

STAFF REPORT

PLANNING COMMISSION MEETING

MEETING DATE: December 4, 2017

SUBJECT: CUP17-0004. Emerald Family Holdings, LLC (Green Gables).

Conditional Use Permit Renewal for Special Event Facility.

APN: 220-240-73-00

Recommendation

Conditionally approve a Major Conditional Use Permit to allow the continued operation of a special events facility for weddings and social gatherings at the Old Richland Schoolhouse located at 134 Woodland Parkway in the Mixed-Use 3 (MU-3) Zone in the Richland Neighborhood.

Introduction

On November 6, 1995, the Planning Commission approved CUP 95-279 allowing the operation of a special event facility at the project site. Since that time, the project is operating in accordance with the approved conditions of approval. During the 22 year period since the original approval, the Planning Commission has approved several renewals and modifications to the original CUP for the special event facility as the property owner's business model has evolved over the years. On June 12, 2017, the applicant requested approval of a renewal of CUP 95-279 which is now processed as CUP 17-0004. The City received no public comments regarding the proposed CUP renewal.

Discussion

The approximately 4.4 acre property of the "Old Richland Schoolhouse" consists of a 2,752 square foot locally notable schoolhouse which was constructed in 1896, and a 6,000 square foot canvas tent ("Pavilion") erected on top of a wooden deck, located on a hillside overlooking a grassy knoll, adjacent to Mission Road. The property also contains sixty-seven (67) parking spaces on-site, an outdoor wedding area with gazebo in front of the schoolhouse and various outbuildings providing storage, maintenance facilities and restrooms. The facility is accessed from Mission Road and Woodland Parkway which is landscaped along these frontages. Through a parking agreement, off-site parking is available at Diamond Environmental Services to the west for additional parking for larger events. The applicant proposes no new construction or expansion of the existing facilities.

CUP 95-279 was originally approved to allow the special event facility to operate in the Industrial (M-2)

Zone. Since then, the project site's land use and zoning designations changed from Industrial (M-2) Zone to Mixed-Use 3 (MU-3) Zone as part of the City-wide General Plan and Zoning Update in 2012. MU-3 Zone allows for commercial and office uses with the approval of a Specific Plan, if the project site is redeveloped in the future. Since the applicant proposes to continue operating the current special event facility and no new development is proposed, approval of a CUP renewal by Planning Commission is required.

Special events, such as weddings, are held in the school house building, covered pavilion, and/or outside in the garden area. These events typically include catered dinners and live music. Additional wedding events have included bridal expos with cake tasting and the display of wedding dresses and accessories.

Since the original approval in 1995, the on-going operation of the facility has been a compatible use with the surrounding land uses: industrial buildings and outdoor storage to the west; multi-family residential to the north; a commercial center to the east; and the Sprinter rail line to the south. No public comments have been received regarding the proposed CUP renewal.

Conditions of approval for the CUP renewal will be the same operational standards as set forth in the previous CUP renewal in 2012. These conditions of approval include restrictions regarding operational hours for outdoor lighting and amplified sound (eg: music, announcements); compliance with Alcohol Beverage Control (ABC) requirements; required event security; maintenance of buildings and landscaping; and parking requirements.

Parking at the events facility is managed depending on the size of the event. Events with 150 or fewer people (including staff) can be parked on site in the upper and lower lots that surround the Old Richland Schoolhouse. For events in excess of 150 people, the use of additional off-site parking is required. The additional parking capacity required for these larger events is accommodated off site with ninety (90) spaces that are available at the Diamond Environmental Services parking lot (less than 600 feet away). Utilization of these off-site parking spaces also requires the use of a valet service so that the guests do not have to walk through the adjacent Liberty outdoor storage yard. To provide additional assistance to guests with limited mobility, in addition to the required ADA parking facilities, the applicant provides an on-site shuttle service, free of charge, to guests.

The facility is currently operating in compliance with Building and Fire Code requirements and the conditions of approval of the current CUP. There are no code violations. When the CUP was renewed by the City in 2012, the applicant was conditioned to correct several minor violations regarding site maintenance, unpermitted signage, parking lot paving and other issues related to the Building and Fire Codes. The facility is now operating in full compliance with the conditions of approval.

Environmental Review

In accordance with the California Environmental Quality Act (CEQA), the proposed CUP renewal is deemed Categorically Exempt (EX 17-024) pursuant to Section 15301 Class 1, in that this is an existing facility with no expansion.

Attachment(s)

Adopting Resolution: PC 17-4637

- A. Vicinity Map
- B. Requested Entitlement
- C. Site & Project Characteristics

Prepared by:



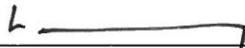
Norm Pedersen, Associate Planner

Reviewed by:



Saima Qureshy, AICP, Principal Planner

Submitted/Approved by:



Karen Brindley, Planning Division Manager

ATTACHMENT A

Vicinity Map



CUP 17-0004. Emerald Holdings, LLC (Green Gables)
Location: 134 Woodland Parkway
APN: 220-240-73-00



City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069

ATTACHMENT B
Requested Entitlements

- Renewal of a Conditional Use Permit to allow for the continued operation of a special event facility for weddings and social gatherings at the Old Richland Schoolhouse in the Mixed-Use 3 (MU-3) Zone in the Richland Neighborhood.

ATTACHMENT C
Site & Project Characteristics

<u>Property Subject</u>	Existing <u>Land use</u>	<u>Zoning</u>	General Plan <u>Designation</u>
Special Event Facility	Multi-Family Residence	MU-3	Mixed-Use 3
North	Multi-Family Residence	R-3-10	Medium Density Residential (15.1-20.0 du/ac)
South	Railroad Right-of-Way		
East	Commercial	C	Commercial
West	Industrial	I-2	Industrial
Flood Hazard Zone	yes <input type="checkbox"/> no <input checked="" type="checkbox"/>		
Resource Conserv. Area	yes <input type="checkbox"/> no <input checked="" type="checkbox"/>		
Sewers	<u>x*</u> yes <input type="checkbox"/> no <input checked="" type="checkbox"/>		
Septic	yes <input type="checkbox"/> no <input checked="" type="checkbox"/>		
Water	<u>x</u> yes <input type="checkbox"/> no <input checked="" type="checkbox"/>		
Gen. Plan Conformance	<u>x</u> yes <input type="checkbox"/> no <input checked="" type="checkbox"/>		
Land Use Compatibility	<u>x</u> yes <input type="checkbox"/> no <input checked="" type="checkbox"/>		

* with approval of CUP.



