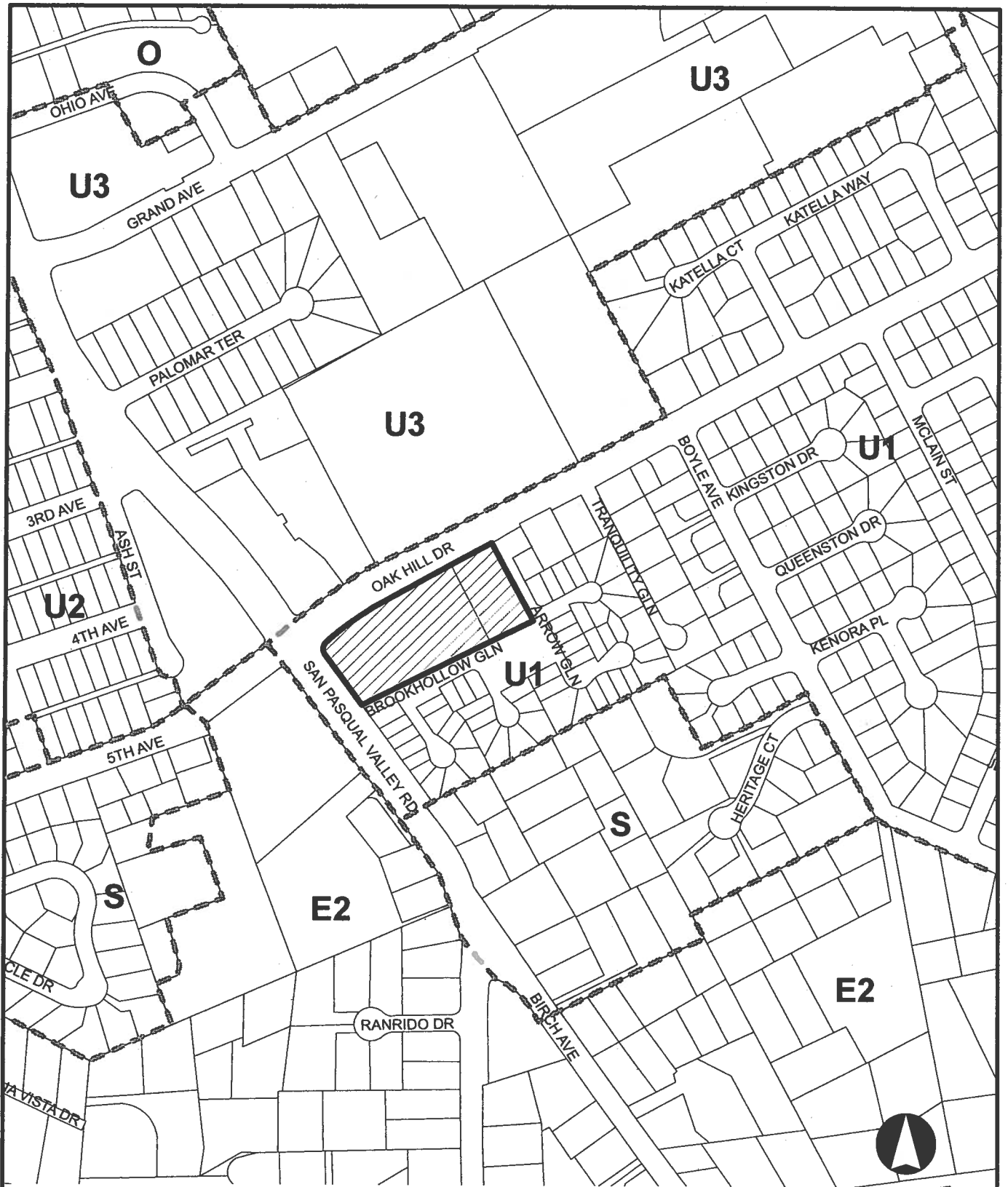


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**PROPOSED PROJECT
PHG 09-0018**



