

**RESOLUTION NO. 98- 87**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT MODIFICATION TO IMPORT APPROXIMATELY 40,000 CUBIC YARDS OF FILL AND GRADE AN ADDITIONAL APPROXIMATELY 2,000 CUBIC YARDS TO ENHANCE RECREATIONAL FIELDS, THE ADDITION OF RECREATIONAL NIGHT LIGHTING, AND APPROXIMATELY 8,300 SQ. FT. OF CLASSROOM AND LIBRARY EXPANSIONS ON PROPERTY LOCATED AT 838 ACADEMY DRIVE**

**APPLICANT: SANTA FE CHRISTIAN SCHOOL  
CASE NO.: 17-98-17 CUP & DRP**

**WHEREAS**, Santa Fe Christian School (hereinafter referred to as "Applicant") has requested issuance of a Conditional Use Permit Modification and a Development Review Permit pursuant to Chapter 17, Zoning, of the Solana Beach Municipal Code; and

**WHEREAS**, on September 1, 1998, the City Council of the City of Solana Beach held a duly noticed public hearing to consider the above referenced project; and

**WHEREAS**, at the hearing the City Council received and considered evidence concerning the proposed application; and

**WHEREAS**, the public hearing was conducted pursuant to the provisions of Chapter 17 of the Solana Beach Municipal Code, and

**WHEREAS**, the City Council of the City of Solana Beach considered a Mitigated Negative Declaration and supporting documents dated July 20, 1998, pursuant to Section 15070 of the State CEQA Guidelines, and

**WHEREAS**, this decision is based upon the evidence presented at the hearing, the Site Plan, and any information the City Council gathered by viewing the site and the area as disclosed at the hearing.

**NOW THEREFORE**, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the foregoing recitations are true and correct.
2. That the Mitigated Negative Declaration is adopted.
3. That the request for a Conditional Use Permit Modification and Development Review Permit revised July 6, 1998, and on file with the Community Development Department is conditionally approved based upon the following Findings and subject to the following Conditions.

**4. FINDINGS.**

- A. In accordance with Section 17.68.010.F. of the Zoning Ordinance of the Solana Beach Municipal Code, the City Council finds the following:

- I. That the Conditional Use Permit modification is in accord with the General Plan because the project is permitted within the Medium-High Residential Land Use designation through the issuance of a Conditional Use Permit. The project is consistent with the intent of the Solana Beach Zoning Ordinance which is to separate incompatible uses and maintain the public health, safety, and welfare because the improved recreational fields and school improvements are compatible with the surrounding medium high density residential and commercial uses in the vicinity.
- II. That the use proposed by the Conditional Use Permit Modification will not have an adverse affect on and will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity as any potentially significant environmental impacts will be mitigated to a level of insignificance which is verified by the Mitigated Negative Declaration for this project. Furthermore, diverting approximately 40,000 cubic yards of NCTD railroad/grade separation material to this site will reduce community and regional truck traffic.
- III. That the Conditional Use Permit Modification is in accordance with the provisions of the Solana Beach Zoning Ordinance including, but not limited to, setbacks, height, floor area ratio, and parking regulations.

**B.** In accordance with Section 17.68.040.H. of the Solana Beach Zoning Ordinance, the Council finds the following:

- I. The development is consistent with the Medium High Residential land use designation and zone through the issuance of a Conditional Use Permit. The development is consistent with all other elements of the General Plan and conforms to all requirements of the development regulations for the MHR zone including parking, height, setbacks and floor area ratio, and all other requirements of the Zoning Ordinance.
- II. II The development complies with the development review criteria set forth in Section 17.68.04.F. because the design and architecture of the development is complimentary and compatible with the two-story medium high density residential, and commercial development in the vicinity.
- III. All required discretionary permits have been acquired for this development as a Conditional Use Permit has been granted concurrently with a Development Review Permit.

## **5. CONDITIONS.**

- A. All conditions stated in Solana Beach City Council Resolution 96-23 for this property are still applicable. Conditions contained in Resolutions 93-30, 94-27 and 95-62 were superceded in 1996 by Resolution 96-23. (The following designations reference the applicable Department: E. Engineering; F. Fire; P. Planning; ND: Environmental)

- B.** Prior to obtaining any building permit and prior to commencement of construction in reliance on this Conditional Use Permit Modification, the Applicant shall:
- I.** Submit a grading plan per SBMC Section 15.40.070 and obtain approval from the City Engineer. The grading plan shall be prepared by a registered engineer and shall include, but not be limited to the following:
- a. A soils report prepared by a registered soils engineer and approved by the City Engineer. The grading plan shall incorporate all recommendations contained in the soils report. A previous soils report for the gymnasium may be submitted, however, the grading plan shall be signed by a geotechnical engineer stating that the proposed grading plan complies with the soils engineer's recommendations. (E, P, ND)
  - b. Letters of permission to grade shall be obtained from adjoining property owners for grading that is within three feet of the property line. (E)
  - c. All retaining walls and drainage structures shall be shown. Retaining walls shown on the grading plan shall conform to the San Diego Regional Standards or be designed by a licensed civil engineer. Engineering calculations for all designed walls with a surcharge and nonstandard walls shall be submitted at grading plan check. (E)
  - d. Erosion Control Plan shall be submitted and approved by the City Engineer. (E, P, ND)
  - e. All proposed on-site private drainage facilities intended to discharge water run-off. Elements of this design shall include a hydrologic and hydraulic analysis verifying the adequacy of the facilities and identify any easements or structures required to properly convey the drainage. The drainage shall be discharged to an approved drainage facility as required by the City Engineer. The drainage design shall comply with the design standards set forth by the San Diego Regional Standard Drawings (E, P, ND).
  - f. The proposed new road shall be designed and constructed to the standards set forth by the Engineer of Work. The design shall be based on the "R" value method and shall include all supporting calculations and test results. (E)
  - g. The driveway design shall conform to the City of Solana Beach Off-street Parking Design Manual. (E)
- II.** Pay grading plan check fee in accordance with the current Engineering Fee Schedule prior to approval of grading plans. Inspection fees shall be paid prior to issuance of grading permit. (E)
- III.** Post grading securities for all work shown on the approved grading plan, in a form prescribed by the SBMC grading ordinance, prior to approval of the grading plan. (E)

- IV. Submit a rough grading statement from the engineer of work and soils engineer per SBMC 15.40.200.
- V. Obtain an Encroachment Permit from the City Engineer prior to construction of any improvements within the public right-of-way. (E)
- VI. Obtain a haul permit for the transportation of soil to the site from the City Engineer. (E)
- VII. If applicable, pay all required sanitary sewer fees in effect at the time of issuance of the building permit and obtain a sewer permit from the City Engineer. Currently the sewer capacity fee for one Equivalent Dwelling Unit (EDU) is \$4,500. Annual service charges are also collected for the remainder of the year at a prorated basis. The current annual sewer service charge, for one equivalent Dwelling Unit (EDU), for a full year is \$350. (E)
- VIII. Submit a copy of the Coastal Development Permit from the California Coastal Commission. (E, P)
- IX. Fire mitigation fees based on gross square footage and type of construction. (F)
- X. Fire plan review fees based on current schedule. (F)
- XI. Fire access requirement. Fire lane must be a minimum 20 feet in width, 13 feet 6 inches vertical clearance, **including** any proposed landscaping. Fire lane shall be designed and maintained to support load of fire apparatus and shall be provided with an approved paved surface so as to provide all weather driving capabilities. (F)
- XII. The first lift of asphalt shall be laid prior to combustibles being brought to the building site. (F)
- XIII. Fire lane marking and/or signage must be installed. (F)
- XIV. Know installation required allowing fire department access. (F)
- XV. A fire sprinkler system meeting requirements of MFPA Standard #13 and local amendments must protect the project. Sprinkler system required in library building. (F)
- XVI. Project must have a fire alarm installed according to NFPA Standard #72. (F)
- XVII. All plans for any fire alarm, fire sprinkler system, fixed extinguishing system shall be submitted to the Fire Department for approval prior to installation. (F)
- XVIII. During formal review of any building plans additional Fire Department requirements **may** be imposed. (F)
- XIX. The Applicant shall prepare an hours-of-truck-traffic program to the satisfaction of the City Engineer and/or Community Development Director addressing the following issues:

## **RESOLUTION 98- 87**

### **Page No. 5**

- a. Avoiding Earl Warren Junior High School drop-off and pick-up time periods, and
  - b. Coordinating timing to minimize conflicts with the following projects.
    - (1) San Rodolfo Drive (American Assets project)
    - (2) Stevens / Nardo Intersection (City project)
    - (3) Reclaimed water line installation in Stevens Avenue
    - (4) City Engineering Department striping / repaving / maintenance programs, and
  - c. Santa Fe Christian School drop-off/pick-up coordination. (P, ND, E)
- XX. The Applicant is encouraged to safely use larger, full capacity loads in order to minimize the actual number of truck trips required. (P, ND)
- C. Prior to occupancy, the applicant shall have completed the following:
- I. Underground all new utility services, including but not be limited to electrical and telephone. (E)
  - II. Complete to the satisfaction of the City Engineer all grading, paving, drainage and required landscaping improvements. (E)
  - III. Submit certification from a registered civil engineer that all private drainage facilities are functioning and are installed in accordance with the approved plans. (E)
  - IV. Comply with all applicable sections of the City of Solana Beach Municipal Code and Engineering Standards. (E)
  - V. Mechanical equipment such as heating and air conditioning units shall be screened from view if located outside of a structure. (P)
- D. During construction, the following Conditions shall apply:
- I. Construction activities will need to comply with the City Noise Ordinance requirements that limit construction to between 7:00 a.m. and 7:00 p.m. Monday through Friday, and 8:00 a.m. and 7:00 p.m. on Saturdays. Construction is prohibited on Sundays and holidays (P, ND)
  - II. The periodic spraying / water of exposed soils shall be done to reduce off-site dust impacts. (P, ND, E)
  - III. The Applicant shall provide periodic street sweeping of Stevens Avenue and Academy Drive during the importation of fill material to this site to the satisfaction of the City Engineer. (P, ND, E)
- E. On-going Conditions:
- I. All of the Conditions of this Conditional Use Permit Modification are continuing conditions. Failure of the Applicant and/or operator to comply with any or all of said conditions at any time shall result in the revocation of the permit granted to use the property. (P)

II. The use of recreational night lights shall strictly adhere to the following:

- a. Automatically shut off on Sunday through Thursday at 9:00 p.m. and on Friday and Saturday at 10:00 p.m.
- b. All recreational playing field night lights shall strictly adhere to SBMC exterior lighting regulations. These standards regulate limiting the amount of off-site illumination and the nature of horizontal cut-off as follows:
  - (1) Horizontal Cut-off. Luminaries, including street lighting, shall be so designed and shielded by horizontal cut-off to eliminate all light directed above the horizontal. The lower edge of the luminary housing shall extend below the entire light source and all glassware so that any light emitted above the horizontal is eliminated. Light-directing refractors shall be considered to be light sources.
  - (2) Light Trespass. The illumination of adjacent premises by spill light shall not exceed a value of 0.02 foot candles measured in the horizontal or vertical plane at a point five feet inside the adjacent property. (P, ND)

**F. EXPIRATION:** The Conditional Use Permit Modification and Development Review Permit for the project will expire on September 1, 2000, unless the Applicant has obtained building permits and has commenced construction prior to that date, and diligently pursues construction to completion. An extension of the Conditional Use Permit and Development Review Permit may be granted by the City Council, if such a request is submitted in a timely fashion.

**G. NOTICE TO APPLICANT:** Pursuant to Government Code Section 66020, you are hereby notified that the 90-day period to protest the imposition of the fees, dedications, reservations or other executions described in this resolution commences on the effective date of this resolution. To protest the imposition of any fees, dedications, reservations or other exaction's described in this resolution you must comply with the provisions of Government Code Section 66020. Generally the resolution is effective upon expiration of the tenth day following the date of adoption of this resolution, unless the resolution is appealed or called for review as provided in the Solana Beach Ordinance.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Solana Beach, California, on the 1st day of September, 1998, by the following vote:

AYES: Councilmembers - Tompkins, Dodson, Campbell, Kellejian, Renteria

NOES: Councilmembers - None

ABSTAIN: Councilmembers - None


ABSENT: Councilmembers - None

  
PAUL S. TOMPKINS, Mayor


ATTEST:

APPROVED AS TO FORM:

  
KATHRYN A. KIRK, City Clerk

  
CELIA A. BREWER, City Attorney

The foregoing is the original of Resolution No. 98-87 duly passed and adopted by the Solana Beach City Council at their regular meeting held September 1, 1998.

 Kathryn A. Kirk, City Clerk