



Staff Use Only  
ZA No. \_\_\_\_\_  
Planners Acceptance \_\_\_\_\_  
Date \_\_\_\_\_

## Zoning Approval Permit

Certain businesses may be eligible for a streamlined Zoning Approval (ZA) Permit process if they meet certain conditions. The Applicant/Business has to provide this complete application so Staff can determine if the ZA permit is applicable and evaluate the request.

**Note that in addition to Planning Division's approval you may need approval from Building and Fire Divisions and may be subject to additional regulations (See page 9 for details)**

**Personal Services, Limited Instructional** (SMMC Section 20.400.155)

A small-scale facility intended to provide individual or small group instruction. Limited Instructional facilities shall be limited to an activity floor area of 5,000 square feet and a maximum occupancy of 25 attendees and 4 instructors/employees scheduled to be located at the facility at the same time. This land use may include a small day/health spa provided the gross floor area and occupancy do not exceed those indicated above.

**Small Places of Assembly** (SMMC Section 20.400.160)

Gathering place for small public, private, commercial or nonprofit or religious worship gatherings; including meetings, lectures, worship, and similar uses with permanent or moveable seating in an existing non-residential building. A Small Place of Assembly shall be limited to 25 attendees within a maximum 1,200 square-feet of assembly floor area. A maximum of 2 instructors/employees scheduled to be located at the facility at the same time shall be allowed in addition to the attendees.

### STATEMENT OF OPERATIONS

Site Address: \_\_\_\_\_

Assessor's Parcel Numbers(s): \_\_\_\_\_

Zoning: \_\_\_\_\_ General Plan Category: \_\_\_\_\_

**Description of Operations:** Provide details about the proposed operations of the business or place of assembly (use additional pages if necessary):

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Est. Number of Employees/Instructors \_\_\_\_\_ Est. Number of Attendees/Students: \_\_\_\_\_

**Property Description and Location:** Provide a description of the proposed business or place of assembly location. Describe if the proposed business or place of assembly will be located within an existing structure or will it construct a new facility (use additional pages if necessary):

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**Previous Use:** Provide a description of the previous use of the suite or building where the proposed business or place of assembly is to be located (i.e. warehouse, retail, office, etc.):

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Total area (in square feet) of all buildings on the property: \_\_\_\_\_

Size of the property (in acres): \_\_\_\_\_

Number of total parking spaces located on-site: \_\_\_\_\_

If there is a joint use or shared parking agreement, provide details and the number of parking spaces available for the proposed business or place of assembly (use additional pages if necessary):

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#### PROJECT REVIEW CRITERIA



**Site Plan.** One Electronic file (PDF) is required that must indicate the entire site/parcel, building location, number of suite or space to be used by the Business, and location & number of all parking spaces on-site and identification of parking spaces allocated to the business.



**Floor Plan.** One Electronic file (PDF) is required that must indicate gross/net square footage of the suite or space, number of floor levels, room type(s) and interior configuration, stairwells (if applicable), doors for primary and emergency access points, Information on compliance with ADA requirement and the area dedicated for Assembly space (For Small Places of Assembly use) or activity area (For Limited Instructional Use).

Please complete either section A or B below, by selecting either yes or no and providing any additional information requested.

**A. Personal Services- Fitness/Health, Instructional, and Limited Instructional**

Yes No Will the proposed business to be within an existing non-residential building?

Yes No Are the scheduled business operations limited to a maximum of 25 attendees, including up to 4 instructors/employees at the same time?

Yes No Will the business be conducted in a tenant space of 5,000 square feet or less?

Yes No If located adjacent to residentially zoned property - will the instructional hours will be limited to between 6:00 am to 10:00 pm on weekdays and on weekends between the hours of 6:00 am to 11:00 pm.?

If different, please note the hours of operations: \_\_\_\_\_

Yes No Based on the calculation below, are the total number of required parking spaces (line (C) below) available to the business at the time of the proposed operations?

Size (in square feet) of the lease area: \_\_\_\_\_ ÷ 250 = \_\_\_\_\_ (A)

Number of Employees/Instructors on-site at one time = \_\_\_\_\_ (B)

Total number of required parking spaces (add lines (A) and (B) above) = \_\_\_\_\_ (C)

**B. Small Places of Assembly**

Yes No Will the proposed small place of assembly be located within an existing non-residential building?

