

Planning Commission

AGENDA REPORT

MEETING DATE: June 7, 2012

SUBJECT: CUP 12-885 – Calvary Chapel Mission Hills in San Marcos

Recommendation

Conditionally approve a major Conditional Use Permit to allow the operation of a church at 564 E. Mission Road, Suite 100.

Introduction

On April 2, 2012, an application for a Conditional Use Permit (CUP) was submitted by Calvary Chapel Mission Hills to operate an approximately 4,800 square foot church from existing facilities in the Commercial (C) zone of the City. Conditional Use Permits for churches are an Administrative approval (Minor CUP) in most zones; however Section 20.56.020 of the San Marcos Municipal Code (S.M.M.C.) requires Planning Commission approval (Major CUP) in the Commercial (C) Zone.

Discussion

The approximately 1.45 acre property is developed with a 21,600 square foot building divided into six (6) tenant spaces, a parking lot with approximately 100 spaces, shared access to the personal storage facility located to the rear and landscaping. Currently there is a Chiropractor and a Karate Studio (operating under a separate CUP) anchoring the center. If approved, the church would occupy an approximately 4,800 square foot tenant space at the east end of the center (Suite 100) that was previously occupied by a 5,400 square foot personal fitness gym. The 600 square feet unused by the church will be partitioned off and will not be a part of the Applicant's lease area. As a result of the smaller size of the church, the Applicant will not be required to install Fire Sprinklers. The project will also be required to restore a fire lane and remove approximately eleven (11) parking spaces in the Northeast corner of the site. Although the project proposes a new use of the facility, no modification to the exterior of the building will result from the approval of the project. These interior improvements will require the issuance of Building Permits which will ensure compliance with the California Building and Fire Codes.



Pursuant to the provisions of Chapter 20.84 of the San Marcos Municipal Code (S.M.M.C.), all parking for the Church is required to be provided onsite. To comply with this requirement, the church hours of operation and functions/activities have been limited to ensure parking availability and compliance with the S.M.M.C. More specifically, the main services have been limited to Sundays, when other tenants of the center are closed and other activities (e.g. smaller weekday services, meetings, prayer groups, etc.) have been limited to a maximum of 45 participants and are required to occur after peak hours for the center. In addition, the Applicant has also agreed to further modify their operations should the City receive complaints about parking availability as a result of the operation of the church.

In addition to parking restrictions, conditions have been included in the CUP to ensure the orderly operation of the facility during services & activities. To this end, the Applicant is required to conduct all operations indoors and is prohibited from operating a bingo venue, private school or daycare without modification to the CUP. The Applicant/Property Owner will also be required to correct existing onsite violations including the removal of AstroTurf and the restoration of nine (9) parking spaces underneath, removal of junk/debris located at the rear of the site and remove an RV and a Commercial truck being stored onsite. With the incorporation of these provisions, staff recommends conditional approval of the use permit for a term of five (5) years with PC Resolution 12-4297.

Attachment(s)

Adopting Resolution

- A Vicinity Map
- B Aerial Photo
- C Requested Entitlement
- D Site & Project Characteristics
- E Floor and Site Plans

Prepared by:

Sean del Solar, Assistant Planner



Reviewed by:

