

STAFF REPORT

PLANNING COMMISSION MEETING

MEETING DATE:	May 7, 2018
SUBJECT:	John Morally. Modification and renewal of a previously approved Conditional Use Permit and Environmental Exemption
CASE NUMBER:	CUP17-0009/EX18-011
APN:	219-083-10-09

Recommendation

Adopt a Categorical Exemption pursuant to the California Environmentally Quality Act (CEQA), Section 15301 Class 1 (Existing Facilities), and approve a modification and renewal of a previously approved Conditional Use Permit to increase the number of used vehicles allowed to be displayed from two (2) vehicles to four (4) vehicles in a specialty vehicle showroom and allow walk-in customers for pawn service within an existing industrial building located at 250 S. Pacific Street, Suite 108.

Introduction

The 1.13-acre project site is currently developed with a 22,207 square foot, 2-story multi-tenant building with ten (10) condominium units for office and warehouse space, fifty-four (54) parking spaces, and landscaping in the Industrial (I) Zone.

In 2005, Conditional Use Permit (CUP) 04-651 was approved by the Planning Commission to allow for the operation of a 2,313 square foot specialty used car sales and showroom, a 3,892 square foot jewelry (precious metal) exchange, a 948 square foot wine tasting/wine cellar store, and 7,713 square feet of warehouse space within various suites of the multi-tenant building.

In 2006, the applicant requested approval for the ability to offer loans as a pawn service on secondhand merchandise as part of the previously approved specialty car sales showroom, and was found to be in substantial conformance by the Development Services Department with the originally approved Conditional Use Permit. During the term of Conditional Use Permit (CUP) 04-651, the wine tasting/cellar facility never commenced operations and the jewelry (precious metal) exchange was sold to another business which now operates under a separate Director's Permit.

In 2012, the zoning and land use designation of the property was changed from Commercial (C) to Industrial (I) under the City-wide General Plan and Zoning update. As a result, the warehouse use of the property is now allowed by right and no longer needs to be covered under Conditional Use Permit (CUP)

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04-651. Therefore, when Conditional Use Permit (CUP) 04-651 was renewed in 2013, it was approved to allow the continued operation of the vehicle showroom and pawn service in Suite 108 only. The proposed modification and renewal (CUP17-0009) would replace CUP 04-651.

Suite 108 is a 2,876 square foot condominium space which consists of a 563 square-foot office/lobby, a 563 square-foot mezzanine, and a 1,750 square foot warehouse. The vehicle sales and pawn services occur on the first floor, and a real estate office is located on the mezzanine level. It should be noted that the primary function of the tenant space is to serve the applicant's real estate and development company, and that the retail sales of used vehicles and pawn services are secondary to the primary operation.

Other uses within the multi-tenant building include a jewelry (precious metal) exchange, gemology businesses, insurance offices, real estate office, and dental office. Surrounding land uses consist of automotive repair service to the north, manufacturing to the south, offices and automotive repair service to the east, and offices to the west.

Discussion

The subject site is currently designated Industrial (I) per the General Plan Land Use Element and City Zoning Map. The site was previously designated Commercial (C) when Conditional Use Permit (CUP 04-651) was originally approved by the Planning Commission in 2005. At that time, the applicant's real estate and development business was permitted by right in the Commercial (C) Zone. Under the current Industrial (I) Zone provisions, a Director's Permit would be required for the office use. Since the office use was allowed under the previous zone, it is considered a legal non-conforming use and may continue to operate at the subject property without a Director's Permit.

Under the previous Commercial (C) Zone provisions in 2005, used vehicle sales required issuance of a Major Conditional Use Permit. Pawn services were not specifically identified in the previous Zoning Ordinance; however, the City historically had required the processing of a Major Conditional Use Permit. After the City-wide General Plan update in 2012, pawn services are now called-out in the Industrial (I) Zone (SMMC Ch. 20.230) as requiring a Conditional Use Permit, but the retail sale of used vehicles is no longer identified as a permitted or conditionally-permitted use in the Industrial (I) Zone. Given that used vehicle sales have occurred at the subject property since 2005 when permitted under the previous zone, the Planning Commission in 2013 approved a renewal (CUP 04-651 (11R)) to allow for the vehicle showroom to continue to operate in the current Industrial (I) Zone along with the pawn service.

In 2017, the applicant submitted the subject application (CUP17-0009) which requests two (2) modifications to current operational standards stipulated in CUP 04-651 (11R)(Resolution No. PC 13-4334), and extend the

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term of the Conditional Use Permit for an additional ten (10) years. Similar to previous approvals, the proposed Conditional Use Permit (CUP17-0009) modification and renewal requires approval by the Planning Commission.

Currently under CUP 04-651 (11R), the used vehicle showroom is limited to the display of two (2) vehicles in the warehouse area of Suite 108. The applicant has requested the allowance of up to four (4) vehicles to be displayed in the warehouse. The existing 1,750 square-foot warehouse area would provide adequate space to accommodate two (2) additional vehicles as shown on the floor plan (Attachment D). The applicant is not proposing an expansion of the warehouse area.

The vehicle sales showroom is not a typical retail car lot in that all vehicle transactions are conducted by appointment only, there is no sign at the front of the tenant space advertising vehicle sales, vehicles for sale are kept and stored inside the building, and sales are limited to vehicle transactions of \$90,000 and up. Specifically, vehicle transactions occur as follows: 1) A "high end" vehicle is purchased by the applicant; 2) Said vehicle is taken to an off-site location where it is inspected, tuned up, washed, and detailed; and 3) The vehicle is taken to the project site where it is stored, displayed, and viewed on an appointment only basis by potential buyers in the warehouse portion of Suite 108. The applicant is not proposing changes to these procedures.

Conditions of approval for the vehicle showroom will be the same operational standards as set forth in the previous CUP renewal in 2013. These conditions of approval include restrictions regarding types of vehicles to be sold; prohibiting on-site vehicle repair/service; prohibiting on-site auctions; and limiting customer sales to appointment only. In addition, Fire Department requirements regarding the amount of fuel stored in the vehicles have been added to the conditions of approval as stipulated in Resolution No. PC 18-4704.

Also currently under CUP 04-651 (11R), pawn loans and sales of pawned merchandise are limited to customers by appointment only, or sales conducted online or off-site. A secondhand store for pawned items is not currently permitted on site. The applicant has requested the allowance for a showroom to display pawned merchandise for walk-in customer sales. As stipulated in Resolution No. PC 18-4704 for the proposed modification, the merchandise showroom would be limited to the existing 325 square-foot lobby area of Suite 108 as shown on the floor plan (Attachment D), and hours of operation from 8 a.m. to 5 p.m.

Pawn transactions currently occur as follows: 1) A customer presents the applicant with an item to be pawned (i.e. art work, souvenir, jewelry, etc.); 2) The applicant verifies the authenticity of the item and then offers the customer a loan for up to 75% of the value of the item presented; 3) If the customer accepts the offer, the applicant executes the loan and holds the item as collateral during the loan period and will then return it to the customer upon full repayment of the loan; and 4) If the customer defaults on the loan, then

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the applicant would sell the item online through internet sales or off site. The applicant does not propose to change these procedures except for allowing a showroom area for walk-in customer sales. As with the vehicle showroom, conditions of approval for the pawn service will be the same operational standards as set forth in the previous CUP renewal in 2013. These conditions of approval include restrictions regarding compliance with City and law enforcement requirements for the purchase and sale of secondhand merchandise.

Parking

The existing uses in the multi-tenant building share fifty-four (54) parking spaces on site. Using a parking ratio of one (1) parking space for every 1,000 square feet of gross floor area for the vehicle showroom, one (1) parking space for every 350 square feet of vehicle sales office, and one (1) parking space for every 250 square feet of real estate office and merchandise showroom for pawn services, the facility requires six (6) parking spaces. An adequate amount of parking is available at the project site to accommodate the continuing operation of the facility and other office and warehouse uses on site in accordance with the Parking Ordinance (SMMC Ch. 20.340).

Public Comment

Over the term of the Conditional Use Permit, no complaints have been received regarding the use, nor any violations been observed by staff. No written comments from the public were received regarding the proposed CUP modification. However, staff did speak (via phone) with a neighboring business owner who expressed concerns regarding security issues related to the adjacent precious metal exchange. She felt that by allowing walk-in customers for pawn service at the applicant's business, this would increase her concerns regarding security at the multi-tenant building. In response, the pawn service already has the following security measures which will continue to be in place: 1) An electric front door that locks and unlocks with a button; 2) Indoor/outdoor 9-security camera system; 3) Alarm system with cell back up, motion detection, and glass break detection on all doors and windows; 4) Alarmed safes; and 5) Armed robbery silent response buttons within the suite. In addition, staff has contacted the Sheriff's Department who indicates there have been no service calls to the subject pawn service/vehicle showroom or the adjacent precious metal exchange over the past year, except for a false alarm call. As conditioned in Resolution No. PC 18-4704, the applicant is required to comply with all City and Sheriff's Department requirements regarding the purchase and sale of secondhand merchandise, and is required to report any suspicious activity, person or suspected stolen property immediately to the Sheriff's Department.

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Environmental Review

In accordance with the California Environmental Quality Act (CEQA), the proposed CUP modification is deemed Categorically Exempt (EX 18-011) pursuant to Section 15301 Class 1, in that this is an existing facility with no expansion.

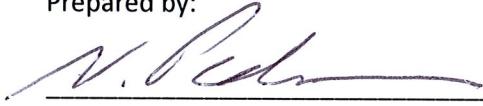
Attachment(s)

Adopting Resolution:

Resolution No. PC 18-4704

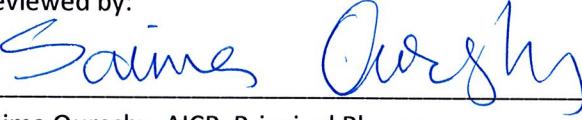
- A. Vicinity Map
- B. Requested Entitlement
- C. Site & Project Characteristics
- D. Site Plan & Floor Plan

Prepared by:



Norm Pedersen, Associate Planner

Reviewed by:



Saima Qureshy, AICP, Principal Planner

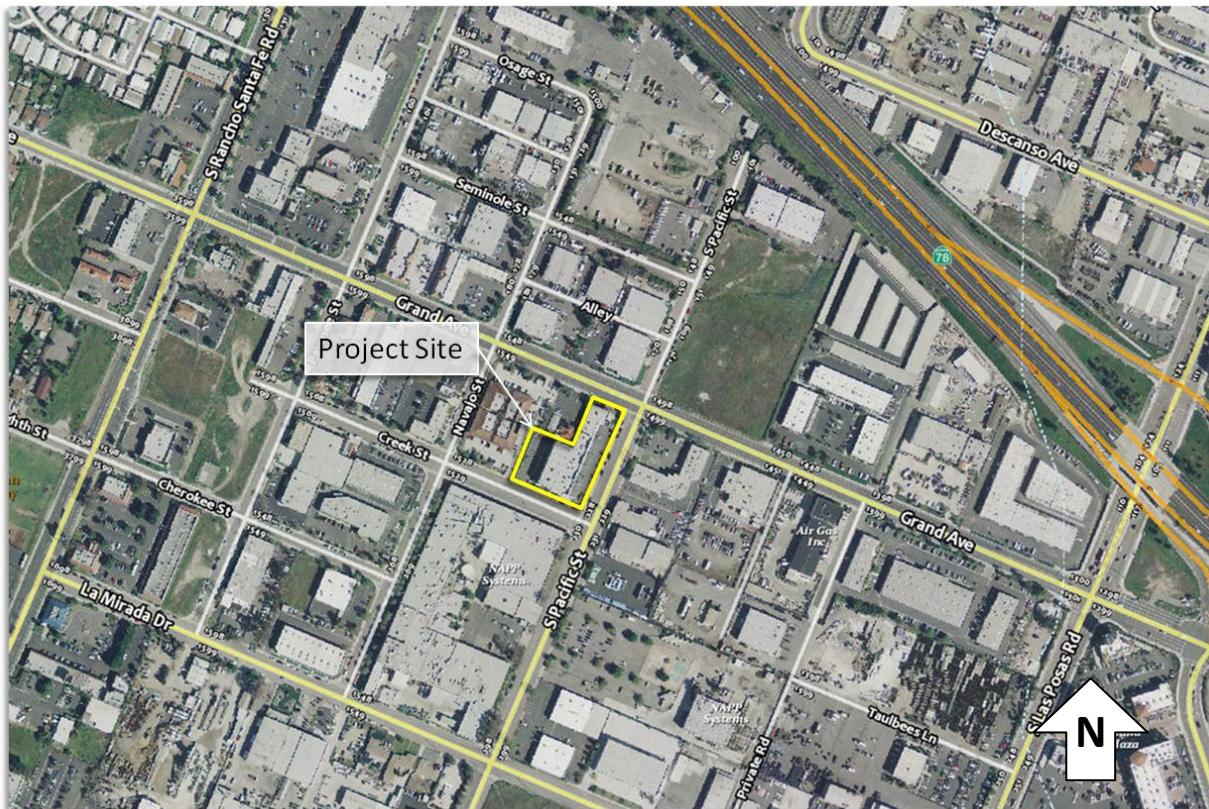
Submitted/Approved by:



Karen Brindley, Planning Division Manager

ATTACHMENT A

Vicinity Map



Project No.: CUP17-0009

Location: 250 S. Pacific Street, Suite 108

APN: 219-083-10-09

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

ATTACHMENT B
Requested Entitlements

- Modification of a Conditional Use Permit to allow up to four (4) vehicles displayed in a specialty vehicle sales showroom and allow walk-in customers for pawn service within an existing industrial building in the Industrial (I) Zone in the Business/Industrial District.

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ATTACHMENT C
Site & Project Characteristics

<u>Property</u>	Existing <u>Land use</u>	<u>Zoning</u>	General Plan <u>Designation</u>
Subject	Industrial	I	Industrial
North	Industrial	I	Industrial
South	Industrial	I	Industrial
East	Industrial	I	Industrial
West	Industrial	I	Industrial

Flood Hazard Zone	<u> </u> yes <u> </u> no
Resource Conserv. Area	<u> </u> yes <u> </u> no
Sewers	<u>x</u> yes <u> </u> no
Septic	<u> </u> yes <u> </u> no
Water	<u>x</u> yes <u> </u> no
Gen. Plan Conformance	<u>x</u> yes <u> </u> no
Land Use Compatibility	<u>x*</u> yes <u> </u> no

* with approval of CUP

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RESOLUTION PC 18-4704

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A MODIFICATION OF A CONDITIONAL USE PERMIT TO ALLOW UP TO FOUR (4) DISPLAYED VEHICLES IN A SPECIALTY VEHICLE SALES SHOWROOM AND ALLOW WALK-IN CUSTOMERS FOR PAWN SERVICE WITHIN AN EXISTING INDUSTRIAL BUILDING IN THE INDUSTRIAL (I) ZONE IN THE BUSINESS/INDUSTRIAL DISTRICT

CUP17-0009
John Morally

WHEREAS, on December 7, 2017, an application was received from John Morally, project applicant, requesting the modification of a Conditional Use Permit to allow up to four (4) displayed vehicles in a specialty vehicle sales showroom and allow walk-in customers for pawn service within an existing industrial building located at 250 S. Pacific Street, Suite 108, in the (I) Industrial Zone, within the Business/Industrial District, more particularly described as:

Unit 108 of Condominium Plan for Pacific Street Retail, Office, and Warehouse Condominiums recorded February 7, 2007 as Instrument No. 2007-0087485 of Official Records within Parcel 1 of Parcel Map 20164 in the City of San Marcos, County, of San Diego, State of California, as filed in the Office of the County Recorder of San Diego on December 8, 2006.

Assessor's Parcel Number: 219-083-10-09

WHEREAS, on January 3, 2005, the Planning Commission originally approved the Major Conditional Use Permit (CUP 04-651) for the project site to allow for a specialty vehicle sales showroom, wine tasting room/wine cellar store, jewelry exchange, and warehousing in various suites of a multi-tenant building in the Commercial (C) Zone; 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 Industrial (I); and

WHEREAS, on October 10, 2006, the Development Services Department determined the allowance of pawn service on site to be in substantial conformance with Conditional Use Permit (CUP 04-651); and

WHEREAS, subsequently the project was reduced in size and types of uses, and on February 4, 2013, the Planning Commission approved the renewal of Conditional Use Permit (CUP 04-651) (11R) (Resolution No. PC 13-4334) to allow for the continued operation of a specialty vehicle sales showroom and pawn service in Suite 108 only, and expired on February 4, 2018; and

WHEREAS, the subject property has already been annexed into the City's Community Facilities Districts (CFD 91-02) Police and Fire and CFD 98-02 Lighting, Landscape, Open Space, and Preserve Maintenance; and

WHEREAS, the project has been in operation prior to the formation of Congestion Management CFD 2011-01 and Conditional Use Permit (CUP17-0009) proposes no expansion of Suite 108 that would require its annexation at this time; and

WHEREAS, the Development Services Department did study said request and recommended conditional approval of the requested use; and

WHEREAS, the City of San Marcos did find the project Categorically Exempt (EX 18-011) 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 May 7, 2018 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 would not result in detrimental impacts to adjacent properties or the character and function of the neighborhood, in that all business activities, including the proposed operational modifications, would continue to take place inside the building, adequate parking is provided onsite to accommodate the use, and the facility complies with all relevant provisions of the San Marcos Municipal Code as well as the California Building Code.
2. The design, development, and conditions associated with the Conditional Use Permit are consistent with the goals, policies, and intent of the General Plan and the purpose and the intent of the Industrial (I) zone in that the operation of vehicle sales showroom and pawn service helps to promote a balanced distribution and compatible mix of land uses to meet the future and present needs of all residents and the business community (Goal LU-1) and helps to maintain a supportive business climate and a healthy, sustainable economy (Goal LU-6).
3. The land use allowed in conjunction with the Conditional Use Permit is compatible with the existing and future land uses of the Industrial (I) zone and the general area in which the proposed use is to be located.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. This Conditional Use Permit is Categorically Exempt (EX18-011) 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 plan and floor plans, dated December 7, 2017 (2,350 square-foot suite), except as modified herein, and subject to compliance with the conditions of approval of this Resolution PC 18-4704.

D. Reliance on this Conditional Use Permit shall comply with the following conditions:

1. The primary use of Suite 108 shall be a real estate office. The specialty vehicle sales showroom and pawn service shall be secondary to the facility's primary use.
2. All operations of the facility shall occur within the building. Outdoor display, activities, transactions, and/or storage is prohibited on site.
3. All sales for sales tax purposes shall be reported from this location.
4. All required Federal, State and City licenses and/or certifications shall be maintained by the applicant/operator during the operation of the business.
5. The project shall comply with all applicable provisions of San Marcos Municipal Code (SMMC) Chapter 14.15 (Storm Water Management and Discharge Control) and other regional standards for the protection of storm water quality.
6. 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.
7. Trash dumpsters shall be kept within the existing enclosure(s) on site, and the gates closed to screen the dumpsters from view. When not in use, dumpster lids shall remain closed in order to prevent rainfall from entering the dumpsters in compliance with the City's Storm Water Management requirements.
8. 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.).
9. A separate permit will be required for any new signage, including temporary signs. Signage must comply with the approved Comprehensive Sign Program. Portable signs (i.e.: A-frame, T-frame, etc.) are prohibited on or off site.
10. The specialty vehicle sales showroom shall be subject to the following operational standards:
 - a. All vehicles displayed in the vehicle showroom shall be for sale. Personal storage of vehicles is prohibited in the showroom and parking lot.
 - b. The specialty vehicle sales showroom shall operate by appointment only. No more than one (1) appointment shall be scheduled at any given time.

- c. A maximum of four (4) vehicles shall be displayed within the vehicle sales showroom. Outdoor display of vehicles for sale is prohibited.
- d. Vehicle repair work, body repair, washing, and/or detailing of vehicles is prohibited on site. All vehicle services shall take place at off-site locations.
- e. Vehicle fuel tanks shall not be filled more than one-quarter or five (5) gallons of fuel whichever is less. Fueling of the vehicles within the building is prohibited. Batteries of displayed vehicles shall be disconnected.
- f. Vehicles offered for retail sale on site are limited to passenger vehicles as defined by the Federal Highway Administration, inclusive of pick-up trucks, vans, and motorcycles only. The sale of any other vehicles (e.g. motor homes/trailers, off-highway vehicles, commercial vehicles, boats, etc.) is prohibited on site.
- g. Sales shall be limited to high-end vehicles in good operating condition. The sale of damaged or otherwise inoperable vehicles is prohibited on site.
- h. Auctioning of vehicles is prohibited on site.
- i. This Conditional Use Permit is approved for the operation of one (1) vehicle retail business only. Sublease of any portion of Suite 108 is prohibited.

11. The pawn service shall be subject to the following operational standards:

- a. Pawn services shall be limited to the acceptance of secondhand items for loan only. Items accepted for loan may be stored in the warehouse portion of the tenant space. If a client defaults on a loan, the item pawned shall either be sold offsite, online through internet sales, or may be sold on site to walk-in customers in the lobby area of the suite. The showroom for display of pawned merchandise and walk-in customer sales shall be limited to the 325 square-foot lobby area as shown on the approved floor plan.
- b. Hours of operations for on-site customers for pawn services shall be 8 a.m. to 5 p.m., unless modified by the Planning Division Manager.
- c. Window areas shall not be covered or made opaque in any way, except during daylight hours when blinds or other equivalent window coverings may be used. During non-daylight hours, the interior of the business shall be fully open and completely visible from the exterior of the business.
- d. To ensure maximum visibility inside the facility for public safety purposes, all window signage shall be kept minimal and comply with the Comprehensive Sign Program for the center.

- e. Procedures for the acquisition of secondhand items and their subsequent sale shall conform to the applicable provisions of Chapter 5.28 (Secondhand Dealers) of the San Marcos Municipal Code (S.M.M.C.).
- f. Prior to the acceptance of any secondhand items for loan, the applicant/operator shall require the borrower to present adequate evidence of authority to sell as set forth in S.M.M.C Chapter 5.28.040. Under no circumstance shall the applicant/operator accept secondhand items for loan without adequate evidence of the borrower's authority to sell.
- g. At the end of each business day, the applicant/operator shall submit records of acquisitions (i.e. "buy sheets") to the Sheriff's Department. All acquisition records shall fully document secondhand items accepted for loan and shall accurately identify the borrower.
- h. All secondhand items accepted for loan shall remain onsite for a retention period of no less than thirty (30) days and be made available to the public for viewing purposes (a photographic record of all secondhand items in possession of the applicant/operator is acceptable, however it shall be kept "up-to-date" and made available to any member of the public on demand). The thirty (30) day retention period shall commence on the next business day following the submittal of the record of acquisition (i.e. "buy sheet") to the Sheriff's Department.
- i. The applicant/operator or agent/employee shall report any suspicious activity, person or suspected stolen property immediately to the San Diego County Sheriff's Department.
- j. The applicant/operator or any agent/employee shall fully cooperate with Sheriff's Department personnel and/or City Inspectors; this includes, but is not limited to, making any secondhand item under loan available for viewing and/or seizure, sharing of videographic evidence of a crime, and/or inspection of the complete premises.

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 18-4704).
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. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

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. 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.

J. Any future expansion to the facility shall require a modification to this Conditional Use Permit. The Conditional Use Permit application must be submitted for review and approval by the Development Services Department prior to the issuance of any building permits.

K. This Conditional Use Permit shall expire on May 7, 2028. Any request for permit extension shall be applied for by the permittee no later than 120 days prior to the expiration date.

L. 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.

M. 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.

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 7th day of May 2018, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Kevin Norris, Chairman
City of San Marcos Planning Commission

ATTEST:

Sandra Gallegos, Senior Office Specialist
City of San Marcos Planning Commission

GRAND AVENUE

98.87'

UNIT 100

UNIT 101

UNIT 102

UNIT 103

UNIT 104

125.07'

LOADING

UNIT 105

UNIT 106

UNIT 107

CUP

UNIT 108

DRIVE

DRIVE

DRIVING DISABLED ACCESSIBLE PATH OF TRAVEL
EXISTING DISABLED ACCESSIBLE PARKING STALL

PACIFIC AVENUE

CREEK STREET

SITE PLAN

1 - 20



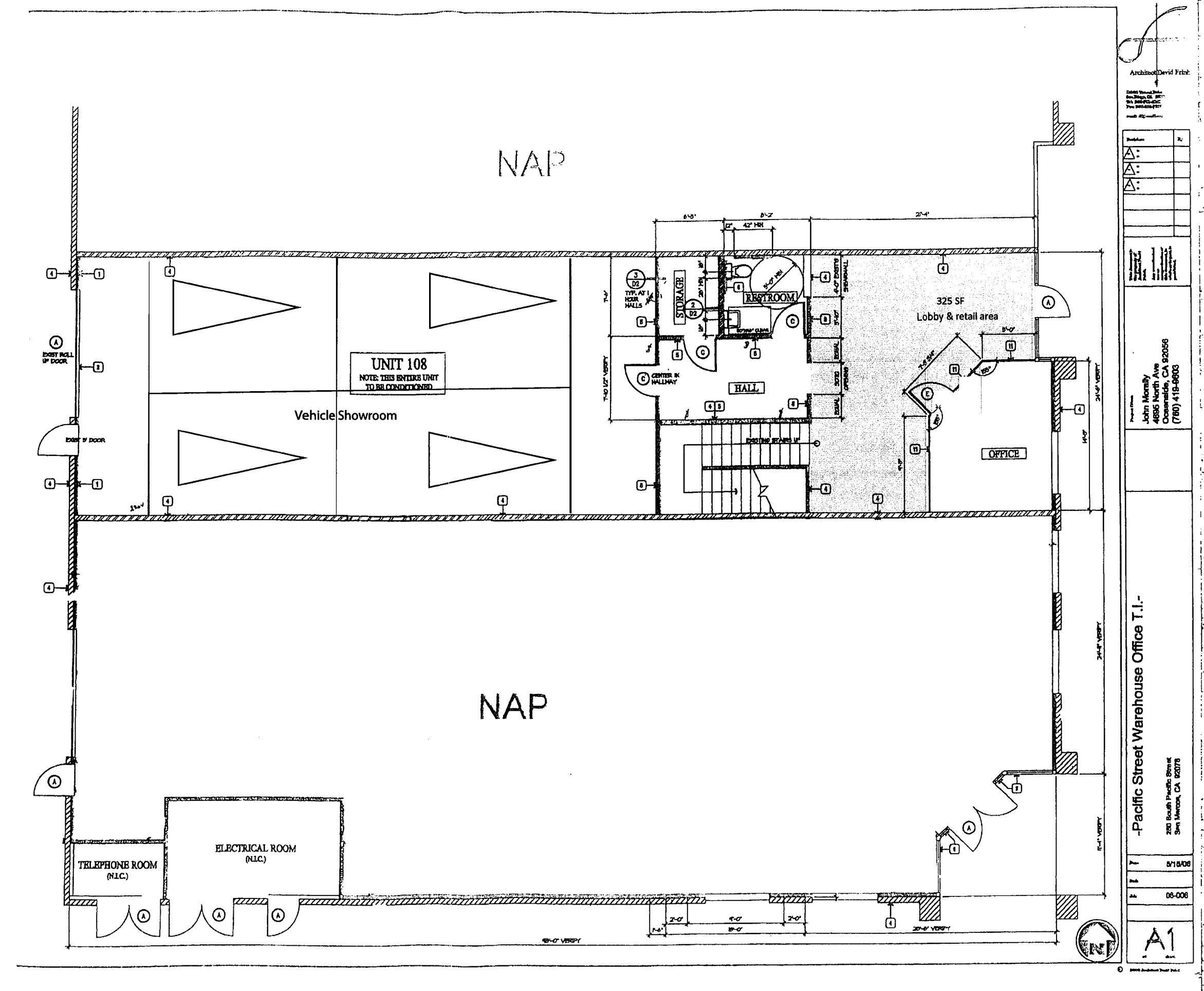
SD1

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OPEN TO BELOW

VERPY EDGHTH HOUR FIRE RATED -
OCCUPANCY SEPARATION WALL IN
540° TYPE-X GYPSUM BOARD EACH
SIZE OF 8 FT. X 10 FT.

→ KSH 1 HOUR CIELENS BELOW, SIMILAR
TO BIA FILE NO. PG 4490, B47
FLYHOOD ON 6" STEEL JOISTS 6' 10"
OC W/ 2 LAYERS B47 TYPE X BTP ED

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