



Agenda of the Planning Commission

Meeting of April 19, 2021 – 6:00 p.m.

ONLINE ONLY MEETING

<https://www.nationalcityca.gov/webcast>

LIVE WEBCAST

Council Chambers, Civic Center

1243 National City Boulevard

National City, CA 91950

NOTICE: The health and well-being of National City residents, visitors, and employees during the COVID-19 outbreak remains our top priority. The City of National City is coordinating with the County of San Diego Health Human Services Agency, and other agencies to take measures to monitor and reduce the spread of the novel coronavirus (COVID-19). **The World Health Organization has declared the outbreak a global pandemic and local and state emergencies have been declared providing reprieve from certain public meeting laws such as the Brown Act.**

As a result, the National City Planning Commission Meeting will occur only online to ensure the safety of City residents, employees and the communities we serve. A live webcast of the meeting may be viewed on the city's website at <https://www.nationalcityca.gov/webcast>

PUBLIC COMMENTS: There are multiple ways you can make sure your opinions are heard and considered by our Planning Commission as outlined below:

Submit your public comment prior to the meeting: To submit a comment in writing, email, <mailto:PlcPubComment@nationalcityca.gov> provide the agenda item number and title of the item in the subject line of your email. **Public comments or testimony is limited to up to three (3) minutes.**

If the comment is not related to a specific agenda item, AGENDA OF A REGULAR MEETING - NATIONAL CITY PLANNING COMMISSION ONLINE ONLY MEETING <https://www.nationalcityca.gov/webcast> LIVE WEBCAST COUNCIL CHAMBERS CIVIC CENTER 1243 NATIONAL CITY BOULEVARD NATIONAL CITY, CALIFORNIA indicate General Public Comment in the subject line. All email comments received by 4:00 p.m. on the day of the meeting will be read into the record at the Planning Commission meeting and retained as part of the official record. All comments will be available on the City website within 48 hours following the meeting.

Register online and participate in live public comment during the meeting: To provide live public comment during the meeting, you must pre-register on the City's website at <https://www.nationalcityca.gov/plcpubliccomment> by 4:00 p.m. on the day of the regular meeting to join the Planning Commission Meeting.

*****Please note that you do not need to pre-register to watch the meeting online, but you must pre-register if you wish to speak.**

Once registered, you will receive an email with a link from Zoom to join the live meeting. You can participate by phone or by computer. Please allow yourself time to log into Zoom before the start of the meeting to ensure you do not encounter any last-minute technical difficulties.

*****Please note that members of the public will not be shown on video; they will be able to watch and listen and speak when called upon.**

Public microphones will be muted until it is your turn to comment. Each speaker is allowed up to three (3) minutes to address the Planning Commission. Please be aware that the Chair may limit the comments' length due to the number of persons wishing to speak or if comments become repetitious or unrelated. All comments are subject to the same rules as would otherwise govern speaker comments at the meeting. Speakers are asked to be respectful and courteous. Please address your comments to the Planning Commission as a whole and avoid personal attacks against members of the public, Planning Commissioners, and City staff.

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the Planning Department at (619) 336-4310 to request a disability-related modification or accommodation. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Welcome to the National City Planning Commission meeting. The National City Planning Commission conducts its meeting in the interest of community benefit. Your participation is helpful. These proceedings are video recorded.

Roll Call

Pledge of Allegiance by Commissioner Roman

Approval of Minutes

1. Approval of Minutes from the Meeting of March 15, 2021

Approval of Agenda

2. Approval of the Agenda for the Meeting of April 19, 2021

ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).

NOTE: Under State law, items requiring Commission action must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature.

PRESENTATIONS

CONTINUED PUBLIC HEARINGS

PUBLIC HEARINGS

3. Resolution Taking Action on a Conditional Use Permit to Operate a Church (Iglesia De Cristo) located at 322 Highland Avenue (Case File No. 2021-02 CUP)

OTHER BUSINESS

STAFF REPORTS

Deputy City Attorney

Director of Community Development

Principal Planner

Commissioners

Chairperson

ADJOURNMENT

Adjournment to the regularly scheduled meeting on May 3, 2021 at 6:00 p.m.



Planning Commission Minutes

Planning Commission Meeting
Meeting of March 15, 2021

ONLINE ONLY MEETING

<https://www.nationalcityca.gov/webcast>

LIVE WEBCAST

Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950

These minutes have been abbreviated. Video recordings of the full proceedings are on file and available to the public.

Agenda Items

The meeting was called to order by Chair Dela Paz at 6:01 p.m.

Roll Call

Pledge of Allegiance by Commissioner Natividad

Commissioners Present: Dela Paz, Sanchez, Flores, Sendt, Yamane, Natividad, Roman

Commissioners Absent: None.

Staff Also Present: Director of Community Development Armando Vergara, Deputy City Attorney Jennifer Gilman, Principal Planner Martin Reeder

1. Approval of Minutes from the Meeting of March 1, 2021

Motion by Natividad, second by Yamane to approve the Minutes for the Meeting of March 1, 2021.

Motion carried by the following vote:

Ayes: Dela Paz, Sanchez, Flores, Sendt, Yamane, Natividad, Roman

Abstain: None.

Noes: None.

Absent: None.

Motion approved.

2. Approval of the Agenda for the Meeting on March 15, 2021.

Motion by Yamane, second by Sendt to approve the Agenda for the Meeting on March 15, 2021.

Motion carried by the following vote:

Ayes: Dela Paz, Sanchez, Flores, Sendt, Yamane, Natividad, Roman

Abstain: None.

Noes: None.

Absent: None.

Motion approved.

ORAL COMMUNICATION: None.

PRESENTATIONS: None.

CONTINUED PUBLIC HEARINGS: None.

PUBLIC HEARINGS

3. Resolution Taking Action on a Code Amendment amending Sections 18.30.340 (Medical Marijuana Dispensaries) and 18.30.345 (Medical Marijuana Cultivation) of Title 18 (Zoning) of the National City Municipal Code (Case File No. 2019-29A)

Presented by Principal Planner Martin Reeder.

Executive Secretary Tonya Hussain read public comments into the record.

Comments received in opposition from the following:

Kathleen Lippitt
Judi Strang
Kelly McCormick
Carol Green
Ted Godshalk
Rebecca Rapp
Barbara Gordon
Peggy Walker
Joan Rincon

Mr. Reeder answered questions posed by the Commissioners.

Motion by Natividad, second by Yamane to close the Public Hearing.

Motion carried by the following vote:

Ayes: Sanchez, Flores, Sendt, Yamane, Natividad, Roman

Abstain: None.

Noes: Dela Paz

Absent: None.

Motion approved.

Motion by Yamane, second by Dela Paz to **deny** a Resolution Taking Action on a Code Amendment amending Sections 18.30.340 (Medical Marijuana Dispensaries) and 18.30.345 (Medical Marijuana Cultivation) of Title 18 (Zoning) of the National City Municipal Code (Case File No. 2019-29A) based on the finding that the land use is not desirable or necessary.

Motion carried by the following vote:

Ayes: Dela Paz, Sanchez, Flores, Sendt, Yamane, Natividad

Abstain: None.

Noes: Roman

Absent: None.

Motion approved.

OTHER BUSINESS: None.

STAFF REPORTS:

Deputy City Attorney: None.

Armando Vergara, Director of Community Development: None.

Principal Planner: Mr. Reeder provided an update on the Transit Oriented Development Overlay and advised that the item would come before the Planning Commission in April or May and to the City Council in early summer.

Spoke to the possibility of live public comment being incorporated into the meetings and stated that the City Council would decide on the final policy.

COMMISSIONER REPORTS:

Sendt: Encouraged the City to continue community outreach to promote the COVID-19 vaccine.

Sanchez: Thanked staff for their hard work.

Dela Paz: Asked that the City continue to spread the word about vaccination. Expressed support for incorporating live public comment into the meetings. Asked staff to forward any Planning Commission literature received from the League of California Cities.

No other Commissioners had comments.

ADJOURNMENT by Chair Dela Paz at 7:14 p.m. to the meeting of April 19, 2021.

CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of April 19, 2021.



COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT TO OPERATE A CHURCH (IGLESIA DE CRISTO) LOCATED AT 322 HIGHLAND AVENUE

Case File No.: 2021-02 CUP

Location: Northwest Corner of Highland Avenue and Fourth Street

Assessor's Parcel Nos.: 557-127-05

Staff report by: Chris Stanley, Assistant Planner

Applicant: Francis Rodriguez

Zoning designation: Minor Mixed-Use Corridor (MXC-1)

Adjacent land use/zoning:

North:	Retail / MXC-1
East:	Retail & residential / MXC-1
South:	Retail / MXC-1
West:	Single & Multi-family residential / Small lot residential (RS-2)

Environmental review: Categorically Exempt pursuant to Class 1 Section 15301 (Existing Facilities)

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of a proposed church at an existing commercial building. The use is conditionally-allowed in the Minor Mixed-Use Corridor (MXC-1) zone and is consistent with the General Plan and Land Use Code.

Executive Summary

The applicant has applied for a Conditional Use Permit (CUP) for a church at a vacant commercial suite. Conditions would restrict the hours of operation to ensure that the church would not conflict with the uses of the surrounding properties.