Yes No Are the scheduled assembly operations limited to a maximum of 25 attendees, including up to 2 employees on-site at the same time?

Yes No Is the propose assembly (sanctuary) floor area 1,200 square feet or less?

Yes No If located adjacent to Residentially zoned property, will the assembly hours be between 6:00 am to 10:00 pm on weekdays and/or 6:00 am to 11:00 pm on weekends?

If different, please note the hours of operations: \_\_\_\_\_

Yes No Based on the calculation below, are the total number of required parking spaces (line (C) below) available to the place of assembly at the time of the proposed operations?

Size (in square feet) of the lease area: \_\_\_\_\_ ÷ 150 = \_\_\_\_\_ (A)

Number of Employees on-site at one time = \_\_\_\_\_ (B)

Total number of required parking spaces (add lines (A) and (B) above) = \_\_\_\_\_ (C)

## PROJECT CONTACTS

**Applicant (Contact person):** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_  
(Number/PO Box) \_\_\_\_\_ Street \_\_\_\_\_ Suite (if applicable) \_\_\_\_\_

\_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code

Phone #: (\_\_\_\_\_) \_\_\_\_\_ Cell #: (\_\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

or Business Email: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_  
(Number/PO Box) \_\_\_\_\_ Street \_\_\_\_\_ Suite (if applicable) \_\_\_\_\_

\_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code

Phone #: (\_\_\_\_\_) \_\_\_\_\_ Cell #: (\_\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

or Business Email: \_\_\_\_\_

**Property Manager (if applicable):** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_  
(Number/PO Box) \_\_\_\_\_ Street \_\_\_\_\_ Suite (if applicable) \_\_\_\_\_

\_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code

Phone #: (\_\_\_\_\_) \_\_\_\_\_ Cell #: (\_\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

or Business Email: \_\_\_\_\_

## SIGNATURES

Signature of Applicant

**Sign Now**

Date

Please Print or Type Signature's Name

Signature of Property Owner\*

Date

Please Print or Type Signature's Name

\*Proof of ownership may be required. Letters of consent may be provided in lieu of signature.

## DISCLOSURE STATEMENT OF OWNERSHIP INTERESTS

**A.** List the names of all persons\* having a financial interest in the **application**:

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**B.** List the names of all persons\* having any legal or equitable ownership interest in the **property** involved:

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**C.** If any persons\* identified in A. above, is a corporation or partnership, list the names of all individuals owning more than 10% of the share in the corporation or owning any partnership interest in the partnership.

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**D.** If any persons\* identified in A. above, is a non-profit organization or a trust, list the names of any person serving as director of the non-profit organization, trustee or trustees, beneficiary or beneficiaries.

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\* "Person" means any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, city, county, district or other political subdivision, or any other group or combination acting as a unit.)

Attach additional pages as necessary.

## INDEMNIFICATION AGREEMENT FOR DEVELOPMENT APPLICATIONS

Applicant submitted an application to the City of San Marcos Planning Division on \_\_\_\_\_ for the following development approval(s):

(the "Project"). For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, in connection with the processing of Applicant's Project application(s) Applicant hereby expressly agrees to each and every one of the following terms and conditions:

1. Applicant agrees, as part of and in connection with each and any of the application(s), to defend, indemnify, and hold harmless the City of San Marcos ("City") and its officers, contractors, consultants, attorneys, employees and agents from any and all claim(s), action(s), or proceeding(s) (collectively referred to as "proceeding") brought against City or its officers, contractors, consultants, attorneys, employees, or agents to challenge, attack, set aside, void, or annul:
  - a. Any approvals issued in connection with any of the above described application(s) by City; and/or
  - b. Any action taken to provide related environmental clearance under the California Environmental Quality Act of 1970, as amended ("CEQA") by City's advisory agencies, boards or commissions; appeals boards or commissions; Planning Commission, or City Council.

Applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by City, if any, and costs of suit, claim or litigation, including without limitation attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding.

2. Applicant agrees to indemnify and hold City harmless from and against all of City's costs, fees, and damages incurred in enforcing the indemnification provisions of this Agreement.
3. Applicant agrees to defend, indemnify and hold harmless City, its officers, contractors, consultants, attorneys, employees and agents from and against all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by

said proceeding and if Applicant desires to pursue such City approvals and/or clearances, after initiation of the proceeding and that are conditioned on the approval of these documents.