LOCATION/ZONING

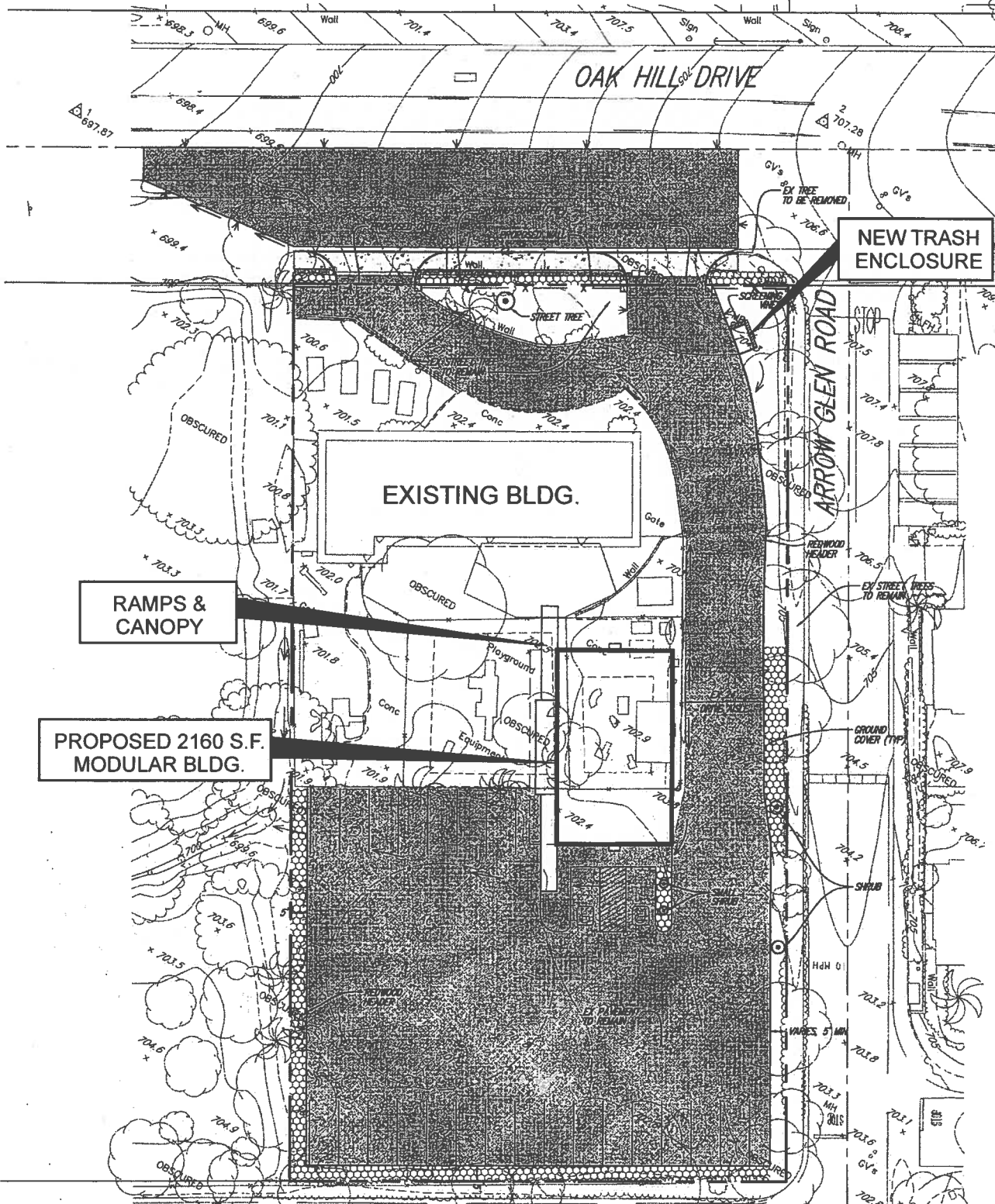


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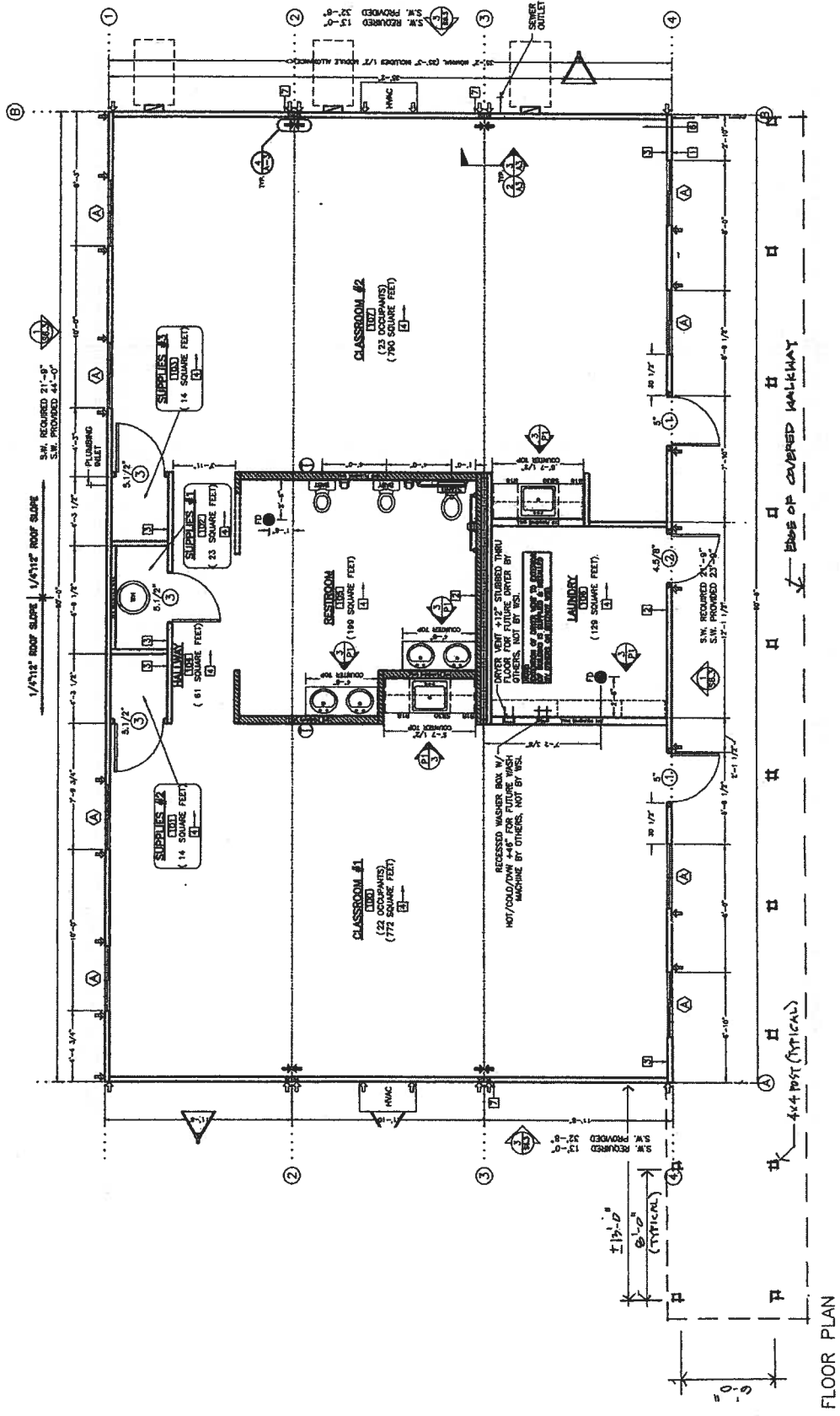


GENERAL PLAN



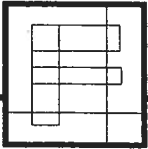
**PROPOSED PROJECT
PHG 09-0018**



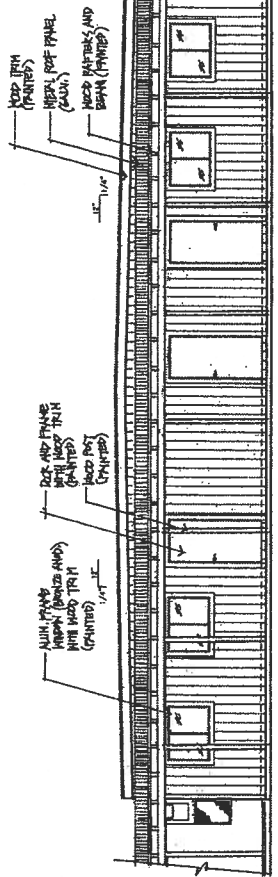


NEW 2160 S.F. MODULAR BLDG. FLOOR PLAN

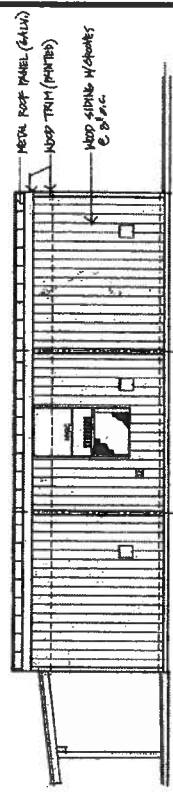
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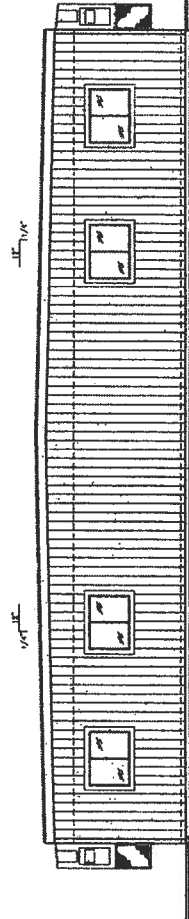
FLOOR PLAN



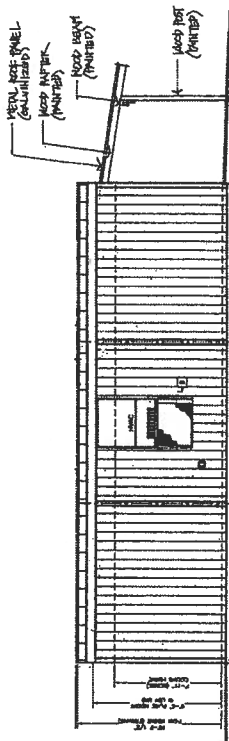
ELEVATION (A)



ELEVATION (C)

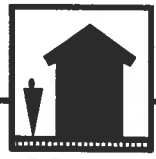


ELEVATION (B)



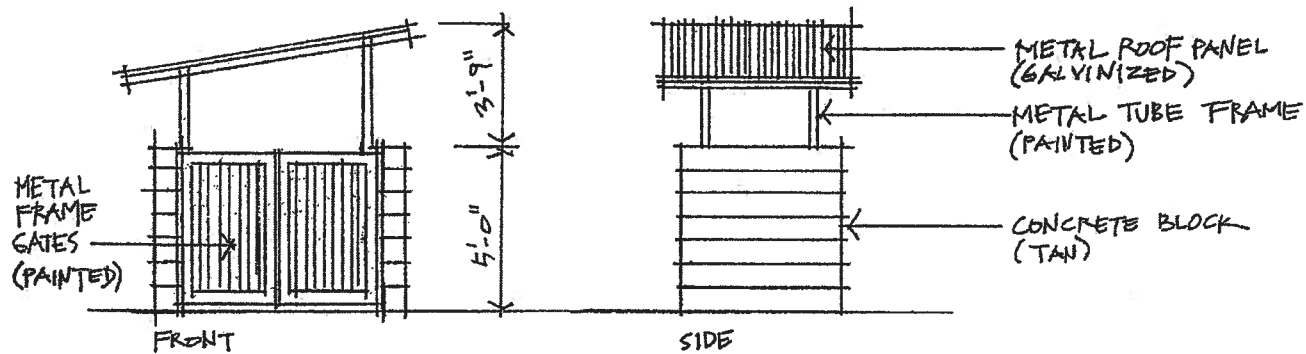
ELEVATION (D)

**PROPOSED PROJECT
PHG 09-0018**



ELEVATIONS

PROPOSED MODULAR BLDG.



TRASH ENCLOSURE

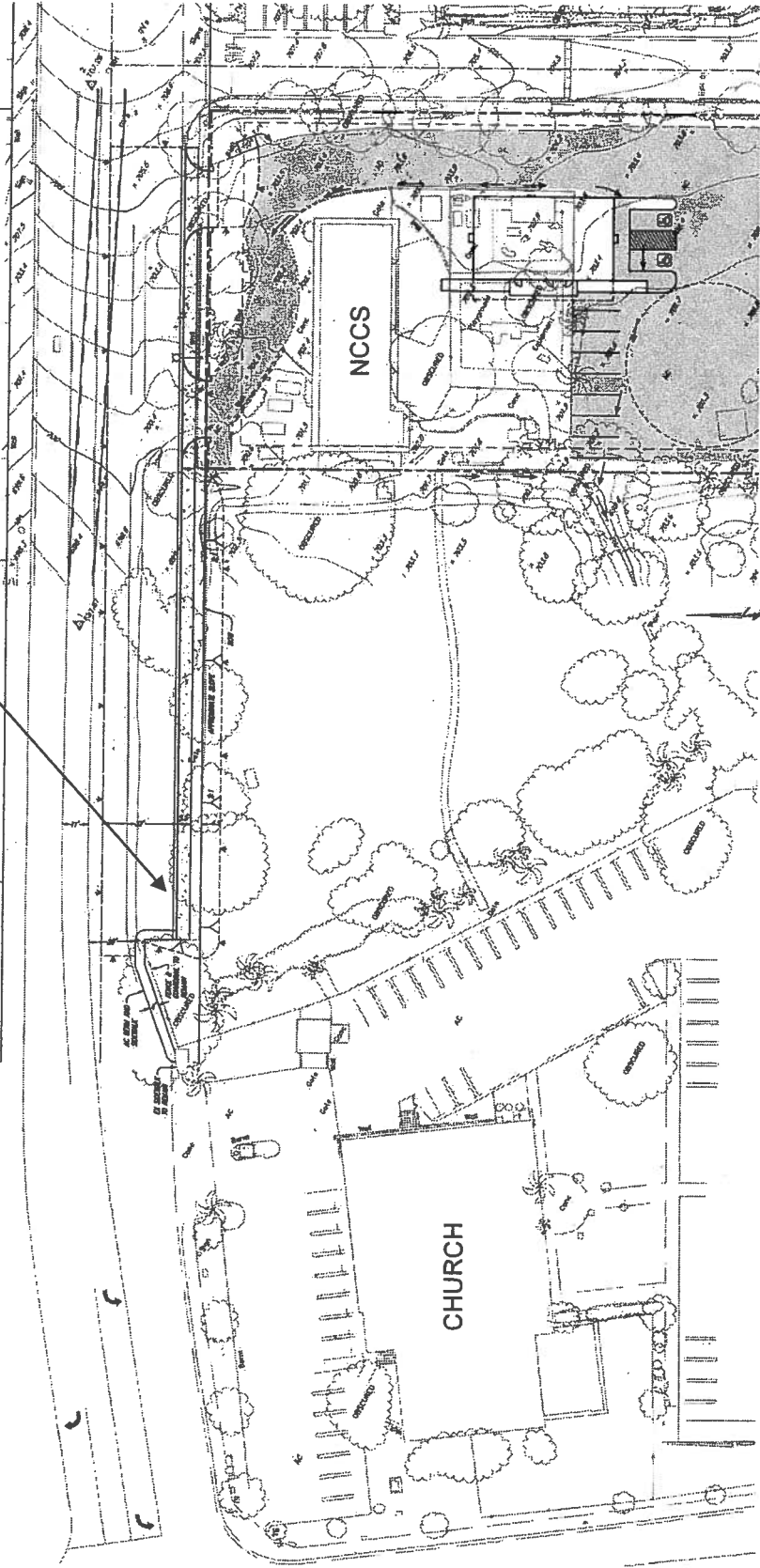
**PROPOSED PROJECT
PHG 09-0018**



ELEVATIONS

CONCEPT STREET IMPROVEMENTS

OAK HILL DRIVE



CONCEPT STREET IMPROVEMENTS

**PROPOSED PROJECT
PHG 09-0018**



SITE PLAN

OAK HILL DRIVE

EDGE OF EXISTING PAVEMENT

SIDEWALK

EXISTING SIDEWALK

TRASH

GATE

PARKING

EXISTING CHURCH BUILDING
10,560 S.F.

LANDSCAPE

PARKING

PARKING

BLOCK WALL

DRAINAGE COURSE

UNDEVELOPED AREA

UNDEVELOPED AREA

NCCS SITE

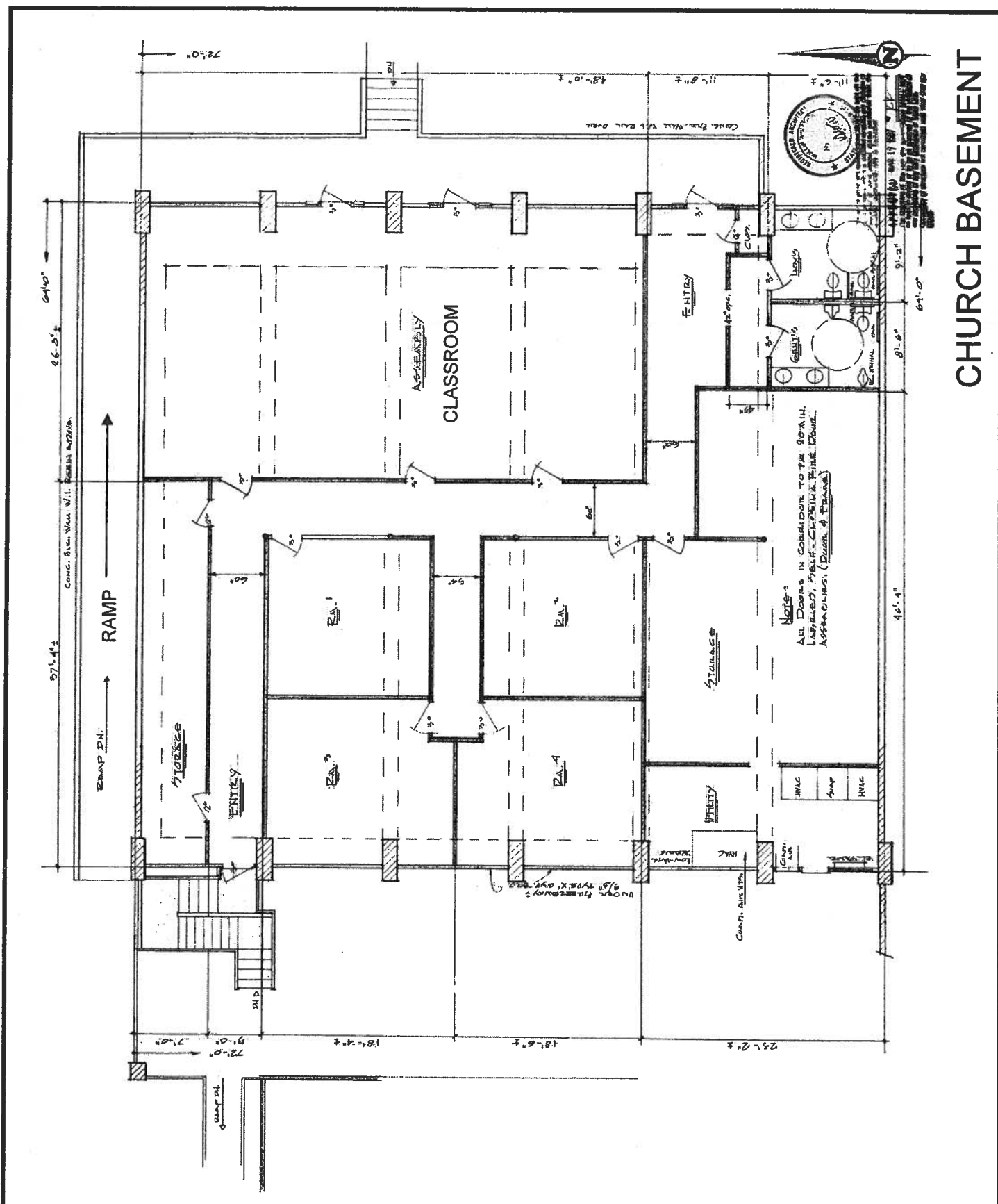
SAN PASQUAL VALLEY RD.

**PROPOSED PROJECT
PHG 09-0018**



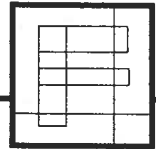
SITE PLAN

OAK HILL CHURCH SITE

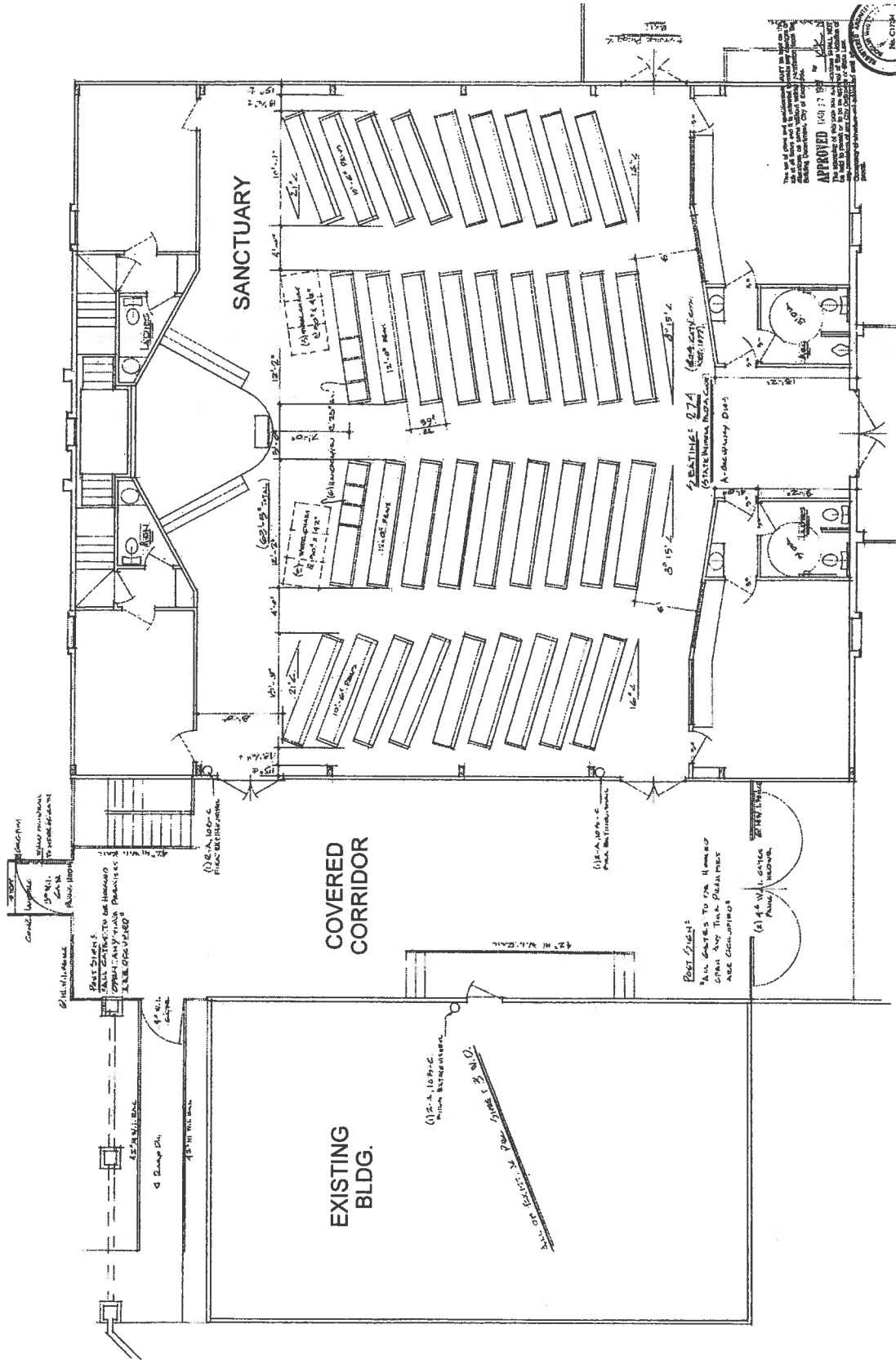


CHURCH BASEMENT

**PROPOSED PROJECT
PHG 09-0018**

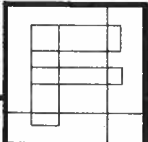


FLOOR PLAN



CHURCH UPPER FLOOR

**PROPOSED PROJECT
PHG 09-0018**



FLOOR PLAN

ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH: PD-R-18 and RT zoning (Planned Development - Residential, 18 units per acre and Mobilehome Park) / A two-story condominium project and a mobilehome park are located north of the project site across Oak Hill Drive. The adjacent developments generally are located at a higher elevation than Oak Hill Drive. A masonry block wall is located along the northern side of Oak Hill Drive.

SOUTH: R-1-6 (Single-Family Residential, 6,000 SF min. lot size) / A single-family residential planned development is located immediately south of the NCCS and church facility. The internal driveway for the adjacent residences is located along the southern and eastern property lines of the NCCS and church property. chain-link fencing and dense landscaping separates the NCCS facility from the adjacent homes, and a six-foot-high masonry wall separates the church facility from the adjacent homes.

EAST: R-1-6 (Single-Family Residential, 6,000 SF min. lot size) / A single-family residential planned development is located immediately to the east of the NCCS site. The main access driveway is located along the eastern property boundary and a chain-link fence with a row of dense shrubs and trees separates the NCCS site from the adjacent development.

