

# Report

## MEETING OF THE PLANNING COMMISSION

**MEETING DATE:** March 17, 2011

**SUBJECT:** Soka-Gakkai International-USA. Religious Assembly Hall  
CUP 10-840

### **Recommendation**

Conditionally approve a religious assembly hall in a portion of an existing commercial center through a Major Conditional Use Permit.

### **Introduction**

The applicant proposes the operation of a 5,420 square-foot religious assembly hall within the existing ~74,000 square-foot Red Rock Center on Montiel Road, east of Nordahl Road. The facility will include an auditorium, book store, and offices for the Buddhist organization, Soka Gakkai International (SGI-USA). No expansion of the existing building is proposed.

### **Discussion**

The subject site is currently zoned Commercial (C) and has a land use designation of "Commercial with Specific Plan". The Conditional Use Permit (CUP) is consistent with the Commercial Zone in that religious facilities are allowed within said zone upon issuance of a Major CUP. This assures compatibility of the proposal with the other uses within the commercial center which consist of retail, business school, office, and animal hospital.

The proposed religious assembly hall will be located within Suite 101 of Bldg C. Said suite is located to the east of the UEI College which is also located within the center. The applicant proposes tenant improvements within the suite interior. Religious activities will include group prayer, study sessions, and youth development activities. The CUP resolution sets forth conditions to regulate the operation of the facility, including the requirement of all activities to be conducted within the enclosed building and specify the hours of operation for assembly which will be weeknights 6 p.m. to 10 p.m. and weekends 8 a.m. to 6 p.m.

The Red Rock Center has 494 parking spaces on site. Per the Parking Ordinance, religious assemblies require a parking ratio of 1 parking space for each 200 square feet of building space as well as the UEI College. The professional college is the primary user of parking spaces on site, and operates Monday through Friday. The greatest demand for parking by the college is during weekday mornings. The assembly hall proposes to hold gatherings on weeknights and weekends only, and the resolution is conditioned as such. Based on several site visits by staff and parking data provided by the applicant, the college uses approximately 170 spaces on weeknights when the proposed assembly hall would also operate. In addition, there are approximately forty (40) spaces reserved on site for the retail uses within the center. As a result, more than 284 spaces are available on

weeknights when the assembly hall and college would operate at the same time. Based on a maximum number of attendees at 150, as conditioned, there is adequate parking available on site for the proposed use. The center consists of three (3) parcels, and there is a shared parking agreement between the properties.

Staff received no public comments regarding the proposal.

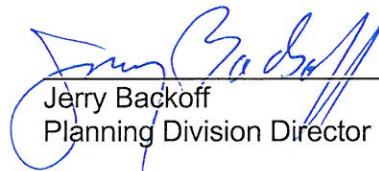
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**Attachment(s)**

Adopting Resolution

- A- Vicinity Map
- B- Aerial Photo
- C- Requested Entitlement
- D- Site & Project Characteristics

Submitted by:



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Jerry Backoff  
Planning Division Director



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Michael D. Edwards  
City Engineer