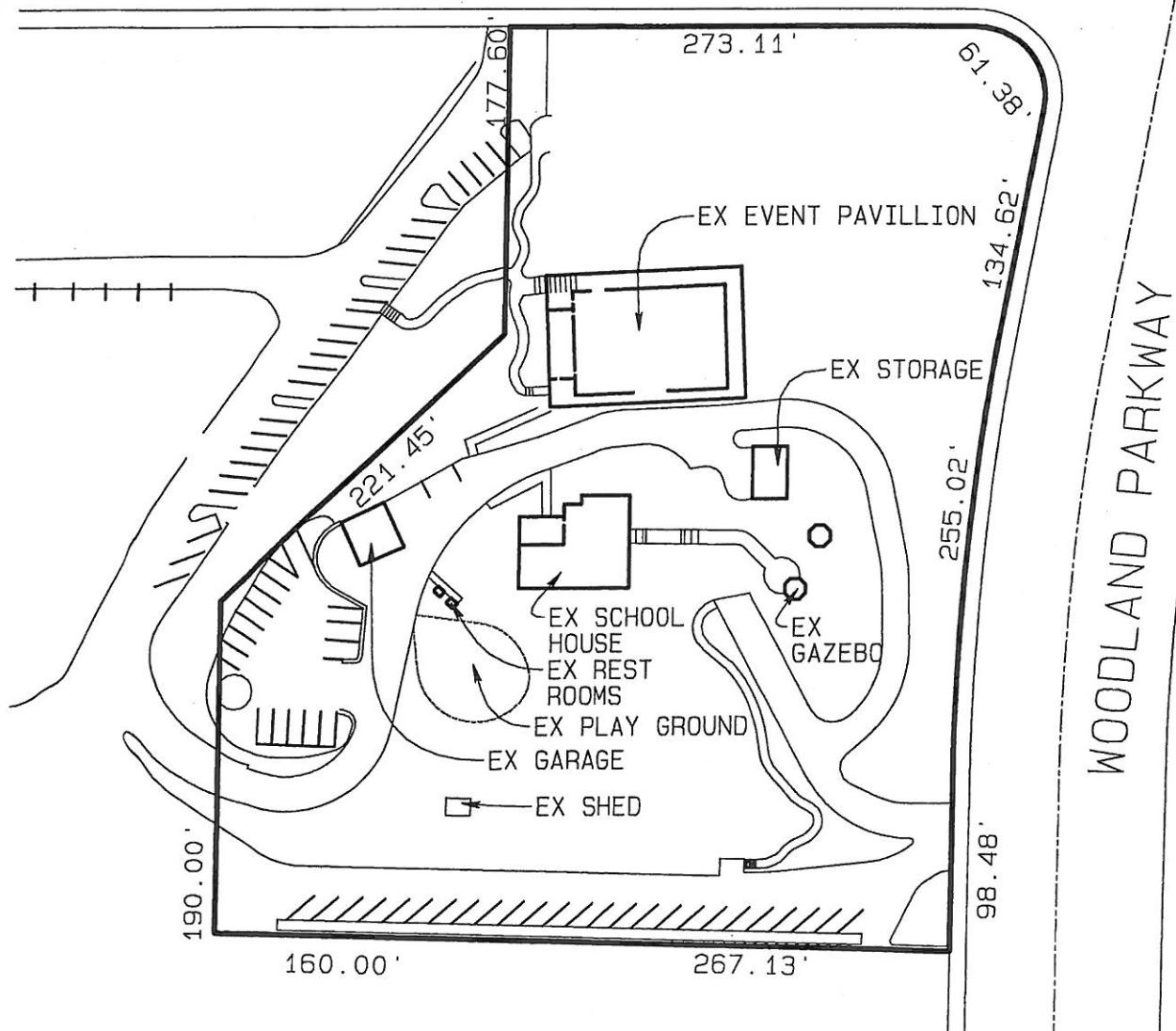
AERIAL PHOTO

CUP17-0004: Emerald Family Holdings LLC (Green Gables). 134 Woodland Parkway

RICHLAND SCHOOL HOUSE SITE PLAN

SCALE 1"=100'

MISSION ROAD

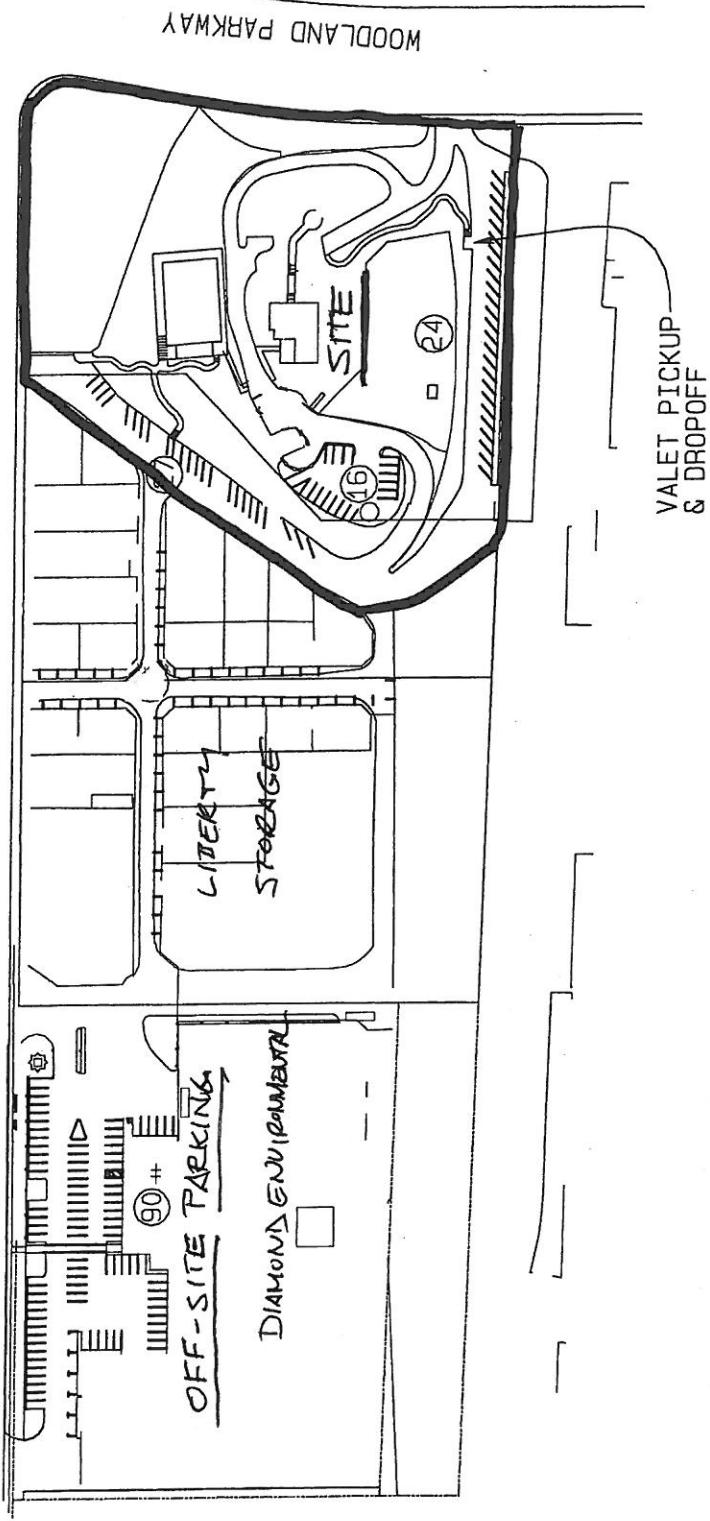


SCHOOL 2752 SQ. FT.
PAVILLION 6000 SQ. FT.

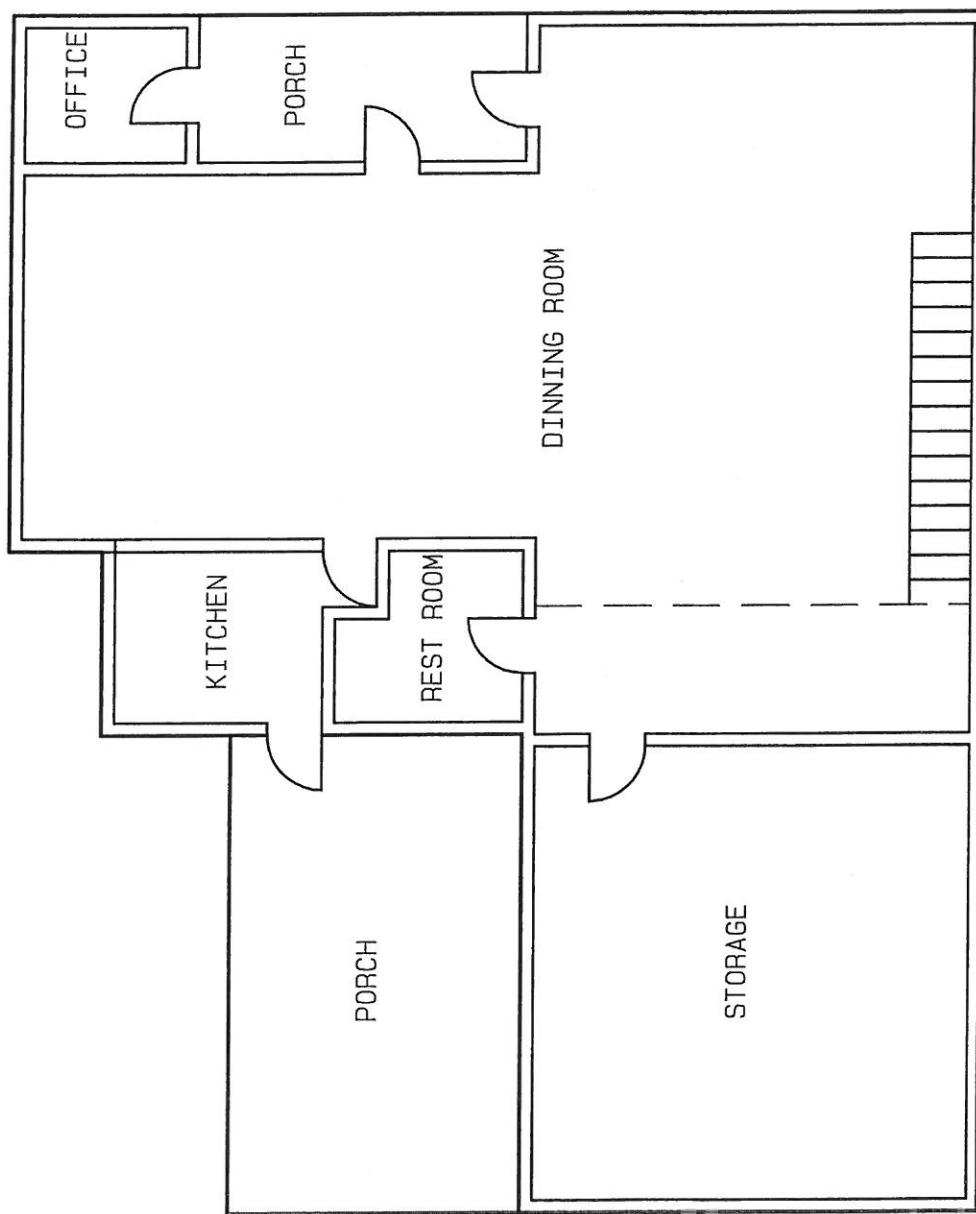
RICHLAND SCHOOL HOUSE PARKING PLAN

SCALE 1"=200'

MISSION ROAD



RICHLAND SCHOOL HOUSE
EXISTING FLOOR PLAN

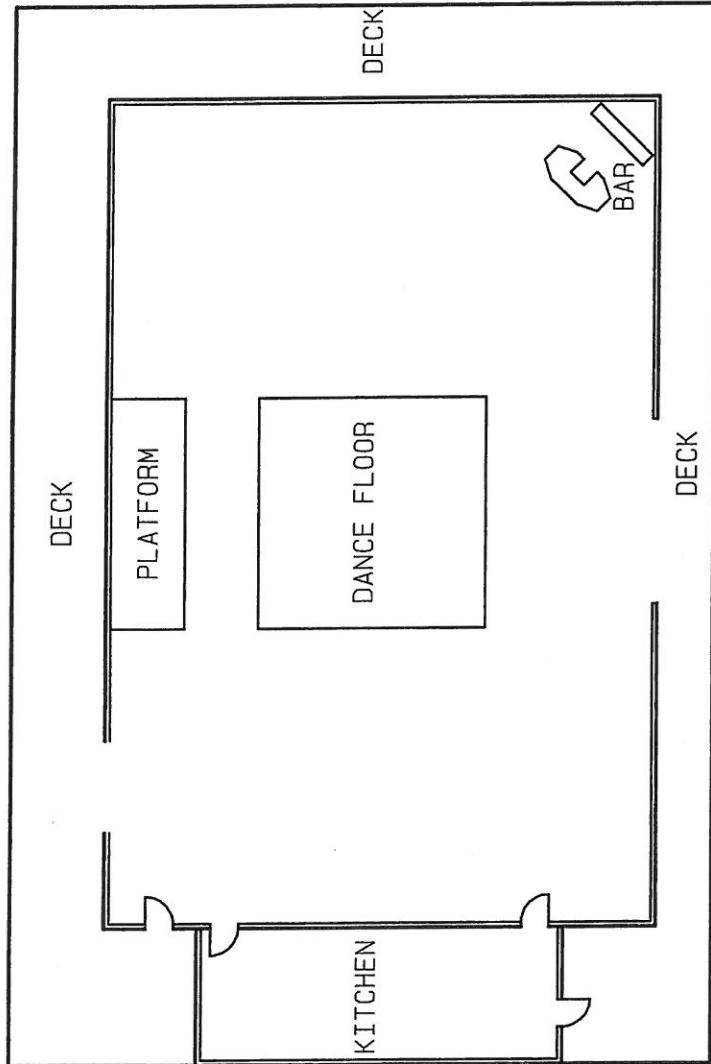


MAXIMUM OCCUPANCY 80

SCALE 1" = 10

9APR2012

PAVILLION LAYOUT



MAXIMUM OCCUPANCY 400

SCALE 1" = 20'

9APR2012

RESOLUTION PC 17-4637

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A RENEWAL OF A CONDITIONAL USE PERMIT TO ALLOW FOR THE CONTINUED OPERATION OF A SPECIAL EVENTS FACILITY FOR WEDDINGS AND SOCIAL GATHERINGS AT THE OLD RICHLAND SCHOOLHOUSE IN THE MIXED-USE 3 (MU-3) ZONE

CUP17-0004
Emerald Family Holdings, LLC (Green Gables)

WHEREAS, on June 12, 2017 an application was received from Emerald Family Holdings, LLC requesting the Renewal of a Conditional Use Permit to allow for the continued operation of a special events facility for weddings and social gatherings at the Old Richland Schoolhouse located at 134 Woodland Parkway in the Mixed-Use 3 (MU-3) Zone, more particularly described as:

Lot 11 of Block 22, Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895.

Assessor's Parcel Number: 220-240-73-00

WHEREAS, on November 6, 1995, the Planning Commission originally approved the Major Conditional Use Permit (CUP 95-279) to allow for the operation of a school and special event venue at the project site within the Industrial (I-2) Zone; and

WHEREAS, CUP 95-279 was subsequently renewed and/or modified by Planning Commission in 1996, 1999, 2001, 2002, and 2008, and the school operation was removed with the renewal of the use permit in 2012; and

WHEREAS, on February 14, 2012 and November 13, 2012, the City Council approved and adopted a City-wide General Plan land use and zone change, respectively, inclusive of the subject property with a new designation of Mixed-Use 3 (MU-3); and

WHEREAS, the subject property has already been annexed into the City's Community Facilities Districts (CFD 91-02) Police and Fire; and

WHEREAS, the special event facility has operated since 1995, and therefore pursuant to City Council policy (CC Resolution 2001-5607), the project site is not subject to annexation into Community Facility Districts: CFD 98-02 Lighting, Landscape, Open Space, and Preserve Maintenance, and CFD 2011-01 Congestion Management; and

WHEREAS, the Development Services Department did study said request and does

AGENDA ITEM
3

recommend approval of requested use; and

WHEREAS, the City of San Marcos did find the project Categorically Exempt (EX 17-024) pursuant to Section 15301 Class 1 of the California Environmental Quality Act (CEQA) in that this is an existing facility with no expansion; and

WHEREAS, the Planning Commission held a public hearing on December 4, 2017 that was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission's decision is based on the following findings and determinations:

1. Approval of the Conditional Use Permit renewal would not result in detrimental impacts to adjacent properties or the character and function of the neighborhood in that the on-going operation of the facility is compatible with surrounding uses, including compliance with noise regulations, and adequate parking occurs on site for customers and employees including a shared parking agreement for off-site parking located on property to the east (APN: 220-220-58-00) at Diamond Environmental Services.
2. The design, development, and conditions associated with the Conditional Use Permit renewal are consistent with the goals, policies, and intent of the General Plan for the Richland Neighborhood in that the operation of a special event facility at the "Old Richland Schoolhouse" site will continue to promote community design that produces a distinctive, high-quality built environment with forms and character that create memorable places and enrich community life (Goal LU-5).

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. This Conditional Use Permit is Categorically Exempt (EX17-024) from environmental review pursuant to Section 15301 Class 1 (existing facility with no expansion) of the California Environmental Quality Act (CEQA).
- C. This Conditional Use Permit is approved per the submitted site and floor plans, dated June 12, 2017 (2,752 square-foot schoolhouse for bridal showroom and 6,000 square-foot pavilion for special events), except as modified herein, and subject to compliance with the conditions of approval of this Resolution PC 17-4637.
- D. Reliance on this Conditional Use Permit is subject to the following operational standards:
 1. Any physical modifications, changes or alterations to the existing 2,752 square foot "Old Richland Schoolhouse" facility are not allowed by the issuance of CUP

17-0004. The “Old Richland Schoolhouse” shall remain intact and unchanged during the duration of CUP 17-0004. If in the event it becomes necessary to alter the “Old Richland Schoolhouse” in any way (e.g. painting, reroof, window replacement, etc.), the applicant shall contact the Planning Division Manager prior to taking any action.

2. All landscaping on site shall be maintained in a healthy and thriving manner.
3. Existing trees and landscaping (including the eucalyptus trees near Mission Road and on the northern half of the property) shall remain in place. Removal of any trees is prohibited without prior approval of the Planning Division Manager and shall require replacement, if said trees are damaged or removed.
4. Maintain a minimum of four 2A:10B:C type fire extinguishers in the pavilion and three additional 2A:10B:C type fire extinguishers in “the Old Schoolhouse.” All on site fire extinguishers shall be serviced annually in accordance with the manufacturer’s specifications.
5. All interior finishes (i.e. table clothes, curtains, etc.) shall comply with California Fire Code Chapter 8 for flame spread and smoke development.
6. During events, a minimum of two (2) exits from the pavilion shall remain free and clear of any obstructions, including temporary vinyl walls. In addition, any stairways or gates providing ingress/egress from the pavilion shall be equipped with panic hardware maintained in working order and remain unlocked and unobstructed during events.
7. The maximum occupant load for the pavilion shall be 400 persons.
8. Access from Woodland Parkway shall be limited to traffic associated with the events at the Old Schoolhouse (on APN 220-240-73). Contractor’s leasing space within the Liberty Contractor’s Storage Yard (APNs: 220-240-72-00 & 220-240-74-00) shall be prohibited from using the driveway on Woodland Parkway.
9. All private access providing onsite circulation shall be maintained in accordance with the approved site plan.
10. All parking lot areas shall remain clear of wood, mulch or other materials or debris stored on site for use by the Schoolhouse.
11. During events, all parking shall be provided on site or as otherwise approved in the Parking Management Plan. There shall be no parking of vehicles allowed on perimeter streets (i.e. Woodland Parkway or Mission Road), in the parking lot of the Albertson’s commercial center located across the street (i.e. southeast corner of Woodland Parkway and Mission Road) or on any other off-site property. It

shall be the responsibility of the Operator of the Special Event Venue to implement this condition. If the shopping center and/or City receive complaints, the City may require additional event staff to enforce this requirement.

12. No recreational vehicles (e.g. motor homes, trailers, campers, etc.) shall be stored on site at any time.
13. All exterior illumination shall be shut off by 11:00 p.m., other than security lighting. The use of "search lights" (or other similar device providing an upward beam of light) is prohibited.
14. All deck structural members, below the deck, that are exposed shall be well maintained and remain green in color.
15. The side pavilion vinyl walls may be raised during cleaning operations, event setup and breakdown periods for ventilation purposes, however the pavilion walls shall remain closed during events (with the exception of those sections serving as exits).
16. The pavilion structure shall consist of the thickest vinyl material available in order to attenuate internal noise sources to the maximum extent feasible. The pavilion structure shall be kept in a dust free, well maintained manner and fabric shall be cleaned or replaced, as deemed necessary by the Planning Division Manager.
17. If there are noise complaints received by the City, the applicant is required to submit a noise analysis and implement the recommendations as deemed necessary by the Planning Division Manager.
18. Outdoor loudspeakers, public address systems or any other system providing amplified sound shall be oriented and directed internally and away from the residential areas located across Mission Road.
19. Amplified sound shall not be permitted after 10:00 p.m. or before 8:00 a.m.
20. The on-site manager shall be responsible to ensure all amplified sound shall not exceed allowable decibel limits adjacent to residential (65 dBL at the project property line) or violate the City's Noise Ordinance. Applicant shall fully comply with any instructions from the Sheriff's Department regarding the resolution of noise complaints. Failure to comply can result in the revocation of this permit.
21. All food shall be prepared off site. Use of the kitchen facilities on site shall be limited to the provisions of the facility's Health Permit. No grease shall be disposed of in plumbing appliances connected to the sanitary sewer system. Kitchen facilities and food service shall comply with all regulations of the County Department of Environmental Health.

22. No person under the age of twenty one (21) shall be served alcohol during an event. The service of alcohol during an event shall comply with all rules and regulations established by the California Department of Alcoholic Beverage Control (ABC). If there are public safety issues that result from alcohol service in conjunction with events, then the applicant shall take corrective action as necessary. If public safety issues persist, then alcoholic beverage service may be prohibited at the discretion of the Planning Division Manager.
23. All events shall include adequate security services to ensure public safety. The City recommends a ratio of one (1) guard per fifty (50) people be maintained during events, especially those where alcohol service is proposed. Should Public Safety at the project site during events become a concern by the City, this recommended ratio (1:50) shall become mandatory and may be raised or lowered depending on the recommendations of the Sheriff's Department and/or Planning Division Manager.
24. All events allowed under CUP 17-0004 shall utilize a fixed listing of attendees (i.e. "guest list"). Events with "general admission" of the public (i.e. "open to the public") shall be prohibited but may be considered on a case by case basis through the Special Event Permit Process.
25. Events without valet service shall be limited to no more than 150 occupants (inclusive of both guests and staff) and comply with all provisions of the Parking Management Plan.
26. Events with 151 or more occupants shall require the use of a valet service and comply with all provisions of the Parking Management Plan.
27. The use of the Diamond Environmental Services site (APN 220-220-58) shall be limited to parking only during events. Similarly, use of the Liberty Storage Facility (APNs: 220-240-72 and 220-240-74) shall be for access/onsite circulation during events utilizing the Diamond Environmental Services Parking facilities only. Parking within the Liberty Storage Facility is prohibited.
28. An unsubordinated reciprocal access and parking agreement for the project site, the Diamond Environmental Services (APN: 220-220-58-00) property, and the Liberty Storage (APNs: 220-240-72-00 & 220-240-74-00) property shall continue to be maintained between the properties. In the event the ownership of said properties changes, the reciprocal access and parking agreement shall be transferred, in a format acceptable to the City Attorney, to the new property owner(s) and shall be recorded with the County of San Diego County Recorder. A copy of the recorded agreement shall be submitted to the Planning Division.
29. In the event that offsite parking is unavailable (e.g. an event is scheduled during

regular business hours of Diamond Environmental Services, a property providing access or parking is sold and the new owner no longer supports shared access/parking agreements, etc.) events of more than 150 occupants shall be prohibited.

30. Operation of this facility under CUP 17-0004 will be limited to no more than four-hundred (400) occupants (inclusive of both guests and staff) and shall comply with all provisions of the Parking Management Plan.
31. All on-site circulation shall be maintained with traffic arrows that clearly mark the pavement for self-parking for events along with appropriate directional signs to ensure safe circulation. All circulation (one-way and two-way) shall be sufficiently maintained to accommodate turning radius for emergency vehicles as determined by the City Engineer. No parking shall be allowed in driveways and/or drive aisles required for onsite circulation or ingress/egress from the site.
32. A separate permit will be required for any new signage, including temporary signs. Signage must comply with the City of San Marcos Sign Ordinance. Portable signs (i.e.: A-frame, T-frame, etc.) are prohibited on or off site.
33. Use of the site must be conducted so as not to become obnoxious by reason of noise, odor, refuse, parking impacts, or maintenance of grounds and in such a manner as will not detrimentally affect adjoining properties and uses.
34. The building address and suite number must be clearly labeled at front and rear doors for day and night-time emergency responses. In addition, adequate lighting must be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc.).
35. The facility must comply with all applicable provisions of San Marcos Municipal Code (SMMC) Chapter 14.15 (Storm Water Management and Discharge Control) and other regional permits/standards for the protection of storm water quality.
36. Non-storm water discharge into the City's storm drain conveyance system is considered an illicit discharge and is prohibited during construction, operation, or maintenance, in accordance with SMMC 14.15.
37. The applicant is responsible for compliance with all relevant portions of the City of San Marcos Municipal Code.
38. The applicant is required to maintain a City of San Marcos Business License for the duration of the business.

E. Any modifications, alterations, expansions or other changes must require the modification to this Conditional Use Permit and may necessitate the issuance of Building

Permits and reissuance of a Certificate of Occupancy ("C of O") from the Building Division.

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

1. The applicant must obtain written approval from the Planning Division that the modifications proposed under any Building Permit will be in substantial conformance with the Conditional Use Permit (Resolution PC 17-4637).
2. Remodeled structures and/or tenant improvements must be designed to conform to the latest design standards adopted by the State of California in the California Building Code, Part 2, Title 24, California Code of Regulations.
3. Plans submitted for the issuance of a Building Permit must also comply with the latest adopted standards of the National Fire Protection Association, and/or the City of San Marcos Fire Code Ordinance.
4. Building plans and instruments of service submitted with a Building Permit application must be signed and sealed by a California licensed design professional as required by the State of California Business and Professions Code.
5. The City of San Marcos is located in Seismic Design Category "D." Buildings and structures must be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
6. The proposed development shall comply with the latest adopted California Green Building Code Standards. The City has adopted the mandatory standards and does not enforce the voluntary standards. All new projects are subject to a 20% reduction in water use.
7. All improvements shall comply with the latest adopted California Fire Code and San Marcos Fire Code Ordinance.
8. The proposed development must comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled.
9. The storage, use or handling of hazardous, toxic or flammable materials must be clearly indicated on all floor plans submitted for a building permit. Materials must be identified in accordance with Health and Safety Code Section 25101.
10. Tenants are required to obtain written permission from the building owner, or owner's agent, prior to obtaining a building permit from the city. Per San Marcos

Municipal Code Chapter 17.08.030 Section 105.10, the tenant must obtain written permission from the building or property owner that the applicant is authorized to proceed with the proposed construction.

11. Any new development is subject to approval by the Vallecitos Water District and all applicable fees and charges shall be paid to the District prior to permit issuance.
12. Any new development is subject to the payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
13. Any new development is subject to the payment of development fees and in-lieu fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City. In addition, special taxes levied through the Community Facility Districts shall be adjusted to reflect the new use of the facilities as allowed by Conditional Use Permit 17-0004.

G. During construction phase, the following conditions shall be complied with:

1. Dust and dust producing materials must be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8, Section 5155. Water and dust palliative must be used to prevent excessive dust during blasting, construction and grading operations. Projects are required to comply with the Air Pollution Control District's standards for mitigating fugitive dust during all phases of construction.
2. All construction operations authorized by building permits, including the delivery, setup and use of equipment must be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work must be conducted on Sundays or Holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
3. During construction the owner/developer/contractor must implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation and citations with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.

H. Prior to any final inspection or issuance of a Certificate of Occupancy ("C of O"), the

proposed development must satisfy the conditions of approval prior to the occupancy. The owner/developer/contractor must obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department.

- I. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, and equipment needed, and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.
- J. The Planning Division may, but is not obligated to, inspect the premises annually to ensure compliance with all conditions of the use permit approval. If the Planning Division determines that compliance is not being achieved after a cure period, then a public hearing must be scheduled for possible use permit modification and/or revocation, in accordance with Chapter 20.520 SMMC.
- K. Any future expansion to the special event facility shall require a modification this Conditional Use Permit. The Conditional Use Permit application must be submitted for review and approval by the Development Services Department prior to the issuance of any building permits.
- L. This Conditional Use Permit shall expire on December 4, 2027. Any request for permit extension shall be applied for by the permittee no later than 120 days prior to the expiration date.
- M. This Conditional Use Permit shall become null and void if not acted upon within twelve (12) months of the adoption of this resolution, or the approved use ceases to operate at the subject property for a period more than twelve (12) months.
- N. To the extent permitted by law, the Developer shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the Developer or its contractors, subcontractors, agents, employees or other persons acting on Developer's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Developer further agrees that such indemnification and hold harmless shall include all defense-related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State

of California, at a regular meeting thereof, this 4th day of December, 2017, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Eric Flodine, Chairman
City of San Marcos Planning Commission

ATTEST:

Lisa Kiss, Office Specialist III
City of San Marcos Planning Commission