4. In the event that Applicant is required to defend City in connection with such proceeding, City shall have and retain the right to approve:
  - a. The counsel to so defend City; and
  - b. All significant decisions concerning the manner in which the defense is conducted; and
  - c. Any and all settlements, which approval shall not be unreasonably withheld.

City shall also have and retain the right to refrain from participation in the defense, except that City agrees to reasonably cooperate with Applicant in the defense of the proceeding. If City chooses to have counsel of its own defend any proceeding where Applicant has already retained counsel to defend City in such matters, the fees and expenses of the additional counsel selected by City shall be paid by City. Notwithstanding the immediately preceding sentence, if City's Attorney's Office participates in the defense, all City Attorney fees and costs shall be paid by Applicant.
5. Applicant's defense and indemnification of City as set forth herein shall remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgments rendered in the proceeding, and all applicable statutes of limitation.

After review and consideration of all of the foregoing terms and conditions, Applicant, by its signature below, hereby agrees to be bound by and to fully and timely comply with all of the foregoing terms and conditions.

**APPLICANT:**

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print name)

Date: \_\_\_\_\_

Its: \_\_\_\_\_  
(Title, if any)

**COMMUNITY FACILITY DISTRICT (CFD) DISCLOSURE & ACKNOWLEDGEMENT**

All applications for development projects, including Zoning Approval permits, are reviewed to determine if the project will result in impacts to City facilities and/or services that require mitigation through payment of special taxes associated with Community Facility Districts (CFDs).

If it is determined that the Zoning Approval Permit will result in impacts to City facilities and/or services, then annexation into the respective CFD will be required and a special tax assessment will be added to the property tax bill. Alternatively, property owners may make a one-time upfront payment of the special taxes in lieu of annexation to CFDs (i.e. an "in-lieu fee").

A cost estimate for special tax assessments associated with the business/place of assembly will be provided to the property owner. The cost estimate will also include the in-lieu fee amount, if annexation to the CFDs is not desired.

CFD information is available online at <http://www.san-marcos.net/departments/finance/cfd-mello-roos-tax-information> or if you have additional questions about CFD special taxes, please contact the City's consulting CFD administrator at (760) 744-1050 ext. 4506 (Option 4).

**Applicant Acknowledgement:**

I, \_\_\_\_\_, acknowledge that upon submittal of this Zoning Approval permit application, the request will be reviewed by the City to determine if impacts to City facilities and/or services will result from the project. If impacts are determined to result from the project, payment of special tax assessments based on the proposed project may be necessary. Information about those special tax assessment amounts will be provided to the property owner. I further acknowledge that if the property owner declines to annex into the CFDs or pay an in-lieu fee, the operation of the business or place of assembly will be in violation of the SMMC and must cease.

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Applicant's Signature

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Date**Property Owner Acknowledgement:**

I, \_\_\_\_\_, acknowledge that the granting of this Zoning Approval permit may result in the assessment of special taxes associated with CFDs on my property. I further acknowledge that annexation to CFDs or payment of an in-lieu fee is required to operate the business or place of assembly allowed by this Zoning Approval permit. Lastly, I acknowledge that if I decline to annex into the CFDs or pay the in-lieu fee, the operation of the business or place of assembly will be in violation of SMMC and must cease.

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Property Owner's Signature

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Date

## BEFORE CONDUCTING BUSINESS OPERATIONS

In addition to approval of a ZA permit, you may be subject to any or all of the requirements listed below.

### Business License Application

Anyone conducting business in the City of San Marcos must have a business license. To get started, please see the online [Step-by-Step Guide to Starting a Business](#) on Finance's Business License webpage.

### Occupancy Requirements

If you are moving into a newly constructed space, or into a space in which the previous business was significantly different from your proposed use, you may need a review of occupancy. Depending on the number of patrons expected, additional amenities and safety functions may be required prior to occupying the space and the issuance of a Certificate of Occupancy by the Building Division. Please contact the Building Division for additional information at (760) 744-1050, ext. 3241.