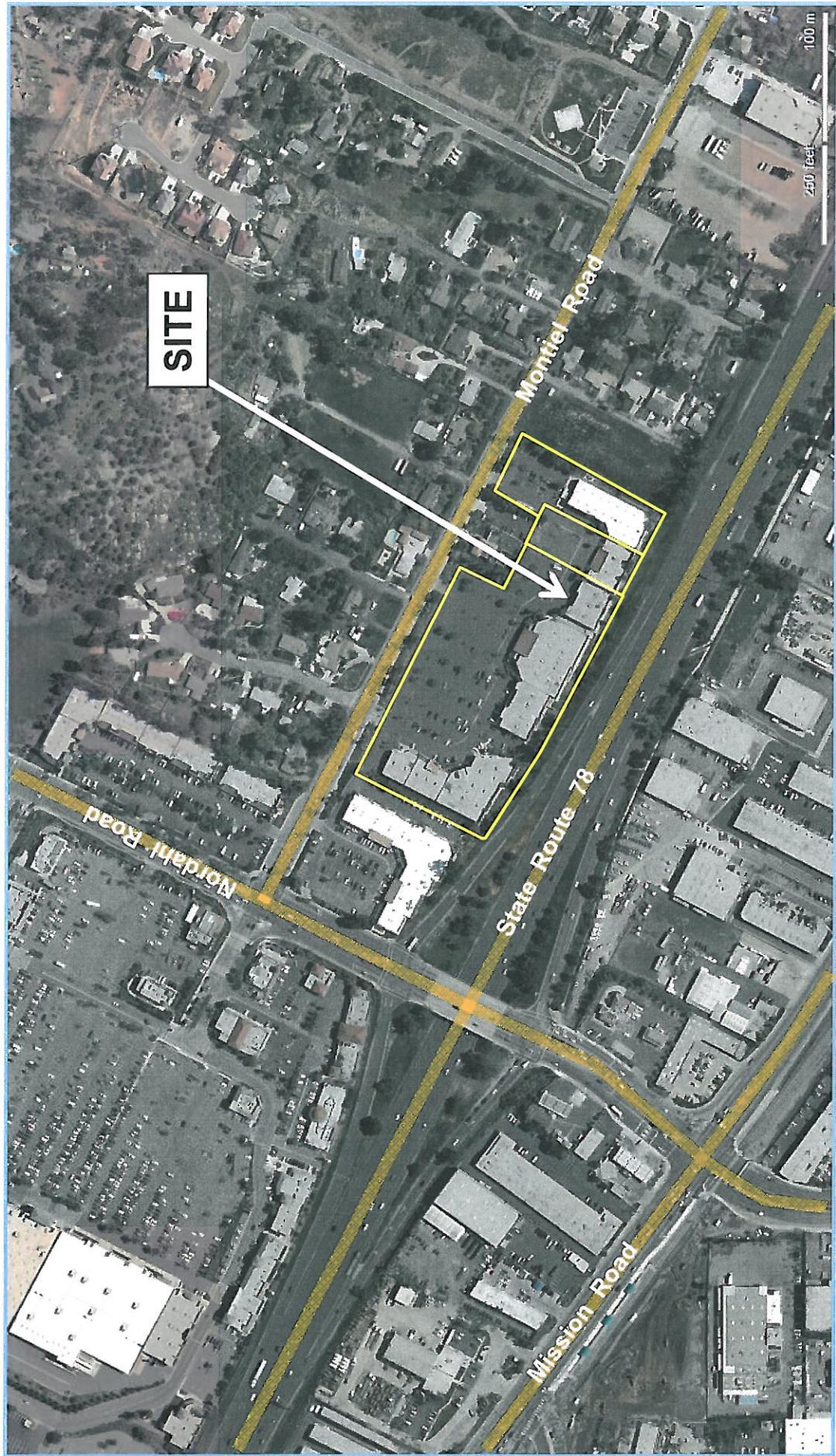
Reviewed by:



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Charlie Schaffer  
Development Services Director

**ATTACHMENT A**  
Vicinity Map

# VICINITY MAP



**ATTACHMENT B**  
Aerial Photo

# PROJECT AREA



**ATTACHMENT D**  
Requested Entitlements

- A Conditional Use Permit to allow for the operation of a religious assembly hall within an existing commercial center in the Commercial (C) Zone in the Richland Neighborhood.

**ATTACHMENT E**  
Site & Project Characteristics

<u>Property</u>	<u>Existing</u>	<u>Zoning</u>	<u>General Plan</u>
	<u>Land use</u>		<u>Designation</u>
Subject	Commercial Center	C	Commercial w/ Specific Plan
North	Single-Family Residence	R-1	Residential 2-4 du/ac
South	State Route 78		
East	Commercial Center	C	Commercial w/ Specific Plan
West	Commercial Center	C	Commercial w/ Specific Plan
Flood Hazard Zone		yes	<input checked="" type="checkbox"/> no
Resource Conserv. Area		yes	<input checked="" type="checkbox"/> no
Redevelop. Proj. Area 1		<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Sewers		<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Septic		yes	<input checked="" type="checkbox"/> no
Water		<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Gen. Plan Conformance		<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Land Use Compatibility		<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no

\* with approval of CUP.

RESOLUTION PC 11-4212

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING  
COMMISSION APPROVING A MAJOR CONDITIONAL USE  
PERMIT TO ALLOW THE OPERATION OF A RELIGIOUS  
ASSEMBLY HALL IN THE COMMERCIAL (C) ZONE IN THE  
RICHLAND NEIGHBORHOOD

CUP 10-840  
Soka-Gakkai International-USA

WHEREAS, on November 29, 2010 an application was received from Soka-Gakkai International (SGI-USA) requesting a Major Conditional Use Permit to allow the operation of a 5,420 square-foot religious assembly hall at 2115 Montiel Road, Suite 101, within an existing commercial center in the Commercial (C) Zone in the Richland Neighborhood, more particularly described as:

Portions of Lots 10, 11, & 12, in Block 7 of Map No. 806, Rancho  
Los Vallecitos de San Marcos  
Assessor's Parcel Number: 228-360-44

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

WHEREAS, the required public hearing held on March 17, 2011 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did find the project Categorically Exempt pursuant to Section 15301 Class 1, in that this is an existing facility with no expansion, of the California Environmental Quality Act (CEQA); and

WHEREAS, the subject property has already been annexed into the City's Community Facilities Districts (CFD 98-01, Police; CFD 2001-01, Fire & Paramedic; and CFD 98-02, Lighting, Landscape, & Street Maintenance); and

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

1. The granting of the Conditional Use Permit will not adversely affect the implementation of the General Plan for the Richland Neighborhood in that a religious assembly hall is compatible with the General Plan land use designation, "Commercial with Specific Plan", and the religious services provide a social benefit for the community and additional educational opportunities.
2. The granting of the Conditional Use Permit will not be materially detrimental to the public health, safety and welfare or injurious to property or improvements within the area in that the religious assembly hall will operate within an existing enclosed

# 2

building; will provide adequate on-site parking; and is compatible with other uses on surrounding properties.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. The Conditional Use Permit is approved per the submitted site and floor plans (5,420 square feet total), and shall not be expanded unless a modification to this permit is approved.
- C. The Conditional Use Permit is approved subject to compliance with the following conditions:
  1. The site plan shall be modified as follows:
    - a. The title block shall be updated and completed with information pertaining to the proposal.
    - b. Site plan shall show the parking space striping and dimensions.
    - c. Seal of licensed architect shall have valid expiration date and signed.
    - d. Under Site Data, the zoning shall be indicated as "Commercial (C)", and not "Specific Plan/Commercial" under Project Data.
    - e. Under Site Parking, parking calculations shall be provided within this section.
    - f. Under Summary, the correct Assessor's Parcel Number shall be provided.
    - g. Cross-hatch pattern shall be removed from buildings.
    - h. The existing trash enclosure, north of Building C, shall be shown on the site plan, and indicate the requirement for installation of a solid cover over said enclosure.
    - i. On the vicinity map, Nordahl Road shall be spelled correctly.
    - j. The dimension of the suite frontage shall be indicated.
    - k. Under Applicable Codes, hours of work and handicap sign requirements shall be revised to current standards.
  2. The floor plans shall be modified as follows:
    - a. The floor plan shall indicate dimensions and square footage for all rooms.
    - b. The floor plan shall indicate the total suite size as 5,420 square feet.

- c. Doors and openings shall be shown for the interior rooms where incomplete.
- d. Existing exterior doors and windows shall be identified.
- e. Symbols for toilets and sinks shall be shown for the restrooms.
- f. The lobby at rear of suite shall be identified as a break room.
- g. Main area (assembly room) shall show the proposed seating configuration, stage, etc.

3. All operations of the assembly use shall occur within the building. No outdoor activities permitted on site.
4. Maximum number of attendees shall not exceed 150 persons at any one time.
5. Assembly hours shall be limited to weeknights 6:00 p.m. to 10:00 p.m. and weekends 8:00 a.m. to 6:00 p.m.
6. All visitor and employee parking shall occur on site. Parking on the public street is prohibited. Parking shall be located primarily within those spaces from the suite frontage to the north side of the parking lot, and away from parking for adjacent retail stores. If complaints are received from neighbors, the applicant shall be required to take corrective action to respond to such complaints.
7. No special events shall occur on site, unless by issuance of a Special Event Permit by the City.
8. Activities shall be conducted whereas not to become a noise nuisance to neighboring uses. If complaints are received, the applicant shall be required to take corrective action to respond to such complaints, including but not limited to the installation of sound proofing materials for walls, etc.
9. No outdoor PA (public address) system/loudspeakers shall be permitted.
10. A school facility shall not operate on site.
11. The project shall comply with all applicable standards for the proposed use of the Urban Runoff Management Program adopted by the City of San Marcos.
12. A separate permit shall be required for any new signage. Signage must comply with the approved comprehensive sign program.
13. Building address and suite number shall be clearly labeled for day and night-time emergency responses. In addition, adequate lighting shall be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc.).

