



DATE: October 24, 2011

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP10-00030) FOR A 9TH-12TH GRADE RESOURCE CENTER/CHARTER SCHOOL AT 320 NORTH HORNE STREET, WITHIN THE TOWNSITE NEIGHBORHOOD – DIEGO HILLS CHARTER SCHOOL – APPLICANT: JIM KORNACKI**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Approve Conditional Use Permit (C10-00030) by Adopting Planning Commission Resolution No. 2011-P34 with findings and conditions of approval attached herein.
- (2) Confirm issuance of a Class One (1), Categorical Exemption "Existing Facilities".

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The site is located east of Horne Street and south of Civic Center Drive, within the northern portion of the Mission Square Shopping Center. The center is comprised of one large inline type tenant building and five smaller freestanding single tenant perimeter buildings. The single large inline tenant building is situated in a manner that provides for a dual frontage layout for the inline tenants with one frontage oriented toward North Horne Street and Civic Center Drive, and one frontage oriented toward Mission Avenue. Diego Hills Charter School would occupy the northern portion of the single large inline tenant building oriented toward North Horne Street and would allocate interior space in a manner that allows for a phased build out to accommodate a total of 13 classrooms, 5 administrative offices, one computer lab/library, 8 tutoring rooms, and several ancillary utility and storage rooms. The 19,553-square foot tenant space to be used for the establishment of the resource center/charter school is currently unoccupied and was last occupied by a 9th -12th grades Public Charter School known as the School of Business and Technology. No exterior modifications to the existing storefront are proposed as part of this application, and all circulation and parking would be the same as the previous Charter School that occupied the space.

The property is CS-HO (Special Commercial – Highway Oriented) on the City of Oceanside Zoning Map, and is designated Special Commercial (SC) on the General Plan Land Use Map. The establishment of public or private schools within a Special Commercial zoned retail center requires discretionary review and approval of a Conditional Use Permit.

Surrounding land uses adjacent to the Mission Square Shopping Center include the 5 Freeway to the east, Oceanside High School to the south across Mission Avenue, Commercial Retail to the west across N. Horne St., and Multi-Family Residential to the North across Civic Center Dr.

Project Description: The project application is comprised of the following required entitlements:

Conditional Use Permit (CUP10-00030) represents a request for the following:

- (a) To permit the establishment of a Charter School Operation within a 19,553-square foot commercial retail suite of a CS-HO (Special Commercial – Highway Oriented) zoned Shopping Center located at 320 North Horne Street.

The proposed school would initially establish in two phases with phase 1 capping the maximum enrollment at 200 students with a maximum occupancy not to exceed 42 persons (students/faculty) on-site at any one time. In phase two the maximum enrollment would increase to 500 students and approximately 25 staff persons (i.e. teachers, administrators, and tutors). The maximum occupancy of the 19,553-square foot retail space in phase two would not exceed 105 persons on-site at any one time. In order to ensure that intensification of the site does not occur beyond what has been studied, the Charter School would be restricted from allowing enrollment increases beyond a maximum of 500 students at the end of Phase 2 operations and will limit the number of students and faculty to be on-site at any one time.

The school would operate as an independent study school, where students 9th - 12th participate in a one-on-one activity, one hour a day, one day per week, with scheduled tutoring occurring based on an individual students needs. Student's schedules would vary based on students' required courses and schedules. Drop-off would be located along the west elevation of the large tenant building immediately adjacent to Civic Center Drive and would provide parking within 102 allocated spaces located throughout the north and west portions of the site. Students are supervised while on campus and strict operational management during the course of the day is monitored by school staff. A draft Operational Management Plan that details the day to day operations and management of the school has been attached for review.

The applicant has stated, "That due to the nature of the charter school to not provide classroom instruction for 80 percent or more of the student's instructional time, the subject facility is defined as a "Resource Center" rather than a school site by the state educational code." While defined as a "Resource Center", the applicant is Diego Hills Public Charter and Section 47605 of the California Educational Code will require that the

applicant petition the school district where they are proposed to establish. The applicant has opted to proceed through the discretionary process without petitioning the OUSD school district and based upon conversations with the Assistant Superintendent whom stated that they did not need to approve the resource center/ charter school. Staff has conditioned the project accordingly to obtain all necessary OUSD approvals prior to issuance of any building permits.

The project is subject to the following Ordinances and City policies:

1. Zoning Ordinance
2. General Plan Land Use Element
3. California Environmental Quality Act (CEQA)

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

The General Plan Land Use Map designation for the subject property is Special Commercial (SC). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element

Goal 1.11: Balanced Land Use

Objective: To develop and use lands for the long-term provision of balanced, self-sufficient and efficient community.

Policy A: The City shall establish and enforce a balanced distribution of land uses to organize the City in a hierarchy of activity centers and land use so as to foster a sense of neighborhood, community, and regional identity.

Surrounding land uses include a combination of personal service/office type uses, commercial retail facilities, and densely populated residential areas. The total area dedicated to school type uses within the Mission Square Shopping Center been calculated at approximately 19,553 square feet or approximately 12 percent of the entire center, with the remainder consisting of restaurants, retail tenants, and personal improvement type uses. Establishment and operation of the charter school use has been determined by staff to provide an overall balance of goods and services in close proximity to the residential areas of the North Townsite and Capistrano neighborhoods, and with an end result of providing a sense of community to the residents in close proximity to the area, while providing an alternative method of education for the children of Oceanside and the surrounding Southern California region.

Policy C: The City shall continuously monitor the impact and intensity of land use and land use distribution to ensure that the City's circulation system is not overburdened beyond design capacity.

The proposed use is similar to the previous charter school use that occupied the tenant space and no known traffic impacts and/or parking deficiencies were noted in the course of the schools operation; therefore, staff has determined that establishment of the new school in the proposed location would not create any traffic related impacts in the area. Furthermore, it should be noted that the proposed location is in close proximity to public transportation nodes. According to student demographic data for similar operations, approximately 80 percent of the students would use public transportation to get to and from the school. The majority of trip generation for the subject use has been determined by staff to be consistent with the overall intensity of development of the site, and does not warrant further review. In order to further ensure that the use does not intensify in a manner that could contribute to an impact on the City's circulation system, appropriate conditions of approval have been placed upon conditional use permit (C10-00030).

2. Zoning Compliance

This project site is located within the North Townsite neighborhood on a CS-HO (Special Commercial – Highway Oriented) zoned parcel, and subject to approval of a conditional use permit is consistent with the requirements of the zone district pertinent to public/or private school uses. While the subject resource center/charter school use would be allowed subject to a use permit, typically eliminating tax based businesses is not in the best interest of the city. It is noted that the subject tenant suite to be used for the school was last leased to another public charter school and has remained vacant with limited interest in the space from businesses do to its location. Allowing the suite to re-establish as a resource center/ charter school will provide increased flow of persons to the site, thus allowing surrounding retail businesses and eating establishments to benefit from persons needing other goods and services beyond educational needs.

It should be further noted, that implementation of a Circulation Management Plan and Operations Management Plan would ensure that no conflicts to parking, circulation, or traffic would occur as a result of establishing a Resource Center/Charter School within a Commercial Shopping Center.

3. Land Use Compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Special Commercial (SC)	CS-HO (Special Commercial – Highway Oriented)	Commercial/ Retail
North of Subject Property	Redevelopment Area	Redevelopment Area	Multi-Family Residential
East of Subject Property:	Single Family Detached –	RS (Single Family)	5 Freeway/ Single Family

	Residential (SFD-R)	Residential)	Residential Beyond
South of Subject Property:	Civic-Institutional (CI)	PS (Public & Semi-Public)	Public High School
West of Subject Property:	Redevelopment Area	Redevelopment Area	Commercial/Retail

DISCUSSION

Issue: Project Compatibility with the Existing Commercial Retail Uses within the Mission Square Shopping Center

The primary issue of compatibility of a resource center/charter school in a commercial retail center is derived from the fact that according to SANDAG Traffic Generation Rates typical Community Shopping Centers (125,000-400,000 sq. ft.) generate 80 trips per 1000 sq. ft. during the weekday, and education facilities for High School aged persons generate 15 trips per 1,000 sq. ft. The significantly lower trip rates associated with the educational use would generate less daily trips based on the day-to-day operations and due to the location of the suite on the northern most portion of the site would further reduce traffic impacts onto and off of the site. Strict adherence to an Operational Management Plan and Circulation Plan, both of which are required to be approved as part of the projects overall discretionary action, would ensure compatibility with the surrounding land uses, while providing for a mix of land uses that would not be detrimental to the health, safety, or welfare of persons frequenting the Mission Square Shopping Center. The subject project would assist in providing for a balanced distribution of land uses necessary to sustain and benefit the local neighborhood and surrounding communities as a whole, and that is consistent with the City's General Plan.

Recommendation: Staff concludes that the establishment of the resource center/charter school facility within the commercial retail center area will not negatively impact existing uses within the center, or significantly alter the nature of the commercial land use development and supports the applicant's request.

ENVIRONMENTAL DETERMINATION

Planning Division staff has completed a preliminary review of this project in accordance with the California Environmental Quality Act (CEQA), 1970. Based on that review, staff finds that the proposed project constitutes operations within existing facilities that will not involve expansion beyond what exist on-site at this time, and the project is categorically exempt, Class 1, "Existing Facilities" (Section 15301).

PUBLIC NOTIFICATION

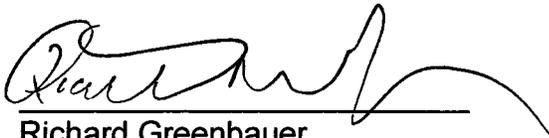
Pursuant to Article 41 of the Oceanside Zoning Ordinance, Legal notice was published in the North County Times and notices were sent to property owners of record/and occupants within a 1500-foot radius of the subject property, to individuals/organizations requesting notification, and to the applicant. Copies of this agenda item have been mailed to the applicant and their representative.

SUMMARY

The request for approval of a Conditional Use Permit to allow the establishment and operation of a 9th -12th grades Charter School use is consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project meets all applicable development standards and will not impact existing land uses in the immediate area. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached resolution. Staff recommends that the Planning Commission:

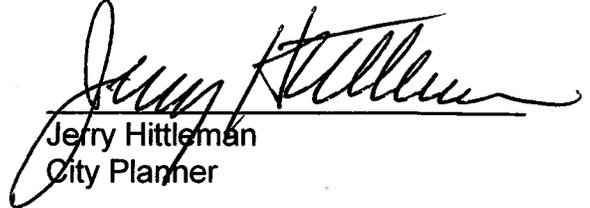
- Move to approve Conditional Use Permit (C10-00030) by adopting Planning Commission Resolution No. 2011-P34 as attached.

PREPARED BY:



Richard Greenbauer
Senior Planner

SUBMITTED BY:



Jerry Hittleman
City Planner

JH/RG/fil

Attachments:

1. Planning Commission Resolution No. 2011-P34
2. Interior Layout Plans (Phases I and II) /Site Plans
3. Draft Diego Hills Public Charter School Operations Management Plan
4. E-Mail Communication Dated February 10, 2011 Regarding OUSD Petition

1 PLANNING COMMISSION
2 RESOLUTION NO. 2011-P34

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A
5 CONDITIONAL USE PERMIT ON CERTAIN REAL
6 PROPERTY IN THE CITY OF OCEANSIDE

7 APPLICATION NO: CUP10-00030
8 APPLICANT: Diego Hills Resource Center/Charter School
9 LOCATION: 320 North Horne Street

10 THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES
11 RESOLVE AS FOLLOWS:

12 WHEREAS, there was filed with this Commission a verified petition on the forms
13 prescribed by the Commission requesting a Conditional Use Permit under the provisions of
14 Articles 11, and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

15 establishment of a 9th -12th grade Resource Center/Charter School Operation within an
16 existing 19,553-square foot commercial retail suite at 320 North Horne Street;

17 on certain real property described in the project description.

18 WHEREAS, the Planning Commission, after giving the required notice, did on the 24th
19 day of October, 2011 conduct a duly advertised public hearing as prescribed by law to consider
20 said application;

21 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
22 Guidelines thereto; this project is exempt from environmental review;

23 WHEREAS, there is hereby imposed on the subject development project certain fees,
24 dedications, reservations and other exactions pursuant to state law and city ordinance;

25 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS FURTHER GIVEN that
26 the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction
27 described in this resolution begins on the effective date of this resolution and any such protest must
28 be in a manner that complies with Section 66020;

29 WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes
effective 10 days from its adoption in the absence of the filing of an appeal or call for review;

1 WHEREAS, studies and investigations made by this Commission and in its behalf reveal
2 the following facts:

3 FINDINGS:

4 For the Conditional Use Permit:

5 1. That the proposed location of the use is in accord with the objectives of the Zoning
6 Ordinance and the purposes of the district in which the site is located.

- 7 • Schools, Public or Private are permitted within the CS-HO (Special Commercial
8 – Highway Oriented) zone district, subject to approval of a Conditional Use
9 Permit.

10 2. That the proposed location of the conditional use and the proposed conditions under
11 which it would be operated or maintained will be consistent with the General Plan; will
12 not be detrimental to the public health, safety or welfare of persons residing or working
13 in or adjacent to the neighborhood of such use; and will not be detrimental to properties
14 or improvements in the vicinity or to the general welfare of the City.

- 15 • Subject to approval of a Conditional Use Permit, a school public or private is
16 allowed. The request to establish the school in two phase with a maximum
17 allowable student enrollment of 500 would not physically change or alter the
18 commercial retail shopping center.

- 19 • The project has been conditioned to implement both a Circulation and
20 Operational Management Plan in order to ensure that public safety and health is
21 not an issue, and would provide a balanced distribution of land uses in
22 accordance with General Plan Section 1.11, "Balanced Land Use" Policy B by
23 providing a significant benefit in the form of an alternative learning environment
24 for the surrounding communities.

25 3. That the proposed conditional use will comply with the provisions of the Zoning
26 Ordinance, including any specific condition required for the proposed conditional use in
27 the district in which it would be located.

- 28 • The proposed use is consistent with the Oceanside Zoning Ordinance for
29 conditional uses, and subject to operational specific conditions will allow for an
 alternative learning facility to benefit the general public.

1 4. That the charter school activities will not interfere with the primary commercial retail
2 uses in the vicinity, and there will be no public health and safety issues related to the
3 location of the school use.

- 4 • The school operations are restricted to the northern portion of the Mission Square
5 Shopping Center, and are subject to an operations management plan and
6 circulation management plan that establishes strict guidelines on pedestrian and
7 vehicle movements within the commercial retail center.

8 5. That the buildings will meet the requirements imposed by the Uniform Building Code
9 for assembly occupancy.

- 10 • The request to establish the school in two phases with a maximum allowable
11 student enrollment of 500 students and limiting the number of persons to be on
12 site at any one time would not physically change or alter the commercial retail
13 center assembly occupancies beyond what has been previously constructed and
14 approved.

15 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
16 approve Conditional Use Permit (CUP10-00030) subject to the following conditions:

17 **Fire:**

- 18 1. F002 Fire Department requirements shall be placed on plans in the notes section.
- 19 2. F007 All proposed and existing fire hydrants within 400 feet of the project shall be
20 shown on the site plan.
- 21 3. F024 Fire extinguishers are required and shall be included on the plans submitted for
22 plan check.
- 23 4. F027 Fire sprinkler system based on area and occupancy classification may be required.
- 24 5. F030 Fire alarm system required for E occupancy.
- 25 6. F032 Approved addresses shall be placed on the structure in such a position as to be
26 plainly visible and legible from the street or roadway fronting the property. Numbers
27 shall be contrasting with their background and meet the current City of Oceanside size
28 and design standard.