WEST: PD-R 18 zoning (Planned Development - Residential, 18 units per acre) / A multi-story condominium development is located west of the Oak Hill Church property across San Pasqual Valley Road/SR 78.

B. ENVIRONMENTAL STATUS

1. In accordance with the California Environmental Quality Act (CEQA) Section 15301, "Existing Facilities" the request is exempt from environmental review. The proposed on-site improvements at the NCCS facility and street improvements would not impact any sensitive or protected habitat. The street improvement would involve some minor grading and removal of several mature eucalyptus trees. However, these trees are not considered sensitive or protected habitat and no encroachments or disturbance of the existing drainage course is proposed.
2. In staff's opinion, no significant issues remain unresolved through compliance with code requirements and the recommended conditions of approval.

C. AVAILABILITY OF PUBLIC SERVICES

1. **Effect on Police Service** -- The Police Department expressed no concern regarding their ability to serve the site.
2. **Effect on Fire Service** -- The Fire Department has expressed no concerns relative to its ability to provide service to the site. Appropriate fire safety features will need to be installed prior to occupancy of the new modular building.
3. **Traffic** -- The Oak Hill Church and NCCS site take direct access from Oak Hill Drive, which is classified as a Collector Road (84' R-O-W) on the City Circulation Element. Oak Hill Drive is proposed to be improved to its ultimate width across the NCCS frontage, and the remaining unimproved portion of the Church frontage. A small portion would not be improved adjacent to the open storm drainage improvements due to environmental constraints. A transition area is proposed to be provided around the existing open storm drain improvements and street barrier (within the existing right-of-way) to provide an accessible path of travel between the NCCS facility and existing Church sidewalk and buildings. The Engineering Division indicated the proposed project is not anticipated to result in any adverse impacts to the adjacent streets and intersections with the installation of the proposed street and driveway improvements.
4. **Utilities** -- City sewer with sufficient capacity to serve the project is available in the adjoining streets or easement. The Utilities Department concluded the project would not materially degrade the level-of-service of the public sewer and water system and no additional upgrades are required to these systems.
5. **Drainage** -- There are no significant drainage courses that would be affected by the project. The existing drainage course located within the church site would not be disturbed. Runoff from the project would be directed to the

adjoining public street or other drainage facility. The Engineering Department concluded the project would not materially degrade level-of-service of the existing drainage facilities.

D. CONFORMANCE WITH CITY POLICY

General Plan

The proposed CUP is consistent with the goals and policies of the General Plan since churches, schools and related religious activities are conditionally permitted within residential zones, and previous permits have been approved for the development of the area for a preschool and religious facility. The proposed new modular building and expansion of the number of children at the preschool would not diminish the Quality-of-Life Standards of the General Plan as the project does not materially degrade the levels-of-service on adjacent streets, utilities or public facilities.

The Suitability of the of the NCCS and Church Site to Accommodate the Existing and Proposed Increase in the Number of Children

The project applicant (North County Community Services) is proposing to install a new 2,160 SF modular building to accommodate an additional 48 children at their Oak Hill Drive facility. The new modular building would include additional architectural elements to be compatible with the existing and adjacent developments, which includes a covered walkway/shade element, wooden window surrounds and lattice elements, and lattice screens around the mechanical equipment. Landscaping also would be installed around the modular building. A new trash enclosure would be installed and designed to match architectural elements of the modular building. The parking lot would be repaired and restriped, along with the addition of new disabled spaces. Perimeter landscaping would be installed or repaired along the eastern, southern and street frontage, and decorative wrought-iron fencing and gates would be installed along the project frontage to control access. The Design Review Board recommended approval of the project on July 22, 2010 (vote 3-2). The DRB discussed the appropriateness of screening the existing visible rooftop mechanical duct work and whether additional screens should be installed vs. painting the equipment. The applicant felt that due to the age of the roof and limited funds, that painting would be appropriate. The applicant also felt that any new penetration of the roof could cause the need to replace the entire roof due to its age. However, a majority of the members felt that painting the duct work was a good compromise and recommend approval. The Boardmembers recommended the field color of the buildings use a lighter khaki/tan color and the project has been conditioned accordingly.

NCCS has been leasing classroom space for the past several years from the adjacent Oak Hill Church of Christ to accommodate 30 children, which previously has been approved by Community Care Licensing. However, the current CUP for the church does not specifically provide for non-church related preschool facilities. Therefore, in order to continue using the adjacent church facilities, the existing use permit for the church needs to be modified. An existing classroom space in the lower floor of the church is being used by NCCS to accommodate up to 30 children. However, all administrative functions and open space/recreational activities are conducted at the NCCS site. There currently is a paved walkway between the two facilities to provide pedestrian access. Drop-off and pick-up of the 30 children typically are conducted at the church site depending on daily programming. Staff feels that continued use of the church facilities to accommodate up to 30 children is appropriate since there is more than sufficient on-site parking and drop-off areas, and the church has indicated that parking and the leased building spaces are underutilized and would not impact any church related functions. However, should the church desire to establish a separate preschool program from NCCS, they would need to provide the appropriate on-site amenities (such as secured recreational areas) that would be required by Community Care Licensing.

As a condition of the CUP amendment, the existing trash enclosure at the church site is required to be upgraded to conform to current storm water quality requirements, which would require the installation of a solid roof structure to prevent storm water from entering the bin area. Representatives from the Church do not feel the required upgrade to their trash enclosure is warranted since storm water requirements would be satisfied by the installation of a new, storm-water compliant trash enclosure on the NCCS site; the existing church enclosure is not used by the NCCS children; no physical expansion to the site is proposed that triggers a building permit or increase in square footage; and the CUP specifically is for the operation of the NCCS program and does not authorize the Church to operate their own preschool program. Therefore, they feel the condition is not necessary and should be waived. However, should it be required, they feel the costs for any plans, permits and construction should be the responsibility of NCCS since it is necessary to support their program.

The California Department of Social Services Community Care Licensing Division requires 75 SF of play area per child for a daycare/preschool facility. The existing play area located on the NCCS site contains a variety of play equipment and is secured with chain-link fencing. The area is separated from the adjacent residences by the on-site parking areas and perimeter driveways. Chain-link fencing also is located around the perimeter of the NCCS facility along with a dense row

of off-site hedges and trees. New on-site landscaping would be provided along the southern and eastern property boundaries to further screen the existing facilities from the adjacent residences. A minimum of 9,300 SF of outdoor play area would be required to serve 124 children (120 x 75 SF = 9,300 SF). With the installation of the new modular building, the amount of available open space would be reduced to approximately 6,536 SF, which only could accommodate up to 84 children if all the children used the recreational area at the same time. However, Community Care Licensing does allow for a reduced open space area if a staged recreation schedule is approved, which is not uncommon and has been approved for other NCCS facilities. Therefore, staff feels there would be sufficient outdoor areas provided with a final staggered recreation schedule that would need to be approved by Community Care Licensing. The project has been conditioned provide evidence of the approved staggered schedule prior to issuance of building permits for the new modular building.