14. Operation of the religious assembly hall is not allowed on site until occupancy has been approved by the Building Division.
15. Any new construction, alteration, improvement, or modification to an existing building requires the issuance of a building permit and compliance with the minimum code requirements of the latest adopted California Building Code.
16. Prior to issuance of any building permits, the following conditions shall be complied with:
  - a. Buildings and structures shall be designed to conform to the latest standards adopted by the State of California in the California Building Code, Part 2, Title 24, and California Code of Regulations.
  - b. Building plans and instruments of service shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
  - c. The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
  - d. Assembly occupancy shall comply with smoke control, panic hardware, emergency lighting, and fire alarm systems as required by the latest adopted building and fire codes, and shown on building plans. Life safety systems shall be inspected and approved by the Building Division prior to occupancy.
  - e. The storage, use or handling of hazardous, toxic or flammable materials shall be clearly indicated on all floor plans submitted for a building permit. Materials shall be identified in accordance with Health and Safety Code Section 25101.
  - f. The proposed development shall comply with Federal Law, Americans with Disabilities Act ("ADA-90"), and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled.
  - g. The applicant/developer for the proposed development, redevelopment, or discretionary use is required to pay Public Facilities Fees as established by the latest adopted Public Facilities Fee. The fee shall be based on the proposed land use and shall be paid prior to the issuance of the first permit for the development.
  - h. The proposed 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.

- i. The applicant and/or property owner shall install a solid cover above the existing trash enclosure to comply with the City's Storm Water Management requirements. The cover shall be constructed with a non-combustible material, and requires issuance of a building permit. Design shall be compatible with the commercial center architecture, and approved by the Planning Division.
  - j. Any new rooftop mechanical units, vents, ducts, etc. shall be screened by parapet walls or architectural screen enclosure from street grade view as approved by the Planning Division Director.
17. During the construction phase, the following conditions shall be complied with:
  - a. All construction operations authorized by building permits, including the delivery, setup, and use of equipment shall 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 shall 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 as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
  - b. During construction the owner/developer/contractor shall 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. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.
18. Prior to occupancy, the following conditions shall be complied with:
  - a. The solid cover shall be installed over the existing trash enclosure, north of Building C.
  - b. The property owner shall replace the removed landscaping around the newly installed monument signs along the State Route 78 frontage.
  - c. Any change in occupancy in an existing building shall be approved by the City Building Official as required by the latest adopted Uniform Building Code. A new Certificate of Occupancy will be issued after the City has inspected and approves the new use. Buildings or structures shall not be used or occupied until the appropriate City departments and agencies have accepted or approved the buildings for occupancy. A Certificate of Occupancy ("C of O") shall not be issued until the conditions of approval for the proposed development have been satisfied.

19. The applicant shall be responsible for compliance with all relevant portions of the City of San Marcos Municipal Code.
20. Use of the site shall be conducted so as not to become obnoxious by reason of parking impacts, noise, odor, refuse or maintenance of grounds and in such a manner as will not detrimentally affect adjoining properties and uses.
21. 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.
22. Any future expansion of the assembly hall shall require a modification to CUP 10-840. 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.
23. The Planning Division shall 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, then a public hearing shall be scheduled for possible use permit modification or revocation.
24. This Conditional Use Permit shall expire on March 17, 2016. Any request for permit extension shall be applied for by the permittee no later than thirty (30) days prior to the expiration date.
25. 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.
26. To the extent permitted by law, the Applicant 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 Applicant or its contractors, subcontractors, agents, employees or other persons acting on Applicant'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. Applicant 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 17<sup>th</sup> day of March, 2011, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

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Steve Kildoo, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

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Lisa Kiss, Planning Secretary  
SAN MARCOS CITY PLANNING COMMISSION