Site Characteristics

The project location is a vacant 1,296 square foot suite in a commercial building located at 322 Highland Ave.; the property is located in the MXC-1 zone. North and south of the property along Highland Ave, are retail uses. East across Highland is also retail and mixed-use. West of the property is single-family and multi-family uses.

Proposed Use

The applicant is proposing to operate a church in a commercial suite within the building. The site would consist of 14 parking spaces and a single driveway that would be accessed from E. 4th St. The interior of the building would consist of an office, a restroom, storage area, and the gather space.

Analysis

A church requires one parking space for every 35 square feet of seating area; with 256 square feet of proposed seating area, the site would need to provide seven parking spaces; the site currently has 14 parking spaces, double the required amount. While it should be noted that there is a separate suite on the premises (330 Highland Ave.), there is not currently a business in that suite. In the future, if/when there is a business in 330 Highland Ave., the two operations will share the 14 parking spaces; this will not be an issue due to the church operating on limited hours mostly outside of primary business hours (10 a.m. to 1 p.m. Sundays, 7 p.m. to 9 p.m. Mondays, 7 p.m. to 8:30 p.m. Tuesdays, 7 p.m. to 9:30 p.m. Thursdays, and 6 a.m. to 8 a.m. Saturdays) and the fact that shopping centers with multiple tenants require a parking space for every 200 square feet of retail space. The adjacent suite, 330 Highland Ave. is 1,228 square feet in size, which would only require six parking spaces; the site would have a surplus parking space.

Noise impacts are a general point of caution for public assembly uses. There are residential units west of the subject site, but there is a parking lot between the church and the residential neighborhood, which would provide space between the church and the houses. The church entrance is also located on the east side of the property, opposite of the residential lots. In addition to the fact that the hours of operation are limited, a condition of approval for the project is that the church must adhere to the allowable noise levels and must keep their doors closed in order to help alleviate any potential noise concerns.

Findings for Approval

The Municipal Code contains six required findings for CUPs:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code.

The use is allowable within the Minor Mixed-Use Corridor (MXC-1) zone pursuant to a CUP and is consistent with the General Plan and Land Use Code.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

General Plan Policy LU-4.3 Promotes infill development, redevelopment, rehabilitation, and reuse efforts that contribute positively to existing neighborhoods and surrounding areas.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

The site is an existing commercial building that conditionally permits public assembly.

4. The site is physically suitable for the type, density, and intensity of the use being proposed; including access, utilities, and the absence of physical constraints.

The site provides the required parking and would only be in use a limited amount of time outside of primary business hours, limiting potential traffic concerns.

5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located.

Potential noise from the church will not affect the surrounding properties due to conditions set within the permit requiring that doors and windows be shut during service and noise levels be in compliance with the City's municipal code. In addition, granting the CUP will fill a long-standing vacancy and provide a public service.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

It can be seen with certainty that the project will not have a significant effect on the environment due to the project involving no new development and residing in an existing facility. Staff has determined the proposed use to be categorically exempt from environmental review pursuant to Class 1 Section 15301 (Existing Facilities), for which a Notice of Exemption will be filed subsequent to approval of this CUP.

Conditions of Approval

The approved hours of operation for the church shall be 10 a.m. to 1 p.m. Sundays, 7 p.m. to 9 p.m. Mondays, 7 p.m. to 8:30 p.m. Tuesdays, 7 p.m. to 9:30 p.m. Thursdays, and 6 a.m. to 8 a.m. Saturdays. The Fire Department requires that and that the applicant shall have a business license prior to operation. The Planning Division requires all doors and windows to remain closed during church services or other activities that may generate excessive noise, that all activities shall comply with the limits set forth in Table III of Title 12 (Noise) of the National City Municipal Code, and that all parking spaces shall conform to minimum standards as contained in section 18.45 (Off-street loading and parking).

Summary

The proposed project is consistent with the Land Use Code in that it promotes infill development, redevelopment, rehabilitation, and reuse efforts that contribute positively to existing neighborhoods and surrounding areas. The proposed church would have double the required amount of parking spaces and would be

in operation on a limited basis, limiting both the traffic and noise impacts. While there is a residential neighborhood to the west, the entrance for the church is located on the east side of the building and conditions of approval will require that the doors be closed during service and that all required noise levels be met.

OPTIONS

1. Approve 2021-02 CUP subject to the conditions listed below, based on the attached findings, or findings to be determined by the Planning Commission; or
2. Deny 2021-02 CUP based on the attached finding or findings to be determined by the Planning Commission; or,
3. Continue the item to a later date in order to obtain additional information.

ATTACHMENTS

1. Recommended Findings
2. Recommended Conditions of Approval
3. Overhead
4. Applicant's Plans (Exhibit A, Case File No. 2021-02 CUP, dated 3/18/2021)
5. Public Hearing Notice (Sent to 74 property owners & occupants)
6. CEQA Notice of Exemption
7. Resolution



CHRIS STANLEY
Assistant Planner



ARMANDO VERGARA
Director of Community Development

RECOMMENDED FINDINGS FOR APPROVAL

2021-02 CUP – 322 Highland Avenue

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the use is allowable within the Minor Mixed-Use Corridor (MXC-1) zone pursuant to a CUP, and is consistent with the General Plan and Land Use Code.
2. The proposed use is consistent with the General Plan, because General Plan Policy LU-4.3 promotes infill development, redevelopment, rehabilitation, and reuse efforts that contribute positively to existing neighborhoods and surrounding areas.
3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the site is an existing commercial building that permits public assembly.
4. The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints, because the site is physically suitable for a church because it provides the required parking and would only be in use a limited amount of time outside of primary business hours, limiting potential traffic concerns.
5. Granting the permit would not constitute a nuisance, be injurious, or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because potential noise from the church will not affect the surrounding properties due to conditions set within the permit requiring that doors and windows be shut during service and noise levels be in compliance with the City's municipal code. In addition, granting the CUP will fill a long-standing vacancy and provide a public service.
6. The proposed project has been reviewed in compliance with CEQA because it can be seen with certainty that the project will not have a significant effect on the environment due to the project involving no new development and residing in an existing facility. Staff has determined the proposed use to be categorically exempt from environmental review pursuant to Class 1 Section 15301 (Existing Facilities), for which a Notice of Exemption will be filed subsequent to approval of this CUP.

RECOMMENDED CONDITIONS OF APPROVAL

2021-02 CUP – 322 Highland Avenue

General

1. This Conditional Use Permit authorizes the operation of a church at 322 Highland Ave. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, case file no. 2021-02 CUP, dated 3/18/2021.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager prior to recordation.
3. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

Planning

6. The operation of the church shall be permitted for Sundays between the hours of 10 a.m. and 1 p.m., Mondays between the hours of 7 p.m. and 9 p.m., Tuesdays between the hours of 7 p.m. and 8:30 p.m., Thursdays between the hours of 7 p.m. and 9:30 p.m., and Saturdays between the hours of 6:00 a.m. and 8 a.m.
7. All doors and windows shall remain closed during church services or other activities that may generate excessive noise.
8. All activities shall comply with the limits set forth in Table III of Title 12 (Noise) of the National City Municipal Code.

9. All parking spaces shall conform to minimum standards as contained in section 18.45 (Off-street loading and parking).

Fire

10. Plans are to be designed, fabricated, and installed to code.
11. The project shall be in compliance with the current editions of NFPA, CFC, Title 19, and the City of National City Municipal Codes.
12. Occupant load proposed (49) shall be maintained and not exceeded at any time.
13. The occupant shall request Fire Department official occupant load certificate prior to operation.
14. The occupant shall maintain all code required paths of travel from inside of structure to outside of building at all times. Concentrated tables and chairs may not obstruct paths of egress or exit ways at any time.
15. Should any plan corrections be required, contractor must correct the plan and re-submit to the Fire Department for approval once again prior to installation.
16. The occupant shall obtain a business license prior to operation.
17. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, that are not specifically provided for by this code, shall be determined by the Fire Official.
18. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.
19. The Fire Code Official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for this code.
20. Should any plan corrections be required, the contractor must correct the plans and re-submit to the Fire Department for approval prior to installation.

21. Approval for final sign-off shall be contingent upon final field inspection and compliance with all applicable codes and ordinances.

2021-02 CUP – 322 Highland Avenue – Overhead

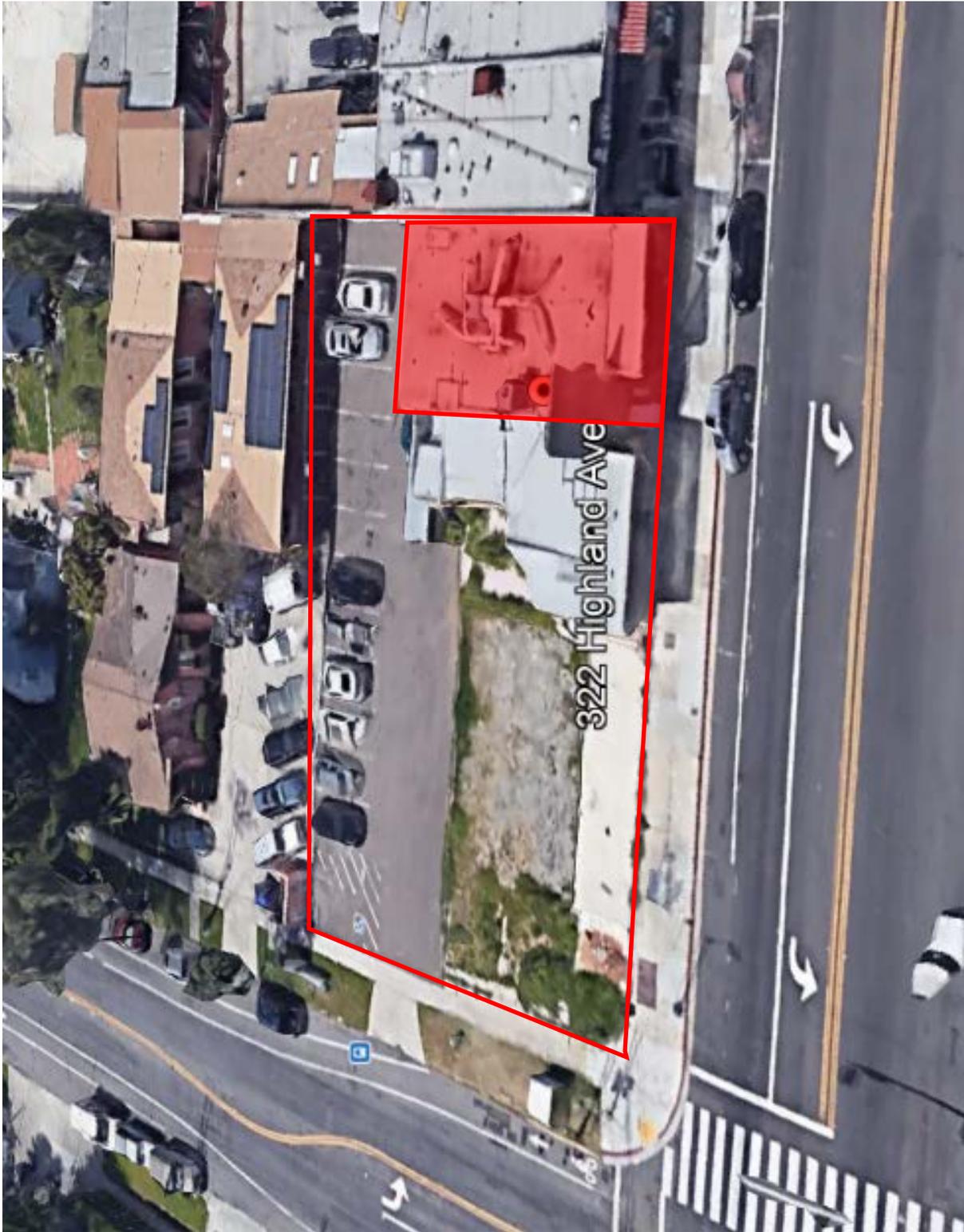
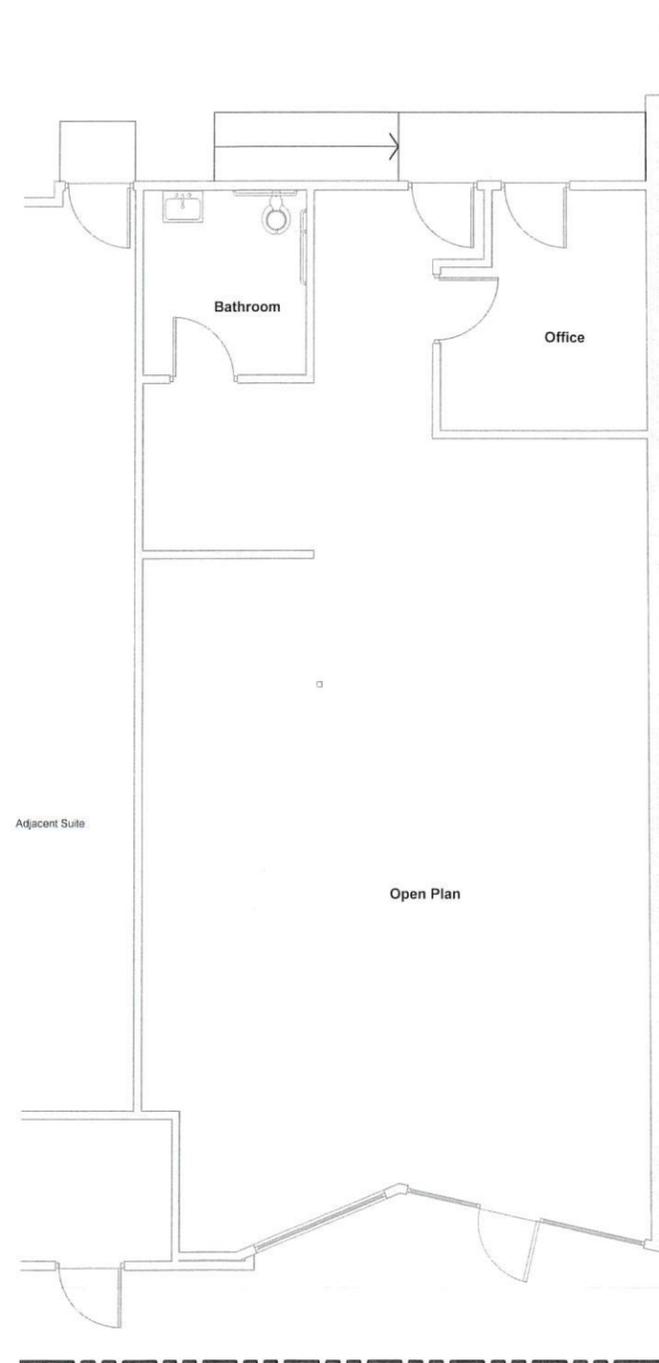


EXHIBIT: A
CASE FILE NO.: 2021-02 CWP
DATE: 3-18-21

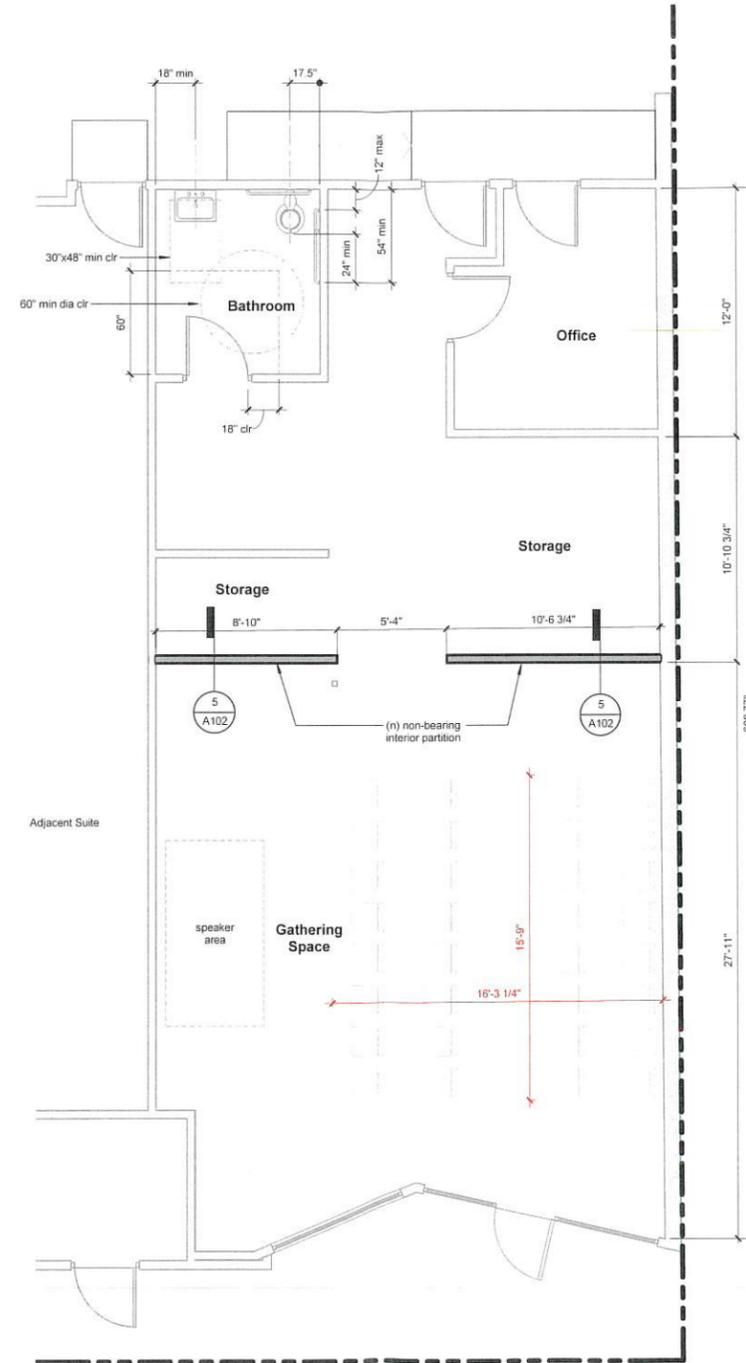
JLC Architecture
337 South Cedros Avenue, Suite J
Solana Beach, CA 92075
www.jlcarc.com
office: 858 438 7777

ARCHITECT
No. C22938
REN. 7/31/2021
STATE OF CALIFORNIA
These drawings and specifications are the property and copyright of the architect and shall not be used on any other work except by agreement with the architect.

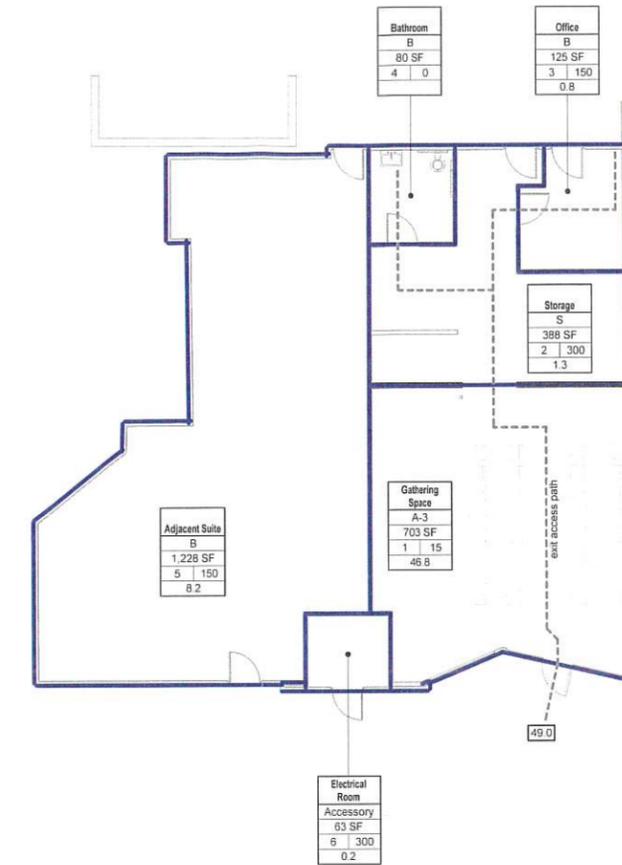
Iglesia de Cristo TI
322 Highland Avenue, National City, CA 91950



3 Floor Plan - Existing
1/4" = 1'-0"



2 Floor Plan - New
1/4" = 1'-0"



1 Area Plan - Occupant Load Analysis
1/8" = 1'-0"

SYMBOL LEGEND

- Unit 13 ← area/room name
- R-2 ← occupancy type
- 504 SF ← area of room
- 1 | 200 ← occupant load factor
- 2.5 ← occupant load
- ← use code (see table below)
- 36.1 ← cumulative occupant load
- ← accessible POT
- ← exit access path

Use Code	Use Description	Occupancy Load Factor
1	Worship Gathering Space	15 gross
2	Storage	300 gross
3	Office	150 gross
4	Bathroom	no occupant load
5	Business	150 gross
6	Electrical Room	300 gross

FLOOR AREA SUMMARY (322 Highland only)				
Unit	Area	Occupant Load Factors	Occupant Load	Comments
Bathroom	80 SF	0 SF	0.0	no occupant load
Gathering Space	703 SF	15 SF	46.8	unconcentrated use (tables and chairs)
Office	125 SF	150 SF	0.8	accessory use
Storage	388 SF	300 SF	1.3	accessory use
Total	1,296 SF		49.0	

Date	Description

Project number: 20038
Drawn by: TVS
Checked by: JLC
Purpose: Bdg Permit

A101
Floor Plan, Code Analysis





COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR THE OPERATION OF A CHURCH
(IGLESIA DE CRISTO) LOCATED AT 322 HIGHLAND AVENUE
CASE FILE NO. 2021-02 CUP
APN: 556-127-05

The National City Planning Commission will hold a public hearing at their regular online meeting after the hour of 6:00 p.m. **Monday, April 19, 2021**, on the proposed request. The meeting will be LIVE WEBCAST from the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Francis Rodriguez)

Due to the precautions taken to combat the spread of coronavirus (COVID-19), City Hall, including the City Council Chambers, are closed to the public. Anyone interested in this public hearing may observe it on the City's website at <http://www.nationalcityca.gov/government/city-clerk/council-webcast>.

The applicant is proposing a church in an existing 1,296 square-foot commercial space at 322 Highland Ave. The property is located in the Minor Mixed-Use Corridor (MXC-1) zone. The proposed operation hours are 10 a.m. to 1 p.m. Sundays, 7 p.m. to 9 p.m. Mondays, 7 p.m. to 8:30 p.m. Tuesdays, 7 p.m. to 9:30 p.m. Thursdays, and 6 a.m. to 8 a.m. Saturdays.

Plans are available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 12:00 p.m., **April 19, 2021**, who can be contacted at 619-336-4310 or planning@nationalcityca.gov

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DIVISION

ARMANDO VERGARA
Director of Community Development

ATTACHMENT 5



NOTICE OF EXEMPTION

TO: Assessor/Recorder/County Clerk
Attn: Fish and Wildlife Notices
1600 Pacific Highway, Suite 260
San Diego, CA 92101
MS: A-33

Lead Agency: City of National City

Project Title: 2021-02 CUP

Project Location: 322 Highland Avenue National City, CA 91950

Contact Person: Chris Stanley **Telephone Number:** (619) 336-4381

Description of Nature, Purpose and Beneficiaries of Project:
Conditional Use Permit for a church located at 322 Highland Avenue

Applicant: Francis Rodriguez **Telephone Number:** (619) 894-1640

Exempt Status:

Categorical Exemption - Class 1 Section 15301 Existing Facilities (interior alterations- interior partitions)

Reasons why project is exempt:

It can be seen with certainty that the project will not have a significant effect on the environment. The project involves no new development and will reside in an existing facility.

Date:

CHRIS STANLEY
Assistant Planner

RESOLUTION NO. 2021-03

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA,
APPROVING A CONDITIONAL USE PERMIT
TO OPERATE A CHURCH (IGLESIA DE CRISTO)
LOCATED AT 322 HIGHLAND AVENUE
CASE FILE NO. 2021-02 CUP
APN: 556-127-05

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the operation of a church at 322 Highland Avenue at a duly advertised public hearing held on April 19, 2021, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2021-02 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on April 19, 2021, support the following findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the use is allowable within the Minor Mixed-Use Corridor (MXC-1) zone pursuant to a CUP, and is consistent with the General Plan and Land Use Code.
2. The proposed use is consistent with the General Plan, because General Plan Policy LU-4.3 promotes infill development, redevelopment, rehabilitation, and

reuse efforts that contribute positively to existing neighborhoods and surrounding areas.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the site is an existing commercial building that permits public assembly.
4. The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints, because the site is physically suitable for a church because it provides the required parking and would only be in use a limited amount of time outside of primary business hours, limiting potential traffic concerns.
5. Granting the permit would not constitute a nuisance, be injurious, or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because potential noise from the church will not affect the surrounding properties due to conditions set within the permit requiring that doors and windows be shut during service and noise levels be in compliance with the City's municipal code. In addition, granting the CUP will fill a long-standing vacancy and provide a public service.
6. The proposed project has been reviewed in compliance with CEQA because it can be seen with certainty that the project will not have a significant effect on the environment due to the project involving no new development and residing in an existing facility. Staff has determined the proposed use to be categorically exempt from environmental review pursuant to Class 1 Section 15301 (Existing Facilities), for which a Notice of Exemption will be filed subsequent to approval of this CUP.

BE IT FURTHER RESOLVED that the application for Conditional Use Permit is approved subject to the following conditions:

General

1. This Conditional Use Permit authorizes the operation of a church at 322 Highland Ave. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, case file no. 2021-02 CUP, dated 3/18/2021.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*.

The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager prior to recordation.

3. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

Planning

6. The operation of the church shall be permitted for Sundays between the hours of 10 a.m. and 1 p.m., Mondays between the hours of 7 p.m. and 9 p.m., Tuesdays between the hours of 7 p.m. and 8:30 p.m., Thursdays between the hours of 7 p.m. and 9:30 p.m., and Saturdays between the hours of 6:00 a.m. and 8 a.m.
7. All doors and windows shall remain closed during church services or other activities that may generate excessive noise.
8. All activities shall comply with the limits set forth in Table III of Title 12 (Noise) of the National City Municipal Code.
9. All parking spaces shall conform to minimum standards as contained in section 18.45 (Off-street loading and parking).

Fire

10. Plans are to be designed, fabricated, and installed to code.
11. The project shall be in compliance with the current editions of NFPA, CFC, Title 19, and the City of National City Municipal Codes.
12. Occupant load proposed (49) shall be maintained and not exceeded at any time.
13. The occupant shall request Fire Department official occupant load certificate prior to operation.
14. The occupant shall maintain all code required paths of travel from inside of structure to outside of building at all times. Concentrated tables and chairs may not obstruct paths of egress or exit ways at any time.

15. Should any plan corrections be required, contractor must correct the plan and re-submit to the Fire Department for approval once again prior to installation.
16. The occupant shall obtain a business license prior to operation.
17. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, that are not specifically provided for by this code, shall be determined by the Fire Official.
18. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.
19. The Fire Code Official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for this code.
20. Should any plan corrections be required, the contractor must correct the plans and re-submit to the Fire Department for approval prior to installation.
21. Approval for final sign-off shall be contingent upon final field inspection and compliance with all applicable codes and ordinances.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of April 19, 2021, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON