



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

PLANNING COMMISSION STAFF REPORT

Title: CONTINUED PUBLIC HEARING – CONDITIONAL USE PERMIT FOR THE OPERATION OF A SERVICE STATION AT AN EXISTING GASOLINE STATION LOCATED AT 2401 EAST DIVISION STREET

Case File No.: 2022-34 CUP

Location: 2401 East Division Street

Assessor's Parcel Nos.: 552-302-13

Staff report by: David Welch – Associate Planner

Applicant: Emad Mousavi

Zoning designation: MXD-1 (Minor Mixed-Use District)

Adjacent use and zoning:

- North: Single-family residential / MXD-1
- East: Single-family residential / MXD-1
- South: Single-family residential across Division St. / RS-2 (Small Lot Residential)
- West: Shopping center and school across Euclid Ave. / MXD-1

Environmental review: The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined 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 Conditional Use Permit.

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of a conditional use permit (CUP) for the operation of a service station performing oil changes, brake changes, and engine checks in conjunction with an existing gasoline station, subject to the attached recommended conditions. A service station is a conditionally-allowed use in the Minor Mixed-Use District (MXD-1) zone.

Previous Action

A public hearing was held for the consideration of the applicant's request to operate a service station at an existing gasoline station on Monday, February 6, 2023. The Planning Commission voted to continue the public hearing to March 6, 2023, to allow the applicant to be present to be able to address questions related to the proposal. In addition, modifications to the recommended conditions of approval were discussed related to the site's compliance with section of the National City Municipal Code and staff has updated the conditions of approval in the draft resolution related to noise and code compliance.

Site Characteristics

The subject property is located on the northeast corner of East Division Street and North Euclid Avenue in the MXD-1 zone. The parcel has 432 feet of frontage inclusive of both streets and is 34,961 square feet in area. The lot is developed with a gas station (Gasoline Depot) with a small market occupying a portion of a 1,502 square-foot building. A 7-Eleven market occupies the northern portion of the site in a separate building. The gas station has four existing fuel islands located along North Euclid Avenue, which house eight gas dispensers. There are twenty parking spaces located throughout the property.

Proposed Use

The applicant is proposing to operate a 967 square-foot service station at the existing gasoline station. The proposed services include oil changes, brake changes, and engine checks. All services will take place within the existing building and the hours of operation will be 9 a.m. to 8 p.m. Monday through Saturday.

Analysis

A service station is allowed within the MXD-1 zone with the issuance of a CUP. The subject business is nonconforming, in that it does not have a CUP. The proposal to add automotive service to the existing gasoline pumps and convenience market is

an expansion of the existing use and, therefore, requires a CUP. However, the structure already includes automobile service bays.

Section 18.30.190 of the Land Use Code (LUC) allows for service stations and convenience stores with gasoline pumps with an approved Conditional Use Permit (CUP). Additional requirements for service stations include site planning standards, screening, building design standards, landscaping, and operational standards. The area in the service station building proposed for automotive services has been mostly recently used for storage. However, it was originally constructed for service bays and the proposal would re-establish this use.

A service station requires a minimum of one hundred feet of street frontage and a minimum site area of fifteen thousand feet. The site has 432 feet of frontage with a lot area of 34,961 square feet. Site planning standards encourage service bay doors to be located where they are not visible from major streets. However, this would be impractical since the service area is proposed for an existing building.

Since the site is already developed, staff is only recommending the maintenance of the existing landscaped areas in conformance with current standards. Other characteristics of the site are addressed in the conditions of approval to bring the property in compliance with Title 18. The site issues include an abandoned monument sign, the location of an existing ADA parking space in front of the proposed service bay doors, inappropriate modifications to the building's exterior, and inadequate trash facilities.

In addition, service stations are required to be operated in accordance with the following regulations:

- a. Uses permissible at a service station do not include body or fender work or automobile painting unless they are permissible uses within the particular zone. Dismantling of automobiles for the purpose of selling parts is prohibited.
- b. All repair work being conducted shall be within a structure which shall be attached to the existing service station facility.
- c. Adequate facilities for such repair shall be available.
- d. No outdoor storage of disabled vehicles, vehicles under repair, automobile parts, or repair equipment shall be allowed at any time.
- e. Major repairs shall be conducted only between the hours of seven a.m. and seven p.m.

- f. Operations outside permanent structures shall be limited to the dispensing of motor fuels and servicing of tires, batteries and/or automobile accessories.

These regulations are addressed in the conditions of approval. Auto body repair and automobile painting are not permitted within the MXD-1 zone and would not be authorized with this CUP request.

The following are standard considerations that must be found for the approval of a CUP:

1. Allowable Use – The proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the Land Use Code because the use is allowable within the MXD-1 zone pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for service stations, as discussed below.
2. General Plan Consistency – The service station use is consistent with the MXD-1 land use designation contained in the Land Use and Community Character element of the General Plan. There is no Specific Plan for the area. In addition, a service station use is consistent with the MXD-1 land use designation contained in the Land Use and Community Character element of the General Plan.
3. Compatibility, LUC and Traffic – The buildings on the site were previously analyzed for traffic impacts when constructed and any modifications to the building containing the proposed use will have to be built in compliance with the City's LUC and all applicable building and fire codes. There will be no impacts from the proposal and it will be compatible with the existing and future land uses in the vicinity.
4. Suitability – The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed use will occupy a building where the use was previously conducted and only minor modifications to the existing structure will be necessary.
5. No Nuisance – 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, because the proposed use will be subject to conditions that limit the automotive services that may be conducted, the hours of operation, and activities permitted outdoors.

6. California Environmental Quality Act (CEQA) — The project has been determined to be exempt from environmental review under Class 1, Section 15301 (Existing Facilities). The reason for the exemption is that the proposed use will be conducted in a building that was built to accommodate the same use, which is permitted in the MXD-1 zone. As conditioned, the proposed use will not have a direct or reasonably foreseeable indirect impact on the environment.

Findings and Conditions of Approval

The attached draft resolution contains the recommended findings and conditions of approval. The findings are discussed in items 1 through 6 above in this report. Standard Conditions of Approval have been included with this permit as well as conditions specific to service stations per Section 18.30.190 of the LUC. The conditions are proposed to ensure the use will operate in harmony with surrounding uses, will not cause a nuisance, and will benefit the community by providing a needed service.

Summary

The potential impacts of the proposed service station are minimal due to the fact that the gasoline station is existing and was originally developed with automotive service bays. Only minor modifications to the existing building and site would be required to support the applicant's request.

Options

1. Approve 2022-34 CUP subject to the conditions listed in the draft resolution, or other conditions, based on the findings listed in the draft resolution, or findings determined by the Planning Commission; or,
2. Deny 2022-34 CUP based on findings determined by the Planning Commission; or,
3. Continue the item to a specific date in order to obtain additional information.

Attachments

1. Overhead
2. Applicant's Plans (Exhibit A, Case File No. 2022-34 CUP, dated 11/15/2022)
3. Public Hearing Notice (Sent to 166 property owners & occupants)
4. Notice of Exemption
5. Draft Resolution



DAVID WELCH
Associate Planner

ARMANDO VERGARA
Director of Community Development



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 SERVICE STATION AT AN
EXISTING GASOLINE STATION LOCATED AT 2401 EAST DIVISION STREET
CASE FILE NO.: 2022-34 CUP
APN: 552-302-13

The National City Planning Commission will hold a public hearing at their regular in person meeting after the hour of 6:00 p.m. **Monday, February 6, 2023**, 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: Emad Mousavi)

Due to the precautions taken to combat the continued spread of coronavirus (COVID-19), the public hearing will also be available for anyone to observe on the City's website at <http://nationalcityca.new.swagit.com/views/33>.

The applicant proposes to operate a 967 square-foot service station at an existing gasoline station. The proposed services include oil changes, brake changes, and engine checks. All services will take place within the existing building and the hours of operation will be 9 a.m. to 8 p.m. Monday through Saturday. The Planning Commission will also be requested to find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) under Class 1, Section 15301 (Existing Facilities).

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 by the Planning Division on or before 4:00 p.m., **February 6, 2023** by submitting it to PlcPubComment@nationalcityca.gov. Planning staff 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



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1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

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

Project Title: 2022-34 CUP

Project Location: 2401 E. Division Street, National City, CA 91950

Lead Agency: City of National City

Contact Person: David Welch **Telephone Number:** (619) 336-4224

Description of Nature, Purpose and Beneficiaries of Project:
Conditional Use Permit for the operation of a service station at an existing gasoline station located at 2401 East Division Street.

Applicant:
Emad Mousavi **Telephone Number:**
7505 Fannin Street, Suite 440 (833) 781-7661
Houston, TX 77054

Exempt Status:

Categorical Exemption - Class 1 Section 15301 Existing Facilities

Reasons why project is exempt:
There is no possibility that the proposed use will have a significant impact on the environment since the use will be conducted in a building that was built to accommodate the same use. As conditioned with the approved permit, the proposed use will not have a direct or reasonably foreseeable indirect impact on the environment.

Date: 2/2022

David Welch, Associate Planner