On-site Parking and Drop Off/Pick Up

Preschool facilities are required to provide one parking space per employee in addition to appropriate drop-off and pick-up areas. The existing preschool requires a minimum of 13 spaces (one per employee) and the proposed expansion would require a minimum of 19 spaces to accommodate up to six additional employees. NCCS is proposing to repair and restripe their parking area for a total of total of 24 striped spaces, and maintain two additional spaces in the circular driveway in front of the building for additional drop-off and pick-up. NCCS is proposing to share on-site parking between the school and church as part of the proposal to continue to allow 30 children to use the church facilities. Drop-off and employee parking for the 30 children typically are provided within the church parking areas depending on daily scheduling, which frees up additional spaces at the NCCS site. Up to an additional 80+ parking spaces are available at the adjacent church site to accommodate the parking and drop-off requirements for the joint use. Use of the church spaces is during off-peak week day hours and would not conflict with the typically church activities during week nights and on weekends, when worship services and class instruction are underway. Therefore, staff feels there would be sufficient parking and drop-off areas available to support the number of children requested and there would be no anticipated parking conflicts or shortage of spaces.

E. PROJECT HISTORY

NCCS Project History

- | | |
|-----------|---|
| 1991 | City Determination of permitted use of the preschool within a residential zone. Use established under County of San Diego jurisdiction and annexed to City in 1978. |
| 91-30-PPL | Approval of new playground equipment |
| 93-41-CUP | Conditional Use Permit to expand the number of children and install a new 1,440 SF modular building. Request withdrawn. |

Oak Hill Church of Christ Project History

- | | |
|-------------|--|
| 82-57-CUP | CUP to expand existing 1,500 SF facility by 10,250 SF to be constructed in several phases. |
| 82-57-CUP-R | Modify CUP in 1985 to continue to construct the previously approved plan in two phases, to include an assembly hall and basement and classroom facility, expanded assembly facility, relocation of driveway and parking areas. Phase II not completed. |
| 92-46-CUP | CUP to allow a school for up to 300 students. Application withdrawn. |

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

NCCS Facility – The NCCS facility is relatively flat and developed with an existing building, paved parking and driveway, perimeter fencing, ornamental landscaping and outdoor play area.

Oak Hill Church – The site generally slopes from west to east and is developed with a church building, paved parking and driveways, and landscaped areas. The eastern half of the site has not been developed and generally consists of disturbed vegetation areas, mature eucalyptus trees and an open drainage course. A wooden bridge provides pedestrian access over the drainage course and a paved sidewalk from the bridge provides pedestrian access to the adjacent NCCS property.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size:
 - NCCS: 0.97 acres 42,218 SF
 - Church: 2.78 acres

2. Building Size:
 - NCCS 2,865 SF existing single-story building
2,160 SF new modular building (36' x 60') with new ADA compliant ramps, shade canopy and decorative window treatments and HVAC screens.

 - Church: Top Floor: 4,608 SF sanctuary (248 fixed seats)
1,344 SF additional building area (offices, classrooms, etc).
 - Lower Floor: Lower Floor: 4,608 SF (approx. 1,188 SF area used for preschool)
10,560 SF total area

3. No. of Children:
 - Existing: 76 currently licensed (46 at NCCS and 30 at Oak Hill Church)
 - Proposed: 48 additional at NCCS facility for total of 124 under NCCS license. 30 existing children to remain at church facility.

4. Hours of Operation: Monday–Friday, 7:00 a.m. – 6:00 p.m. The facility provides full and part time schedules.

5. Preschool Employees:
 - Existing: 14 (full and part time)
 - Proposed: 19 (depends on total children and ages based on licensing ratios). Typically three of the employees are located at adjacent church facility based on 30 children.

6. Parking:
 - Proposed: One per employee required plus appropriate drop-off/pick-up areas (min. 19 required)
24 striped spaces plus two additional spaces for drop-off/pick up only in the front circular driveway.
 - Off-site: Up to 80 spaces are available at the adjacent Oak Hill Church facility.

7. Outdoor Recreation Area: Min. 75 SF per child required per State licensing, however reduced area allowed if staggered recreation schedule approved by Community Care Licensing. Min. 9,300 SF required for 124 children.
 - Existing: 9,300 SF
 - Proposed: 6,526 SF, which can accommodate up to 84 children at any one time. All outdoor recreation to be provided at the NCCS site.

8. Materials/Colors: All buildings at NCCS site to be repainted to match new modular building colors
 - Main walls/field color – Light khaki/tan
 - Trim, doors, window treatments – green
 - Slight sloping roof on new modular building
 - Galvanized metal roof on walkway cover and trash enclosure
 - Rooftop equipment – paint flat green color building trim

EXHIBIT "A"
FINDINGS OF FACT
PHG10-0018

Conditional Use Permit

1. Granting this modification to the Conditional Use Permits for the proposed childcare/preschool expansion at the North County Community Services and Oak Hill Church of Christ facilities is based on sound principles of land use and would not create a nuisance, cause deterioration of bordering land uses or create special problems for area in which it is located since both sites have been approved for and occupied either by a preschool facility or religious facilities. Both sites have sufficient area to accommodate the proposed expansion/use. No expansion to the existing church facility is proposed. Appropriate on-site parking and drop-off areas would be provided through the proposed joint parking arrangement. The proposed preschool expansion facility would not create any adverse noise impact to surrounding properties since the preschool would utilize existing approved outdoor recreation spaces and utilize a staggered recreation schedule, which limits the number of children at any one time in the outdoor areas. Appropriate security fencing would be provided around the outdoor spaces. The project will not diminish the Quality-of-Life Standards of the General Plan as the project would not degrade the levels of service on adjacent street and intersections, and adequate public facilities would be provided (as discussed in the staff report prepared for the project).
2. The proposed CUP is consistent with the goals and policies of the General Plan since churches, schools and related activities are conditionally permitted within residential zones, and previous permits have been approved for the development of the area as a preschool and religious facility. The Engineering Division indicated the proposed preschool facility would not adversely impact traffic or circulation, utilities or drainage systems. Therefore, the proposed addition would not diminish the Quality-of-Life Standards of the General Plan as the project does not materially degrade the levels-of-service on adjacent streets or public facilities.
3. This proposal is in response to services required by the community since youth, educational and social programs provide services for the community and religious activities to the church members. The joint use of both facilities would allow NCCS to provide daycare/preschool activities tailored for the specific needs of the clients.
4. In accordance with CEQA Section 15301, Class 1, "Existing Facilities" the request is exempt from environmental review. The proposed project would not result in any adverse impacts to the environment and no mitigation measures are required.

EXHIBIT "B"

CONDITIONS OF APPROVAL PHG 09-0018

General

1. This CUP modification is to allow up to 94 children at the existing NCCS facility and to allow up to 30 children licensed for the NCCS facility to use existing classroom space at the Oak Hill Church of Christ. The proposed operation of the preschool facility shall be subject to all relevant Conditions of Approval required as part of previously approved Conditional Use Permits and other permits issued for the NCCS facility, unless specially authorized or superseded by this use permit. All conditions of the previously approved Conditional Use Permit shall be in affect for the Oak Hill Church of Christ, unless specifically authorized or superseded by this use permit. Should the existing lease between NCCS (or subsequent operator of the child-care facility) and Oak Hill Church of Christ be terminated, or the child-care operation cease, the conditions and terms of this CUP shall not longer apply to the Oak Hill Church of Christ.
2. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Department, Building Division, and Fire Department.
3. All uses, hours of operation, and activities related to the preschool operation shall be consistent with the Details of Request and conditions of approval contained within this report, as determined by the Community Development Director.
4. Appropriate fire access and ADA compliant paths of travel shall be provided to the NCCS building from the parking areas and public way, as required by the Fire Department, Engineering Division and Building Division. This shall be indicated on final site plans and building plans. Existing ADA path of travel from the public way to the existing church building also shall be indicated on the plans, to the satisfaction of the Building Official.
5. As proposed, 24 striped parking spaces shall be provided at the NCCS facility. Said parking spaces shall be double-striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to double-stripe per City standards. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage. All parking stalls shall be provided with six-inch curbing or concrete wheel stops in areas where a vehicle could reduce minimum required planter, driveway or sidewalk widths.
6. Oak Hill Church shall allow NCCS the joint use of on-site parking facilities and drop-off areas as long as the existing church facilities are used for NCCS preschool operations.
7. Prior to the issuance of building permits for the new modular building on the NCCS site, the applicant shall provide evidence of the approved staggered recreation schedule from Community Care Licensing.
8. Should the church desire to establish a separate preschool program from NCCS, they would need to modify their previously approved Conditional Use Permit and also provide the appropriate on-site amenities (such as secured recreational areas, shade structures, etc.) that may be required by Community Care Licensing.
9. Colors, materials and design of the project shall conform to the exhibits and references in the staff report, to the satisfaction of the Planning Division. The final building field color for the NCCS site shall use a

lighter shade of tan/khaki and final colors for the building and trim shall be submitted to the Planning Division for approval. The proposed wrought iron fencing along the NCCS project frontage shall be black.

10. The project applicant/developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued, including any applicable City Wide Facilities fees.
11. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
12. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
13. All exterior lighting shall conform to the requirements of Article 35, Outdoor Lighting (Ordinance No. 86-75).
14. No signage is approved as part of this permit. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance.
15. The proposed street improvements shall be installed prior to occupancy of the new modular building on the NCCS site.
16. This CUP shall become null and void unless utilized within twenty-four months of the effective date of approval.
17. There shall be no loud speaker system, school horns or whistles used in conjunction with the operation of the NCCS licensed child-care facilities.
18. The NCCS site shall be designed to conform to current regional storm water requirements (if required) to the satisfaction of the Engineering Department.
19. All new perimeter walls and fencing shall use decorative materials, and shall be consistent with the height and setback requirements for the R-1 zone. Any new chain-link fencing shall be black clad vinyl coated. The location and design of any walls and fencing shall be noted on the building plans and the landscape plans.
20. Proposed trash enclosures must be designed and built per City standards, and permanently maintained. All new trash enclosures shall meet current engineering requirements for storm water quality, which includes the installation of a decorative roof structure. Solid metal doors shall be incorporated into the new trash enclosure. A decorative exterior finish shall be used. All new trash enclosures must be screened by landscaping as specified in the Landscape Ordinance. All new trash enclosures shall be of sufficient size to allow for the appropriate number of trash and recyclable receptacles as determined by the Planning Division and Escondido Disposal, Inc.
21. In order to utilize existing classroom space for the NCCS licensed children, the existing trash enclosure located on the Oak Hill Church site shall be upgraded to include a solid roof structure to conform to current storm water quality requirements, to the satisfaction of the Engineering Division.
22. The City of Escondido hereby notifies the applicant that the County Clerk's Office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the hearing date of the Planning Commission or City Council, if applicable) a certified check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the

County Clerk starts a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180 day statute of limitations will apply.

23. An inspection by the Planning Division will be required prior to operation of the project. Items subject to inspection include, but are not limited to parking layout and striping (double-stripe), identification of handicap parking stalls and required ADA access/paths of travel, lighting, landscaping, as well as any outstanding condition(s) of approval. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4671 to arrange a final inspection.

Landscaping Conditions

1. All perimeter, internal and parking lot landscaping at the NCCS site shall be installed as indicated on the concept landscape plan, including lattice screening and vines to screen the mechanical equipment on the new modular building. All vegetation (including existing vegetation required as part of previous project approvals) shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
2. A final landscape/improvement plan for the NCCS property shall be submitted to the Planning Division for approval. Prior to occupancy of the new NCCS modular building, all required landscaping shall be completed, as detailed on the final landscape and plans for the NCCS facility. The plan shall detail all proposed improvements, materials and structures.
3. Street trees shall be provided along the NCCS street frontage, in conformance with the Landscape Ordinance and the City of Escondido Street Tree List. Trees within five feet of the pavement shall be provided with root barriers.
4. Prior to occupancy of the NCCS building, all required landscaping shall be completed, as detailed on the final landscape and plans for the NCCS facility. A final landscape/improvement plan for the proposed site shall be submitted to the Planning Division for approval. The plan shall detail all proposed improvements, materials and structures.

Utilities

1. The existing City of Escondido Sewer Main in Arrow Glen is below the minimum slope requirements for an 8" pipe. As a result, an accumulation of grit is evident. If the new 6" service lateral from the proposed modular classroom building will be connected to this main, ensure all City of Escondido Design Standards and Standard Drawings are followed.

ENGINEERING CONDITIONS OF APPROVAL

1317 Oakhill Drive

PHG09-0018

GENERAL

1. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of plans and the issuance of Building Permits.
2. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
3. An engineered improvement plan prepared by a Registered Civil Engineer is required for all public improvements. The developer shall post security for these improvements and an improvement plan shall be approved by the City of Escondido prior to issuance of any building permits. All required improvements shall be constructed prior to final acceptance of subject construction by the City.

STREET IMPROVEMENTS AND TRAFFIC

1. Public street improvements shall be constructed to current City Standards and to the satisfaction of the City Engineer. Specific details, including final street improvement widths, right-of-way widths, concrete curb and gutters, drainage, street lighting, etc. shall be resolved to the satisfaction of the City Engineer.
2. The developer shall construct street improvements along Oakhill Drive across the project boundary frontage and extending approximately 200 feet westerly across the adjacent parcel (APN 230-610-58) frontage. These improvements shall include but not be limited to, concrete curb, gutter, sidewalk, street lights, street trees, 32 feet of paving and base to the following street classification:

STREET

CLASSIFICATION

Oakhill Drive

Collector (64' curb to curb)

3. The developer shall construct interim asphalt concrete berm and walkway improvements around the existing drainage ditch headwall and connecting the existing Church (1301 Oakhill Drive) frontage improvements to the required new improvements specified in condition No. 2 above.
4. The developer shall re-establish the striping along Oakhill drive. This work shall be shown and approved as part of the improvement plans.

5. The developer will be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.
6. All driveway grades shall conform to current Escondido Design Standards.
7. All driveways shall be alley-type in accordance with Escondido Standard Drawing G-5-E, with a minimum throat width of minimum 24 feet.
8. The developer shall install a 180 watt street light near the westerly driveway of the project and at locations as required per the City Design Standards
9. Adequate horizontal sight distance shall be provided at all street intersections and driveway entrances. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer.
10. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. Developer's contractor shall complete any necessary removal of existing striping and shall install all new signing and striping.
11. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.

SITE IMPROVEMENTS and DRAINAGE

1. All private driveways and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 5 1/2" PCC over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC. (This requirement may be reduced to 2" AC over 4" AB or 5 1/2" P.C.C. over native for single family residential only)
2. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to prevent sediment and silt from leaving the project. The developer shall be responsible for maintaining all erosion control facilities throughout the project.
3. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
4. A General Construction Activity Storm Water Permit is required from the State Water Resources Board for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land

disturbance of one or more acres. Two copies of the Storm Water Pollution Prevention Plan shall be submitted to the City.

5. The on-site trash enclosure area shall drain toward a landscaped area and include a roof over the enclosure in accordance with the City's Storm Water Management requirements and to the satisfaction of the City Engineer.
6. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains and all post construction storm water treatment facilities shall be that of the property owner.

WATER SUPPLY

1. Any water meters requiring relocation shall have new copper service laterals installed to the water main.

SEWER

1. No trees or deep rooted plants shall be planted within 15' of sewer laterals or mains.

FEES

1. The developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.



CITY OF ESCONDIDO
 PLANNING DIVISION
 201 NORTH BROADWAY
 ESCONDIDO, CA 92025-2798
 (760) 839-4671

Notice of Exemption

To: San Diego County Recorder's Office
 Attn: Linda Kesian
 P.O. Box 121750
 San Diego, CA 92112-1750

From: City of Escondido
 201 North Broadway
 Escondido, CA 92025

Project Title/Case No.: PHG 09-0018

Project Location - Specific: 1317 and 1301 Oak Hill Drive (APNs 230-610-57 and -58)

Project Location - City: Escondido, **Project Location - County:** San Diego

Description of Project: A modification to a Conditional Use Permit (County Permit) to allow an additional 48 children at the existing North County Community Services (NCCS) child-care facility. The NCCS facility currently is licensed to accommodate up to 76 children. The request also includes the installation of an approximately 36' x 60' single-story modular classroom building on the site to accommodate the additional children. Street improvements are proposed across the NCCS project frontage along with the extension of street improvements along the adjacent Oak Hill Church property to the west. A modification to the Conditional Use Permit (Case No. 82-57-R) for the adjacent church (Oak Hill Church of Christ) also is proposed to accommodate up to 30 of the existing NCCS children in order to use both facilities to accommodate a total of up to 124 children (total 94 at NCCS facility and 30 at the Oak Hill Church). The CUP modification also includes provisions for reciprocal parking, drop-off, and outdoor open space/recreation facilities.

Name of Public Agency Approving Project City of Escondido

Name of Person or Agency Carrying Out Project

Name Stan Miller, North County Community Services (NCCS) Telephone (760) 471-5483
 Address 1557 Grand Ave, Suite C San Marcos, CA 92078

Private entity School district Local public agency State agency Other special district

Exempt Status: Categorical Exemption. Section 15301 "Existing Facilities."

Reasons why project is exempt:

1. The project involves a Conditional Use Permit to place a modular building on an existing developed site to accommodate 48 additional preschool children at the NCCS facility, and to allow 30 of the existing NCCS licensed children to continue to use an the adjacent Oak Hill Church of Christ classroom facility. The project also includes completing roadway improvements along the NCCS and Oak Hill Church frontage along Oak Hill Drive. No additional right-of-way is required.
2. The site is in an area where all public services and facilities are available to allow for the proposed use.
3. The are of the proposed improvements project site is not in an area that is environmentally sensitive, and would have no direct or indirect impact to fish and wildlife. The street improvement would involve some minor grading and removal of a few mature eucalyptus trees. However, these trees are not considered sensitive or protected habitat and no encroachments or disturbance of the existing drainage course located on the church property is proposed.

4. The project would not create any significant increase in vehicle trips, nor impact vehicular circulation on or around the site with the implementation of the proposed roadway and driveway improvements. Appropriate parking is provided to accommodate all uses. The project would not generate any significant noise impacts to adjacent uses through the project design and compliance with the project Conditions of Approval. The project would not result in the destruction of desirable natural features, nor be visibly obtrusive or disharmonious with surrounding areas.

Lead Agency Contact Person: Jay Paul, Planning Division **Area Code/Telephone/Extension** (760) 839-4537

Signature:  November 29, 2010
Jay Paul, Associate Planner Date

Signed by Lead Agency Date received for filing at OPR: N/A

Jackson|DeMarco|Tidus Peckenpaugh

A L A W C O R P O R A T I O N

January 6, 2011

Direct Dial: 949.851.7409
Email: mstaples@jdtplaw.com
Reply to: Irvine Office
File No: 2294 / 00178

VIA E-MAIL (Jpaul@ci.escondido.ca.us)

Community Development Department
Planning Division
201 North Broadway
Escondido, CA 92025

ATTENTION: Mr. Jay Paul

Re: City Case No. PHG 09-0018, Applicant North County Community Services

Dear Mr. Paul:

We represent the Oak Hill Drive Church of Christ ("Oak Hill"), the owner of land adjacent to the North County Community Services ("NCCS") site. Oak Hill is not affiliated with NCCS, and is not an applicant in connection with the pending joint use application, City File No. PHG 09-0018. We would like to thank the Planning Commission, City staff and NCCS for continuing the December 14 hearing on NCCS's application to provide the time needed for Oak Hill to better understand the scope of the NCCS's application.

Oak Hill appreciates the opportunity to enable NCCS to provide a valuable service to the community by utilizing existing classroom and parking space at Oak Hill Church during the work week hours. We understand from City staff that in order to do so, Oak Hill's conditional use permit ("CUP") must be amended to expressly allow NCCS's joint use of the church's classroom and parking lot facilities. This letter confirms Oak Hill's willingness to amend its existing CUP 82-57-CUP solely to include NCCS's joint use of Oak Hill's existing parking lot and existing classrooms. As the City's proposed condition no. 8 indicates, Oak Hill will not obtain any right to use its facilities for preschool purposes separate from NCCS's use.

Because this application is for NCCS's use of Oak Hill's existing classroom and parking facilities, all other conditions in connection with NCCS's use must be conditions of NCCS's CUP permit, not Oak Hill's CUP 82-57-CUP. Oak Hill will not accept or be responsible to undertake any additional improvements, fees or other expenses in connection with NCCS's application, including but not limited to enclosing the existing trash receptacle on Oak Hill's property. Oak Hill will allow NCCS to make improvements on Oak Hill's land required by the conditions of approval that do not interfere with Oak Hill's existing and proposed future use of its property, and subject to Oak Hill's prior written approval of any such improvement plans.

Irvine Office
2030 Main Street, Suite 1200
Irvine, California 92614
t 949.752.8585 f 949.752.0597

Westlake Village Office
2815 Townsgate Road, Suite 200
Westlake Village, California 91361
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www.jdtplaw.com

Oak Hill has a subdivision map application (Tract 957, 2006-57-CUP/CZ, ER 2006-31) pending with the City to develop a portion of its land, and recently notified City staff of arrangements to address the single wetlands mitigation issue that was holding up the City's processing of the map. Last month, we received preliminary information from City staff that the proposed funding of the road improvements required by NCCS's application may or may not restrict Oak Hill from constructing improvements as would be necessary to connect the Oak Hill project's proposed road to Oak Hill Drive. Oak Hill requests confirmation that the road improvements required by NCCS's application would not impose any restriction on Oak Hill's future construction of the connecting road improvements. In order to enable Oak Hill's completed application to continue to move forward through the City's planning process, Oak Hill is willing to work together with the City and NCCS to revise the plans on file with the City for developing the eastern portion of the Oak Hill's property if necessary to ensure that Oak Hill's development plans are compatible with the City's proposed road improvements to Oak Hill Drive. Otherwise, Oak Hill requests that the road improvements to be undertaken as a condition of the NCCS application include a "curb cut" at the location of Oak Hill's proposed future road in order to avoid any inconsistency.

Additionally, Oak Hill requests that the exhibits to the December 14 staff report be corrected for the upcoming Planning Commission hearing on NCCS's application to depict the eastern portion of Oak Hill's property as "Vacant" residentially-zoned land. The land that Oak Hill proposes to develop is not zoned or otherwise designated as Open Space.

Sincerely,



Michele A. Staples

cc: Honorable Planning Commission, Attention Mr. Bill Martin, Planning Commission
Secretary (via facsimile)
Ms. Lupe (via e-mail)
Mr. Curtis Lively (via e-mail)