1 7. F036 Due to change in occupancy proposed, plans shall be submitted to the Fire
2 Prevention Bureau for plan check review and approval prior to the issuance of building
3 permits.

4 **Planning:**

5 8. This Conditional Use Permit and Development Plan Revision shall expire on October 24,
6 2013 unless implemented as required by the Zoning Ordinance.

7 9. This Conditional Use Permit approves only a 9th -12th charter public school with a
8 maximum enrollment of 500 students at the end of phase II operations within one retail
9 suite totaling approximately 19,553 square feet, and located within the Mission Square
10 Shopping Center as shown on the plans and exhibits presented to the Planning
11 Commission for review and approval. No deviation from these approved plans and
12 exhibits shall occur without the Planning Division approval. Substantial deviations shall
13 require a revision to the Conditional Use Permit or a new Conditional Use Permit.

14 10. No additional increase in useable floor area or intensification of uses within the building
15 located at 320 North Horne Street shall be permitted as part of this application for
16 discretionary approval.

17 11. The school shall be limited to a maximum enrollment of 500 students. Annually in
18 October, the applicant shall submit to the City a copy of the executed school affidavit
19 that has been submitted to the State of California Department of Education (CDE) and
20 the Oceanside Unified School District reflecting the actual number of students that are
21 enrolled at the resource center/school, and shall not exceed the maximum enrollment
22 established by this approval.

23 12. A licensed day care facility is not authorized as part of this discretionary approval.

24 13. No special event functions/activities (i.e. graduations, plays, activities that require over
25 one quarter of the maximum student body (125) to be on-site at any one time) shall be
26 permitted on-site without prior submittal and approval of a special event permit from the
27 City's Park and Recreation Division, and shall be subject to review and approval by the
28 City Planner and City Engineer or their designees.
29

- 1 14. All student pick-up and drop-off shall be via the approved Circulation Management Plan
2 submitted as part of this projects submittal. The front of the facility shall be maintained
3 and managed to prevent traffic congestion for students and the public frequenting the retail
4 center.
- 5 15. Any proposed new signs shall be in conformance with the Mission Square Shopping
6 Center Comprehensive Sign Program and shall be submitted to the Planning Division for
7 review and approval by the City Planner or their Designee.
- 8 16. After six months of operation, the Diego Hills Resource Center/Charter School shall in
9 conjunction with the City, review student drop off, parking, and circulation
10 (vehicle/pedestrian) to ensure that no conflicts with the school operations and the general
11 retail businesses are occurring. A written Circulation Management Plan shall be submitted
12 to the City Planning Division and shall be reviewed on an annual basis as enrollments
13 increase. Should conflicts with enrollment numbers and overall operations within the
14 center be identified by City Staff, the Conditional Use Permit shall be called for review by
15 the Planning Commission.
- 16 17. A covenant or other recordable document approved by the City Attorney shall be prepared
17 by the applicant and recorded prior to the issuance of building permits. The covenant shall
18 provide that the property is subject to this resolution, and shall generally list the conditions
19 of approval.
- 20 18. Prior to issuance of any building permits for the project, a Final Diego Hills Resource
21 Center/Charter School Operation Management Plan shall be submitted to the City
22 Planner for review, and prior to issuance of any certificate of occupancy the City Planner
23 shall approve the final version of the Diego Hills Resource Center/Charter School
24 Operation Management Plan.
- 25 19. Prior to issuance of building permits, compliance with the applicable provisions of the
26 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed
27 and approved by the Planning Division. These requirements, including the obligation to
28 remove or cover with matching paint all graffiti within 24 hours shall recorded in the form
29 of a covenant affecting the subject property.

1 24. This Conditional Use Permit shall be called for review by the Planning Commission if
2 complaints are filed and verified as valid by the Code Enforcement Office concerning the
3 violation of any of the approved conditions or assumptions made by the application.

4 PASSED AND ADOPTED Resolution No. 2011-P34 on October 24, 2011 by the
5 following vote, to wit:

6 AYES:

7 NAYS:

8 ABSENT:

9 ABSTAIN:

10
11 _____
12 Tom Rosales, Chairperson
13 Oceanside Planning Commission

14 ATTEST:

15
16 _____
17 Jerry Hittleman, Secretary

18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
19 this is a true and correct copy of Resolution No. 2011-P34.