Jerry Backoff, Planning Division Director

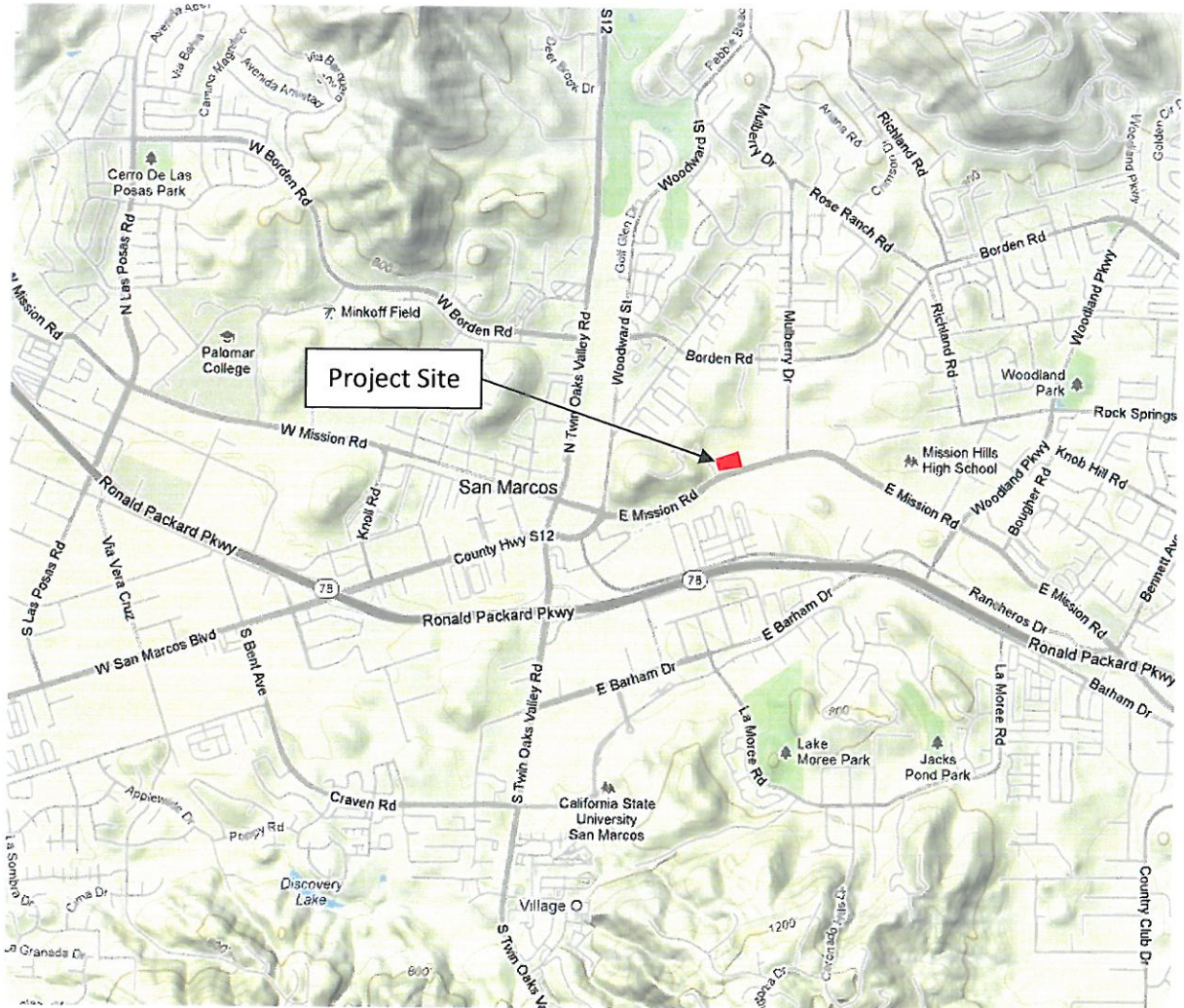
Approved by:

Charlie Schaffer, Development Services Director



Attachment A

Vicinity Map





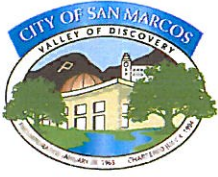
Attachment B

Aerial Photo



Project Site

AGENDA ITEM NO. 2



Attachment C

Requested Entitlements

A major Conditional Use Permit to allow the operation of a church on a 1.45 acre parcel in the Commercial (C) zone of the Richland Neighborhood with a General Plan Land Use Designation of Commercial.



Attachment D

Site & Project Characteristics

Development Summary:

Property	Existing Land Use	Zoning	General Plan Designation
Subject	Multi-Tenant Commercial Building	C	Commercial
North	Mini-Storage Facility	L-M	Light Industrial
South	Contractor Yard/ Offices	M-2	Industrial
East	Moving Company	L-M	Light Industrial
West	Single Family Residential	SPA-HOC	Specific Plan (SFD 2-4 du/ac)

Flood Hazard Zone	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
Resource Conservation Area	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
Sewer	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Septic	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
Water	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
General 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 Conditional Use Permit

Development Standards:

Setback	Minimum Required	Existing
Front	10 feet	70 feet
Rear	none	35 feet
Side (east)	none	10 feet
Side (west)	10 feet	60 feet



Attachment E

Floor Plan

- ① NEW FLOOR TO CEILING WALLS
- ② DOUBLE 3'-0" x 7'-0" DOORS
- ③ NEW 3'-0" x 7'-0" DOORS
- ④ NEW 10'x24' RAISED PLATFORM
- ⑤ 4'-0" x 14'-0" RAMP: SLOPE 1" PER FOOT

RECEIVED

MAY 21 2012

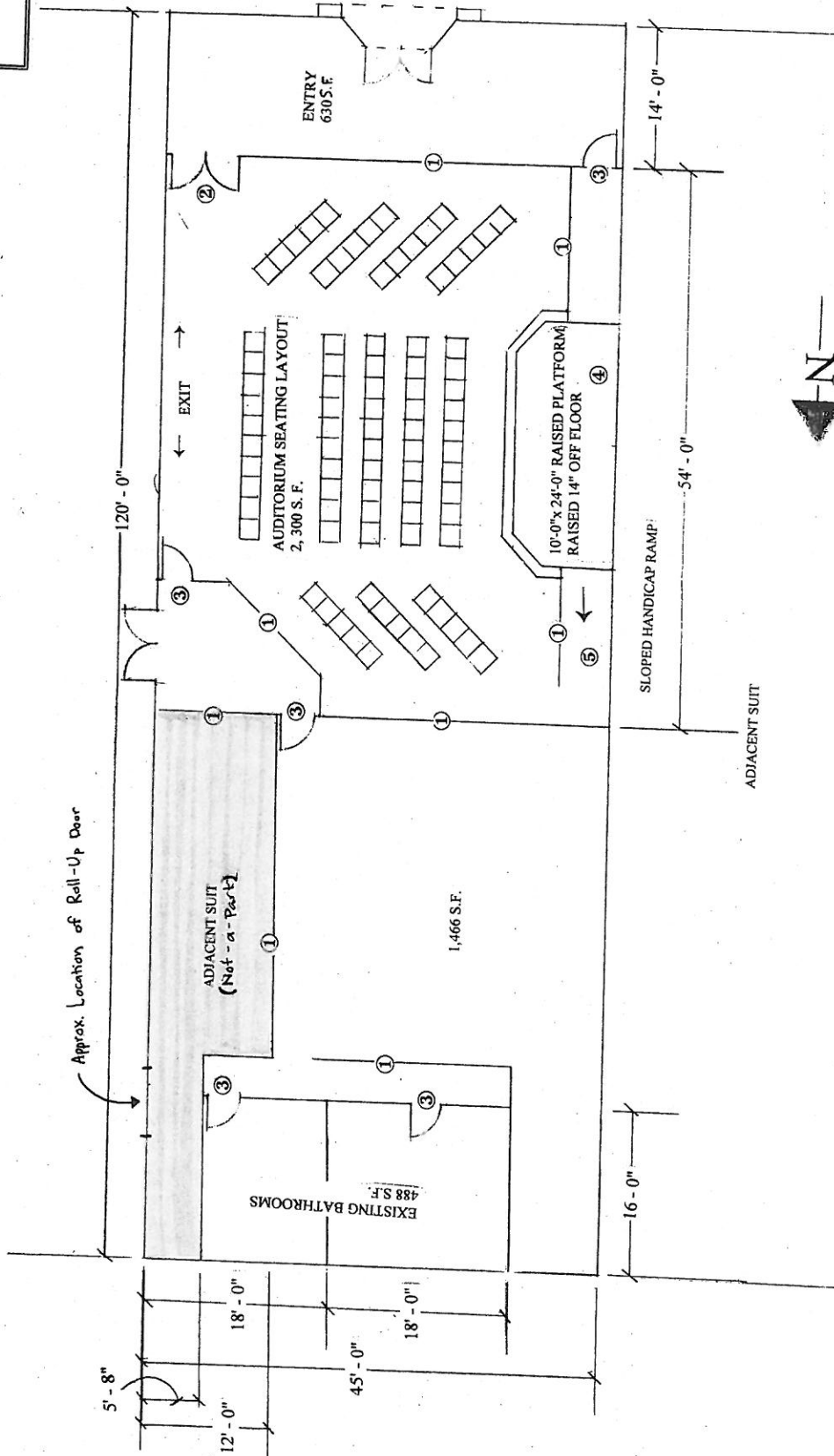
**CITY OF SAN MARCOS
PLANNING DIVISION**

MISSION ROAD

456 MISSION ROAD, SAN MARCOS, CA

FLOOR PLAN
SCALE 3/32" = 1'-0"