### Tenant Improvements and Alterations

If you are completing tenant improvements such as altering your floor plan by adding or removing walls; making changes to the electrical, mechanical or plumbing systems; or changing the occupancy, a building permit will be required. For more information, visit [www.san-marcos.net/buildingpermit](http://www.san-marcos.net/buildingpermit) or call (760) 744-1050, ext. 3205.

### Applying for a Building Permit and Submitting Plans

Property owners, general contractors, or their authorized agents can submit for a building permit by visiting the City's website at [www.san-marcos.net/buildingpermit](http://www.san-marcos.net/buildingpermit). You can expect a turnaround of 1-3 business days for applications that do not require plan review and up to 15 business days for permit applications that require plan review.

### Inspections

Based on the information provided in the business license application, City staff may need to come to your business for compliance inspections. Depending on your business use, there may be fire inspections, building inspections, stormwater inspections. If there are violations, you will be provided a list of corrections to correct and resubmit and/or re-inspect.

### Business License Approval

Once City staff sign off on permits and inspections your business license will be approved. Once your business license is approved and license fees are paid, you can begin to conduct your business.

I, \_\_\_\_\_ acknowledge that I have read information on this page and understand that my project may need approvals from other City Departments and Divisions as well. I also acknowledge that to comply with the Building and Fire Code requirements, I may be required to upgrade the project site with improvements such as ADA path of travel, Accessible bathroom and fire sprinklers. I further acknowledge that I understand that approval of this ZA only grants me approval from the City's Planning Division and that it is my responsibility to seek and obtain approvals from other City Divisions before commencing my business.

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Property Owner/Applicant's signature

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Date

**FOR STAFF USE ONLY****Personal Services- Fitness/Health, Instructional, and Limited Instructional**

Yes  No The proposed "Limited Instructional" use will be conducted within an existing non-residential building.

Yes  No The scheduled business operations will be limited to a maximum of 25 attendees, including up to 4 instructor/employees at the same time.

Yes  No The activity to be conducted is within the maximum 5,000 square feet space.

Yes  No If located adjacent to Residentially zoned property - the instructional hours will be limited to between 6:00 am to 10:00 pm on weekdays and on weekends between the hours of 6:00 am to 11:00 pm.?

If different, please note the hours of operations: \_\_\_\_\_

Yes  No Adequate parking on-site is available to support the use.

The project will have \_\_\_\_\_ number of parking spaces on-site for the proposed business. The site has a total \_\_\_\_\_ spaces available.

Yes  No Adequate parking is available through a joint use or shared parking agreement.

Note: The agreement should be attached.

**Small Places of Assembly**

Yes  No The proposed "Small Places of Assembly" will be located within an existing non-residential building.

Yes  No The scheduled assembly operations will be limited to a maximum of 25 attendees, including up to 2 instructors/employee at the same time.

Yes  No The assembly floor area is less than or equal to 1,200 square feet.

Yes  No If located adjacent to Residentially zoned property - the assembly hours will be between 6:00 am to 10:00 pm on weekdays and may operate on weekends between the hours of 6:00 am to 11:00 pm.

If different, please note the hours of operations: \_\_\_\_\_

Yes  No Adequate on-site parking is available to support the use.

The project will have \_\_\_\_\_ number of parking spaces on-site for the proposed use. The site has a total \_\_\_\_\_ parking spaces available.

Yes  No Adequate parking is available through a joint use or shared parking agreement.

Note: The agreement should be attached.

**Is the project site/suite annexed into following Community Facilities Districts?**

Yes  No CFD 98-01: Improvement Area No. 1 (Police Only)

Yes  No CFD 98-02: Lighting, Landscaping, Open Space and Preserve Maintenance

Yes  No CFD 2001-01: Fire and Paramedic

Yes  No CFD 2011-01: Congestion Management

Yes  No The project is required to annex into the following CFDs \_\_\_\_\_

Yes  No The project is not required to annex into any CFDs.

Yes  No The project site is already annexed in the CFDs, however there will be adjustments to the rate because of the proposed use.

**The Zoning Approval Application is:**

Approved

Denied

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Staff member's name

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Date

**Denial Reviewed by:**

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Staff member's name

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Date

Reason(s) for denial:

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Recommended next step(s) for an applicant of a denied Zoning Approval request:

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