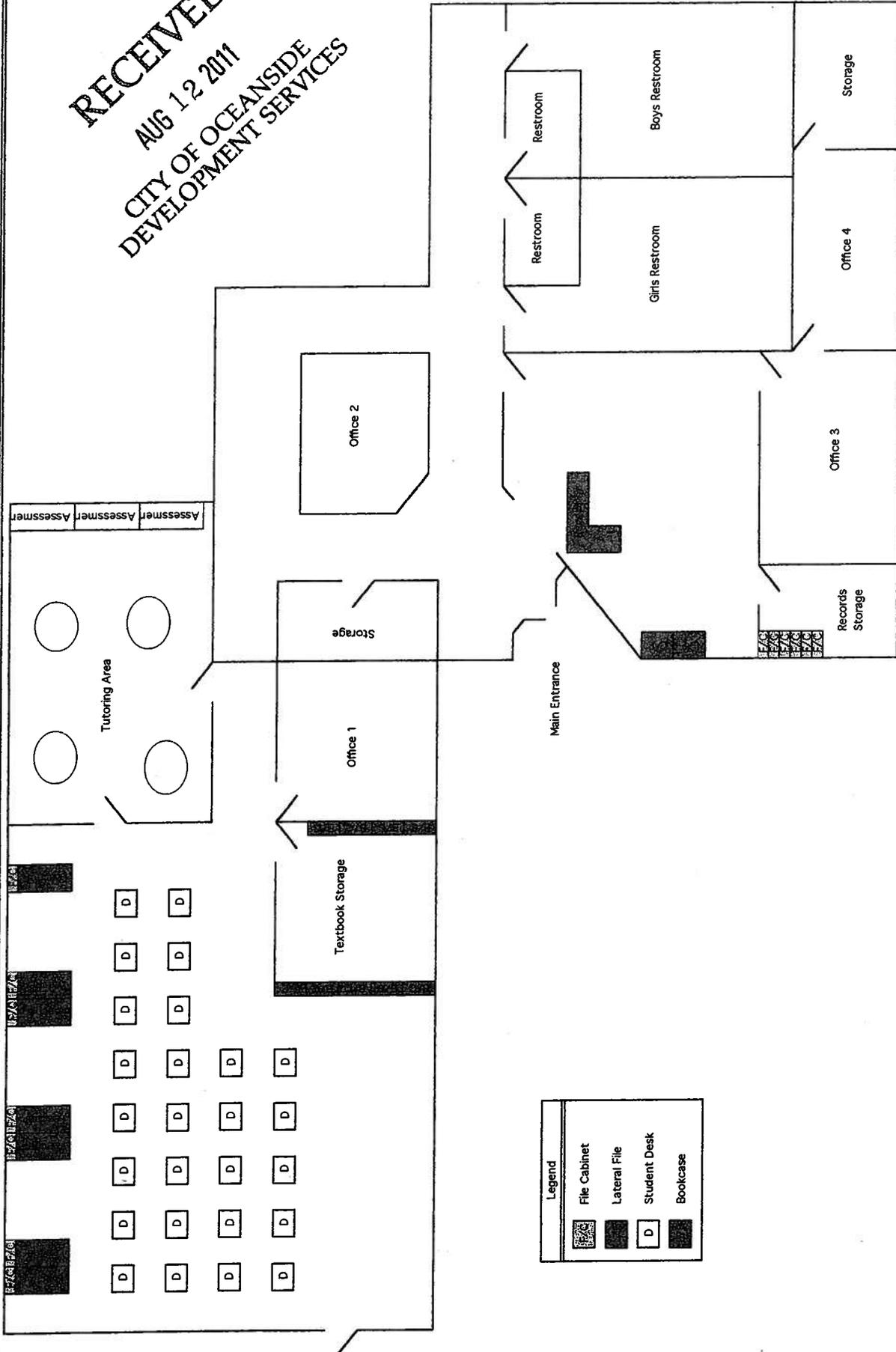
20 Dated: October 24, 2011

21
22 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may
23 be required as stated herein:

24 _____
25 Applicant/Representative

_____ Date

RECEIVED
AUG 12 2011
CITY OF OCEANSIDE
DEVELOPMENT SERVICES



Legend

- File Cabinet
- Lateral File
- Student Desk
- Bookcase

OPERATIONS MANAGEMENT PLAN:

1054 Mission Blvd. Oceanside CA

- Our objective is to operate a Resource Center/Charter School for non-seat time based academic program.
- Monday thru Friday from 8:00 A.M.-6:00 P.M.
- Closed weekends and all recognized Holidays.
- Diego Hills Public Charter is an Independent Study Program where students come to our facility by appointment approximately one to two hours a week.
- Students waiting for their appointment time to begin will sit at a designated table/desk in a classroom.
- During that time the student will turn in homework completed during the prior week from their own home, and test (on site) on that material.
- This process will occur on a year round schedule.
- Students are only seen once per week for one hour for one-on-one teaching. They may also go to scheduled tutoring based on their need. All time on site is by appointment.
- Our student base on average is at-risk or low-income adolescents between the ages of 14-22.
- We offer general education; a diploma recognized by the State of California, and an opportunity for youths that otherwise wouldn't attend a traditional High School due to economic, personal or medical hardship.
- Our goal is to have a maximum enrollment of 200 students in phase one and a maximum enrollment of 500 students in phase two. Please see charts below to better understand the occupancy as it relates to our enrollment*:

People on site at one time.			
Student Enrollment	Staff (Teachers, Tutors, Front Office)	Students	Total
100	3	8	11
200	5	16	21

300	14	48	62
400	19	64	83
500	25	80	105

- *More detailed explanation with a room by room breakout is available in the Description and Justification.*
- Due to our demographics; on average 80% of our student base take public transportation as a means to reaching the school.
- Occupancy in Phase One will be no more than 50 people on campus at a time. In Phase Two the total occupancy will not exceed 200 people at one time.
- Students will arrive by bus (80%) or be dropped off/drive themselves and proceed to the entrance of our site. At this point they will work with their teacher and then leave by the same transportation that they arrived.
- Students will arrive at the facility and be greeted in the administrative office. They will then be asked to wait in front of their teacher's desk at a student desk until their teacher is ready to see them.
- If a student/parent must wait outside of the main classroom, chairs are available in the administrative office/reception area.

Richard Greenbauer

From: Richard Greenbauer
Sent: Thursday, February 10, 2011 1:39 PM
To: 'Murphy'
Cc: 'Jim Kornacki'
Subject: RE: Diego Hills Charter - CUP Application

Murphy,

Staff will proceed with processing the subject CUP application without the petition required by California Education Code Section 47605 being submitted to OUSD. In order to complete your application and proceed to Planning Commission for final discretionary action, please respond to items 2-7 of the Application Review Committee letter dated December 8, 2010 and for item 1, you can simply respond that the comment is noted. Once all corrections and revisions are completed to address the remaining 6 items, please contact me to schedule a re-submittal appointment.

Richard Greenbauer, Senior Planner
City of Oceanside
Planning Division
300 North Coast Highway
Oceanside, CA 92054
Phone: 760-435-3519
Fax: 760-754-2958

rgreenbauer@ci.oceanside.ca.us

Please be advised that all e-mails and phone messages are maintained on the City's server for 90 days and are considered public information when requested.

From: Murphy [mailto:jennmurphy7@gmail.com]
Sent: Thursday, February 10, 2011 1:19 PM
To: Richard Greenbauer
Cc: Jim Kornacki
Subject: Diego Hills Charter - CUP Application

Hi Richard-

We would like you to proceed with our application on file in the planning department without the letter from the Oceanside School District. Please let me know if you need any further documents to move forward with the process.

Hope all is well with you! Thank you.

murphy

--

Jennifer Murphy Ed.D.
Educational Consultant
310.804.9775



August 12, 2011

RECEIVED
AUG 12 2011
CITY OF OCEANSIDE
DEVELOPMENT SERVICES

Mr. Richard Greenbauer
City of Oceanside
Community Development Department
300 N. Coast Hwy.
Oceanside, CA 92054

Subject: CUP10-00030 Diego Hills Charter School, APN 147-231-06

Dear Mr. Greenbauer,

This letter is in response to the City of Oceanside Application Review Committee's letter dated December 8, 2010. Responses are listed below or enclosed.

Responses:

1. Oceanside Unified School District - We have made the school district aware of our plans to locate within the district boundaries. Please see attached email traffic with Dr. Luis Ibarra on December 13, 2010.
2. Please see attached floor plan with rooms labeled. The operation is for non-seat time instruction and no occupancy limits will be exceeded in the space. No students will be expected to wait outside to enter the facility.
3. Our students come to the resource center/charter school for their scheduled appointment times. Most of our students take public transportation and will arrive at the bus stop and walk across the parking lot to our school. Students that drive will utilize the parking spaces in the common area and be parked there for no longer than their appointment time. Please find attached the Parking Allocation Plan.
4. The Notice of Project Application sign on site and the Certification of Posting form, attached.
5. Application number and project name will be added to the plan sets (attached).
6. We are in contact with Mike Margot in the Fire Department to set up a walk through of the space. The space was brought up to code for E Occupancy in 2006, and Mr. Margot will check the space specifically for the 2010 code changes.

Diego Hills Charter School:

4585 College Avenue, Suite 4C • San Diego, CA 92115
(619) 286-0312 • (619) 286-0791 Fax

Administrative Office:

42455 10th St. West, Suite #105 • Lancaster, CA 93534
(661) 272-1225 • (661) 945-2430 Fax

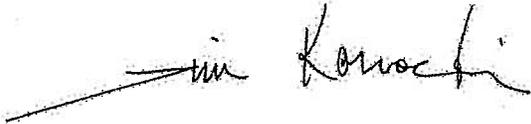
7. There will be no change to the space, it was previously approved and operated as a charter school.

Also attached to this letter are:

- 15 – 8.5"x11" Size Plan Sets
- 1 – Description and Justification Letter
- 1 – Revised Operations and Management Plan

If you have any further questions please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink that reads "Jim Komacki". The signature is written in a cursive style with a long horizontal line extending to the left from the start of the name.

Jim Komacki
Vice President of Student Services



jenn murphy <jennmurphy7@gmail.com>

Diego Hills Charter - Jenn Murphy, Call Follow Up Message

1 message

Murphy <jennmurphy7@gmail.com>
To: jennifer <jennmurphy7@gmail.com>

Mon, Mar 14, 2011 at 2:23 PM

----- Forwarded message -----

From: Luis Ibarra <libarra@oside.us>
Date: Mon, Dec 13, 2010 at 7:50 AM
Subject: RE: Diego Hills Charter - Jenn Murphy, Call Follow Up
To: Murphy <jennmurphy7@gmail.com>

RECEIVED
AUG 12 2011
CITY OF OCEANSIDE
DEVELOPMENT SERVICE

Hi Dr. Murphy,

I regret to inform you that we will be unable to comply with your request.

Luis Ibarra, Ed.D.
Associate Superintendent, Business Services
Oceanside Unified School District
2111 Mission Avenue
Oceanside, CA 92058
(760) 966-4047

From: Murphy [<mailto:jennmurphy7@gmail.com>]
Sent: Wednesday, December 08, 2010 1:55 PM
To: Luis Ibarra

Subject: Fwd: Diego Hills Charter - Jenn Murphy, Call Follow Up

Hi-

I just left a message on your phone, and since I am not sure what your preferred communication is, I

thought I would send you an email as well.

I work for Diego Hills Charter and on October 27, 2010, Jim Kornaki and Gloria Fortine met with you regarding our potential site within the OUSD district boundaries. I wanted to follow up with you to see if you had any further questions about our program and see if you would be willing to put a brief statement on letterhead for us. (I have attached a Word document with a sample letter for your convenience.)

As they mentioned, this is not an approval of our program, just a letter attesting to the fact that we let you know our plans.

Thank you so much for taking the time out of your busy schedule for this matter.

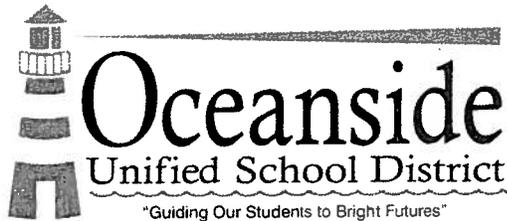
murphy

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Jennifer Murphy Ed.D.
Educational Consultant
310.804.9775

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Jennifer Murphy Ed.D.
Educational Consultant
310.804.9775



Board of Education
Lillian V. Adams
Michael Blessing
Adrienne Hakes, Ed.D.
Janet Bledsoe Lacy
Emily Ortiz Wichmann

Larry Perondi, Superintendent

October 18, 2011

City of Oceanside
Development Services Department/Planning Division
300 North Coast Highway
Oceanside, CA 92054

Re: Diego Hills Public Charter, Inc.
Public Hearing, City of Oceanside Planning Commission
October 24, 2011 at 7:00 p.m.

TO WHOM IT MAY CONCERN:

In response to a notice of a Planning Commission Public Hearing, City of Oceanside, the Oceanside Unified School District contests the operation of Diego Hills Public Charter, Inc. within the boundaries of the City of Oceanside, and more specifically, within the boundaries of Oceanside Unified School District.

The Oceanside Unified School District does not support the operation of this charter within its boundaries because the district already offers a successful independent study program. The Oceanside Unified School District Academic Recovery Center (ARC) operates at both comprehensive high schools and an additional site within the City of Oceanside to support students in our community, thereby allowing flexibility and convenience of location for students seeking to attain a high school diploma in a nontraditional setting. The district's ARC program currently has approximately 600 students enrolled in the programs and the success of these programs is attested to by the dramatic improvement in the rate of graduation. Additionally, the oversight of the charter is through Dehesa Elementary School District in San Diego, which does not allow the Oceanside Unified School District to oversee the quality of the program being offered to the students of Oceanside.

Sincerely,

Larry Perondi
Superintendent

LP:pw

Office of the Superintendent

2111 Mission Avenue • Oceanside, CA 92058-2326
Phone: (760) 966-4000 • Fax: (760) 721-9714 • www.oside.k12.ca.us



Application for Public Hearing
 Community Development Department / Planning Division
 (760) 435-3520
 Oceanside Civic Center 300 North Coast Highway
 Oceanside, California 92054-2885

STAFF USE ONLY
 ACCEPTED
RECEIVED

AUG 12 2011

CITY OF OCEANSIDE
 DEVELOPMENT SERVICES

BY

Please Print or Type All Information

PART I - APPLICANT INFORMATION

1. APPLICANT Diego Hills Public Charter, Inc.		2. STATUS Lessee		GPA
3. ADDRESS 42455 10th St. West #105 Lancaster CA, 93534		4. PHONE/FAX/E-mail p. 661-272-1225 f. 661-952-6054		MASTER/SP.PLAN
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Jim Kornacki jkornacki@learn4life.org				ZONE CH.
6. ADDRESS Same as Above		7. PHONE/FAX/E-mail Same as Above		TENT. MAP
8. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Jim Kornacki jkornacki@learn4life.org				PAR. MAP
9. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Jim Kornacki jkornacki@learn4life.org		10. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Jim Kornacki jkornacki@learn4life.org		DEV. PL.
11. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Jim Kornacki jkornacki@learn4life.org		12. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Jim Kornacki jkornacki@learn4life.org		X C.U.P. CUP10-00030
13. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Jim Kornacki jkornacki@learn4life.org		14. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Jim Kornacki jkornacki@learn4life.org		VARIANCE
15. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Jim Kornacki jkornacki@learn4life.org		16. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Jim Kornacki jkornacki@learn4life.org		COASTAL
17. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Jim Kornacki jkornacki@learn4life.org		18. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Jim Kornacki jkornacki@learn4life.org		O.H.P.A.C.

PART II - PROPERTY DESCRIPTION

8. LOCATION 320 N. Horne Street Oceanside CA, 92054		9. SIZE 9.516 Acres	
10. GENERAL PLAN CS-HO	11. ZONING C-TS	12. LAND USE Commercial Center	13. ASSESSOR'S PARCEL NUMBER 147-231-06

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION Conditional Use Permit to operate a "Resource Center/Charter School" indicated in California Educational Code 47612.5.e. The business is a personalized learning program that has a projected enrollment of 200 clients, this would allow no more than 10-15 people inside the center at any given time.

15. PROPOSED GENERAL PLAN N/C	16. PROPOSED ZONING N/C	17. PROPOSED LAND USE N/C	18. NO. UNITS N/C	19. DENSITY N/C
20. BUILDING SIZE 16,875sq./ft.	21. PARKING SPACES 589	22. % LANDSCAPE N/C	23. % LOT COVERAGE or FAR N/C	

PART IV - ATTACHMENTS

<input checked="" type="checkbox"/> 24. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION	<input checked="" type="checkbox"/> 26. TITLE REPORT
<input checked="" type="checkbox"/> 27. NOTIFICATION MAP & LABELS	<input checked="" type="checkbox"/> 28. ENVIRONMENTAL INFO FORM	<input checked="" type="checkbox"/> 29. PLOT PLANS
<input checked="" type="checkbox"/> 30. FLOOR PLANS AND ELEVATIONS	<input checked="" type="checkbox"/> 31. CERTIFICATION OF POSTING	<input checked="" type="checkbox"/> 32. OTHER (See attachment for required reports)

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print): Jim Kornacki	34. DATE 8/11/11	SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).	
Sign: <i>Jim Kornacki</i>	35. OWNER (Print): Mark T. Burger	36. DATE 8/11/11	

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Sign: *Mark T. Burger*

DESCRIPTION AND JUSTIFICATION: ATTACHMENT 24

Planning Department

Date: September 29, 2011

City of Oceanside

From: Diego Hills Public Charter, Inc.

42455 10th St., Suite 105

Lancaster, CA 93534

RE: Determination letter for Mission Square Shopping Center

Our unique charter concept is a not for profit organization that offers a personalized education program for students who need an independent studies approach in meeting their academic needs. Our program offers the flexibility demanded by students who are seeking an alternative to the tradition school structure. We provide students with a non-traditional setting which; includes teachers accredited by the State of California, curriculum mandated by the State of California, appropriate material to accompany curriculum, and a facility referred to as a "Resource Center" which students attend to fulfill their educational responsibilities.

Since the Resource Center does not provide classroom instruction for 80% or more of the student's instructional time, it cannot be classified as a school site as indicated in educational code 47605. Therefore the personalized learning program that is described above is by definition a Resource Center and not subject to the stringent regulations that the Field Act applies to a classroom-based school.

Our program takes great pride in providing students a Resource Center that has the look and feel of a friendly business office. Students are treated with the same professionalism they notice in the appearance of the facility they attend. It is in the Resource Center that students have a predetermined appointment, every week, with their designated teacher to submit and discuss previous assignment, have assignments evaluated, receive new assignments and participate in assessments. These weekly meetings between teacher and student are designed to last approximately one hour. The assignments themselves (and therefore a large majority of the student's work) are completed at the student's home.

Our projected enrollment for the first year of operation is 100- 200 with a long-term plan to reach 500 students. Please refer to the chart below, as well as the classroom breakout to understand how the students would be accommodated.

People on site at one time.			
Student Enrollment	Staff (Teachers, Tutors, Front Office)	Students	Total
100	3	8	11
200	5	16	21
300	14	48	62
400	19	64	83
500	25	80	105

All numbers below represent the maximum capacity for the specified phase. Numbers are approximate as some flexibility is required for computer time, tutoring and one on one time with teachers.

ROOM	STAFF		STUDENT		TOTAL	
	Phase 1	Phase 2	Phase 1	Phase 2	Phase 1	Phase 2
Main Entry	1	2	0	0	1	2
Computers Library	4	2	8	4	12	6
Tutoring 1-3	2	2	6	4	8	6
Classroom 1	0	1	0	5	0	6
Tutoring 4-7	0	1 per room	0	3 per room	0	16
Classroom 2	0	1	0	4	0	5
Classroom 3	0	1	0	4	0	5
Classroom 4	0	1	0	4	0	5
Classroom 5	0	1	0	4	0	5
Classroom 6	0	1	0	4	0	5

Classroom 7	0	1	0	4	0	5
Classroom 8	0	1	0	4	0	5
Classroom 9	0	1	0	4	0	5
Classroom 10	0	1	0	5	0	6
Classroom 11	0	1	0	4	0	5
Classroom 12	0	1	0	4	0	5
Classroom 13	0	1	0	4	0	5
Appx. TOTAL					21	97

LEGAL DESCRIPTION

Real property in the City of Oceanside, County of San Diego, State of California, described as follows:

PARCELS 1 THROUGH 6 INCLUSIVE, OF PARCEL MAP NO. 16024, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 13, 1990, AS INSTRUMENT NO. 1990-133586 OF OFFICIAL RECORDS.

APN: 147-231-01-00 through 147-231-08-00



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
(180 days)

1. **APPLICANT:** Jim Kornacki, Diego Hills Public Charter Rep.
2. **ADDRESS:** 42455 10th St. West #105, Lancaster CA, 93534
3. **PHONE NUMBER:** (661) 272-1225
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Richard Greenbauer, Senior Planner
6. **PROJECT TITLE:** Diego Hills Resource Center/Charter School (CUP10-00030)
7. **DESCRIPTION:** The applicant request approval of a Conditional Use Permit to permit the establishment of a Resource Center/Charter School Operation within a 19,553-square foot commercial retail suite in the Mission Square Shopping Center located at 320 North Horne Street. The site is designated CS-HO (Special Commercial – Highway Oriented) on the City's Official Zoning Map and has a General Plan designation of Special Commercial (SC).

ADMINISTRATIVE DETERMINATION: Planning Department staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, staff finds that the proposed project constitutes operations within existing facilities that will not involve expansion beyond what exist on-site at this time. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section_____, <name> (Sections 15260-15277); or,
- The project is categorically exempt, Class 1, "Existing Facilities" (Section 15301); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Richard Greenbauer, Senior Planner

Date:

cc: Project file Counter file Library Posting: County Clerk \$50.00 Admin. Fee