A1-1



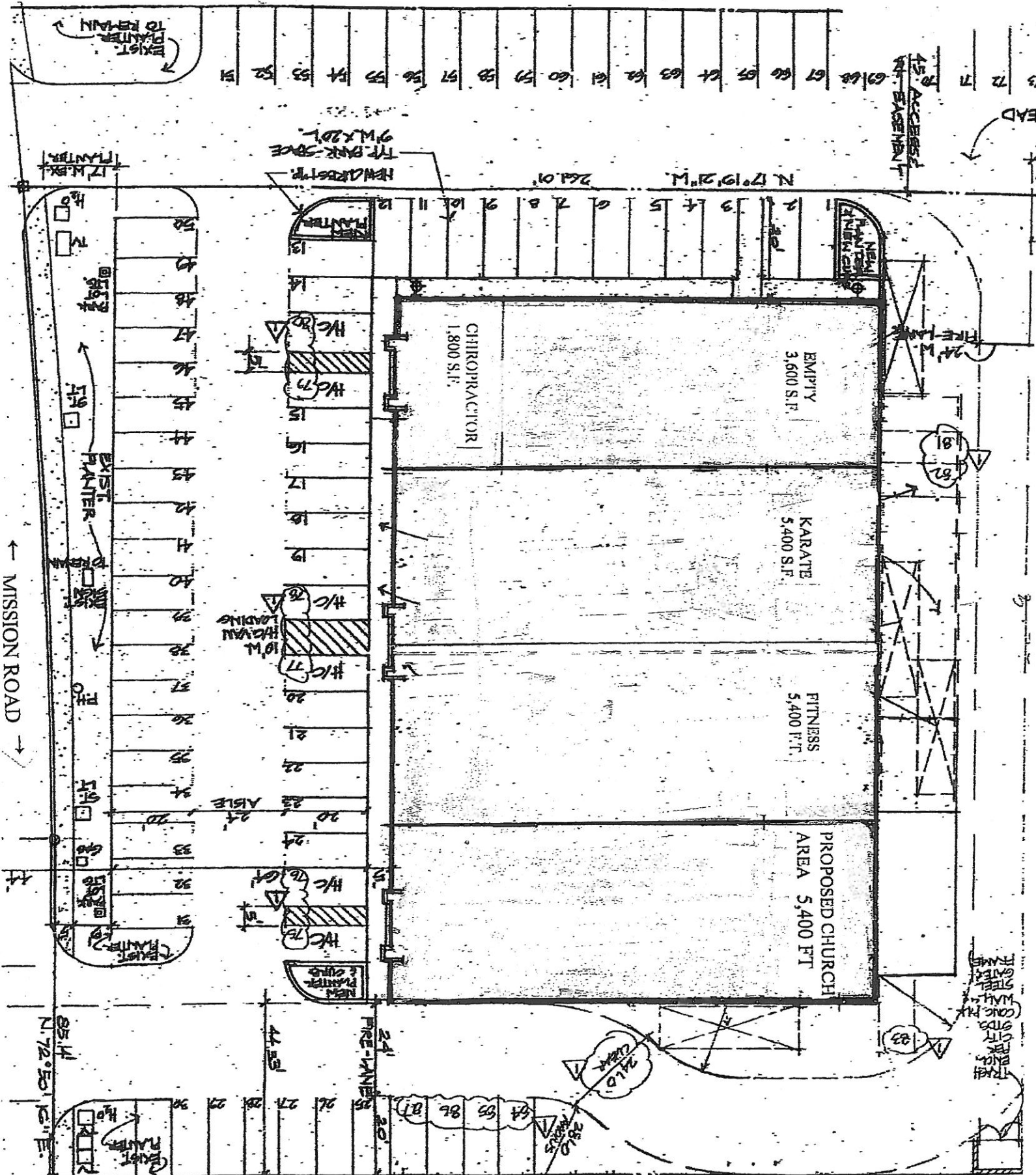
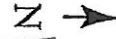


Attachment F

Site Plan

SITE PLAN

456 E. Mission Rd, San Marcos, CA 92069



FILE COPY

RESOLUTION PC 12-4297

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A CHURCH FACILITY WITHIN AN EXISTING BUILDING IN THE COMMERCIAL (C) ZONE IN THE RICHLAND NEIGHBORHOOD

CUP 12-885

Calvary Chapel Mission Hills in San Marcos

WHEREAS, on April 2, 2012 an application was received from Calvary Chapel Mission Hills in San Marcos requesting a major Conditional Use Permit for the operation of a 4,884 square-foot church facility at 456 E. Mission Road, Suite 100, within an existing building located in the Commercial "C" Zone of the Richland Neighborhood with a General Plan Land Use Designation of Commercial, more particularly described as:

Parcel 1 of Parcel Map 17839, in the City of San Marcos, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County on April 17, 1997 as file no. 1997-0177069 of Official Records
Assessor's Parcel Number: 220-210-44

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

WHEREAS, the required public hearing held on June 7, 2012 was duly advertised and held in the manner prescribed by law; and

WHEREAS, APN: 220-210-44 has already been annexed to Community Facility District (CFD) 98-01: Police and Fire and CFD 98-02: Lighting, Landscape, Open Space and Preserve Maintenance; and

WHEREAS, the City of San Marcos did find the project Categorically Exempt 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 City of San Marcos Planning Commission's decision is based on the following findings and determinations:

1. 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 operation of a church from existing facilities will comply with all relevant provisions of the San Marcos Municipal Code, including noise regulations and all building improvements will be built to the standards of the adopted California Building Code.
2. The granting of this Conditional Use Permit will not adversely affect the implementation of the General Plan for the Richland Neighborhood in that the operation of a church from existing facilities will establish community facilities that enrich the quality of life for residents of the city of San Marcos (Goal LU-9).

AGENDA ITEM

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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 and floor plans (approximately 4,884 square-foot facility in Suite 100), and shall not be expanded or revised unless a modification to this permit is approved.
- C. The Conditional Use Permit is approved subject to compliance with the following conditions:
 1. The project site plan shall be modified as follows:
 - a. Updated to reflect current site conditions (e.g. accurate parking stall counts, denote landscaped planters and any required corrections denoted in this CUP).
 - b. The site plan shall restore the turning radius in the Northeast corner of the property to comply with the provisions of the Off-Street Parking Ordinance and City Standards for emergency access.
 - c. "Astroturf" carpeting located in the parking lot behind the building shall be removed and all parking spaces shall be restored (restriped if necessary).
 2. The project floor plan shall be modified as follows:
 - a. Revise plans to scale and add dimensions as necessary.
 - b. Ensure locations of all doors are accurately identified (i.e. roll-up door on east side).
 - c. Label the newly created suite as "Not a Part."
 - d. Revise floor plan to ensure the church and new "remnant suite" meets the minimum standards of the Building and Fire Codes (especially related to restrooms and egress) as well as the Development Standards of the City and include all required improvements as "proposed" on the newly created "Not a Part" suite.
 - e. Label the use of all rooms (e.g. sanctuary, office, foyer, restroom, etc.). Also include square footages of all areas of the building and provide summary in a table located on the plan.
 - f. Showers located within the project area (i.e. church) restrooms shall be removed and the restroom facilities shall be remodeled to meet full compliance with the California Plumbing Code and ADA Access Standards.

D. Prior to the Issuance of Building Permits, compliance with the following conditions is required:

1. Plans submitted for Building Permits shall incorporate all modifications required by Condition "C" of this permit (CUP 12-885).
2. All visible junk and debris located behind the facility and around the project site shall be removed.
3. New buildings and remodeled structures shall 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.
4. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
5. The proposed development shall comply with the latest Federal Law, Americans with Disabilities Act ("ADA-90"), and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled. This includes "ADA" compliant seating, paths of travel (including, but not limited to the stage), assisted listening devices with induction loop technology and at least one (1) "ADA" parking space with an "ADA" compliant path of travel to the facility.
6. ADA paths of travel shall be provided from the Public Street (sidewalk) to all entrances and exits of the facility and shall coincide with accessible parking paths of travel.
7. All improvements shall comply with the latest adopted California Fire Code and San Marcos Fire Code Ordinance. This shall include the installation of an automatic fire extinguishing system (i.e. fire sprinklers) should it be determined necessary by the City of San Marcos Fire Marshal.
8. 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.
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.
10. 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.
11. The proposed development shall comply with the latest adopted California Green Building Code Standards. The city has adopted the mandatory standards and does not enforce the voluntary standards. All new projects are subject to a 20% reduction in water use.

12. The applicant for the proposed discretionary use is required to pay Public Facilities Fees as established by the latest adopted Public Facilities Fee Resolution. The fee is based on the proposed land use and shall be paid prior to the issuance of the first permit for Tenant Improvements.
 13. The proposed new development is subject to the payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
- E. During construction, the following conditions shall be complied with:
1. 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 and fines as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
 2. 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 with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.
- F. Prior to the final inspection and/or issuance of a Certificate of Occupancy ("C of O"), the following conditions shall be complied with:
1. Artificial "turf" in the rear shall be removed and all parking spaces restored.
 2. Parking lot shall be restriped and fire lanes restored in accordance with the approved site plan.
 3. All other violations of the San Marcos Municipal Code (S.M.M.C.) shall be cleared (e.g. R.V.'s stored onsite, junk/debris located on the site to be removed, etc.).
 4. Conditions of Approval contained in Section C of this Conditional Use Permit (CUP 12-885) shall be implemented to the satisfaction of the Building and Planning Division Directors.
 5. The proposed development shall satisfy the conditions of approval prior to the first occupancy. The owner/developer/contractor shall obtain approval from all City

departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department.

G. Reliance on this Conditional Use Permit and the ongoing operation of the facility shall comply with the following:

1. Permitted church activities shall be limited to those enumerated in the Statement of Operations dated March 21, 2012. Permitted church activities shall also be limited to the following days/times:

Description of Activity	Day of the Week Permitted	Permitted Times
Office Hours*	Monday – Friday	9:00 AM – 5:00 PM
Meetings /Activities**	Monday – Friday	5:30 PM – 9:00 PM
Special Church Services***	Saturday	9:00 AM – 5:00 PM
Regular Church Services	Sunday	10:00 AM – 2:00 PM
*For the purposes of this CUP, "Office Hours" shall mean regular staffing of the facility with administrative staff for administrative purposes of the church. No services, meetings/activities or general assembly activities shall occur during these times.		
**For the purposes of this CUP, "Meetings/Activities" shall mean assemblages of people less than a general assembly of the congregation (e.g. ministry meetings, prayer groups, language classes, etc.). Meeting/Activity attendance shall not exceed 45 persons.		
***For the purposes of this CUP, "Special Saturday Services" shall mean the occasional (no more than twice monthly) assemblage of 45 people or less.		

2. In conformance with the City's Off-Street Parking Ordinance, all parking shall be provided on site in the following quantities:
 - a. During Church "Meetings/activities" and/or Saturday "Special Church Services," a minimum of nineteen (19) parking spaces.
 - b. During "Regular Church Services," a minimum of forty-four (44) parking spaces shall be provided.

In the event that complaints are received by the City regarding the availability of parking during church activities, the applicant shall modify the operations of the use to the satisfaction of the Planning Division Director to ensure that adequate parking facilities are available to all tenants of the property in conformance with the City's Off-Street Parking Ordinance.

3. Daycare services shall only be provided to parishioners during permitted church activities/services. Parents or guardians of children in daycare shall remain onsite at all times.
4. All activities shall be conducted within the enclosed building.
5. A separate permit shall be required for any new permanent signage. Signage shall comply with all provisions of the City of San Marcos Sign Ordinance and Master Sign

Program for the site. For the site, portable signs (e.g. A-frame, T-frame, feather-signs, etc.) either on or off site are prohibited. Temporary signage (e.g. banners, ambient air balloons, etc.) requires a permit and is subject to the approval of the Planning Division.

6. The operation of a private school (including a preschool) or bingo activities shall not be permitted.
 7. The applicant shall be prohibited from subleasing the use of any part of the facility to a third party.
 8. Operation and maintenance of the facility shall implement Best Management Practices for the protection of stormwater quality, including employee training for all pollutant generating activities. As needed, maintenance of the trash dumpster facilities and parking lot facilities are required year round. The parking lot and dumpster facilities must be thoroughly cleaned no later than October 1st of each year.
 9. The applicant shall obtain a City of San Marcos Business License prior to the commencement of operations and shall maintain said business license for the duration of the business.
 10. The applicant shall be responsible for compliance with all relevant portions of the City of San Marcos Municipal Code.
- H. The Planning Division shall inspect the premises annually to ensure compliance with all conditions of CUP 12-885. If the Planning Division determines that compliance is not being achieved and compliance attained through a cure period, then a public hearing shall be scheduled for possible Conditional Use Permit modification and/or revocation.
- I. The City shall approve changes in the use or occupancy of the suite. The City shall inspect and approve all new uses prior to the 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.
- J. This Conditional Use Permit shall expire on June 4, 2017. Any request for permit extension shall be applied for by the permittee no later than thirty (30) days prior to the expiration date.
- K. 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.
- L. 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.
- M. The Applicant shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, City ordinances, City policies and City resolutions, and with all applicable state and federal regulations, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are incorporated herein by reference as though fully set forth at this point.

- 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 City of San Marcos, State of California, this 7th day of June, 2012.

APPROVED:

Dean Nelson, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION