

# Report

## MEETING OF THE PLANNING COMMISSION

**MEETING DATE:** September 6, 2011

**SUBJECT:** Valley Bible Church CUP Renewal  
CUP 02-529 (11R)

### **Recommendation**

Conditionally approve a renewal of a Major Conditional Use Permit for the continued operation of an existing church facility.

### **Background**

The existing church facility was originally approved by the City in January of 2002 and expired on April 1, 2007. The Conditional Use Permit expired and the applicant submitted a renewal request in 2011, which will enable the ability to sell the property with active entitlements to another church. The building consists of a large sanctuary with seating, a theological bookstore, several classrooms, activity and meeting rooms, offices, kitchen, storage, and restrooms. The rooms will be designed for multi-purpose use.

### **Introduction**

The existing 3.77-acre commercial center contains 4 parcels with 2 buildings and approximately 286 parking spaces. The project currently occupies one (19,833 square feet) of the two buildings onsite.

### **Discussion**

The subject site is currently zoned Commercial ("C") and has a General Plan land use designation of Commercial. Pursuant to the requirements of Chapter 20.56 of the San Marcos Municipal Code, approval of a Major Conditional Use Permit (CUP) is required to ensure compatibility with surrounding land uses.

The church facility shares use of two-hundred eighty-six (286) parking spaces with a 30,743 square-foot commercial building at the south corner of the center (adjacent to State Route 78) and an 11,541 square-foot office building at the north end of the center (adjacent to Capalina Road). Using a parking ratio of 1 parking space per 200 square feet of gross floor area, the existing church facility will require ninety-nine (99) parking spaces. Given the square footages and uses of all buildings within the center, the parking requirement within the center is 291 parking spaces, leaving a theoretical shortage of five (5) parking spaces. Addressing the shortage, staff evaluated the hours of operation for all businesses within the center, and determined that during the church's peak operating hours (Monday thru Friday from 6:00 pm to 9:00 pm and on weekends from 8:00 am to 7:00 pm), there should be adequate parking available on site. In addition to evaluating the hours of operation for other businesses onsite, the City has not received any complaints regarding the availability of parking on site since the church has been in operation. Therefore, staff has determined

that a sufficient amount of parking is available at the subject site to accommodate the continued operation of the church facility.

Staff has not received any comments from the public regarding the proposal. However, during site inspection, staff observed the placement of four (4) storage containers within parking spaces at the rear of the building, the installation of a basketball hoop at the rear of the building, and the painting of asphalt at the rear of the building indicating outdoor recreational activities. Following notification of the violations by staff, the applicant addressed all violations by removing the storage containers, basketball hoop, paint from the asphalt, and discontinued all outdoor activities. In addition, the resolution includes conditions prohibiting the storage of containers onsite, any outdoor activities, and also prohibits the installation of any play or recreational equipment outside the building.

It should be noted that the applicant has requested permission to hold periodic outdoor events (i.e., Easter Egg Hunt, picnics, etc.) on the grass area at the north end of the building. As all events are periodic, will occur for a limited amount of time during weekends and holidays, and will take place at the north end of the building away from the other onsite tenant, staff has agreed to allow the events subject to the submittal of a yearly event schedule to be reviewed and approved by the Planning Division Director.

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#### Attachment(s)

##### Adopting Resolution

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

##### Submitted by:

  
\_\_\_\_\_  
Jerry Backoff

Planning Division Director

  
\_\_\_\_\_  
Michael D. Edwards

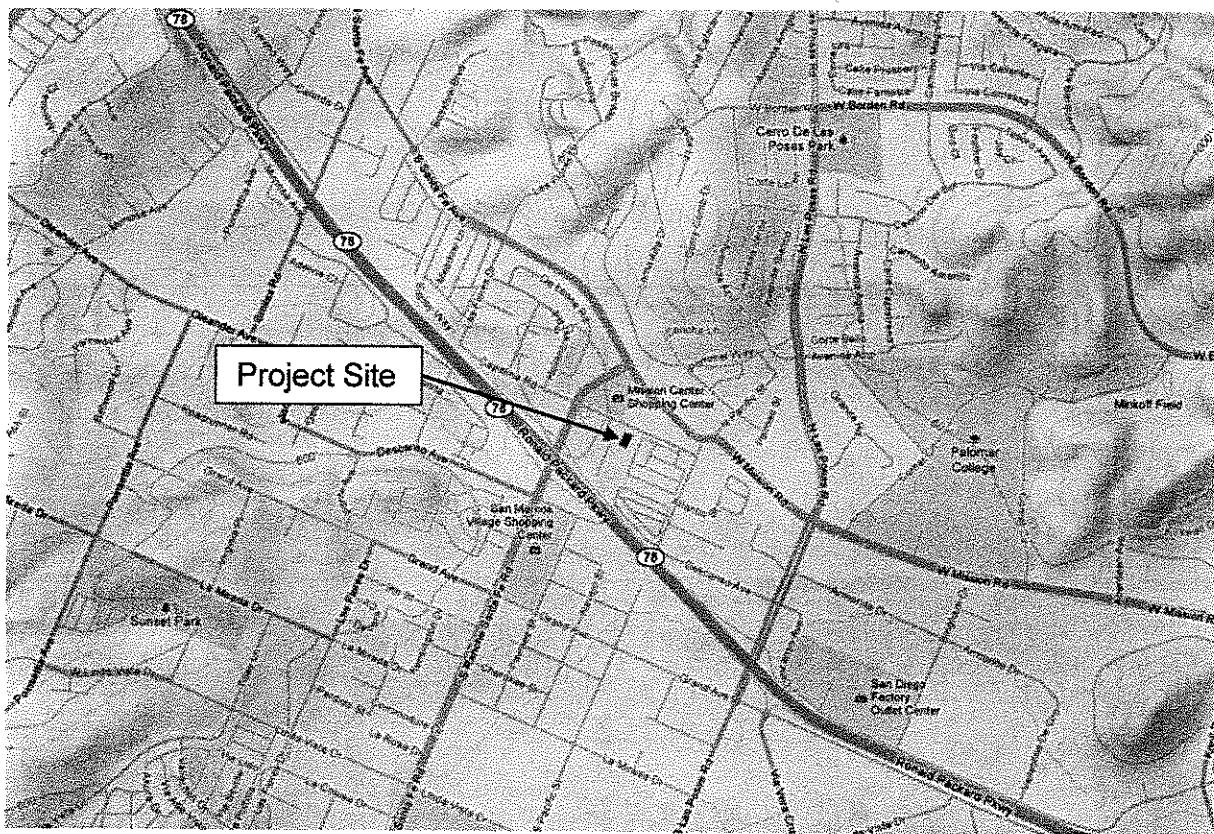
City Engineer

##### Reviewed by:

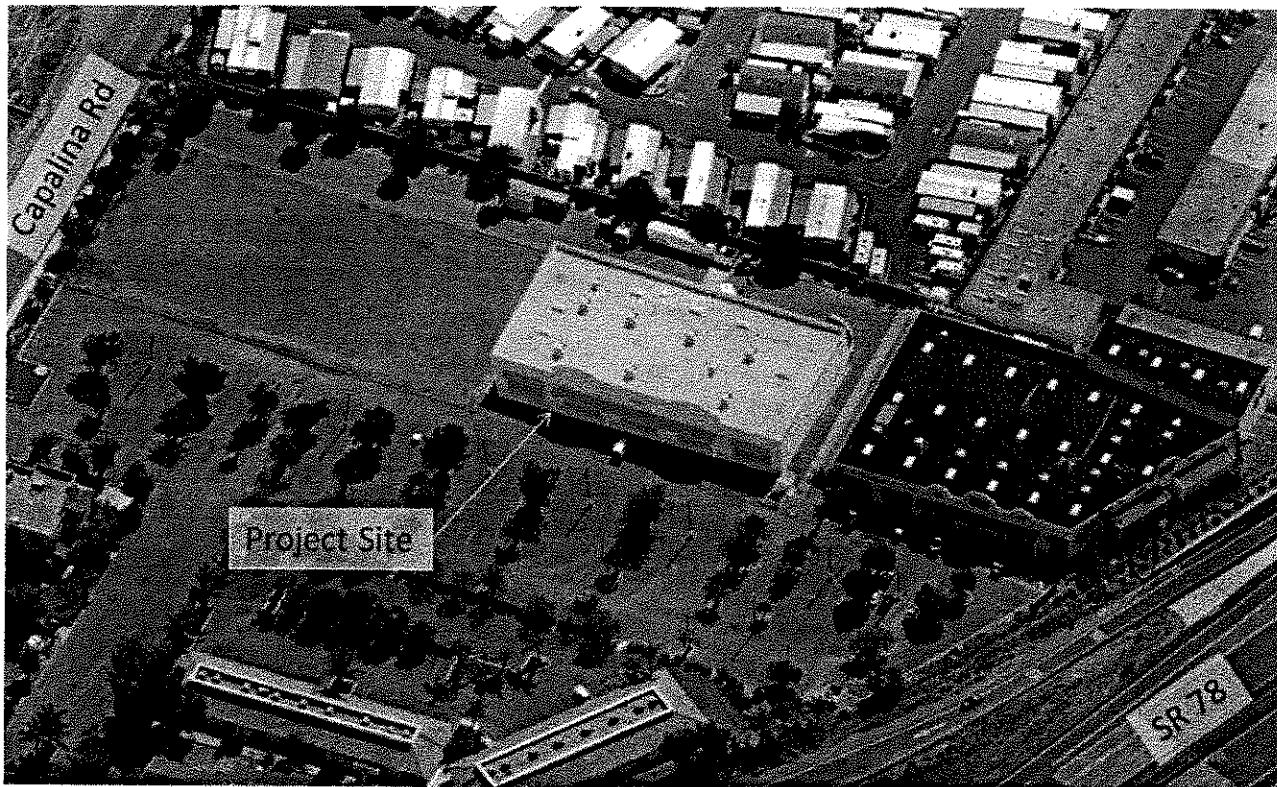
  
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Charlie Schaffer

Development Services Director

**ATTACHMENT A**  
**Vicinity Map**



**ATTACHMENT B**  
Aerial Photo



**ATTACHMENT D**  
**Requested Entitlements**

- Renewal of a Conditional Use Permit to allow for the continued operation of an existing church facility in the Commercial ("C") Zone in the Business & Industrial District.

## ATTACHMENT E

### Site & Project Characteristics

| <u>Property</u> | <u>Existing</u><br><u>Land use</u> | <u>Zoning</u> | <u>General Plan</u><br><u>Designation</u> |
|-----------------|------------------------------------|---------------|-------------------------------------------|
| Subject         | Church                             | C             | Commercial                                |
| North           | Commercial center                  | C             | Commercial                                |
| South           | West Coast Flooring Cntr           | C             | Commercial                                |
| East            | El Dorado MHP                      | R-MHP         | Comm/Manufacturing                        |
| West            | Commercial                         | C             | Commercial                                |

|                           |               |             |
|---------------------------|---------------|-------------|
| Flood Hazard Zone         | <u>yes</u>    | <u>x</u> no |
| Resource Conserv. Area    | <u>yes</u>    | <u>x</u> no |
| Redevelop. Proj. Area 2B1 | <u>yes</u>    | <u>x</u> no |
| Sewers                    | <u>x</u> yes  | <u> </u> no |
| Septic                    | <u> </u> yes  | <u>x</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.

#### Development Standards per the C Zone:

| <u>Setbacks</u> | <u>Required</u> | <u>Existing</u> |
|-----------------|-----------------|-----------------|
| Front           | 10 ft.          | ≈ 292 ft.       |
| Rear            | 0 ft.           | ≈ 190 ft.       |
| Side            | 0/10 ft.        | ≈ 69.5 ft.      |
| Height          | 60 ft.          | ≈ 25 ft.        |

RESOLUTION PC 11-4236

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING  
COMMISSION APPROVING A CONDITIONAL USE PERMIT  
TO ALLOW THE CONTINUED OPERATION OF A CHURCH  
WITHIN AN EXISTING 19,833 SQUARE FOOT COMMERCIAL  
BUILDING IN THE COMMERCIAL (C) ZONE IN THE  
BUSINESS INDUSTRIAL DISTRICT

CUP 02-529 (11R)  
Valley Bible Church

WHEREAS, on January 19, 2011 the City of San Marcos received an application from Valley Bible Church requesting approval of a Conditional Use Permit for the continued operation of a 19,833 square foot church facility at 1609 Capalina Road in the (C) Commercial Zone, within the Business Industrial District, more particularly described as:

Parcels 2, 3, and 4 of Tract 14929, in the City of San  
Marcos, County of San Diego, State of California  
Assessor Parcel Number 219-116-20, 219-116-21, &  
219-116-22

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

WHEREAS, the original Conditional Use Permit (CUP 02-529) was previously approved by the Planning Commission on April 1, 2002 and expired in 2007; and

WHEREAS, the church has been in continual operation at this location since 2002;

WHEREAS, the required public hearing held on September 6, 2011, was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Negative Declaration (ND 02-611) with mitigation for this project pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the City of San Marcos' decision is based upon the submitted plans and the following findings and determinations:

1. The proposed use is consistent with the objectives of the Zoning Ordinance and the purpose of the Commercial (C) Zone, in that the proposed use is conditionally permitted within the Commercial (C) Zone and the use as conditioned will not adversely affect the implementation of the General Plan, the Business and Industrial Neighborhood or the Environment.
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 in that compliance with the conditions and limitations contained herein will provide

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for the safe operation of the proposed project, the facility will operate within an existing enclosed building, and the site provides adequate parking per the City's Parking Ordinance.

NOW THEREFORE, the City of San Marcos resolves as follows:

- A. The foregoing recitals are true and correct.
- B. The Conditional Use Permit is approved per the submitted site plan and floor plans for 1609 Capalina Road (19,833 square foot church facility in a 3.77 acre commercial center) and shall not be expanded or modified unless a modification to the permit is approved.
- C. The Conditional Use Permit is hereby approved subject to the following conditions:
  1. Prior to reliance of the Conditional Use Permit renewal, the following conditions shall be complied with:
    - a. The church facility shall schedule and pass a Fire Life and Safety Inspection, Planning Division Inspection, and a Storm Water Inspection.
    - b. Re-issuance of a Certificate of Occupancy is required. A new Certificate of Occupancy will be issued after the Building Division has reviewed a seating and floor plan, inspected the premises and determined compliance with the Conditions of Approval of CUP 02-529 (11R) contained herein, the California Building Code and other relevant portions of the San Marcos Municipal Code. Buildings or structures shall not be used or occupied for church purposes until the appropriate City Departments and agencies have accepted or approved the buildings for occupancy. A Certificate of Occupancy shall not be issued until the conditions of approval for the proposed development have been satisfied.
    - c. The applicant shall provide a current 5-year fire sprinkler certification by a C-16 License Contractor to the Fire Department.
  2. In accordance with the Parking Ordinance, ninety-nine (99) parking spaces shall be provided for the church based upon the facility square footage (19,833 square feet).
  3. This Conditional Use Permit allows the operation of a church and related activities. A school/college is not permitted to operate at this location.
  4. All church activities shall take place inside of the building. The rear drive aisle of the building and the parking lot shall not be used for any church activities at anytime. Outdoor special events (i.e. picnics, Easter Egg Hunt,

etc.) will be permitted on the grass area at the north end of the building on an occasional basis for a limited time period during daytime hours on weekends and holidays. Outdoor cooking is not allowed. Prior to commencement of any special event, the applicant shall submit a yearly special event schedule for the review and approval of the Planning Division Director. Any change to the submitted special event calendar requires approval from the Planning Division Director.

5. The outdoor storage of any items is prohibited at the subject site. This includes the outdoor placement of storage containers.
6. The installation of any recreation or play equipment outside the building is prohibited.
7. All doors and openings into the building shall remain closed during all church activities to eliminate any potential noise impacts to surrounding properties and tenants. If complaints are received regarding noise in association with the church, the applicant shall take all necessary steps to eliminate those noise impacts to the satisfaction of the Planning Division Director.
8. Signage must comply with the City of San Marcos Sign Ordinance. Wall signs shall be individual channel letters. Portable signs (i.e.: A-frame, T-frame, etc.), on or off site, shall not be allowed. Any proposed temporary signs require issuance of a temporary sign permit and shall comply with the City's Temporary Sign Ordinance.
9. The permittee shall be responsible for conducting the use in a manner as not to become obnoxious by reason of noise, refuse matter, odor, dust, smoke, maintenance of grounds and buildings or have a detrimental effect on the surrounding properties and improvements.
10. All landscaping and planting areas shall be continually maintained in good condition and kept watered, cleaned and weeded. Dead or dying plant material shall be replaced. Landscape and hardscape areas shall be kept free of trash and debris.
11. Any alteration, improvement or modification to the existing building will require a building permit. All new work shall comply with the latest adopted Uniform Building Code. Plans and design documents submitted for a building permit shall be prepared and signed by a California licensed architect or engineer in accordance with the latest Business and Professions Code.
12. Address numbers shall be clearly readable from the street, and adequate doors and windows as required by the Sheriff's Department.

13. All exterior doors shall have their own light source which shall adequately illuminate door areas at all hours to make clearly visible the presence of any person on or about the premises and provide adequate illumination for persons exiting the building.
14. Handicap parking spaces shall be properly marked and maintained per the vehicle code to allow enforcement.
15. The applicant shall comply with San Marcos Municipal Code (SMMC) Section 14.15 (Storm Water Management and Discharge Control).
16. All structures shall comply with the California Building Code, published by the International Conference of Building Officials (ICBO), and with Part 2, Title 24, California Code of Regulations.
17. Occupancy within the sanctuary shall not exceed 443 persons, as permitted by the California Building and Fire Codes for a 3,102 square foot assembly area. Occupancy within all classrooms, offices, and lobby areas shall not exceed the occupancy permitted by the California Building and Fire Codes.
18. 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.
19. The project shall comply with Federal Law, American with Disabilities Act ("ADA-90"), and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled.
20. The church shall be annually inspected by the Fire Department. To schedule an inspection, please call (760) 744-1050 ext. 3408.
21. Twenty-four (24) foot fire lanes must be properly marked and maintained per the vehicle code to allow enforcement.
22. The City shall approve changes in the use or occupancy of an existing building. The City shall inspect and approve all new uses prior to issuance of a Certificate of Occupancy ("C of O"). Buildings or structures shall not be occupied until the appropriate City departments and agencies have approved the buildings for occupancy.
23. This Use Permit shall be reviewed annually by the Planning Division to determine if it is having a detrimental impact on surrounding uses and to determine conditions of approval of approval are being met. If the Planning Division determines that such is the case, a public hearing shall

be scheduled before the Administrative Authority for possible permit modification or revocation.

24. 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.
25. Applicant shall obtain and maintain a City of San Marcos Business License.
26. This Conditional Use Permit shall expire on September 6, 2016. Any request for a permit extension shall be applied for by the permittee no later than thirty (30) days prior to the expiration date. It is the permittee's responsibility to track the expiration date.
27. This Conditional Use Permit shall become null and void if not acted upon within twelve (12) months of the adoption of this resolution.
28. 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 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 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 6th day of September, 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