

Planning Commission

AGENDA REPORT

MEETING DATE: September 13, 2012

SUBJECT: CUP 95-297(12M) – Emerald Family Holdings, LLC.

Recommendation

Conditionally approve a Major Use Permit modification to eliminate educational uses and allow the continued operation of a special event venue at the site of the “Old Richland Schoolhouse.”

Introduction

On November 6, 1995, the Planning Commission approved CUP 95-279 allowing the operation of a special event venue at the project site. Since that time, the project was developed and operated in accordance with the approved plans. During the seventeen year period since CUP 95-279 was originally approved, the Planning Commission has approved a number of renewals and modifications as the property owner’s business model for the project site has evolved.

Discussion

The approximately 4.4 acre property of the “Old Richland Schoolhouse” consists of a 2,752 square foot locally notable schoolhouse constructed in 1896, a 6,000 square foot canvas tent (“Pavilion”) erected on top of a wooden deck located on a hillside overlooking a grassy knoll adjacent to E. Mission Road. The property also contains sixty-seven (67) parking stalls on-site, an outdoor wedding area with gazebo in front of the schoolhouse and various outbuildings providing storage, maintenance facilities and restrooms. The property is also connected to three (3) adjacent parcels through shared access and parking facilities that currently house Liberty Storage and Diamond Environmental operations. While the Major Conditional Use Permit (CUP) has been classified as a “modification,” this classification only reflects the change of the use of facilities (i.e. the elimination of the “school” operation from the site and the use of parking facilities at Diamond Environmental Services). The Applicant proposes no new construction or physical modification of the existing facilities.

Upon a site inspection by staff, several minor violations of the existing Conditional Use Permit were observed. These violations included some deficiencies in site maintenance, unpermitted signage, parking lot paving and other issues related to the Building and Fire Codes. These violations were



discussed with the applicant who has agreed to make the corrections included in Section "C" of PC Resolution 12-4288. While the applicant is already working on correcting these violations, staff has included a provision to allow the applicant an additional ninety (90) days after approval to correct all remaining issues.

Parking for events at the venue will be managed differently depending on the size of the event. Based on a parking survey submitted by the Applicant, events at the site have an average of three (3) persons per vehicle. As a result, events with 200 or fewer people (including staff), can be "parked onsite" in the upper and lower lots that surround the Old Richland Schoolhouse. For events in excess of 200 people, the use of additional "offsite parking" is required. The additional parking capacity required for these larger events will be provided by ninety (90) spaces that are available at the adjacent Diamond Environmental Services parking lot (less than 600 feet away). Utilization of these "offsite parking spaces" will also require the use of a valet service for guests as conditions between the Old Richland Schoolhouse facility and Diamond Environmental Services are marginal. To provide additional assistance to guests with limited mobility, in addition to the required ADA parking facilities, the Applicant will provide an onsite shuttle service free of charge to guests.

In addition to parking restrictions, conditions have been included in the CUP to ensure the orderly operation of the facility during events in a manner that continues to be the least impactive to other businesses and residents of the area. Some of these conditions include the following: prohibition of the use of amplified sound after 10:00 PM, regular maintenance of the canvas pavilion structure, adequate maintenance and protection of existing landscape screening, preservation of the "Old Richland Schoolhouse," and safe onsite traffic circulation during events.

Staff recommends conditional approval of the use permit for a term of five (5) years with PC Resolution 12-4288.

Attachment(s)

Adopting Resolution

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



Prepared by:

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Sean del Solar, Assistant Planner

Reviewed by:

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Jerry Backoff, Planning Division Director

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Mike Edwards, Public Works Director/ City Engineer

Approved by:

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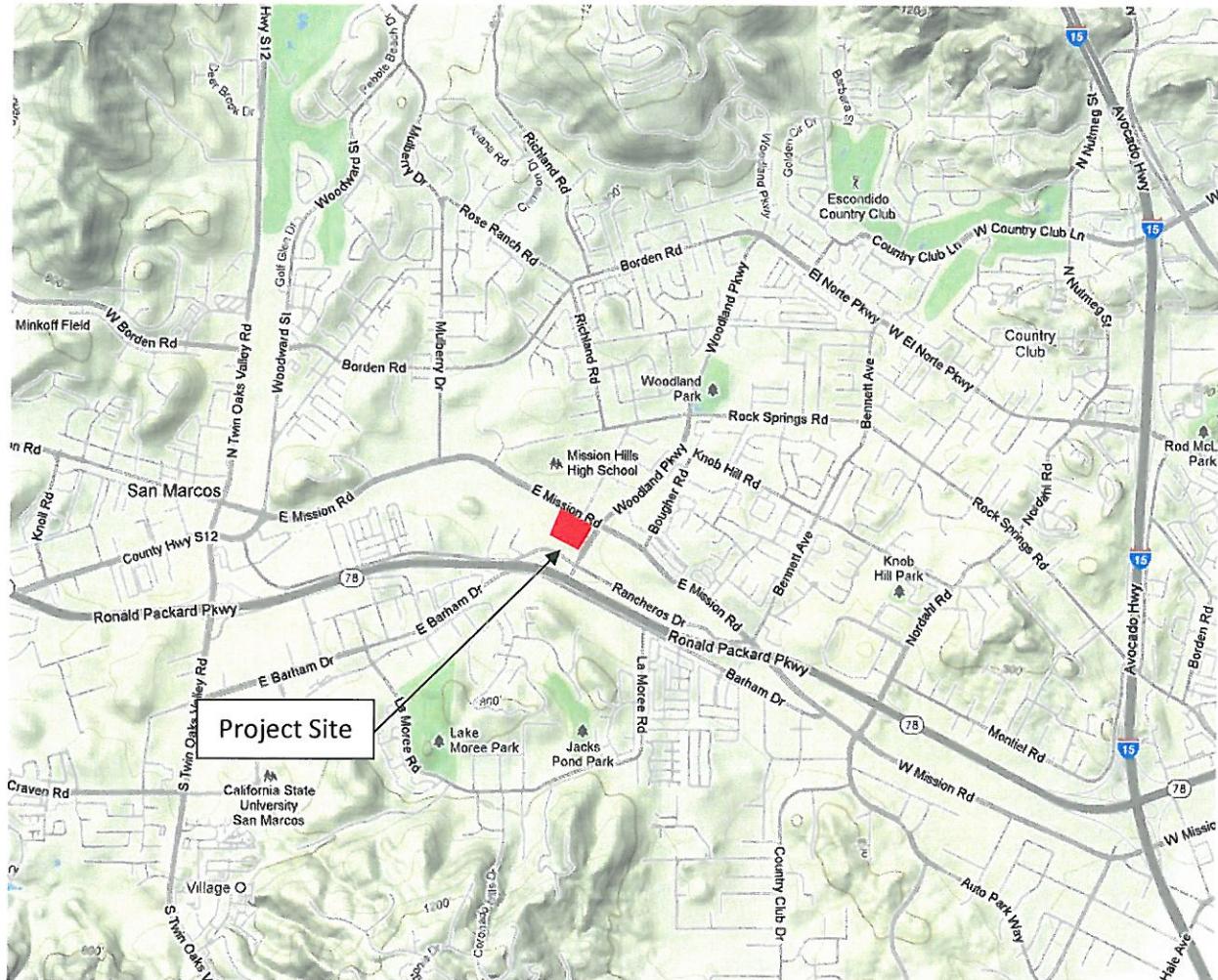
Charlie Schaffer, Development Services Director

AGENDA ITEM NO. _____



Attachment A

Vicinity Map





Attachment B

Aerial Photo



Subject Property



Subject Site (Inclusive of adjacent properties)



Attachment C

Requested Entitlements

A major Conditional Use Permit modification to remove educational uses allow the continued operation of a special event venue for weddings and social gatherings on a 4.41 acre parcel in the Industrial 2 (M-2) zone of the Richland Neighborhood.



Attachment D

Site Photos



View of the "Old Richland Schoolhouse" with the outdoor wedding area
seen in front of the building.



View of the Pavilion canopy as seen from the "Old Richland Schoolhouse."



Attachment E

Site & Project Characteristics

Development Summary:

Property	Existing Land Use	Zoning	General Plan Designation
Subject	Special Event Venue	M-2 (DZ)	Mixed Use 3
North	Residential Condominiums	R-3-10	Med. Density Res. 2 (15-20 du/ac)
South	Propane Distribution	M-2 (DZ)	Industrial
East	Retail	C	Commercial
West	Contractor's Storage	M-2 (DZ)	Industrial

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

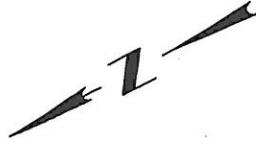
*With approval of a Conditional Use Permit

Development Standards:

Setback	Minimum Required	Existing
Front	10 feet	145 feet
Rear	none	25 feet
Side (north)	10 feet	140 feet
Side (south)	none	200 feet

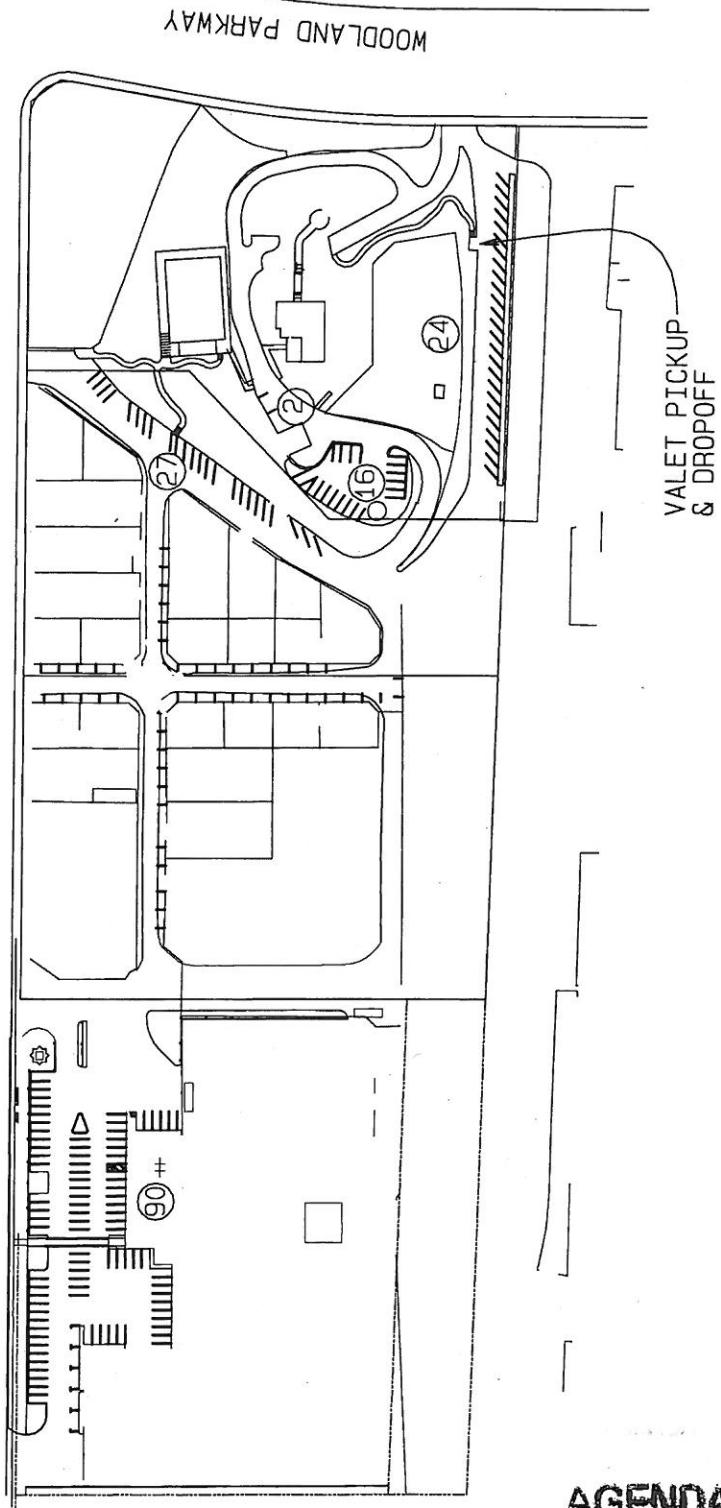
RICHLAND SCHOOL HOUSE

SCALE 1"=200'



MISSION ROAD

" F "



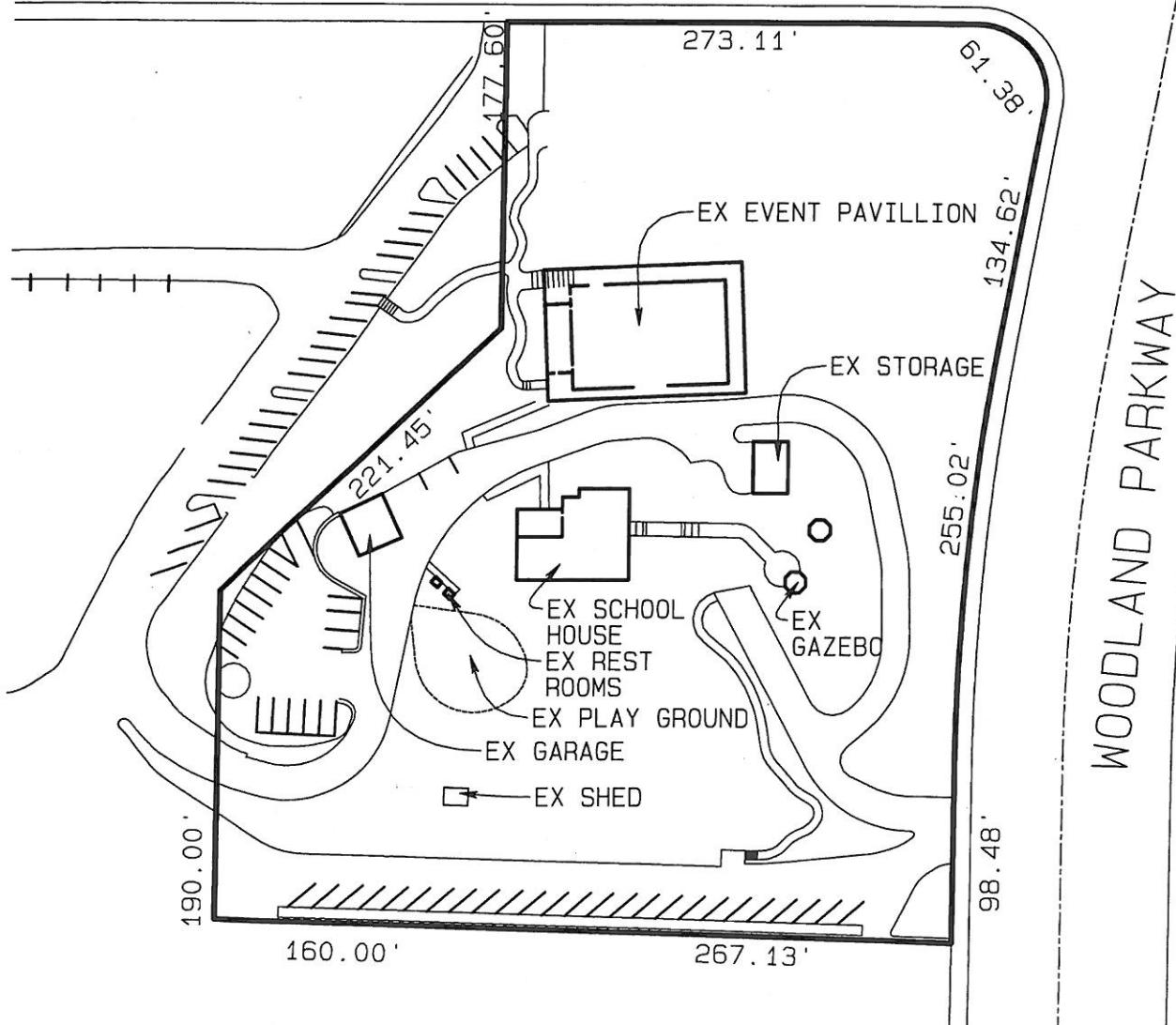
AGENDA ITEM
2

GAPR2012

RICHLAND SCHOOL HOUSE SITE PLAN

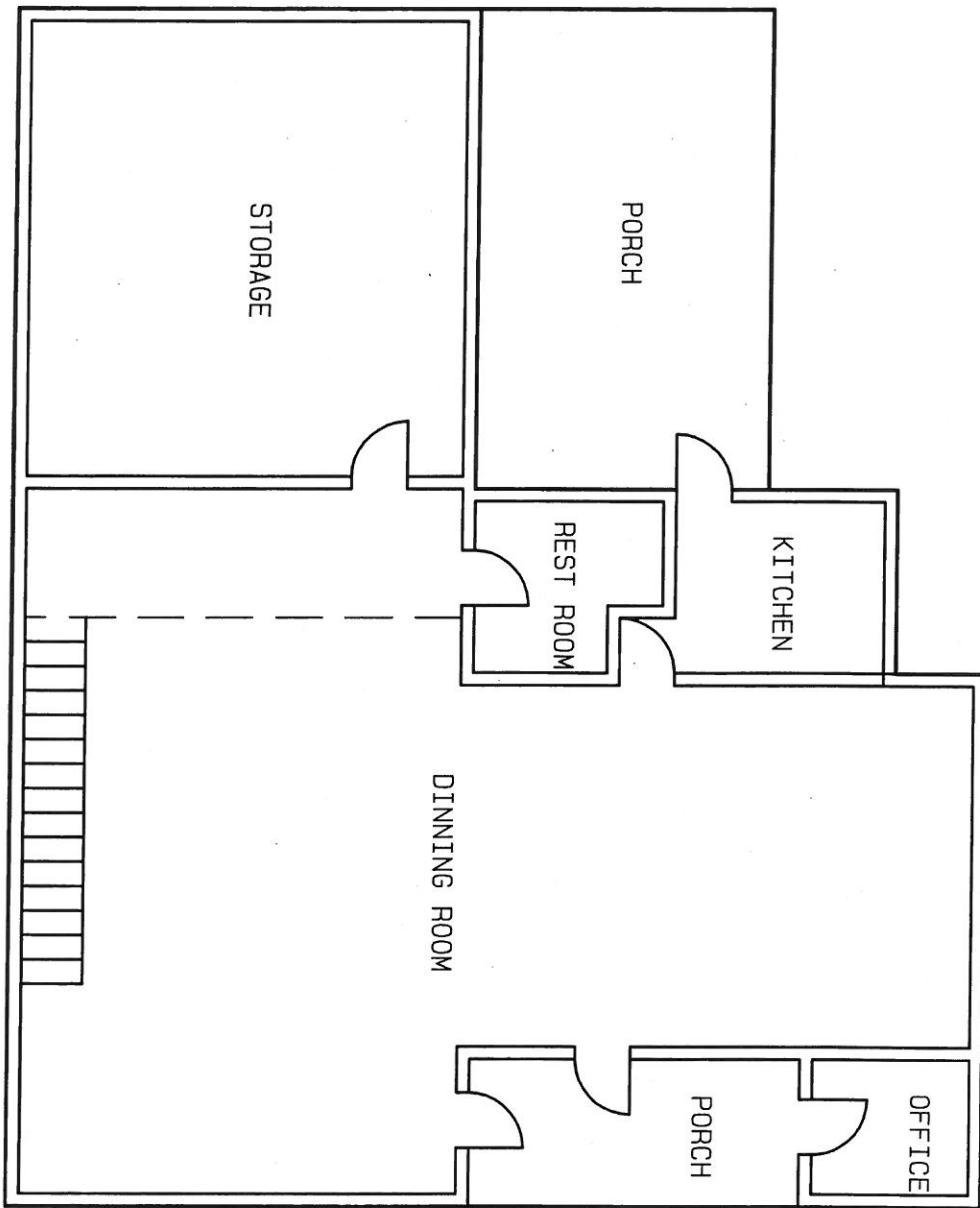
SCALE 1"=100'

MISSION ROAD



SCHOOL 2965 SQ. FT.
PAVILLION 6000 SQ. FT.

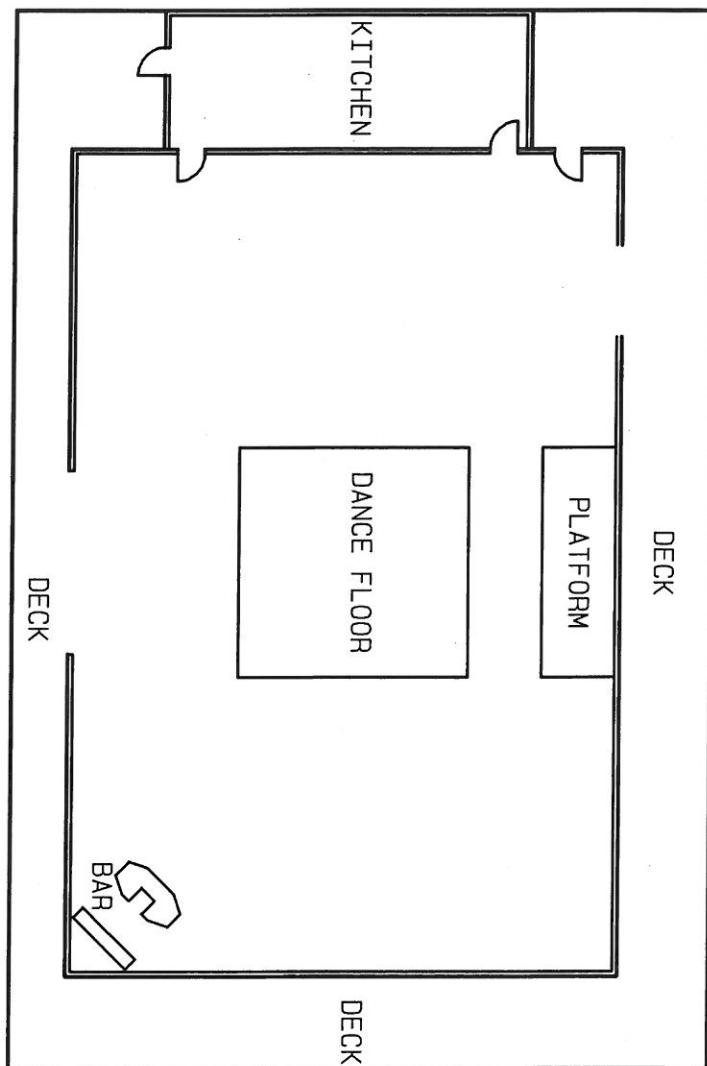
RICHLAND SCHOOL HOUSE EXISTING FLOOR PLAN



MAXIMUM OCCUPANCY 80

SCALE 1" = 10

PAVILLION LAYOUT



MAXIMUM OCCUPANCY 400

SCALE 1" = 20'

RESOLUTION PC 12-4288

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT MODIFICATION TO ELIMINATE THE EDUCATIONAL USE OF FACILITIES AND ALLOW THE CONTINUED OPERATION OF A SPECIAL EVENT VENUE FOR WEDDINGS AND SOCIAL GATHERINGS AT THE SITE OF THE OLD RICHLAND SCHOOLHOUSE

CUP 95-279(12M)
EMERALD FAMILY HOLDINGS, LLC.

WHEREAS an application was received from the Hilltop Group, Inc. on behalf of the Emerald Family Holdings, LLC. on March 9, 2012, requesting a Conditional Use Permit modification and renewal to eliminate the educational use of facilities and allow the continued operation of a special event venue at the site of the "Old Richland Schoolhouse" located in the Industrial M-2 Zone with a Design Zone (DZ) Overlay, in the Richland Neighborhood with a General Plan Land Use Designated of Mixed-Use 3 (MU-3) at 134 Woodland Parkway, more particularly described as:

Portion of Lot 10 and 11 in Block 22 of the Rancho Los Vallecitos De San Marcos, according to map thereof No. 806 recorded December 21, 1895 in the Office of the County Recorder of San Diego County

Assessor Parcel Numbers: 220-240-73 and 220-220-58, 220-240-72 and 220-240-74

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

WHEREAS, the Public Hearing originally held on June 7th, 2012 was continued to a date uncertain; and

WHEREAS, the required public hearing held on September 13th, 2012 was duly re-advertised and held in a manner prescribed by law; and

WHEREAS, the Adoption of the General Plan by the City Council on February 14, 2012 changed the General Plan Land Use Designation of the property from Industrial to Mixed-Use 3 (MU-3); and

WHEREAS, on November 6, 1995 Conditional Use Permit 95-279 was approved to allow the operation of a school and special event venue at 134 Woodland Avenue and the Conditional Use Permit was renewed and/or modified by the Planning Commission in 1996, 1999, 2001, 2002, and 2008; and

WHEREAS, APN: 220-240-73 has already been annexed into Community Facility District (CFD) 91-02: Police and Fire; 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 Planning Commission's decision is based upon the following findings and determinations:

AGENDA ITEM
2

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 the special event venue from existing facilities will comply with all relevant provisions of the San Marcos Municipal Code, including noise regulations.
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 special event venue from the “Old Richland Schoolhouse” site will promote community design that produces a distinctive, high-quality built environment with forms and character that create memorable places and enrich community life (Goal LU-5).

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 (2,752 square foot schoolhouse for bridal showroom and ornamental purposes and a 6,000 square foot pavilion for special events) and shall not be expanded unless a modification to this permit is approved.
- C. Within ninety (90) days of approval, the applicant shall comply with the following:
 1. Submit to the City for review and approval by the Planning Division Director and City Engineer a striping plan for all parking areas and a repair/maintenance plan. The striping plan shall be fully dimensioned and demonstrate compliance with Parking Ordinance including City Standards for throat stacking and onsite circulation/accessible distance minimums. Minimum throat stacking distance for all driveways shall be twenty (20) feet (measured from the ultimate right-of-way line). The entire twenty (20) foot throat distance shall be designated by striping. This minimum shall be increased if deemed necessary by the City Engineer. The repair/maintenance plan shall identify corrective action for any defects affecting service (e.g. potholes, distortions, rutting, etc.) located within the paved areas extending from the entrance of the site from Mission Road to the southerly end of the shared drive isle with the adjacent property (Liberty Storage, APN: 220-240-72). The repair/maintenance plan shall also include a description of all proposed repairs to existing pavement and include a calculation providing a total area of work and contain a cross section of proposed repairs to ensure that no single repair shall penetrate the sub-grade.
 2. The Applicant shall repair, repave and/or resurface all paved areas used in conjunction with property adjacent with (APN 220-240-72) in accordance with the approved repair and maintenance plan. Pavement shall be repaired in a manner that addresses the structural needs of the pavement to handle appropriate loading for the applicant site and adjacent site. Additionally, parking areas shall be restriped consistent with the approved site plan. Any full depth removal shall be shown on a paving plan submitted to the City for approval by the City Engineer and Planning Division Director. Any area of full depth repair totaling in an area of 5,000 sq. ft. or greater shall be required to comply with water quality regulations.
 3. Reposition the “exit signs” above all required entrances and exits in the pavilion so that they are clearly visible to persons inside the pavilion and comply with all requirements of the California Building and Fire Codes.

4. Property Owner/Applicant shall provide an unsubordinated reciprocal access and parking agreement, in a form satisfactory to the City Engineer, between the site and the Diamond Environmental Services site (APN 220-220-58), and the Liberty Storage (APN's: 220-240-72 and 220-240-74). In the event that the ownership of Parcels 220-240-72, 220-240-73, 220-240-74 and/or 220-220-58 should change, all approved reciprocal access and parking agreements shall be transferred to a format acceptable to the City Attorney and shall be recorded with the Office of the San Diego County Recorder. A copy of the recorded agreement shall be submitted to the City's Planning Division.
5. Applicant shall install an approved National Fire Protection Association (NFPA) 72 compliant Fire Alarm with both pull stations and smoke detectors in the Pavilion. The applicant shall ensure that the fire alarm system is fully operational and meets the minimum standards of NFPA 72.
6. Post maximum occupant load sign of 400 persons in the Pavilion.
7. Annual assessments for Community Facility Fee (CFD) 91-02: Police and Fire shall be adjusted to reflect the new use of facilities.
8. The stairway in front of the schoolhouse and behind the outdoor wedding area (the "railroad-tie steps") shall utilize a handrail that is installed in accordance with the standards and requirements of the California Building Code.
9. The handrails surrounding the rear patio area behind the schoolhouse building shall be repaired or placed.
10. Adequate signage and striping shall be added to identify ADA accessible paths of travel between the ADA parking areas, pavilion and the schoolhouse.
11. The flooring materials (i.e. "boards") on the outdoor deck portions of the pavilion shall be repaired to remove or replace any damaged, loose or otherwise defective materials which impair the safe use of the area.
12. The use of extension cords shall be for temporary only. Remove all extension cords connected to permanent fixtures. Applicant shall provide permanent sources of power to fixtures and other devices and discontinue the use of extension cords.
13. A permit shall be required for all signage, including temporary signage. Remove all illegal signage viewable from the right-of-way (i.e. at the intersection of Mission Road and Woodland Parkway). All signage shall comply with the City of San Marcos Sign Ordinance. Portable signs (i.e. A-frame, T-frame, etc.), even for temporary use are prohibited. Any proposal for signage shall be compatible with the "Old Richland Schoolhouse" design and architectural character.
14. A Parking Management Plan (PMP) shall be developed and submitted to the City for review and approval by the Planning Division Director and City Engineer. At a minimum, the plan shall address the following:

- a. A site plan that identifies all parking areas and includes a sufficient level of detail to demonstrate compliance with the City Off-Street Parking Ordinance. The plan shall also identify all areas where parking is prohibited.
 - b. Administrative policies and procedures to implement the Parking Management Plan.
 - c. Identify strategies for providing onsite parking to various sized vehicles during events (i.e. limousines, buses, etc.).
 - d. Develop policies for addressing complaints received from surrounding property owners in the event that parking becomes impactive to surrounding properties.
 - e. Acknowledge the scheduling limitations of the special event venue based on the availability of shared parking facilities.
 - f. Provide a commitment to work with City staff in the event that complaints are received regarding parking from events.
 - g. The Plan shall also include a page serving as an acknowledgement signed by the Operator of the Special Event Venue that acknowledges: (1) A copy of the Parking Management Plan was provided, (2) the Parking Management Plan is understood, and (3) the Parking Management Plan requirements will be implemented. Should the Operator of the Special Event Venue change, it is the Property Owner's responsibility to ensure that the new Operator receives a copy of the Parking Management Plan and that a new signed acknowledgement is submitted.
15. Individual public parking spaces shall be a minimum of nine (9) feet wide by twenty (20) feet depth. The depth maybe decreased down to seventeen and one-half (17.5) feet when there is allowable curb overhang onto adjacent landscaped areas. Curb overhang maybe allowed adjacent to sidewalks as long as there is a minimum unobstructed sidewalk width of three and one-half (3.5) feet. Otherwise, wheel stops shall be installed to prevent vehicles from hanging over the sidewalk and to protect walls.
16. Ensure that parking areas and drive aisles utilized for self-parking have adequate safety lighting. Applicant shall also evaluate remainder of parking lot to ensure that all parking areas are illuminated at night time in accordance with City Standards. If additional lighting is deemed necessary after said evaluation, the lighting to be added shall be represented on the revised site plan. Lighting fixtures proposed on site shall be submitted to the Planning Division for review and approval. Where possible, the lamp used in lighting fixtures shall be light emitting diodes (LED).
17. A revised Site Plan shall be submitted by the Applicant for review and approval by the Planning Division. The Site Plan shall demonstrate full compliance with all conditions of approval of CUP 95-279(12M) to indicate all improvements required for compliance with CUP 95-279(12M).

18. A compliance inspection by the Planning Division shall be scheduled by the Applicant to verify compliance with all conditions contained in Section "C" of this CUP shall be required.
- D. Reliance on this Conditional Use Permit and the ongoing operation of the facility shall comply with the following:
 1. Compliance with Condition of Approval C(18) of this CUP and the ongoing compliance with all of the aforementioned Conditions of Section "C" of this CUP.
 2. Any physical modifications, changes or alterations to the existing 2,752 square foot "Old Richland Schoolhouse" facility are not allowed by the issuance of CUP 95-279(12M). The "Old Richland Schoolhouse" shall remain intact and unchanged during the duration of CUP 95-279(12M). If in the event it becomes necessary to alter the "Old Richland Schoolhouse" in any way (e.g. painting, reroof, window replacement, etc.), the applicant shall contact the Planning Division Director prior to taking any action.
 3. All landscaping on site shall be maintained in a healthy, thriving manner.
 4. Existing trees and landscaping (including the eucalyptus trees near Mission and on the northern half of the property) shall remain in place. Removal of any trees is prohibited without prior approval of the Planning Division Director and shall require replacement if said trees are damaged or removed.
 5. Maintain a minimum of four 2A:10B:C type fire extinguishers in Pavilion and three additional 2A:10B:C type fire extinguishers in "the Old Schoolhouse." All on site fire extinguishers shall be serviced annually in accordance with the manufacturer's specifications.
 6. All interior finishes (i.e. table clothes, curtains, etc.) shall comply with California Fire Code Chapter 8 for flame spread and smoke development.
 7. During events, a minimum of two (2) exits from the Pavilion shall remain free and clear of any obstructions, including temporary vinyl walls. In addition, any stairways or gates providing ingress/egress from the pavilion shall be equipped with panic hardware maintained in working order and remain unlocked and unobstructed during events.
 8. Access from Woodland Parkway shall be limited to traffic associated with the events at the Old Schoolhouse (on APN 220-240-73). Contractor's leasing space within the Liberty Contractor's Storage Yard shall be prohibited from using the driveway on Woodland Parkway.
 9. All private access providing onsite circulation shall be maintained in accordance with the approved site plan.
 10. All parking lot areas shall remain clear of wood, mulch or other materials or debris stored on site for use by the Schoolhouse.

11. During events, all parking shall be provided onsite or as otherwise approved in the Parking Management Plan. There shall be no parking of vehicles allowed on perimeter streets (i.e. Woodland Parkway or East Mission Road), in the parking lot of the Albertson's commercial center located across the street (i.e. southeast corner of Woodland Parkway and East Mission Road) or on any other offsite property. It shall be the responsibility of the Operator of the Special Event Venue to regulate this condition. If the shopping center and/or City receive complaints, the City may require additional event staff to enforce this requirement.
12. No recreational vehicles (e.g. motor homes, trailers, campers, etc.) shall be stored on site at any time.
13. All exterior illumination shall be shut off by 11:00 p.m., other than security lighting. The use of "search lights" (or other similar device providing an upward beam of light) is prohibited.
14. All deck structural members below the deck that are exposed shall be well maintained and remain green in color.
15. The side pavilion vinyl walls may be raised during cleaning operations, event setup and breakdown periods for ventilation purposes, however the pavilion walls shall remain closed during events (with the exception of those sections serving as exits).
16. The pavilion structure shall consist of the thickest vinyl material available in order to attenuate internal noise sources to the maximum extent feasible. The pavilion structure shall be kept in a dust free, well maintained manner and fabric shall be cleaned or replaced, as deemed necessary by the Planning Division Director.
17. If there are noise complaints received by the City, then the applicant shall submit a noise analysis and implement the recommendations as deemed necessary by the Planning Division Director.
18. Outdoor loudspeakers, public address systems or any other system providing amplified sound shall be oriented and directed internally and away from the residential areas located across Mission Road.
19. Amplified sound shall not be permitted after 10:00 p.m. or before 8:00 a.m.
20. The on site manager shall be responsible to ensure all amplified sound shall not exceed allowable decibel limits adjacent to residential (65 dBL at the project property line) or violate the City's Noise Ordinance. Applicant shall fully comply with any instructions from the Sheriff's Department regarding the resolution of noise complaints. Failure to comply can result in the revocation of this permit.
21. All food shall be prepared offsite. Use of the kitchen facilities onsite shall be limited and no grease shall be disposed of in plumbing appliances connected to the sanitary sewer system. Kitchen facilities and food service shall comply with all regulations of the County Department of Environmental Health.

22. No person under the age of twenty one (21) shall be served alcohol during an event. The service of alcohol during an event shall comply with all rules and regulations established by the California Department of Alcoholic Beverage Control (ABC). If there are public safety issues that result from alcohol service in conjunction with events, then the applicant shall take corrective action as necessary. If public safety issues persist, then alcoholic beverage service may be prohibited at the discretion of the Planning Division Director.
23. All events shall include adequate security services to ensure public safety. The City recommends a ratio of one (1) guard per fifty (50) people be maintained during events, especially those where alcohol service is proposed. Should Public Safety at the project site during events become a concern by the City, this recommended ratio (1:50) shall become mandatory and may be raised or lowered depending on the recommendations of the Sheriff's Department and/or Planning Division Director.
24. Discharges to storm drain facilities are strictly prohibited per Section 14.15.030 of the San Marcos Municipal Code and SDRWQCB Permit Number R92007-0001.
25. The Applicant/Operator shall submit a schedule of events to the City detailing the number of guests and employees for all events.
26. All events allowed under CUP 95-279(12M) shall utilize a fixed listing of attendees (i.e. "guest list"). Events with "general admission" of the public (i.e. "open to the public") shall be prohibited but may be considered on a case by case basis through the Special Event Permit Process.
27. Events without valet service shall be limited to no more than two-hundred (200) occupants (inclusive of both guests and staff) and comply with all provisions of the Parking Management Plan.
28. Events with two-hundred one (201) or more occupants shall require the use of a valet service and comply with all provisions of the Parking Management Plan.
29. The use of the Diamond Environmental Services site (APN 220-220-58) shall be limited to parking only during events. Similarly, use of the Liberty Storage Facility (APNs: 220-240-72 and 220-240-74) shall be for access/onsite circulation during events utilizing the Diamond Environmental Services Parking facilities only.
30. In the event that offsite parking is unavailable (e.g. an event is scheduled during regular business hours of Diamond Environmental Services, a property providing access or parking is sold and the new owner no longer supports shared access/parking agreements, etc.) events of more than two-hundred (200) occupants shall be prohibited.
31. Operation of this facility under CUP 95-279(12M) will be limited to no more than four-hundred (400) occupants (inclusive of both guests and staff) and shall comply with all provisions of the Parking Management Plan.
32. All on site circulation shall be maintained with traffic arrows that clearly mark the pavement for self-parking for events along with appropriate directional signs to ensure safe circulation. All circulation (one-way and two-way) shall be sufficiently maintained

to accommodate turning radius for emergency vehicles as determined by the City Engineer. No parking shall be allowed in driveways and/or drive aisles required for onsite circulation or ingress/egress from the site.

33. The permittee shall be responsible for conducting the proposed use in a manner as not to become obnoxious by reason of refuse, odor, dust, smoke, maintenance of grounds and buildings or have a detrimental effect on permissible adjacent uses.
 34. Any new construction, alteration, improvement, or modification to the existing building requires the issuance of a building permit and compliance with the minimum code requirements of the latest adopted California Building Code.
- E. Prior to the issuance of any building permits, the following conditions shall be complied with:
1. 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.
 2. 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.
 3. 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.
 4. 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.
 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.
 6. Any 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.
 7. Any 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.
 8. Any new development is subject to the payment of development fees and in-lieu fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City. In addition, special taxes levied through the Community Facility Districts shall be adjusted to reflect the new use of the facilities as allowed by Conditional Use Permit 95-279(12M).

- F. During the construction phase, 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. Paving, grading, excavation or other related operations, including warm-up and maintenance activities, shall be limited to the hours of 7:00 a.m. to 4:30 p.m., Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays.
 3. During construction the applicant shall implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the Chapter 14.15 of the San Marcos Municipal Code (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.
- G. Prior to a final inspection or the issuance of a Certificate of Occupancy ("C of O") the following conditions shall be complied with:
1. 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.).
 2. The proposed development shall satisfy the conditions of approval prior to 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. For phased developments, the conditions of approval shall be satisfied prior to requesting the first occupancy in the phase.
- H. This Conditional Use Permit shall be reviewed by staff annually to determine whether it is having a detrimental effect on surrounding uses. Should it be determined that such is the case, a public hearing shall be scheduled before the Planning Commission for possible permit modification or revocation. Failure to comply with any condition herein shall likewise constitute grounds for such a hearing.
- I. This Conditional Use Permit shall become null and void if not implemented within twelve (12) months of Planning Commission approval.
- J. This Conditional Use Permit shall be valid for a period of five (5) years and shall expire on September 13, 2017. Any request for 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.

- K. 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.
- L. Applicant/Property Owner/Facility Operator 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.
- M. 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 13th day of September 2012, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Dean Nelson, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION