



Agenda of the Planning Commission

Meeting of July 20, 2020 – 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 www.nationalcityca.gov.

PUBLIC COMMENTS: The National City Planning Commission will receive public comments via e-mail at planning@nationalcityca.gov regarding any matters within the jurisdiction of the National City Planning Commission. **Written comments or testimony from the public (limited to three minutes) must be submitted via e-mail by 4:00 p.m. on the day of the National City Planning Commission Meeting. All comments received from the public will be made a part of the record of the meeting.**

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 Sendt

Approval of Minutes

1. Approval of Minutes from the Meeting of June 1, 2020

Approval of Agenda

2. Approval of the Agenda for the Meeting of July 20, 2020

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 for Commercial Recreation Indoor (Basketball Gym) to be Located at 1840 Wilson Avenue (Case File No. 2020-08 CUP)

OTHER BUSINESS

STAFF REPORTS

Senior Assistant City Attorney

Director of Community Development

Principal Planners

Commissioners

Chairperson

ADJOURNMENT

Adjournment to the regularly scheduled meeting on August 17, 2020 at 6:00 p.m.



Planning Commission Minutes

Planning Commission Meeting
Meeting of June 1, 2020

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 Flores at 7:01 p.m.

Roll Call

Commissioners Present: Flores, Dela Paz, Sendt, Yamane, Garcia, Natividad

Commissioners Absent: None.

Staff Also Present: Senior Assistant City Attorney Nicole Pedone, Principal Planner Martin Reeder, Principal Planner Ray Pe

4. Approval of Minutes from the Meeting of May 4, 2020.

Motion by Yamane, second by Natividad to approve the Minutes for the Meeting of May 4, 2020 with correction of the misspelling of Commissioner Natividad's name.

Motion carried by the following vote:

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

Abstain: None.

Noes: None.

Absent: None.

ORAL COMMUNICATION: None.

PRESENTATIONS: None.

CONTINUED PUBLIC HEARINGS: None.

PUBLIC HEARINGS

5. Resolution Taking Action on a Conditional Use Permit for the off-site Sale of Alcohol and a Consistency Review for a new 7-Eleven located at 110 National City Boulevard (Case File No. 2020-05, CUP, DSP)

Presented by Principal Planner Martin Reeder.

Commissioner Natividad recommended to the applicant that efforts be made to hire locally. In response, the applicant responded that he would pass the recommendation onto the Franchise Representative and Real Estate Manager.

Applicant Steven Pollock and Kimberly Horn on behalf of 7-Eleven confirmed that he has read, understands, and accepts the conditions.

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

Motion passed by the following vote:

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

Abstain: None.

Noes: None.

Absent: None.

Motion by Dela Paz, second by Sendt to approve a Resolution Taking Action on a Conditional Use Permit for the off-site Sale of Alcohol and a Consistency Review for a new 7-Eleven located at 110 National City Boulevard (Case File No. 2020-05, CUP, DSP) subject to the conditions in the report.

Ayes: Flores, Dela Paz, Sendt, Natividad

Abstain: None.

Noes: Yamane, Garcia

Absent: None.

OTHER BUSINESS: None.

STAFF REPORTS:

Principal Planner: In response to an inquiry at the previous meeting regarding filling the current Planning Commission vacancy, Mr. Reeder advised that the City Council was scheduled to take action on the reappointment of Commissioner Sendt at the Council meeting occurring June 2, 2020 and would take action on filling the vacancy at the City Council meeting following the summer recess. Also read into the record a Zoom chat message received from the applicant for agenda item #5.

Nicole Pedone, Senior Assistant City Attorney: Encouraged everyone to stay safe during the pandemic.

COMMISSIONER REPORTS:

Sendt: Thanked Paradise Valley Hospital for their responsiveness and action to care for the overflow of Covid-19 patients from Imperial County.

Natividad: Gave his condolences to the family of George Floyd and asked protestors to protest peacefully.

Yamane: Congratulated the Sweetwater High School graduating class of 2020 and thanked Mayor Sotelo-Solis for recognizing the graduates by posting their photos alongside National City Blvd.

Garcia: Provided a Census 2020 update and stated that National City was currently at 62% response rate, four percentage points away from meeting the 2010 response rate.

Dela Paz: None.

Flores: None.

ADJOURNMENT by Chair Flores at 7:53 p.m. to the meeting of July 20, 2020.

CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of July 20, 2020.



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR COMMERCIAL RECREATION INDOOR (BASKETBALL GYM) TO BE LOCATED AT 1840 WILSON AVENUE

Case File No.: 2020-08 CUP

Location: Northwest corner of Wilson Avenue and West 19th Street

Assessor's Parcel Nos.: 559-101-02

Staff report by: Chris Stanley, Assistant Planner

Applicant: Justin Tate

Zoning designation: Limited Commercial (CL)

Adjacent use and zoning:

- North: Residential / Limited Commercial (CL)
- East: Residential and Parking across Wilson Ave. / Mixed-Use Commercial – Residential -1 (MCR-1)
- South: Commercial and Residential / Limited Commercial (CL)
- West: Personal Storage and the Interstate 5 Freeway / Limited Commercial (CL)

Environmental review: Categorical Exemption Class 1, Section 15301 Existing Facilities

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of the basketball gym at an existing warehouse located at 1840 Wilson Ave. Commercial Recreation, Indoor is conditionally-allowed in the Limited Commercial (CL) zone. The proposed hours of operation are 11:00 a.m. to 9:00 p.m. daily.

Executive Summary

The business has applied for a Conditional Use Permit (CUP) to operate a basketball gym at an existing warehouse. While noise can be a concern for gym-like uses, in this case, it is not expected to be an issue due to the proposed hours of 11:00 a.m. to 9:00 p.m. and the mostly non-residential uses in the immediate vicinity (Interstate 5 Freeway and personal storage to the west, commercial to the south, and church parking to the east).

Site Characteristics

The project location is an existing 2,332 square-foot warehouse located at 1840 Wilson Ave. The suite is 50 feet wide by 43 feet deep. The surrounding uses for the property are single-family residential to the north, church parking and single-family residential to the east across Wilson Ave., commercial and residential to the south, and personal storage and the Interstate 5 Freeway to the west.

Proposed Use

The proposed basketball gym would include a half court, an office/reception area, restroom, and workout area. The hours of operation would be from 11:00 a.m. to 9:00 p.m. daily. The academy would be a training space for young athletes in the area.

Specific Plan

The General Plan Land Use Element designates the area in which the property exists as Specific Plan.

The proposed gym use is consistent with the intent of the Specific Plan land use designation described above, as the gyms are a conditionally-permitted use in the Westside Specific Plan.

Additionally, the project is consistent with multiple General Plan policies, as follows:

- **Policy HEJ-3.5:** Raise awareness about the importance of healthy behaviors and physical fitness to overall well-being.

The proposal is consistent with this policy, as the basketball gym provides a location for fitness instruction and classes.

- **Policy LU-5.1:** Support, stimulate, and foster increased activity of existing businesses within the city through the establishment of mixed-use areas that will promote activity during more hours of the day.

The gym's proposed operation hours of 11:00 a.m. to 7:00 p.m. daily will bring some much needed activity to the area. The General Plan designates the use as Specific Plan; the Westside Specific Plan designates the area as commercial. The basketball gym will bring in activity that the surrounding uses do not (personal storage, warehousing, etc.), which will provide more of a neighborhood feeling.

Westside Specific Plan

1840 Wilson Ave. is zoned CL in the Westside Specific Plan. The basketball gym is classified as an indoor commercial recreation use that requires a CUP in the CL zone.

Parking Requirement –Unfortunately there is no category for the parking requirement for gym facilities in the Westside Specific Plan; there is however a category for industrial uses. The site is a legal non-conforming structure that was previously used for a welding business and warehousing; both of which are considered industrial uses. Industrial uses require two parking spaces per 1,000 square feet of floor area. At approximately 4,500 square feet of floor area, the site would have required nine parking spaces; six parking spaces are provided at the rear of the parcel. There are two suites within the building, with the basketball gym in the suite facing Wilson Ave. While parking is provided, it is unclear if the parking spaces are for just the rear suite, shared, or for just the front suite. There is also street parking in front of the business for up to three parking spaces (60 feet). While the parking does not meet the required amount, Land Use Code (LUC) Section 18.11.080 states that non-conforming parking facilities shall not require an addition or change in off-street parking facilities unless it is an entertainment or public assembly use, which the basketball gym is not.

The applicant has stated that there will usually be around one to two athletes on-site at a time, with a maximum of four. The applicant works with the athletes individually, so there would not be many athletes at any one time; he expects the athletes to be dropped off. At some point, if the business is popular enough, there is the possibility of school classes or camps, which would be approximately 15 to 20 athletes, but they would also be dropped off. With the athletes being dropped off, there would be no concern for parking.

Noise – Although gyms can be considered noisy, the limited amount of athletes and proposed hours should alleviate any concerns. The neighboring uses are personal storage, parking, and commercial. There is a residence directly north of the subject site, but along with limiting the number of athletes and operation hours, the use would be conducted indoors and must adhere to the noise limitations of the National City Municipal Code. There are two doors facing Wilson Ave., and a roll up door on the south side of the suite, but none facing the residence directly to the north of the parcel. The two front doors do not face a residence, but rather a church parking lot and the south-facing roll-up door faces an industrial building, which should further help alleviate any noise concerns, in addition, a condition has been placed requiring the doors to be shut at all times.

Mailing – All property owners and occupants within a distance of 300 feet are required to be notified of a public hearing for CUP applications, as such, 69 notices were mailed out.

Required findings

The Municipal Code contains six required findings for a CUP:

1. The proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the LUC.

Commercial recreation indoor is permitted in the CL zone, subject to a CUP, per Appendix A of the Westside Specific Plan, and the gym complies with all provisions of the LUC as discussed in the staff report.

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

The General Plan refers to the Westside Specific Plan, which permits commercial recreation indoor with a CUP.

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 proposed gym is located in a commercial zone that allows for such a use. A gym would help to create more of a neighborhood feel more than the previous industrial use. The limited size of the site and proposed one-on-one training assures that the number of people on-site would be limited.

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

The site is capable of highly intensive uses and is proposed to be converted to a less intensive use in an existing building located on a property that has suitable access and utilities.

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.

The proposed commercial recreation indoor use would not be injurious or detrimental to the public, as it is located in a commercial zone in and surrounded by uses that primarily operate during the day; the proposed gym would also operate during the day. All training will be conducted indoors to prevent impacts on neighboring uses.

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

Staff has determined that the proposed use is categorically exempt from a CEQA environmental review as defined in Categorical Exemption Class 1, Section 15301 Existing Facilities.

Department Comments

The application was routed to the Building Division and Fire Department. The Building Division provided a standard comment that the construction meet current building codes. The Fire Department provided a similar comment, that the project be designed to Fire code.

Conditions of Approval

Conditions have been added to mitigate any potential issues including: prohibiting outdoor training, requiring the doors to be shut at all times to alleviate potential noise issues, and requiring that the suite adhere to the noise limitations contained in Table III of Title 12 (Noise) of the National City Municipal Code.

Summary

The proposed use is consistent with the General Plan and the Westside Specific Plan; a gym is a conditionally-permitted use that would provide a conforming use in a non-conforming building; the building previously housed an industrial use, which would not conform to the current zoning. The gym would help to provide a feeling more consistent with a neighborhood by providing youth with a safe place to be active. Potential issues with parking and noise are mitigated by the fact that the gym would operate no later than 9:00 p.m., is not required to provide additional parking, and would have one-on-one training, limiting the number of athletes in the building at the same time.

Options

1. Approve 2020-08 CUP subject to the conditions listed within, based on the attached findings, or findings to be determined by the Planning Commission;
or
2. Deny 2020-08 CUP based on the attached finding or findings to be determined by the Planning Commission; or,
3. Continue the item to a specific 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. 2020-08 CUP, dated 6/9/2020)
5. Public Hearing Notice (Sent to 69 property owners & occupants)
6. Resolutions



CHRIS STANLEY
Assistant Planner



ARMANDO VERGARA
Director of Community Development

RECOMMENDED FINDINGS FOR APPROVAL

2020-08 CUP – 1840 Wilson Ave.

1. The proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the LUC because Indoor Commercial Recreation is permitted in the CL zone, subject to a CUP, per Appendix A of the Westside Specific Plan, and the gym complies with all provisions of the LUC as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan because the General Plan refers to the Westside Specific Plan, which permits commercial recreation indoor with a CUP.
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 proposed gym is located in a commercial zone that allows for such a use. A gym would help to create a neighborhood feel more than the previous industrial use. The limited size of the site and proposed one-on-one training assures that the number of people on-site would be limited.
4. The site is physically suitable for the type, density, and intensity in use being proposed, including access, utilities, and the absence of physical constraints because the site is capable of highly intensive uses and is proposed to be converted to a less intensive use in an existing building located on a property that has suitable access and utilities.
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 the proposed commercial recreation indoor use would not be injurious or detrimental to the public, as it is located in a commercial zone in and surrounded by uses that primarily operate during the day; the proposed gym would also operate during the day. All training will be conducted indoors to prevent impacts on neighboring uses.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) because staff has determined that the proposed use is categorically exempt from a CEQA environmental review as defined in Categorical Exemption Class 1, Section 15301 Existing Facilities.

RECOMMENDED CONDITIONS OF APPROVAL

2020-08 CUP – 1840 Wilson Ave.

General

1. This *Conditional Use Permit* authorizes a basketball gym at 1840 Wilson Avenue. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibit A, Case File No. 2020-08 CUP, dated 6/9/2020).
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall 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 or assignee prior to recordation.
3. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Division.
4. 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 Section 18.12.040 of the Municipal Code.

Building

5. Plans submitted for improvements must comply with the current edition of the California Building Codes.

Fire

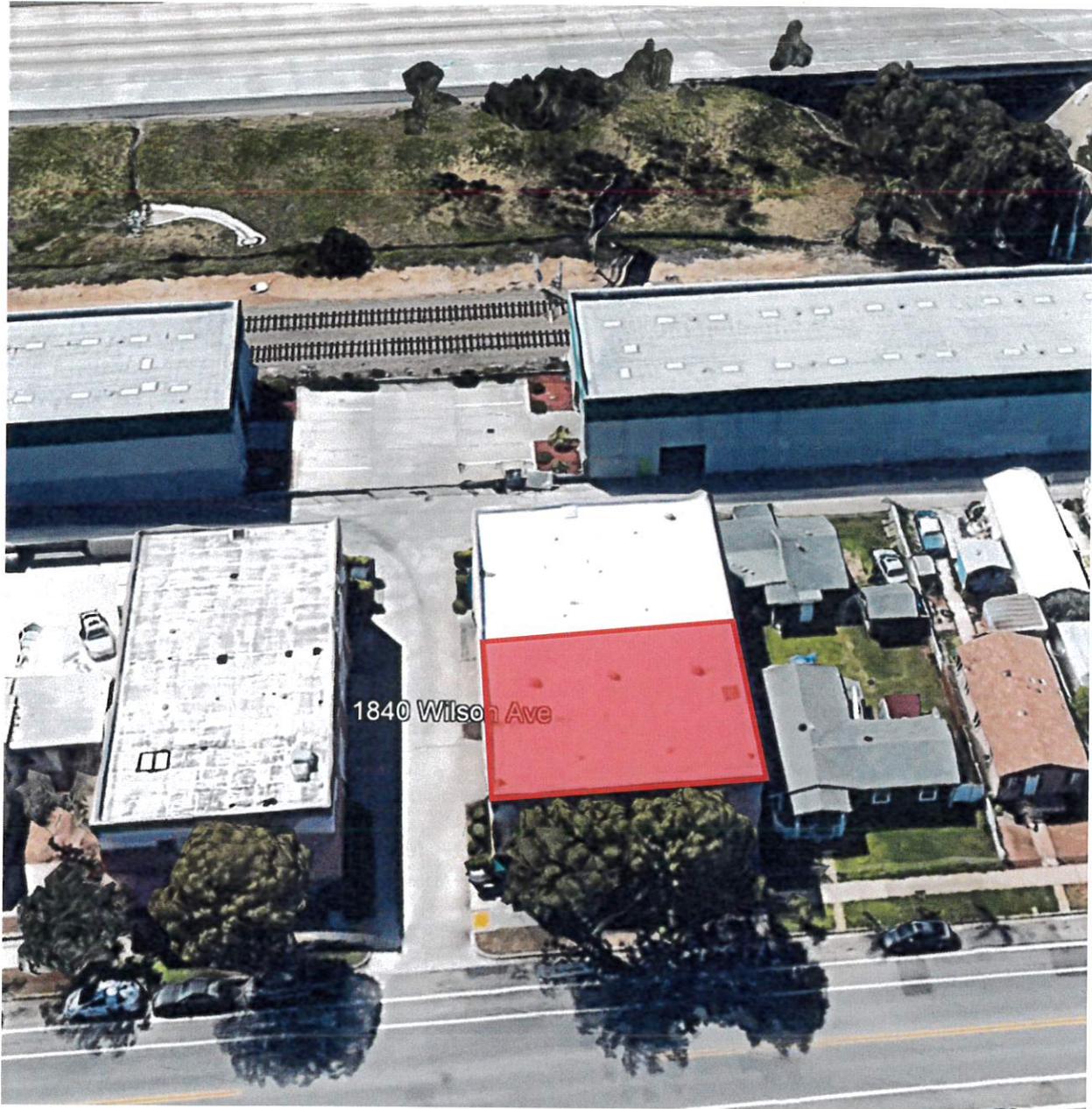
6. Project shall be designed to current Fire Codes.

Planning

7. The gym shall be permitted only between the hours of 11:00 a.m. and 9:00 p.m. daily.
8. All training and gym-related activities must be conducted within the building.

9. Doors to the suite must be closed at all times to mitigate any potential noise impacts.
10. All activities shall abide by the limitations contained in Table III of Title 12 (Noise) of the National City Municipal Code.
11. Any tournaments or public events would require a permitted Temporary Use Permit from the Neighborhood Services Division.
12. A business license shall be obtained before the business can operate.
13. Any necessary building permits for construction or demolition work in the suite shall be obtained from the Building Division prior to the work.

2020-08 CUP – 1840 Wilson Ave. – Overhead



DOG HOURS ATHLETICS

1840 WILSON AVE, UNIT A
NATIONAL CITY, CA 91950

CONDITIONAL USE PERMIT

CLIENT - DOG HOURS ATHLETICS
• ARCHITECT - SF JONES ARCHITECTS INC.



DO NOT SCALE DRAWINGS
CONTRACTOR TO VERIFY
ALL EXISTING CONDITIONS
AND DIMENSIONS-NOTIFY
ARCHITECT OF ANY
DISCREPANCIES PRIOR TO
BEGINNING CONSTRUCTION

DOG HOURS
1840 WILSON AVE, UNIT A
NATIONAL CITY, CA

KEY TO SYMBOLS	SEPARATE PERMITS & PLANCHECKS	PROJECT DESCRIPTION																				
	<p>- NONE</p>	<p>THE PROJECT IS TO CONVERT AN EXISTING 2332 COMMERCIAL SPACE INTO A NEW BASKETBALL PRIVATE TRAINING FACILITIES. NO ADDITIONAL FLOOR AREA OR BUILDING AREA. INTERIOR WALL REMOVED AND NEW WOOD FLOOR INSTALLED.</p>																				
	<p>BUILDING DATA</p> <table border="1"> <tr><td>PROJECT ADDRESS</td><td>1840 WILSON AVE, UNIT A NATIONAL CITY, CA 91950</td></tr> <tr><td>ZONING</td><td>CL (LIMITED COMMERCIAL)</td></tr> <tr><td>BUILDING AREA (GBA)</td><td>2,332 S.F.</td></tr> <tr><td>F.A.R.</td><td>1:1</td></tr> <tr><td>BUILDING HT.</td><td>24' - SINGLE STORY</td></tr> <tr><td>CONSTRUCTION TYPE</td><td>TYPE V - NON SPRINKLERED</td></tr> <tr><td>APN #</td><td>559-101-02-00</td></tr> </table>	PROJECT ADDRESS	1840 WILSON AVE, UNIT A NATIONAL CITY, CA 91950	ZONING	CL (LIMITED COMMERCIAL)	BUILDING AREA (GBA)	2,332 S.F.	F.A.R.	1:1	BUILDING HT.	24' - SINGLE STORY	CONSTRUCTION TYPE	TYPE V - NON SPRINKLERED	APN #	559-101-02-00	<p>PROJECT DIRECTORY</p> <table border="1"> <tr> <td>PROJECT LANDLORD / OWNER WITHOUSKI ENTERPRISES 3960 W. POINT LOMA BLVD, SUITE H15 SAN DIEGO, CA 9210</td> <td>TEL: 619-302-0812 E-MAIL:</td> </tr> <tr> <td>TENANT DOG HOURS ATHLETICS, LLC. 1840 WILSON AVE, UNIT A NATIONAL CITY, CA 91950</td> <td>TEL: 619-305-7617 E-MAIL:</td> </tr> <tr> <td>ARCHITECT SF JONES ARCHITECTS 4218 GLENCOE AVE., STUDIO TWO MARINA DEL REY, CA 90292 CONTACT: SANDRA SAUDASKAITE</td> <td>TEL: (310) 822-3822 EXT. 150 E-MAIL: SFJONES@SFJONES.COM</td> </tr> </table>	PROJECT LANDLORD / OWNER WITHOUSKI ENTERPRISES 3960 W. POINT LOMA BLVD, SUITE H15 SAN DIEGO, CA 9210	TEL: 619-302-0812 E-MAIL:	TENANT DOG HOURS ATHLETICS, LLC. 1840 WILSON AVE, UNIT A NATIONAL CITY, CA 91950	TEL: 619-305-7617 E-MAIL:	ARCHITECT SF JONES ARCHITECTS 4218 GLENCOE AVE., STUDIO TWO MARINA DEL REY, CA 90292 CONTACT: SANDRA SAUDASKAITE	TEL: (310) 822-3822 EXT. 150 E-MAIL: SFJONES@SFJONES.COM
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<p>VICINITY MAP</p>																						

EXHIBIT: A
CASE FILE NO.: 2020-08 CUP
DATE: 6-9-20

Project Name

Revisions:
No. Date Description

Sheet Title
**COVER SHEET,
BLDG. DATA,
SYMBOLS &
DIRECTORY**

The drawings and decisions set forth on this sheet and all sheets hereon are and shall remain the property of SF Jones Architects. Use of the drawings is limited to the project and for the specific purpose stated hereon. Any other use or reuse of said drawings is strictly prohibited, without written consent of SF Jones Architects.

Project No.: 16010
Scale: AS NOTED
Issue Date: 6/9/20
Drawn: XXXX Checked: SFJ

Sheet Number: 5 of 55
A-0.0



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

NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT FOR COMMERCIAL RECREATION INDOOR
(BASKETBALL GYM) TO BE LOCATED AT 1840 WILSON AVENUE
CASE FILE NO.: 2020-08 CUP
APN: 559-101-02

The National City Planning Commission will hold a public hearing at their regular online meeting after the hour of 6:00 p.m. **Monday, July 20, 2020** on the proposed request. The meeting will be LIVE WEBCAST from the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California. (Applicant: Justin Tate)

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>.

This application has been submitted for Planning Commission consideration. The project site is an existing warehouse located in the Westside Specific Plan area. The applicant is proposing to operate a basketball gym in the 2,332 square-foot space. The proposed hours of operation are 11 a.m. to 7 p.m. daily.

Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received on or before 12:00 p.m., **July 20, 2020** by the Planning Division, 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

RESOLUTION NO. 2020-07

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
APPROVING A CONDITIONAL USE PERMIT FOR COMMERCIAL RECREATION
INDOOR (BASKETBALL GYM) TO BE LOCATED AT
1840 WILSON AVENUE
CASE FILE NO. 2020-08 CUP
APN: 559-101-02

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for a basketball gym for the property located at 1840 Wilson Avenue at a duly advertised public hearing held on July 20, 2020, 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. 2020-08 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.

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 July 20, 2020, support the following findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the LUC because Indoor Commercial Recreation is permitted in the CL zone, subject to a CUP, per Appendix A of the Westside Specific Plan, and the gym complies with all provisions of the LUC as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan because the General Plan refers to the Westside Specific Plan, which permits commercial recreation indoor with a CUP.
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 proposed gym is located in a commercial zone that allows for such a use. A gym would help to create a neighborhood feel more than the previous industrial use. The limited size of the site and proposed one-on-one training assures that the number of people on-site would be limited.

4. The site is physically suitable for the type, density, and intensity in use being proposed, including access, utilities, and the absence of physical constraints because the site is capable of highly intensive uses and is proposed to be converted to a less intensive use in an existing building located on a property that has suitable access and utilities.
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 the proposed commercial recreation indoor use would not be injurious or detrimental to the public, as it is located in a commercial zone in and surrounded by uses that primarily operate during the day; the proposed gym would also operate during the day. All training will be conducted indoors to prevent impacts on neighboring uses.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) because staff has determined that the proposed use is categorically exempt from a CEQA environmental review as defined in Categorical Exemption Class 1, Section 15301 Existing Facilities.

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

General

1. This *Conditional Use Permit* authorizes a basketball gym at 1840 Wilson Avenue. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibit A, Case File No. 2020-08 CUP, dated 6/9/2020).
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall 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 or assignee prior to recordation.

3. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Division.
4. 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 Section 18.12.040 of the Municipal Code.

Building

5. Plans submitted for improvements must comply with the current edition of the California Building Codes.

Fire

6. Project shall be designed to current Fire Codes.

Planning

7. The gym shall be permitted only between the hours of 11:00 a.m. and 9:00 p.m. daily.
8. All training and gym-related activities must be conducted within the building.
9. Doors to the suite must be closed at all times to mitigate any potential noise impacts.
10. All activities shall abide by the limitations contained in Table III of Title 12 (Noise) of the National City Municipal Code.
11. Any tournaments or public events would require a permitted Temporary Use Permit from the Neighborhood Services Division.
12. A business license shall be obtained before the business can operate.
13. Any necessary building permits for construction or demolition work in the suite shall be obtained from the Building Division prior to the work.

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 July 20, 2020, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON