



Planning Commission Agenda

Meeting of November 17, 2014
Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950

Welcome to the 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 Garcia

Approval of Minutes

1. Approval of Minutes of the Special Meeting held on September 22, 2014.
2. Approval of Minutes of the Meeting held on October 20, 2014.

Approval of Agenda

3. Approval of Agenda for the Meeting on November 17, 2014.

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.



The Planning Commission requests that all Cell Phones and Pagers be turned off during 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.

PRESENTATIONS

PUBLIC HEARINGS

4. Conditional Use Permit for beer and wine sales, a banquet facility, and live entertainment at Big Ben Market located at 108 East 8th Street (Case File No. 2014-08 CUP).
5. Resolution 22-2014 taking action on a Conditional Use Permit for beer and wine sales, a banquet facility, and live entertainment at Big Ben Market located at 108 East 8th Street located at 108 East 8th Street (Case File No. 2014-08 CUP).
6. Tentative Parcel Map for the division of one 27,888 square-foot lot into two lots, with an exception for less than 50 feet of street frontage, at 1305 Harbison Avenue.
7. Resolution 23-2014 taking action on a Tentative Parcel Map for the division of one 27,888 square-foot lot into two lots, with an exception for less than 50 feet of street frontage, at 1305 Harbison Avenue.

OTHER BUSINESS

8. Review of vacation of a segment of A Avenue located south of East 28th Street and north of East 29th Street for consistency with the General Plan (Case File No. 2013-23 SC).
9. Resolution 24-2014 taking action on a review of a Street Vacation for the vacation of a segment of A Avenue located south of East 28th Street and north of East 29th Street for conformance with the General Plan (Case File No. 2013-23 SC).
10. Adoption of 2015 Planning Commission calendar.
11. Discussion regarding Planning Commission education options.

STAFF REPORTS

City Attorney

Executive Director

Principal Planners

Commissioners

Chairperson

ADJOURNMENT

Adjournment to next regularly scheduled meeting on December 1, 2014



Planning Commission Minutes

Special Meeting of September 22, 2014

Planning Commission
City 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 Chairwoman Pruitt at 6:02 p.m.

Roll Call

Commissioners Present: Garcia, Bush, Pruitt, Flores, DelaPaz (arrived after Item No. 2).

Staff Also Present: City Attorney Claudia Silva, Executive Director Brad Raulston, Principal Planner Martin Reeder, City Librarian Minh Duong, City Engineer Steve Manganiello

Pledge of Allegiance Presented by Commissioner Garcia

Approval of Minutes

1. Approval of Minutes of the Meeting held on September 8, 2014.

Motion by Garcia, 2nd by Flores, to approve the Minutes from the meeting of September 8, 2014.

Motion carried by the following vote:

Ayes: Garcia, Bush, Pruitt, Flores

Absent: Baca, Alvarado, DelaPaz

Approval of Agenda

2. Approval of Agenda for the Special Meeting of September 22, 2014.

Motion by Pruitt, 2nd by Bush to move items 5 and 6 up before items 3 and 4.

Motion carried by the following vote:

Ayes: Garcia, Bush, Pruitt, Flores

Absent: Baca, Alvarado, DelaPaz

Motion by Garcia, 2nd by Bush for approval of the modified agenda for the meeting of September 8, 2014.

Motion carried by the following vote:

Ayes: Garcia, Bush, Pruitt, Flores

Absent: Baca, Alvarado, DelaPaz

ORAL COMMUNICATION

None

PRESENTATIONS:

None

OTHER BUSINESS

None

PUBLIC HEARINGS

Commissioner DelaPaz arrived.

5. Public Hearing – Conditional Use Permit and Coastal Development Permit for a fiberglass manufacturing business (McCallum Surfboards) located at 3101 Hoover Avenue. (Case File No.: 2014-12 CUP, CDP).

Staff report presented by Principal Planner Martin Reeder

Applicant: Jeff McCallum, answered questions from the Commissioners regarding business operations and acknowledged he had read, understood and agreed with the conditions of approval as presented.

Motion by Bush, 2nd by Garcia to close the public hearing.

Motion carried by the following vote:

Ayes: Garcia, Bush, Pruitt, Flores, DelaPaz

Absent: Baca, Alvarado

6. Resolution 21-2014 taking action on a Conditional Use Permit and Coastal Development Permit for a fiberglass manufacturing business (McCallum Surfboards) located at 3101 Hoover Avenue. (Case File No.: 2014-12 CUP, CDP).

Motion by DelaPaz, 2nd by Flores to adopt Resolution 21-2014 approving a Conditional Use Permit and Coastal Development Permit for a fiberglass manufacturing business (McCallum Surfboards) located at 3101 Hoover Avenue. (Case File No.: 2014-12 CUP, CDP).

Motion carried by the following vote:

Ayes: Garcia, Bush, Pruitt, Flores, DelaPaz

Absent: Baca, Alvarado

3. Continued Public Hearing – Modification of a previously approved Tentative Subdivision Map and Consistency Review for “Park Lofts” located at 1509, 1531, 1535 National City Boulevard and 49 E. 16th Street. (Case File No. 2012-03 S, DSP).

Staff report presented by Principal Planner Martin Reeder.

Presentation by applicants Shaun Schmidt and Randy Williams.

Commissioners asked questions regarding components of the project, a future parking lot in Kimball Park, park access, Conditions of Approval, and public input.

Motion by Garcia, 2nd by Bush to close the public hearing.

Discussion: Park access, rental v. ownership, architecture, bus stop.

Motion carried by the following vote:

Ayes: Garcia, Bush, Pruitt, Flores, DelaPaz

Absent: Baca, Alvarado

4. Resolution 20-2014 taking action on a modification of a previously approved Tentative Subdivision Map and Consistency Review for “Park Lofts” located at 1509, 1531, 1535 National City Boulevard and 49 E. 16th Street. (Case File No. 2012-03 S, DSP).

Motion by Bush, 2nd by Flores to adopt Resolution 20-2014 approving the modification of a previously approved Tentative Subdivision Map and Consistency Review for “Park Lofts” located at 1509, 1531, 1535 National City Boulevard and 49 E. 16th Street. (Case File No. 2012-03 S, DSP).

Motion carried by the following vote:

Ayes: Bush, Pruitt, Flores, DelaPaz

Noes: Garcia

Absent: Baca, Alvarado

STAFF REPORTS

City Attorney – No report
Executive Director – No report
Principal Planner – No report
City Engineer – Update on CIP projects
City Librarian – Update on library activities

Commissioners:

Garcia – No report.
Bush – Liquor store mural looks good.
Flores – No Report.
DelaPaz – No report
Pruitt – No report.

Adjournment at 8:38 p.m. to next regular meeting scheduled for October 6, 2014 at 6:00 pm.

CHAIRPERSON



Planning Commission Minutes

Meeting of October 20, 2014

Planning Commission Meeting
City 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 Chairwoman Pruitt at 6:00 p.m.

Roll Call

Commissioners Present: Garcia, Bush, Pruitt, Alvarado, Flores
Commissioners Absent: Baca, DeLaPaz

Staff Also Present: City Attorney Claudia Silva, Executive Director Brad Raulston,
Principal Planner Martin Reeder

Pledge of Allegiance Presented by Commissioner Alvarado

Approval of Minutes

1. Approval of Minutes of the Meeting held on September 22, 2014.

Incorrect minutes distributed with packet. This to be voted at the next meeting on November 3, 2014.

Approval of Agenda

2. Approval of Agenda for the Meeting of October 20, 2014.

Motion by Flores, 2nd by Alvarado for approval of the Agenda for the meeting of October 20, 2014.

Motion carried by the following vote:

Ayes: Garcia, Bush, Pruitt, Alvarado, Flores

Absent: Baca, Dela Paz

ORAL COMMUNICATION

None

PRESENTATIONS:

3. Update on Regional Comprehensive Plan – “Transportation Choices” – by Philip Trom of SANDAG.

One speaker in opposition to this Plan: Carolina Martinez, Environmental Health Coalition

4. Unified Port of San Diego Update – by Robert (Dukie) Valderrama, Port Commissioner

OTHER BUSINESS

5. Code Amendment Initiation (Case File No. 2014-13 A). Presented by Principal Planner Martin Reeder

Applicant: Gary Line answered questions presented by the commissioners.

Motion by Flores, 2nd by Bush to initiate proceedings to amend Land Use Code Section (18.42.020 (A)(2) to include bay windows as architectural features that may project into a required setback;

Motion carried by the following vote:

Ayes: Garcia, Bush, Pruitt, Alvarado, Flores

Absent: Baca, Dela Paz

PUBLIC HEARINGS

None

STAFF REPORTS

City Attorney – FPPC actions are looking for Form 700 Filings regarding dinners and gifts. Be sure to report these. There is an app that can track these items.

Emails constitute a meeting and are subject to the Brown Act.

Executive Director – Long Range Property Management Plan is due to be presented to the City Council on Tuesday, October 21.

The Parking Authority is entering into an ENA with Carmax to negotiate development of the land located by Plaza Bonita.

Principal Planner – No report

Commissioners:

Garcia – Thank you to presentations. Very helpful. Would like to start a book club between the commissioners to learn more about their duties and improve knowledge. City Attorney advised that this could be done by making it an agenda item to be discussed in the public forum. Announce to the public what book is being read and agendize the chapter to be discussed at the upcoming meeting.

Bush – No report. Likes book club idea.

Alvarado: No report.

Flores – No Report.

Pruitt – No report. Likes self-education idea. Thanks Brad for time, dedication and planning with the Bike Program. Really likes the bike racks at the Boys & Girls Club.

Adjournment at 7:38 p.m. to next Meeting scheduled for November 3, 2014 at 6:00 pm.

CHAIRPERSON



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING - CONDITIONAL USE PERMIT FOR BEER AND WINE SALES, A BANQUET FACILITY, AND LIVE ENTERTAINMENT AT BIG BEN MARKET LOCATED AT 108 EAST 8TH STREET.

Case File No.: 2014-08 CUP

Location: Southeast corner of East 8th Street and "A" Avenue

Assessor's Parcel No.: 556-472-23

Staff report by: Martin Reeder, Principal Planner

Applicant: Grill House at Big Ben

Property owner: Donald Jackel

Zoning designation: Downtown Specific Plan Development Zone 9 (DZ-9)

Adjacent land use/zoning:

- North:** McDini's Bar Irish Cantina across East 8th Street / DZ-9
- East:** Commercial / DZ-9
- South:** Row homes on East 9th Street / DZ-10
- West:** Union Bank across "A" Avenue / DZ-4

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

BACKGROUND

Site Characteristics

The project site is Big Ben Market, located at the Southeast corner of East 8th Street and "A" Avenue in Development Zone 9 (DZ-9) of the Downtown Specific Plan. The market has recently undergone a remodel, which included the addition of an interior restaurant counter and an approximately 1,650 square-foot outdoor patio with an outdoor service counter (The Grill House at Big Ben). The property is generally surrounded by commercial areas, with some residential use to the south of the restaurant parking lot. Big Ben Market has a type 21 (off-sale general) alcohol license, which allows for sales of beer, wine, and distilled spirits for off-site consumption. The license is non-conforming, in that it pre-dates the City's Conditional Use Permit (CUP) requirement.

Proposed Use

The applicant is requesting to sell beer and wine for on-site consumption, provide a banquet facility, and conduct live entertainment in conjunction with an eating place. The area for the on-site sales would be the 1,650 square-foot outdoor patio. Plans show a seating area of approximately 1,300 square feet, a stage area of 170 square feet, and a 291 square-foot bar where the outdoor service counter is located. There is also an area of approximately 180 square feet between the seating area and stage area, which would likely function as a dancing area. Plans also show a 60 square-foot beer and wine cooler located on the south side of the building, intended to serve as a storage locker for alcohol products to be sold on the patio. It is assumed that the bar would also have its own storage area behind the counter. No specific information was received regarding type of entertainment, events, or timeframes was received, either at application or as part of the resubmittal (the application was initially incomplete).

The market is currently open from 7 a.m. to 9:30 p.m. daily. The Grill House is open from 9:00 a.m. to 10:00 p.m. daily. However, proposed hours for live entertainment and banquet activities are not proposed to be limited (plans say "for any length of time"); although the applicant mentioned in the community meeting that activities could be as late as 2 a.m.

Analysis

Section 18.30.050 of the National City Land Use Code allows for on-site alcohol sales and live entertainment with an approved Conditional Use Permit (CUP). Section 18.24.050 also requires a CUP for "public assembly", which is how banquet facilities are classified.

Community Meeting

Pursuant to Section 18.30.050 (C), the applicant is required to hold a community meeting. The meeting was held Monday, July 14, 2014 at 6:30 p.m. The meeting was held at Big Ben Market. The agenda, sign-in sheet, and minutes are attached. According to the sign-in sheet, one resident was in attendance at the meeting. The applicant made a presentation about the proposal. The attendee was generally in support of the application, but had concerns regarding how late the live entertainment

would be conducted and suggested 10:00 p.m. as the latest that entertainment would occur.

The Planning Department is recommending that specific hours of operation are levied on this CUP, should it be approved. Given that the area in which live entertainment and banquets would be conducted is outdoors, sound will be an issue. Furthermore, Title 12 of the Municipal Code (Noise) limits exposure to noise by nearby residential land uses. Noise is limited to 45 decibels between the hours of 10:00 p.m. and 7:00 a.m., and to 55 decibels between 7:00 a.m. and 10:00 p.m. Given the close proximity to residential uses (Brick Row, Bay View Towers, row homes south of the project area), staff is suggesting that live entertainment start no earlier than noon and end by 8:00 p.m., and that public assembly (banquets) activities cease before 9:00 p.m. Staff also suggests that entertainment and banquets be limited to weekends only (Friday, Saturday, Sunday). Staff is suggesting that on-site alcohol sales be limited to the hours of operation of the Grill House (9:00 a.m. to 10:00 p.m.).

Alcohol Sales Concentration/Location

Per the California State Department of Alcoholic Beverage Control (ABC), there are currently thirteen (13) other on-sale permits issued in this census tract (117). These permits are:

Name	Address	License Type*
Trophy Lounge	999 National City Blvd.	48
Chuck E. Cheese	1143 Highland Ave.	41
Royal Mandarin	1132 E. Plaza Blvd. 205	41
Thomas H. Cosby Jr. Post 4630	1401 Highland Ave.	52
Golden Chopsticks	1430 E. Plaza Blvd. E22	41
Karina's Mexican Seafood	1705 Highland Ave.	41
Ginza Sushi	925 E. Plaza Blvd. G	41
Lai Thai Restaurant	1430 E. Plaza Blvd. E10	41
Café La Maze	1441 Highland Ave.	47
Wingstop	932 Highland Ave.	41
Panda Palace	1132 E. Plaza Blvd. D/E	41
McGonagles	1231 Highland Ave.	41
Larry E. Bennett Post 255	35 E. 18 th St.	52

- * Type 41 - On-Sale Beer and Wine for Bona Fide Public Eating Place
- Type 47 - On-Sale General for Bona Fide Public Eating Place
- Type 48 - On-Sale General for Public Premises
- Type 52 - Veterans' Club

All but three of the other on-sale licenses are restaurants. The remainder are a bar/cocktail lounge (Trophy Lounge) and two veteran's clubs.

Census tract 117 includes the area of the City between National City Boulevard and Palm Avenue, and between East 8th and East 18th Streets. The attached census tract

map shows the location of the subject tract. ABC recommends a total of seven on-sale alcohol permits be issued in this census tract, where thirteen already exist. Therefore, the census tract is considered to be over-concentrated with regard to on-sale alcohol licenses.

Chapter 18.030.050 (D) requires a 660-foot distance from sensitive uses such as schools. However, restaurants with greater than 30% of their area devoted to seating (as applies in this case) are exempt from these distance requirements. Integrity Charter school is approximately 365 feet from the restaurant, and Central Elementary approximately 1,200 feet away.

Police Department comments

Crime statistics provided by the Police Department (PD) indicate that the reporting area (Beat 20) had a crime rate of 371.6%, above the 120% considered to be a high crime area. PD also provided a Risk Assessment report, which assigns points based on the type of business, license concentration, and calls for service (among others) and ranks the business according to potential risk (low, medium, or high). In this case, Big Ben Market received a score of 17, which would indicate a medium risk. Low Risk is 0-12 points; Medium Risk 13-18 points; and High Risk 19-24 points.

Concerns noted by the Police Department included the lack of proactive enforcement of live entertainment venues, proximity to residences and schools, high crime, license over-concentration, and the facility already had an ABC license (off-sale license).

Institute for Public Strategies (IPS) comments

IPS had concerns related to license over-concentration, and to proximity to schools and churches in the area. IPS interviewed 12 people in the area. Some were not supportive due to concerns over noise, security, and public nuisance caused by existing live entertainment and alcohol establishments. Most in support of the business suggested a closing time of 10:00 p.m.

Building and Fire Department comments

Comments received by both the Building and Fire Departments referenced the change in occupancy of the outdoor patio area with the addition of public assembly and live entertainment. Building is requiring additional bathroom facilities, and Fire is requiring fire sprinkler installation. Comments are included as Conditions of Approval.

Parking/Traffic

The outdoor patio exists and is parked accordingly. In addition, alcohol sales are not likely to increase the need for parking on the property. However, live entertainment and especially banquets/public assembly is likely to draw more people than the parking lot can accommodate. The parking lot on the property has 23 parking spaces. Any lack of parking on site would manifest itself in parking impacts on adjacent residential streets.

Traffic is not expected to be affected due to East 8th Street being an arterial street that is operating within its capacity.

Conditions of Approval

Standard Conditions of Approval have been included with this permit, as well as conditions related to noise and specific to on-sale alcohol sales per Council policy (alcohol incidental to food, hours of operation, patio signage, RBSS training, etc.). There is also a condition prohibiting alcohol purchased from the market to be consumed on site.

Summary

Big Ben Market is a successful business in the downtown area. The addition of the Grill House has added to the popularity of the business. Although other downtown businesses have enjoyed the ability to offer live entertainment, there have been problems in recent years related to noise, public nuisance, and parking in the area because of these uses. If utilized within reasonable time limits, live entertainment and banquet activities will benefit the subject business and potentially add to its recent success. However, being an outdoor patio raises concerns regarding noise in the area, which is in proximity to several residential areas. Potential parking and public nuisance impacts are also possibilities.

Conditions of Approval limit entertainment activities to 8:00 p.m. and other activities (other than the existing commercial business) to 9:00 p.m. on weekends only. The Commission may approve the CUP based on these suggested hours, amend the hours of operation as they see fit, or deny the permit. The Commission also has the option of asking staff to return at a subsequent meeting with additional information if requested.



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF EXEMPTION

TO: County Clerk
County of San Diego
P.O. Box 1750
1600 Pacific Highway, Room 260
San Diego, CA 92112

Project Title: 2014-08 CUP

Project Location: 108 East 8th Street, National City, CA 91950

Contact Person: Martin Reeder

Telephone Number: (619) 336-4313

Description of Nature, Purpose and Beneficiaries of Project:

Conditional Use Permit application for on-site beer and wine sales, live entertainment, and a banquet facility at an existing restaurant (Grill House at Big Ben).

Applicant:

Grill House at Big Ben
c/o: Nick Salem
108 East 8th Street
National City, CA 91950

Telephone Number:

(619) 477-1015

Exempt Status:

Categorical Exemption. Class 1 Section 15301 (Existing Facilities)

Reasons why project is exempt:

The project will result in no changes to the physical environment, since the proposal is located completely within the existing restaurant space.

Date:

MARTIN REEDER
Principal Planner

RECOMMENDATION

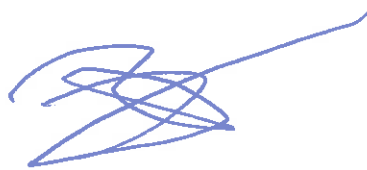
1. Approve 2014-08 CUP subject to the conditions listed below, based on attached findings; or
2. Deny 2014-08 CUP subject to the conditions listed below, based on attached findings; or
3. Continue the item to a subsequent agenda.

ATTACHMENTS

1. Recommended Findings for Approval/Denial
2. Recommended Conditions
3. Location Map
4. Census Tract Map and Police Beat Map
5. Community Meeting Information (agenda, notice, and sign-in sheet)
6. Public Hearing Notice (Sent to 510 property owners and occupants)
7. Notice of Exemption
8. Applicant's Plans (Exhibit A, case file no. 2014-08 CUP, dated 10/2/2014)



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL

2014-08 CUP, 108 East 8th Street

1. That 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, since alcohol sales for on-site consumption, live entertainment, and public assembly are conditionally-allowed uses in Development Zone 9 of the Downtown Specific Plan Area.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, since alcohol sales, live entertainment, and public assembly are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan; and since alcohol sales for on-site consumption, live entertainment, and public assembly are conditionally-allowed uses in Development Zone 9 of the Downtown Specific Plan Area.
3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, since the proposed uses are accessory to a restaurant use in an existing commercial area and the proposed uses are not expected to appreciably increase traffic on East 8th Street based on the current capacity and traffic numbers.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, since no expansion of the building is proposed.
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, since the proposed use will be compatible with other nearby businesses; and since the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available, as well as limit hours of public assembly and live entertainment.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, since staff has already determined that the proposed use is 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.
7. That the proposed use is deemed essential and desirable to the public convenience and welfare, since it will contribute to the continued viability of a restaurant, an established and allowed use in Development Zone 9.
8. That public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED FINDINGS FOR DENIAL
2014-08 CUP, 108 East 8th Street

1. That the proposed use is not deemed essential and desirable to the public convenience and welfare, since there is already an over-concentration of on-sale alcohol licenses in census tract 117.00 in which the subject property is located.
2. That the proposed use is not deemed essential and desirable to the public convenience and welfare since beer and wine are currently offered at ten other restaurants within the same census tract.
3. That live entertainment and public assembly in an outdoor area that is in close proximity to residential areas has the potential for noise impacts and other deleterious effects on said areas.
4. That public convenience and necessity will not be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED CONDITIONS OF APPROVAL

2014-08 CUP, 108 East 8th Street

General

1. This *Conditional Use Permit* authorizes the sale of beer and wine, live entertainment, and a banquet facility at an existing restaurant located at 108 East 8th Street. Plans submitted for permits associated with this project shall conform with Exhibit A, case file no. 2014-08 CUP, dated 10/2/2014.
2. 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 Department.
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 Conditions of Approval.
6. 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 Department, 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 Executive Director 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 Executive Director prior to recordation.

Building

7. The proposed project shall be constructed as per the 2013 California Building, Electrical, Plumbing, Mechanical and Fire Codes. The proposal is considered a change of occupancy from an A-3 to an A-2 use. As a result, the current toilet rooms shall be updated to reflect the requirements of the new proposed occupancy per 2013 California Plumbing Code, Table 422.1.

Fire

8. The project shall be built to code. The National City Fire Department utilizes the 2013 edition of the California Fire Code and the 2013 edition of the National Fire Protection Association Codes and Standards.
9. The project is described as an A-3 Occupancy per the submitted plan. This is incorrect. The project is defined as an A-2 occupancy per the California Fire and Building Codes.

10. CFC 903.2.1.2 group A-2 Occupancy - An automatic sprinkler system shall be provided for a group A-2 Occupancies where one of the following conditions exists:
 - The fire area has an occupant load of 100 or more.
 - The occupant load according to the submitted documents, describes an occupant load of 168 occupants.
11. The A-2 occupancy shall be evaluated and designed for fire alarm coverage.
12. Fire alarm and fire sprinkler shall be evaluated and installed for intended use per code. Plans and permit fees shall be paid directly to the National City Fire Department.

Planning

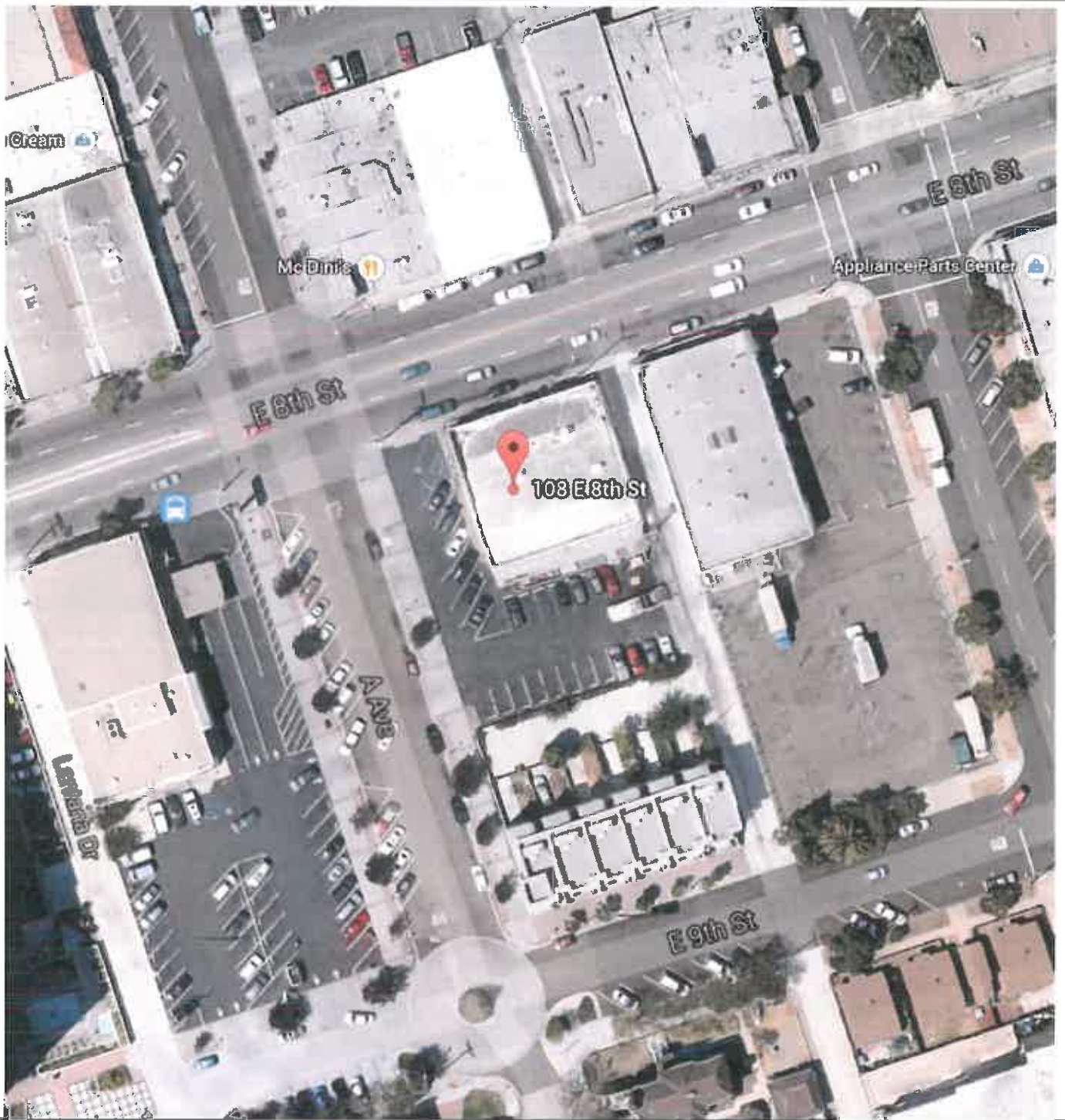
13. No distilled spirits or other alcoholic beverages purchased from the market may be consumed on the property. Only beer and wine purchased from Grill House at Big Ben may be consumed
14. The sale of alcoholic beverages for on-site consumption shall be limited to between the hours of 9:00 a.m. and 10:00 p.m. seven days a week.
15. The hours of live entertainment shall be limited to between 12:00 p.m. and 8:00 p.m. Friday, Saturday, and Sunday.
16. Public assembly activities (e.g., banquets, parties, etc.) shall be limited to between 12:00 p.m. and 9:00 p.m. Friday, Saturday, and Sunday.
17. Public assembly activities not associated with normal Big Ben Market and Grill House operations shall cease no later than 9:00 p.m.
18. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.
19. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
20. Alcohol shall be available only in conjunction with the purchase of food.
21. Permittee shall post signs in the patio dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant or patio area and may not be taken off-premises.
22. Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within,

are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.

23. All activities shall comply with Title 12 (Noise) of the National City Municipal Code.

Police

24. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.



--- Zone Boundary

Project Location

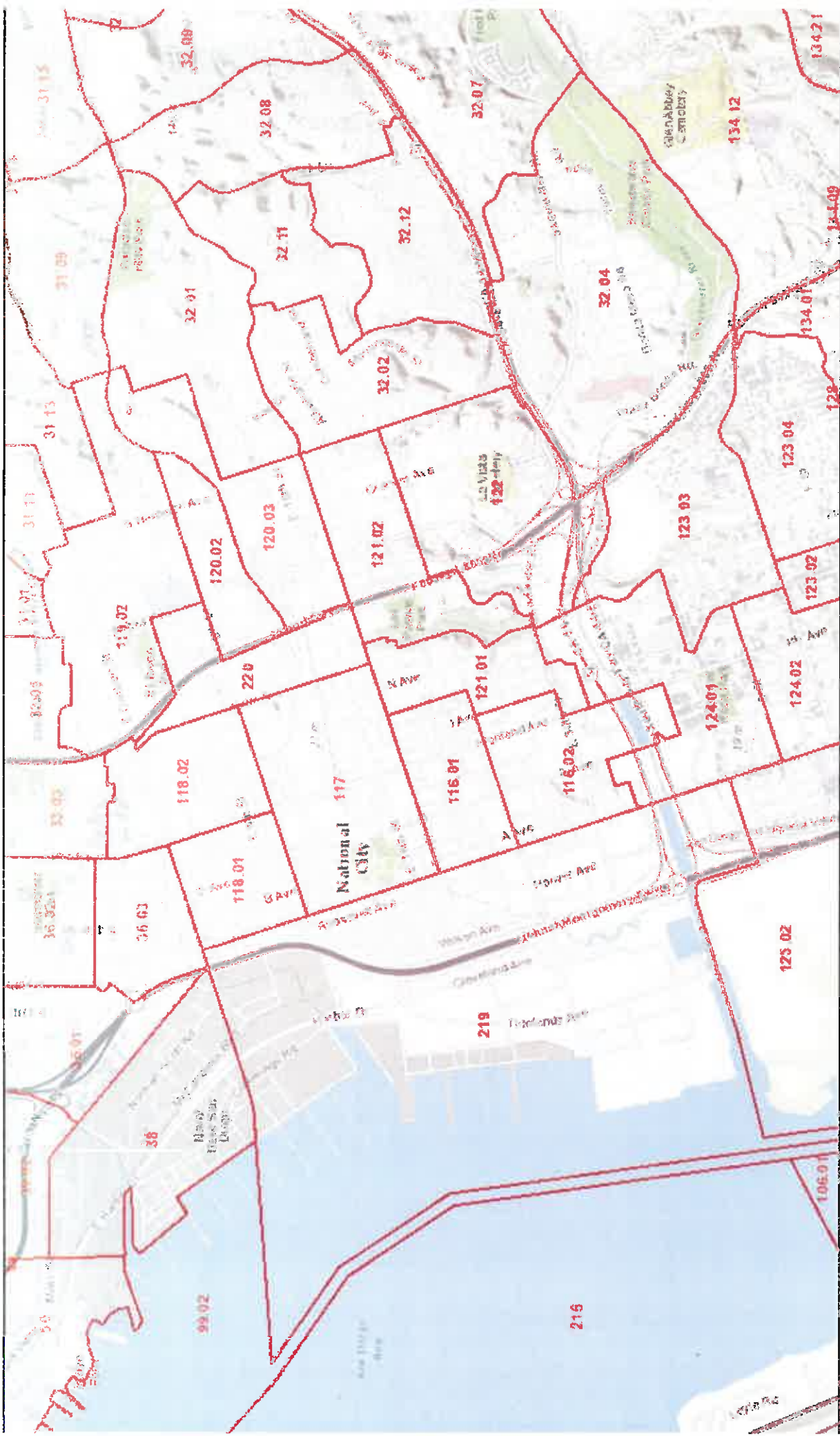


0 75 150 300 Feet

APN:
556-472-23

Planning Commission Location Map

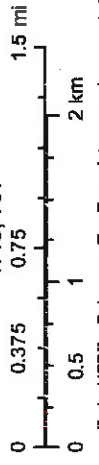
2014-08 CUP



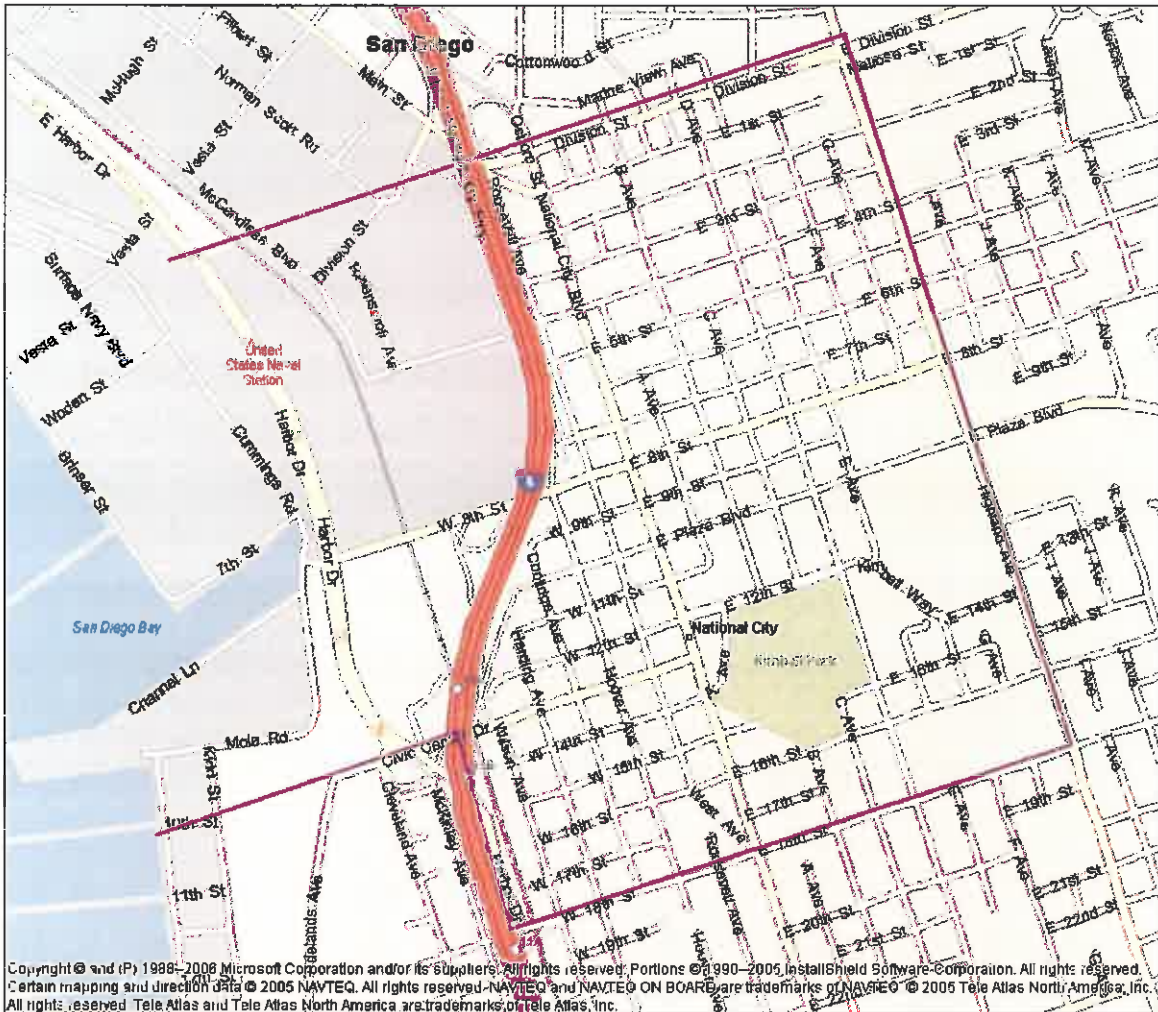
August 25, 2014

Census Tracts 2010

1:45,467



Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp, GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri, Japan, METI, Esri China (Hong Kong), Swisstopo, MapmyIndia, OpenStreetMap contributors, and the GIS User Community



City of National City Beat 20

Source: Microsoft Mappoint
NCPD CAU, 4/18/07

BIG BEN MARKET, INC
DBA Grill House at Big Ben Market
106 East 8 STREET
NATIONAL CITY, CA 91950

Community Meeting Agenda

Date: Monday, July 14, 2014
Time: 6:30 pm - 7:30 pm
Subject: Community Meeting
Applicant: BIG BEN MARKET, INC.
Project Title: Grill House at Big Ben Market
Location: 106 East 8 Street, National City, CA 91950
619-477-1015

#1 **Purpose of this meeting:** This meeting is a requirement of the city of National City to notify all of the residents and business owners within 660 feet of the project and to get their comments, feedback and concerns. A report of the meeting will be presented to the City and a copy of the sign-up sheet.

#2 **What is the proposed project:** The addition of On-Sale beer and wine license and life entertainment to the restaurant.

#3 **The purpose of the proposed project:** To serve our customers and our community better by offering On-Sale beer and wine and life entertainment to the restaurant. Our goal is to make our costumers dining experience pleasant and convenient.

#4 **Information regarding the project:**

#5 **O & A:**

#6 **The Applicant is asking for the community's support:**

#7 **Adjournment:**

Monday, July 14, 2014

**CITY OF NATIONAL CITY
PLANNING DEPARTMENT**
1243 National City Blvd
National City, CA 91950

Subject: Community Meeting Minutes.

Applicant: BIG BEN MARKET, INC.

Contact Person: Naseem Salem
106 East 8 Street
National City, CA 91950
619-477-1015

Project Title: Grill House at Big Ben Market

Project Location: 106 East 8 Street
National City, CA 91950
619-477-1015

Per the City's requirements for a Conditional Use Permit, BIG BEN MARKET, INC. dba Grill House at Big Ben Market invited the community to a meeting to get their comments, feedback and concerns regarding the addition of On-Sale beer and wine license to the restaurant. The meeting was conducted on July 14, 2014 at Grill House at Big Ben Market located at 106 East 8 Street, National City, CA 91950.

Naseem Salem called the meeting to order at 6:35 pm. Mr. Salem welcomed the only attendee, Ms. Janice Martinelli, to the meeting. He thanked her for taking time to attend the meeting and learn more about the proposed project. Mr. Salem asked Ms. Martinelli to write her name and those who she represents on the sign-up sheet. Ms. Martinelli wrote her name and others who were identified as residents of National City.

Mr. Salem started his presentation, which included the following information:

#1 Purpose of this meeting: This meeting is a requirement of the city of National City to notify all of the residents and business owners within 660 feet of the project and to get their comments, feedback and concerns. A report of the meeting will be presented to the City and a copy of the sign-up sheet.

#2 What is the proposed project: The addition of On-Sale beer and wine license and life entertainment to the restaurant.

#3 The purpose of the proposed project: To serve our customers and our community better by offering On-Sale beer and wine and live entertainment to the restaurant. Our goal is to make our customers dining experience pleasant and convenient.

#4 Information regarding the project: Mr. Salem acknowledged the selling of beer and wine may cause some concerns with some community members. He shared the following information:

- The Applicant request is in compliance with the City's Development regulations of the underlying zone and other applicable sections of the Land Developments Code.
- The Applicant is a very responsible retailer that have demonstrated over two decades his good judgment when serving adult beverages. He has been proactive in his involvement with law enforcements and the community in which he serves.
- The Applicant will have policies in place to combat underage access to alcohol such as requiring ABC LEAD training for all clerks and servers as a condition for employment.

#5 Q & A: After Mr. Salem concluded his presentation he asked Ms. Martinelli for her feedback, concerns and any questions she may have. The only concern raised by Ms Martinelli was regarding hours of operation for the live entertainment. Ms. Martinelli requested that live entertainment should not exceed 10:00pm.

Mr. Salem informed Ms. Martinelli that ABC laws permit the hours of operation for On-Sale license until 2:00 am. Mr. Salem highlighted the importance of the restaurant location in downtown National City as an attraction for residents and tourists. It will be very helpful for the restaurant to remain competitive with other restaurants close by who have the ability for live entertainment until 2:00am. Furthermore, Mr. Salem expressed his respect and appreciation for law enforcement and to our city leaders and staff, which they will consider all the facts and make the final decision to what is best for our community.

Mr. Salem also expressed his willingness to work with the National City Police Department and city staff to address any additional concerns they may have.

#6 The Applicant is asking for the community's support: Mr. Salem asked Ms. Martinelli for her support for the addition of On-Sale beer and wine license and live entertainment to the restaurant and she expressed her support of the proposed project.

#7 Adjournment: Mr. Salem thanked Ms. Martinelli for her attendance and her feed back and gave her his contact information and invited her to call him for any additional questions/concerns.

The meeting adjourned at 7:35 pm

NAME	ADDRESS	PHONE	EMAIL
1 Jannet Martinelli	x 926 A AVE 4 people	619 962-4128	Lasy Martinelli@gmail.com
2 Dorciot Below Dupont	x 910 " 3 people x 912 " 10 people		
3	x 924 " 20 people		
4 Kimbell Museum City of Dallas 9730	x 936 " 2 people National City Historical Society 12 Board members		
5	x 940 " 4 people		
6 Naseem Salam Nas	106 E. 8th St - National City CA 91950	619 477-1015	Naseem.Salam@gmail.com
7 MANUEL CANADA	939 A AVE 2 people		
8			
9			
10			
11			

(1) NO PROBLEM WITH LIVE MUSIC IF IT STOPS BY 10 PM

(2) NO PROBLEM WITH BEER AND WINE



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR BEER AND WINE SALES,
A BANQUET FACILITY, AND LIVE ENTERTAINMENT
AT BIG BEN MARKET LOCATED AT 108 EAST 8TH STREET.
CASE FILE NO.: 2014-08 CUP
APN: 556-472-23

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, November 17, 2014**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Grill House at Big Ben)

The applicant is requesting to sell beer and wine for on-site consumption, provide a banquet facility, and conduct live entertainment in conjunction with an eating place (Grill House at Big Ben).

Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Department on or before 12:00 p.m., **November 17, 2014**, 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 DEPARTMENT

BRAD RAULSTON
Executive Director

GENERAL NOTES

- EXISTING MARKET AND DELI TO REMAIN. NO WORK PROPOSED IN CONNECTION WITH THIS APPLICATION.
- EXISTING RESTROOMS TO REMAIN. NO WORK PROPOSED IN CONNECTION WITH THIS APPLICATION.
- EXISTING RESTROOMS TO REMAIN. NO WORK PROPOSED IN CONNECTION WITH THIS APPLICATION.
- EXISTING RESTROOMS TO REMAIN. NO WORK PROPOSED IN CONNECTION WITH THIS APPLICATION.

KEY NOTES

- GLASS GUARD RAIL, 5" HIGH
- 10'-0" WROUGHT IRON GATE (8" TALL). GATE SHALL REMAIN OPEN DURING BUSINESS HOURS.
- 4'-7" WROUGHT IRON GATE (8" TALL). EQUIPPED W/ PAINT HARDWARE FOR C.B.C.
- 1'-6" WROUGHT IRON SECURITY GATE (8" TALL) TO REMAIN OPEN DURING BUSINESS HOURS.
- 3" CONC. CURB
- EXISTING TRELLIS @ 13'-1" AFF.
- ACCESSIBLE HEIGHT BARI COUNTER (84")
- 42" HIGH BARI COUNTER
- CONCRETE PLANTER, DIMENSIONS PER PLAN

EXITING REQUIREMENTS

DINING PATIO	A-2
COCKTAIL GROUP	1,000 SF
COCKTAIL GROUP	1,000 SF
OCCUPANT LOAD FACTOR	1.00 NET
PERMITTED OCCUPANTS	86
STAGE	170 NSF
OCCUPANT LOAD FACTOR	1.00 NET
PERMITTED OCCUPANTS	11
SERVICE	
B.A.	201 GSF
PERMITTED OCCUPANTS	200 GROSS

TOTAL OCCUPANTS: 98
 MIN. EXIT WIDTH REQUIRED: 98" @ 2.0 = 20"

CEILING REQUIRED: 1 - 90 OCCUPANTS
CEILING PROVIDED: 2

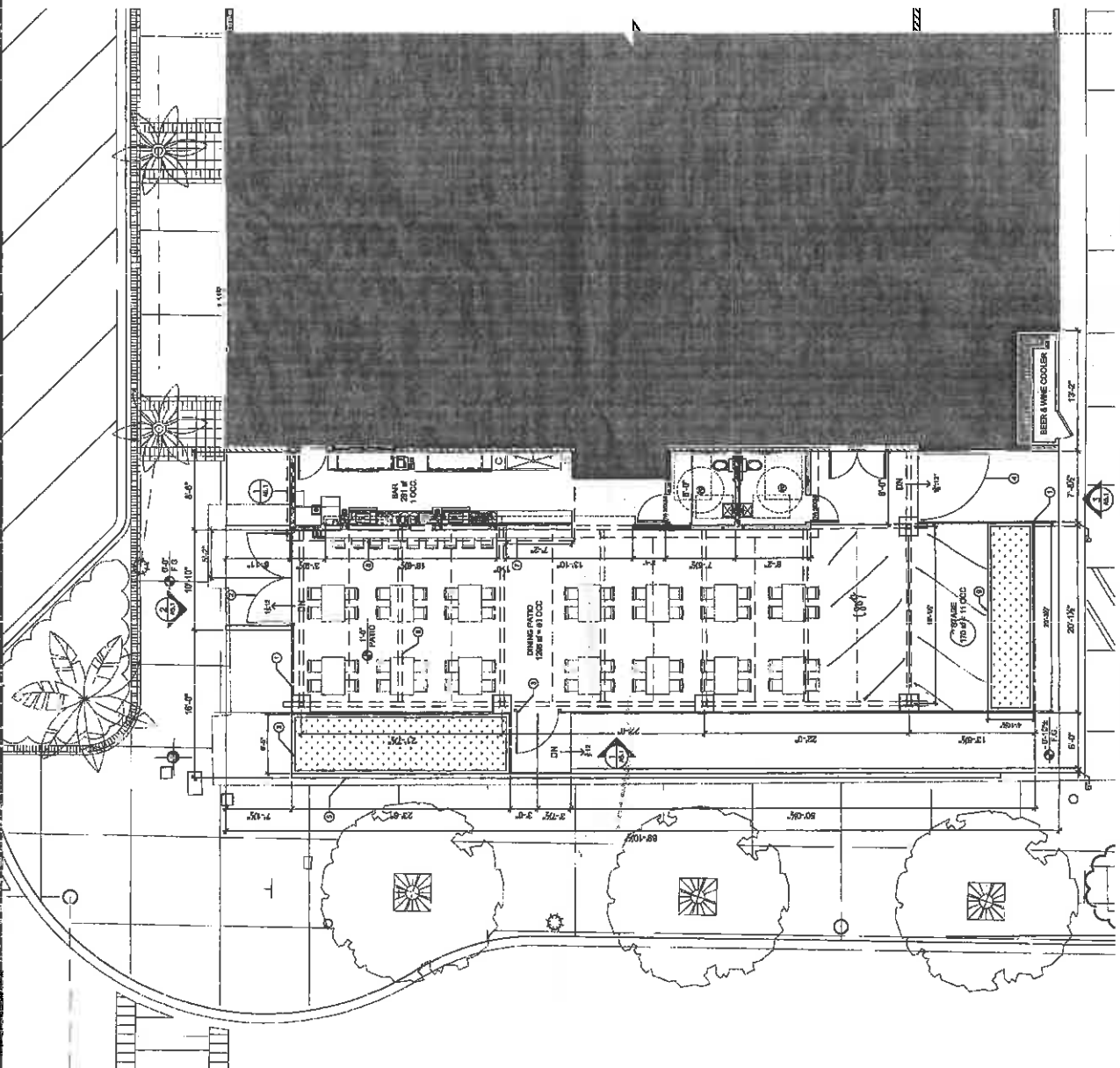
PLUMBING FIXTURE DATA

SG. FOOTAGE	1,000 SF
OCCUPANCY GROUP	A-2
OCCUPANT LOAD FACTOR	30
(ASZ I TABLE A)	
TOTAL OCCUPANT LOAD	49
# WATER CLOSET REQUIRED:	1 MALE 1 FEMALE
# WATER CLOSETS PROVIDED:	1 MALE 1 FEMALE
# LAVATORIES REQUIRED:	1 MALE 1 FEMALE
# LAVATORIES PROVIDED:	1 MALE 1 FEMALE

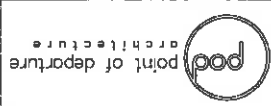
NOTES:
 1. MIN. NUMBER OF REQUIRED WATER CLOSERS FOR FEMALES SHALL BE ONE (1) FOR EACH 15 OCCUPANTS.
 2. MIN. NUMBER OF REQUIRED WATER CLOSERS FOR MALES SHALL BE ONE (1) FOR EACH 15 OCCUPANTS.
 3. THIS REQUIREMENT SHALL NOT APPLY WHEN SINGLE OCCUPANCY TOILET FACILITIES ARE PROVIDED FOR EACH SEX IN AN OCCUPANCY TOILET FACILITY.
 4. IF REQUIRED, THE URINAL SHALL BE PERMITTED TO BE OMITTED OR B. IF INSTALLED, THE URINAL SHALL NOT REQUIRE A SECOND WATER CLOSET TO BE PROVIDED FOR THE FEMALE.
 NOTE 11, TABLE 22, IBC 2010 CODE

SUBMITTAL:
 10.02.14

A 2.1



1 FLOOR PLAN



108 E 87th St
 NATIONAL CITY
 CA 91850

GRILL HOUSE AT BIG BEN

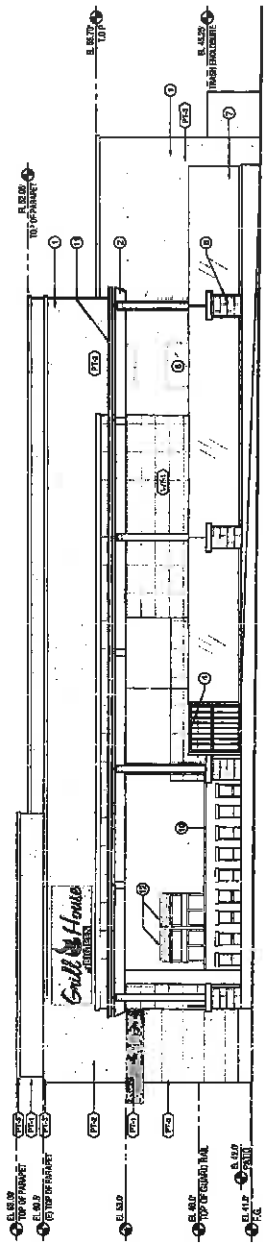
FLOOR PLAN

KEY NOTES

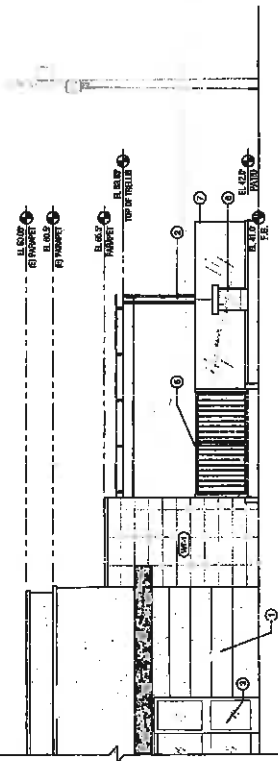
- 1) COAT CEMENT PLASTER OVER WIRE LATH OVER BUILDING PAPER - PER DETAIL 3/A/3
- 2) EXST. TRELLIS STRUCTURE
- 3) AUTOMATIC SLIDING STOREFRONT DOORS
- 4) WROUGHT IRON GATE
- 5) CHAU COLUMN BASE TYP
- 6) GLASS GLUIDO RAIL
- 7) H.M. DOOR - PAINT (P-3)
- 8) WALK-IN, BEER & WINE COOLER
- 9) 48" HBY BAR COUNTER
- 10) CORRUGATED METAL ROOF
- 11) BUILDING SERVICE WINDOW

FINISH SPECIFICATIONS

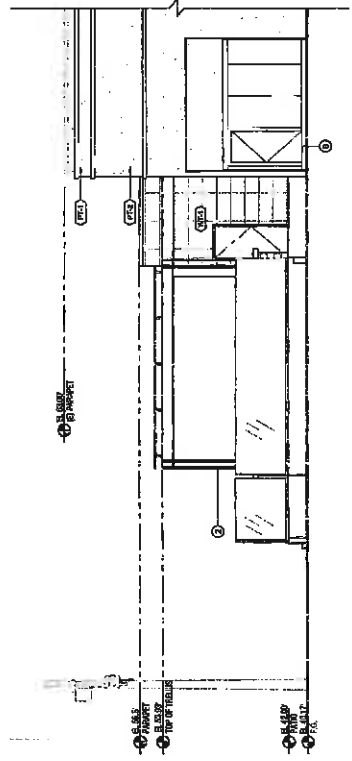
- PAINT**
- 712) EXISTING PAINT
MFR: PRAXER
1ST COAT: 286 EPITLI
COLOR: 215 ROYAL SUPREME
2ND COAT: 215 ROYAL SUPREME
COLOR: GILTTED - CLASSIM
 - 722) EXISTING PAINT
MFR: PRAXER
1ST COAT: 286 EPITLI
2ND COAT: 215 ROYAL SUPREME
COLOR: RUSTY NAIL G3.007R
 - 732) EXISTING PAINT
MFR: PRAXER
1ST COAT: 286 EPITLI
2ND COAT: 215 ROYAL SUPREME
COLOR: RUSTY NAIL G3.007R
- WALL TILE**
- 742) EXISTING WALL TILE
MFR: ARIZONA TILE
MODEL: MARTE
COLOR: EMPERADOR
SIZE: 1200X
PATTERN: STACK BAND
MFR: EVANK DEGLISSA CORP



1 WEST ELEVATION
scale: 3/16" = 1'-0"



2 NORTH ELEVATION
scale: 3/16" = 1'-0"



3 SOUTH ELEVATION
scale: 3/16" = 1'-0"



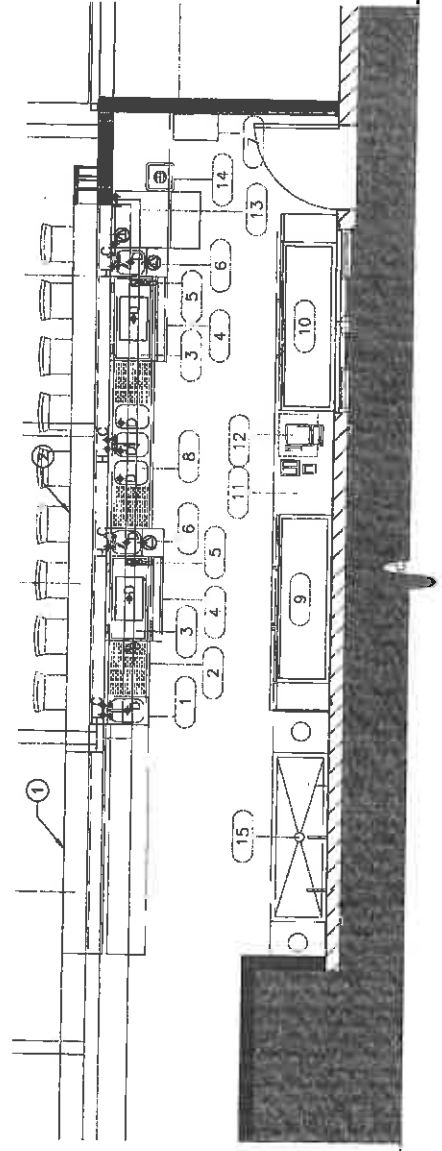
106 E. 8TH ST.
MAYNARD, CA 91950

GRILL HOUSE
AT BIG BEN
EQUIPMENT PLAN

REVISIONS:

SUBMITTAL:
10.02.14

A 6.1



1 ENLARGED EQUIPMENT PLAN scale: 1/8" = 1'-0"

EQUIPMENT SCHEDULE

Item No	Qty	Equipment Category	Manufacturer	Model Number	Base	Volts	Amps	KW	HP	Prose	Direct Plug	NEMA	Remarks	Cold Water Size (in)	Hot Water Size (in)	Direct Drain Size (in)	Indir Drain Size (in)	Remarks
1	1	Underbar Handink	Krona Metal	RR18-1C	Legs									0.5	0.5	1.5	1	
2	1	Underbar Filtr. & Drainboards	Krona Metal	RR18-CSA	Legs									0.5	0.5	1.5	1	
3	2	Underbar Ice Chest	Krona Metal	RR18-3BP-10	Legs									0.5	0.5	1.5	1	
4	2	Underbar Speed Roll	Krona Metal	RS-38	SC									0.5	0.5	1.5	1	
5	2	Bar Gun	Verify w/ Supplier		Item 58	120	15.0			1 X				0.5	0.5	1.5	1	
6	2	Underbar Bander Station	Krona Metal	RR18-12BD	Legs	120	15.0			1 X				0.5	0.5	1.5	1	
7	1	Slim Jim Trash Can	Rubbermaid		Legs	120	15.0			1 X				0.5	0.5	1.5	1	
8	1	Underbar Sink	Krona Metal	RR18-43C	Legs									0.5	0.5	1.5	1	
9	1	Back Bar Cooler	Krona Metal	B58AR	Coasters	120		0.33	1	1 X				0.5	0.5	1.5	1	Self Contained
10	1	Back Bar Cooler	Krona Metal	B58AL	Coasters	120		0.33	1	1 X				0.5	0.5	1.5	1	Self Contained
11	1	Lox Back Bar Cabinet	Custom Millwork		Coasters	120		0.33	1	1 X				0.5	0.5	1.5	1	Self Contained
12	1	Lox Back Bar Cabinet	Verify w/ Supplier		Coasters	120		0.33	1	1 X				0.5	0.5	1.5	1	Self Contained
13	1	Mezzanet. Under Counter. Low Temp	Dak. Dishmachines	L-1X	Item 69	115	18			1 X				0.5	0.5	1.5	1	
14	1	Existing Floor Sink			6" Legs	115	18			1 X				0.5	0.5	1.5	1	
15	1	Existing S.S. Trough Sink			6" Legs	115	18			1 X				0.5	0.5	1.5	1	

KEY NOTES
1. ACCESSIBLE HEIGHT BAR COUNTER (6")
2. 4" HIGH BAR COUNTER

RESOLUTION NO. 22-2014

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A
CONDITIONAL USE PERMIT FOR BEER AND WINE SALES,
A BANQUET FACILITY, AND LIVE ENTERTAINMENT
AT BIG BEN MARKET LOCATED AT 108 EAST 8TH STREET.
CASE FILE NO. 2014-08 CUP
APN: 556-472-23**

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for beer and wine sales, a banquet facility, and live entertainment at Big Ben Market located at 108 East 8th Street at a duly advertised public hearing held on November 17, 2014, 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. 2014-08 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; 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 November 17, 2014, support the following findings:

1. That 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, since alcohol sales for on-site consumption, live entertainment, and public assembly are conditionally-allowed uses in Development Zone 9 of the Downtown Specific Plan Area.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, since alcohol sales, live entertainment, and public assembly are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan; and since alcohol sales for on-site consumption, live entertainment, and public assembly are conditionally-allowed uses in Development Zone 9 of the Downtown Specific Plan Area.

3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, since the proposed uses are accessory to a restaurant use in an existing commercial area and the proposed uses are not expected to appreciably increase traffic on East 8th Street based on the current capacity and traffic numbers.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, since no expansion of the building is proposed.
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, since the proposed use will be compatible with other nearby businesses; and since the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available, as well as limit hours of public assembly and live entertainment.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, since staff has already determined that the proposed use is 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.
7. That the proposed use is deemed essential and desirable to the public convenience and welfare, since it will contribute to the continued viability of a restaurant, an established and allowed use in Development Zone 9.
8. That public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

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 sale of beer and wine, live entertainment, and a banquet facility at an existing restaurant located at 108 East 8th Street. Plans submitted for permits associated with this project shall conform with Exhibit A, case file no. 2014-08 CUP, dated 10/2/2014.
2. 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 Department.
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 Conditions of Approval.
6. 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 Department, 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 Executive Director 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 Executive Director prior to recordation.

Building

7. The proposed project shall be constructed as per the 2013 California Building, Electrical, Plumbing, Mechanical and Fire Codes. The proposal is considered a change of occupancy from an A-3 to an A-2 use. As a result, the current toilet rooms shall be updated to reflect the requirements of the new proposed occupancy per 2013 California Plumbing Code, Table 422.1.

Fire

8. The project shall be built to code. The National City Fire Department utilizes the 2013 edition of the California Fire Code and the 2013 edition of the National Fire Protection Association Codes and Standards.
9. The project is described as an A-3 Occupancy per the submitted plan. This is incorrect. The project is defined as an A-2 occupancy per the California Fire and Building Codes.
10. CFC 903.2.1.2 group A-2 Occupancy - An automatic sprinkler system shall be provided for a group A-2 Occupancies where one of the following conditions exists:
 - The fire area has an occupant load of 100 or more.
 - The occupant load according to the submitted documents, describes an occupant load of 168 occupants.
11. The A-2 occupancy shall be evaluated and designed for fire alarm coverage.
12. Fire alarm and fire sprinkler shall be evaluated and installed for intended use per code. Plans and permit fees shall be paid directly to the National City Fire Department.

Planning

13. No distilled spirits or other alcoholic beverages purchased from the market may be consumed on the property. Only beer and wine purchased from Grill House at Big Ben may be consumed.

14. The sale of alcoholic beverages for on-site consumption shall be limited to between the hours of 9:00 a.m. and 10:00 p.m. seven days a week.
15. The hours of live entertainment shall be limited to between 12:00 p.m. and 8:00 p.m. Friday, Saturday, and Sunday.
16. Public assembly activities (e.g., banquets, parties, etc.) shall be limited to between 12:00 p.m. and 9:00 p.m. Friday, Saturday, and Sunday.
17. Public assembly activities not associated with normal Big Ben Market and Grill House operations shall cease no later than 9:00 p.m.
18. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.
19. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
20. Alcohol shall be available only in conjunction with the purchase of food.
21. Permittee shall post signs in the patio dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant or patio area and may not be taken off-premises.
22. Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
23. All activities shall comply with Title 12 (Noise) of the National City Municipal Code.

Police

24. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.

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 November 17, 2014, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING - TENTATIVE PARCEL MAP FOR THE DIVISION OF ONE 27,888 SQUARE-FOOT LOT INTO TWO LOTS, WITH AN EXCEPTION FOR LESS THAN 50 FEET OF STREET FRONTAGE, AT 1305 HARBISON AVENUE.

Case File No.: 2014-20 LS

Location: East side of Harbison Avenue, south of Plaza Boulevard.

Assessor's Parcel Nos.: 558-170-05

Staff report by: Martin Reeder, AICP

Applicant: Victor Rodriguez

Plans prepared by: Victor Rodriguez-Fernandez

Zoning designation: Medium-Low Density Multi-Family Residential (RS-3)

Parcel size: 0.64 acres

Adjacent land use/zoning:

- North: Single-family homes / RS-2
- East: Single-family homes / City of San Diego
- South: Single-family homes / RS-2
- West: Single-family homes across Harbison Avenue/ RS-2

Environmental review: Categorical Exemption – Section 15315 (Minor Land Divisions)

BACKGROUND

Site characteristics

The approximately 27,888 square foot property is located on the east side of Harbison Avenue approximately 350 feet south of Plaza Boulevard in the RS-2 Zone. It is an average of 130 feet wide by 210 feet deep. The site slopes from 142 feet (above sea level) at the northwest corner of the property to 172 feet at the southeast corner. There is a large flat area in the center of the rear portion of the lot at approximately a 160 foot elevation.

There is an existing 1,500 square-foot single family residence on the west side of the property, 40 feet from the west property line, on the Harbison Avenue side. There are also existing tiered retaining walls along the front of the property, (except for the northerly 32 feet) in front of the existing home (see site photo). The site is bordered on the north, south and west by single family residences on 12,000 square-foot average lots zoned RS-2, with single-family residences to the east in the City of San Diego.

History

There was a submittal in 2003 for a three lot division at this same location. The Planning Commission denied the application based on the finding that the site was unsuitable due to the large amount of grading/retaining walls needed to provide decent yards, and that the density was greater than that of the surrounding area. At that time in 2003 there were also on-going code violations; there are no current violations.

The application was subsequently resubmitted as a two-lot subdivision in 2005 and approved by the Planning Commission in September 2005. No extension was applied for prior to the expiration date two years after approval. The approval officially expired on September 19, 2007.

Proposed use

The applicant proposes division of the property into two lots, with individual access to Harbison Avenue from both lots:

Parcel 1 will have approximately 91 feet of frontage on Harbison Avenue and would include the existing residence. It will be 100 feet deep and would have a net size of 8,902 square feet. No changes are proposed to the existing home.

Parcel 2 would have 32 feet of frontage on Harbison Avenue with the foremost roughly 32 feet by 90 feet being occupied by a driveway accessing the rear of the property. Parcel 2 would have a gross area of 18,986 square feet. After a 6-foot by 140-foot utility easement at the rear of the lot and the front access portion of the lot is taken into account, there would be a net buildable area of approximately 16,256 square feet. The applicant is not proposing any development at this time; only minor grading is proposed (100 cubic yards cut/fill) as part of possible future development.

Analysis

General Plan

This project contributes to infill development, which is encouraged by General Plan, as well as provides an additional home ownership opportunity. If the future home is constructed, the resulting density of 3.1 units per acre would also be consistent with the General Plan, which specifies a maximum density of 8.7 units per acre.

Subdivision Ordinance

The proposed subdivision is consistent with the Subdivision Ordinance as it creates a development pattern that is consistent with nearby properties. Additionally, the average lot size of properties in the area is approximately 12,000 square feet; the average of the two proposed lots is almost 14,000 square feet.

This proposal will need an exception for less than required street frontage for parcel 2; the actual frontage will be 32 feet where 50 feet is required. However, this area is specifically to accommodate access rather than a building, and thus is ample in size for this purpose.

Land Use Code

The Land Use Code establishes a maximum density of 8.7 units per acre in the RS-2 Zone. The density of properties in the same block as the proposed site and on same side of the street is approximately 3.3 units per acre, consistent with Land Use Code requirements. The proposed future density of 3.1 units per acre would be also consistent with this density.

No significant grading would be needed as part of proposal. A two-foot retaining wall is proposed along the proposed driveway to the second home, with only 100 cubic yards of cut/fill proposed to provide a more adequate area for construction of a future home.

The site is suited to be split as physical separation of the existing single family residence from the portion of the lot that would become parcel 2 exists (see site photo). Additionally, the large rear portion of the lot (16,000 plus square feet) will provide a more than adequate buildable area for any proposed future home.

Department Comments

Comments were received from the Fire Department and have been included as Conditions of Approval. SDG&E also provided comments regarding utility lines. Standard conditions related to Final Map and Building Code requirements have also been included as conditions.

Summary

The project as proposed was approved in 2005. Although the approval has since expired, the current application is identical to that already approved. If approved, the proposed subdivision will result in an additional home ownership opportunity, and will be able to

meet all Land Use Code requirements. The subdivision is also consistent with the General Plan. Conditions of Approval will ensure that the property is appropriately developed and will meet all requirements of the Land Use Code and pertinent construction codes.

RECOMMENDATION

Approve 2014-20 LS subject to the conditions listed below, based on attached findings/ findings to be determined by the Planning Commission.

ATTACHMENTS

1. Recommended Findings for Approval
2. Recommended Conditions
3. Location Map
4. Notice of Exemption
5. Public Hearing Notice (Sent to 52 property owners)
6. Site photos
7. Applicant's Plans (Exhibit A, case file no. 2014-20 LS, dated 10/29/2014)



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL
OF THE TENTATIVE PARCEL MAP
Case File No. 2014-20 LS – 1305 Harbison Avenue

1. The proposed map is consistent with the National City General Plan and applicable specific plans, since the proposed single-family subdivision, at a density of 3.1 units per acre, is consistent with the uses and density (8.7 units per acre) allowed in the Small Lot Residential (RS-2) zone, and since there are no specific plans applicable to the site.
2. The site is physically suitable for the proposed type of development, since an additional single-family home can be located on a level building pad on the site with a minor amount of grading.
3. The site is physically suitable for the proposed density of development, since both resultant lots can accommodate a single family residence with suitable yard areas.
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, since no natural habitat nor bodies of water are present on-site, and since the site is surrounded by urban development.
5. The design of the subdivision and the proposed/required improvements are not likely to cause serious public health problems, since all necessary public services will be provided.
6. The design of the subdivision and the proposed/required improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision, since no such easements are located on the site.
7. The discharge of sewerage waste from the subdivision into the City of National City sewer system will not result in violation of existing requirements prescribed by the California Regional Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code, as specified by Government Code Section 66474.6.
8. The subdivision has been considered by the Planning Commission with regard to its effect on the housing needs of the region, and these needs are balanced by the public service needs of the residents and available fiscal and environmental resources.
9. The design of the subdivision provides, to the extent feasible, for future passive and natural heating and cooling opportunities in the subdivision, based on consideration of local climate, topography, property configuration and other design and improvement requirements without requiring reduction in allowable density or lot coverage.

RECOMMENDED FINDINGS FOR APPROVAL OF THE EXCEPTION
FOR LESS THAN REQUIRED STREET FRONTAGE
Case File No. 2014-20 LS – 1305 Harbison Avenue

1. The property to be divided is of such size or shape, or is affected by such topographic conditions that it is impossible or impracticable in the particular case to conform fully to the subdivision requirements, since most of the deep (210 feet) property is isolated from public streets by site topography and existing development.
2. The exception will not be detrimental to the public health, safety, or welfare, or be detrimental to the use of other properties in the vicinity, since adequate access to the street (a minimum of 32 feet in width) will be provided for both lots, and since the General Plan encourages the creation of home ownership opportunities, which the requested exception facilitates.
3. Granting of the exception is in accordance with the intent and purposes of this title, and is consistent with the General Plan and with all applicable specific plans or other plans of the City, since the proposal will create an additional homeownership opportunity, and since there are no applicable specific plans.

RECOMMENDED CONDITIONS OF APPROVAL
Case File No. 2014-20 LS – 1305 Harbison Avenue

General

1. This *Tentative Parcel Map* authorizes the creation of two new parcels from one existing parcel. Except as required by Conditions of Approval, all plans submitted for permits associated with the project shall conform with Exhibit A, case file no. 2014-20 LS, dated 10/29/2014.
2. Before this *Tentative Parcel Map* shall become effective, the applicant and/or property owner shall sign and have notarized an Acceptance Form, provided by the Planning Department, 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 *Tentative Parcel Map*. The applicant shall also submit evidence to the satisfaction of the Executive Director 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 *Tentative Parcel Map* 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 Executive Director prior to recordation.
3. Approval of the tentative map expires two (2) years after adoption of the resolution of approval at 6:00 p.m. unless prior to that date a request for a time extension not exceeding three (3) years has been filed as provided by National City Municipal Code §17.04.070.

Building

4. Plans submitted for construction shall comply with the 2010 editions of the California Building, Electrical, Mechanical, Plumbing, Energy, Fire, Residential and Green Codes.

Engineering

5. A Final Map shall be filed and recorded in accordance with City requirements. The map shall show all existing and proposed easements.

Fire

6. Plans submitted for construction shall be in compliance with the current editions of the CRC, the 2010 editions of the NFPA and CFC, title 19 and local City of National City Municipal Codes.
7. The required width of emergency fire apparatus access roads shall not be obstructed in any manner, including parking of vehicles. All access roads shall be no less than 20 feet wide, no less than 14 feet high and shall have an all weathered road with the ability to support 75,000 pounds or greater. Where a fire hydrant is located on a fire apparatus road, the minimum road width shall be 26 feet. A 28-foot turning radius is required for fire department access through site.
8. Fire department access roads shall meet the requirements of the California Fire Code 2013 Edition Chapter 5 and Appendix D. Facilities, buildings or portions of

buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds.

9. Roads or alleys 20 to 26 feet in wide shall be posted on both sides as fire lanes.

10. Fire Sprinklers will be required for any residential development on the new lot.

Sweetwater Authority

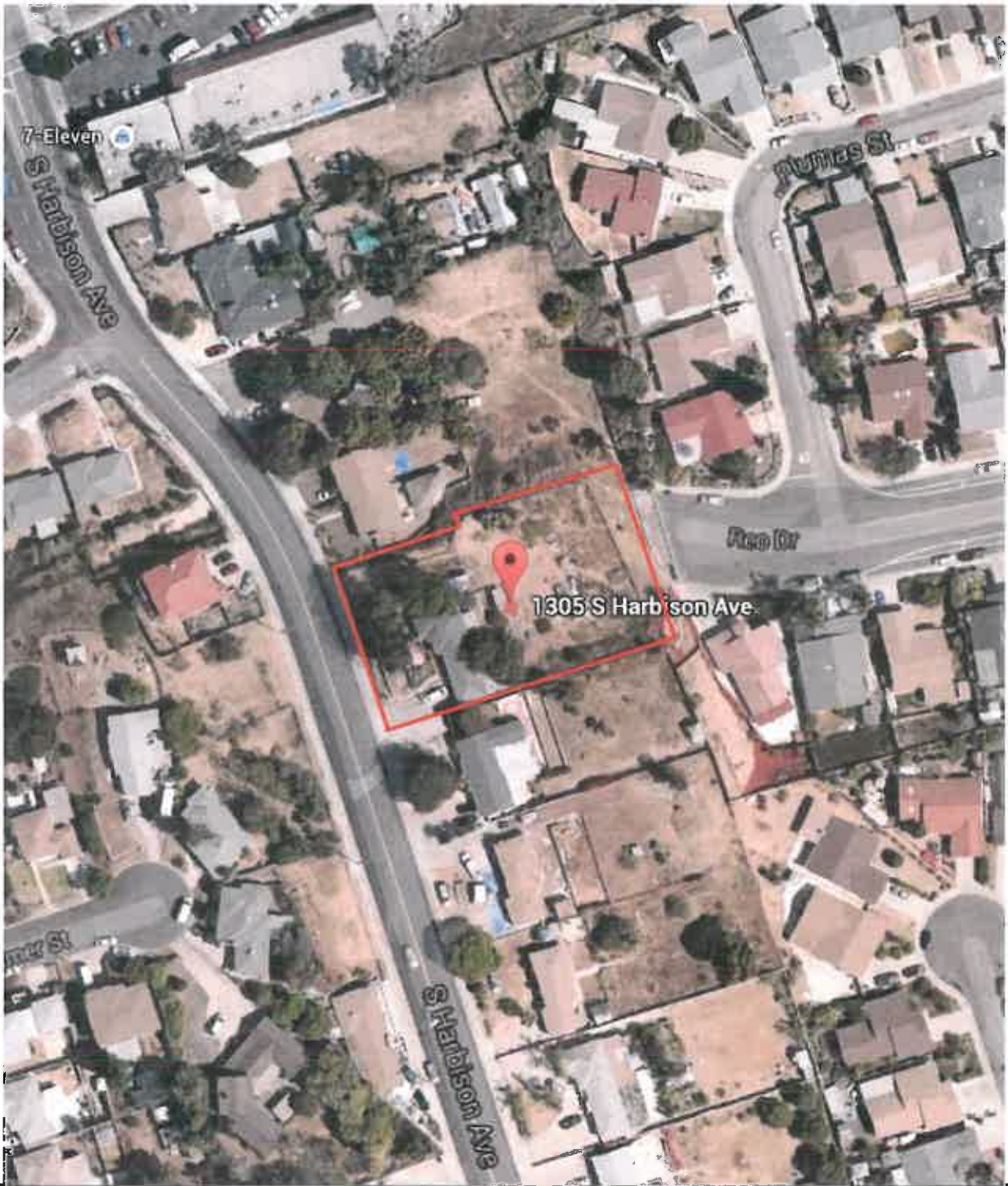
11. New water service shall be provided and shall include a backflow prevention assembly.

12. A ten-foot horizontal separation between sewer and water laterals is required.

SDG&E

13. Prior to any grading, digging, trenching, or any other ground disturbing activities, the developer shall notify DigALert (811 or www.digalert.org).

14. The existing gas service to the property must remain on the proposed Parcel 1. If not the gas service will not be allowed without an easement.



Subject Parcel

--- Zone Boundary



0 62.5 125 250 Feet

APN:
558-170-05

Planning Commission
Location Map

2014-20 LS



NOTICE OF EXEMPTION

TO: County Clerk
County of San Diego
P.O. Box 1750
1600 Pacific Highway, Room 260
San Diego, CA 92112

Project Title: 2014-20 LS

Project Location: 1305 Harbison Avenue, National City, CA 91950

Contact Person: Martin Reeder **Telephone Number:** (619) 336-4313

Description of Nature, Purpose and Beneficiaries of Project:

Tentative Parcel Map to subdivide an existing 27,888 square-foot lot into two lots. There is an existing single-family home that will remain. No construction is proposed as part of this project.

Applicant:
Victor Rodriguez
1283 East Main Street, #109
El Cajon, CA 92021

Telephone Number:
(760) 357-2434

Exempt Status:

Categorical Exemption – Section 15315 (Minor Land Divisions)

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 is a minor land division within the city limits of National City, an urbanized area. The 27,888 square-foot property has been disturbed previously and has no value as habitat. The division fulfills the General Plan's intent for this land use designation with regard to residential density and infill of vacant or underutilized properties.

Date:

MARTIN REEDER, AICP
Principal Planner



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

TENTATIVE PARCEL MAP FOR THE DIVISION OF ONE
27,888 SQUARE-FOOT LOT INTO TWO LOTS, WITH AN EXCEPTION FOR
LESS THAN 50 FEET OF STREET FRONTAGE,
AT 1305 HARBISON AVENUE.
CASE FILE NO.: 2014-20 LS
APN: 558-170-05

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, November 17, 2014**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Victor Rodriguez)

The project site is a 27,888 square-foot lot located in the RS-2 (Small Lot Residential) zone. The applicant proposes to create two new parcels from the existing parcel. No construction is proposed as part of this project.

Plans are available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Department on or before 5:30 p.m., **November 17, 2014**, 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 DEPARTMENT

A handwritten signature in blue ink, appearing to read 'BRAD RAULSTON', written over a horizontal line.

BRAD RAULSTON
Executive Director

Site Photos – 1305 Harbison Avenue – 2014-20 LS



Existing Home looking Southeast From Harbison Avenue



Looking east from rear portion of lot

RESOLUTION 23-2014

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA,
APPROVING A TENTATIVE PARCEL MAP FOR THE DIVISION OF
ONE 27,888 SQUARE-FOOT LOT INTO TWO LOTS, WITH AN EXCEPTION FOR
LESS THAN 50 FEET OF STREET FRONTAGE, AT 1305 HARBISON AVENUE.
CASE FILE NO. 2013-15 LS
APN: 558-170-05**

WHEREAS, application was made for approval of a tentative parcel map for the division of one 27,888 square foot lot at 1305 Harbison Avenue into two lots with an exception for less than 50 feet of street frontage on property generally described as:

All of Lot 8 of Rancho Hills Unit 1 in the City of National City, County of San Diego, State of California, according to Map thereof No. 2366, filed in the Office of the County Recorder of San Diego County, November 8, 1946, excepting therefrom that portion lying northerly of the following described line: Commencing at the northeast corner of said Lot 8, thence along the easterly line of said Lot 8, south 18⁰38' 30" east 60.00 feet to the true point of beginning; thence parallel with the northerly line of said Lot 8 south 18⁰58'30" east 18.60 feet; thence south 71⁰46'15" west 86.12 feet to the westerly line of said Lot 8.

WHEREAS, the Planning Commission of the City of National City, California, considered said applications at a duly advertised public hearing held on November 17, 2014, at which time the Planning Commission considered oral and documentary evidence; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2014-20 LS, which is 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 November 17, 2014 support the following findings:

**FINDINGS FOR APPROVAL
OF THE TENTATIVE PARCEL MAP**

1. The proposed map is consistent with the National City General Plan and applicable specific plans, since the proposed single-family subdivision, at a density of 3.1 units per acre, is consistent with the uses and density (8.7 units per acre) allowed in the Small Lot Residential (RS-2) zone, and since there are no specific plans applicable to the site.
2. The site is physically suitable for the proposed type of development, since an additional single-family home can be located on a level building pad on the site with a minor amount of grading.
3. The site is physically suitable for the proposed density of development, since both resultant lots can accommodate a single family residence with suitable yard areas.
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, since no natural habitat nor bodies of water are present on-site, and since the site is surrounded by urban development.
5. The design of the subdivision and the proposed/required improvements are not likely to cause serious public health problems, since all necessary public services will be provided.
6. The design of the subdivision and the proposed/required improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision, since no such easements are located on the site.
7. The discharge of sewerage waste from the subdivision into the City of National City sewer system will not result in violation of existing requirements prescribed by the California Regional Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code, as specified by Government Code Section 66474.6.
8. The subdivision has been considered by the Planning Commission with regard to its effect on the housing needs of the region, and these needs are balanced by the public service needs of the residents and available fiscal and environmental resources.
9. The design of the subdivision provides, to the extent feasible, for future passive and natural heating and cooling opportunities in the subdivision, based on consideration of local climate, topography, property configuration and other design and improvement requirements without requiring reduction in allowable density or lot coverage.

**FINDINGS FOR APPROVAL OF THE EXCEPTION
FOR LESS THAN REQUIRED STREET FRONTAGE**

1. The property to be divided is of such size or shape, or is affected by such topographic conditions that it is impossible or impracticable in the particular case to conform fully to the subdivision requirements, since most of the deep (210 feet) property is isolated from public streets by site topography and existing development.
2. The exception will not be detrimental to the public health, safety, or welfare, or be detrimental to the use of other properties in the vicinity, since adequate access to the street (a minimum of 32 feet in width) will be provided for both lots, and since the General Plan encourages the creation of home ownership opportunities, which the requested exception facilitates.
3. Granting of the exception is in accordance with the intent and purposes of this title, and is consistent with the General Plan and with all applicable specific plans or other plans of the City, since the proposal will create an additional homeownership opportunity, and since there are no applicable specific plans.

BE IT FURTHER RESOLVED that the application for the Tentative Parcel Map is approved subject to the following conditions:

General

1. This *Tentative Parcel Map* authorizes the creation of two new parcels from one existing parcel. Except as required by Conditions of Approval, all plans submitted for permits associated with the project shall conform with Exhibit A, case file no. 2014-20 LS, dated 10/29/2014.
2. Before this *Tentative Parcel Map* shall become effective, the applicant and/or property owner shall sign and have notarized an Acceptance Form, provided by the Planning Department, 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 *Tentative Parcel Map*. The applicant shall also submit evidence to the satisfaction of the Executive Director 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 *Tentative Parcel Map* 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 Executive Director prior to recordation.
3. Approval of the tentative map expires two (2) years after adoption of the resolution of approval at 6:00 p.m. unless prior to that date a request for a time extension not exceeding three (3) years has been filed as provided by National City Municipal Code §17.04.070.

Building

4. Plans submitted for construction shall comply with the 2010 editions of the California Building, Electrical, Mechanical, Plumbing, Energy, Fire, Residential and Green Codes.

Engineering

5. A Final Map shall be filed and recorded in accordance with City requirements. The map shall show all existing and proposed easements.

Fire

6. Plans submitted for construction shall be in compliance with the current editions of the CRC, the 2010 editions of the NFPA and CFC, title 19 and local City of National City Municipal Codes.
7. The required width of emergency fire apparatus access roads shall not be obstructed in any manner, including parking of vehicles. All access roads shall be no less than 20 feet wide, no less than 14 feet high and shall have an all weathered road with the ability to support 75,000 pounds or greater. Where a fire hydrant is located on a fire apparatus road, the minimum road width shall be 26 feet. A 28-foot turning radius is required for fire department access through site.
8. Fire department access roads shall meet the requirements of the California Fire Code 2013 Edition Chapter 5 and Appendix D. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds.
9. Roads or alleys 20 to 26 feet in wide shall be posted on both sides as fire lanes.
10. Fire Sprinklers will be required for any residential development on the new lot.

Sweetwater Authority

11. New water service shall be provided and shall include a backflow prevention assembly.
12. A ten-foot horizontal separation between sewer and water laterals is required.

SDG&E

13. Prior to any grading, digging, trenching, or any other ground disturbing activities, the developer shall notify DigALert (811 or www.digalert.org).
14. The existing gas service to the property must remain on the proposed Parcel 1. If not the gas service will not be allowed without an easement.

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

BE IT FURTHER RESOLVED that this resolution shall become effective and final upon adoption, unless appealed pursuant to Section 17.04.050 of the Subdivision Ordinance of the City of National City

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of July 1, 2013, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: REVIEW OF VACATION OF A SEGMENT OF "A" AVENUE LOCATED SOUTH OF EAST 28TH STREET AND NORTH OF EAST 29TH STREET FOR CONSISTENCY WITH THE GENERAL PLAN.

Case File No.: 2013-23 SC

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Jerry Drewett – Frank Motors

Property Owner: Gen3 Properties Two LLC

Zoning designation: Commercial Automotive & Service Commercial (CA & CS)

Adjacent land use/zoning:

- North:** "A" Avenue right-of-way north of E. 28th St. / CA & RS-2
- East:** Parking Lot / CS
- South:** "A" Avenue right-of-way south of E. 29th St. / CA & CS
- West:** Frank Motors / CA

Environmental review: Exempt pursuant to CEQA, Section 15305 Minor Alterations in Land Use Limitations, Class 5. The right-of-way vacation will not result in any changes in land use.

BACKGROUND

Site Characteristics

The segment of "A" Avenue proposed to be vacated is 60 feet wide and 250 feet long. This block is located between East 28th Street and East 29th Street (29th Street was closed in 1968). This portion of "A" Avenue is fully developed with two traffic lanes, approximately 18 cars worth of on-street parallel parking on both sides, curb, gutter, and sidewalk. The proposed right-of-way to be vacated currently provides access to the two adjacent properties occupied by Frank Motors. The west property is the car dealership and the east property a parking lot that serves as parking for newly delivered vehicles.

Adopted in January 2006, the City's Street Vacation Procedures require the City Council to initiate a request to vacate any public streets. The Council initiated the street vacation request on August 19, 2014. Pursuant to the Streets and Highways Code, Section 8313 and the Street Vacation Procedures, the Planning Commission must determine whether a proposed vacation is consistent with the General Plan and forward the recommendation to the City Council.

Proposal

The area proposed to be vacated is 15,000 square feet in size. No change in the existing development is proposed; the applicant has proposed the vacated street to be used as a parking lot and delivery driveway for the dealership. Frank Motors is requesting the vacation so that vehicle offloading activities can occur in a private area. The applicant also suggests that making the street private would remove the safety hazard of vehicles exiting to "A" Avenue blindly from between dealership buildings, although there were no reported accidents in the last four years.

Analysis

The street segment proposed to be vacated is currently used for motorized and non-motorized transportation, and is designated as a local road in the Circulation Element of the General Plan. As part of the application, staff requested the applicant to provide traffic count data for the proposed segment of street to be closed. According to data provided by the applicants' traffic consultant (Stack Traffic Consulting), an average of 540 vehicles was observed using the segment of "A" Avenue between 28th and 30th Streets over a two day period (Tuesday and Wednesday). The City's General Plan does not provide traffic count or Level of Service data for "A" Avenue, as it is a local street – typically low in traffic flow. Stack stated that the traffic counts included cars being shuttled between the storage lot and car dealership, therefore they suggest that traffic counts south of the vacated area would be much lower.

The portion of "A" Avenue to be vacated is fully developed, although it is not identified as an arterial or collector street in the Circulation Element of the General Plan. There are also utilities that reside in the area to be vacated, including water mains, power and telephone poles, and a sewer main. If vacated, access to all utilities would need to be maintained or abandoned/relocated as required. Comments were also received from the Fire Department, who requires continued access to the area after it is vacated. No plans for fences or gates have been submitted, although it is assumed that there will be

restricted access. If gates are installed, the Fire Department and Police Department will require emergency access (e.g., Knox box, strobe-activated gates). Recommended Conditions of Approval that reflect these requirements are attached.

General Plan Conformance

The property was vacant for some time after the recent economic downturn. Frank Motors is a recent tenant and has been looking to expand business operation since purchasing the property across "A" Avenue. Their intent was to amalgamate the properties by vacating the area in between. The parking lot on the east side of "A" Avenue was vacant for a number of years prior to the purchase.

Assembling the parcels would increase the efficiency and potential of the property, which would make the business more successful. This would in turn provide benefits to the City through taxes and employment. This scenario is consistent with General Plan policies related to Goal LU-7: The efficient use of land and infrastructure, specifically, the following policies:

- **Policy LU-7.1:** Establish incentives to promote the use and development of vacant infill parcels and the intensification of land uses on underutilized parcels to realize the greatest benefit to the community.
- **Policy LU-7.6:** Support the strategic conversion of certain sections of streets into developable land only where the conversion positively contributes to the redevelopment and revitalization of the area, improves traffic safety, and does not impede emergency access.

However, there are also policies in the General Plan that the proposed vacation could potentially conflict with, specifically, the following policies:

- **Policy C-2.2:** Enhance connectivity by eliminating gaps and barriers in roadway, bikeway, and pedestrian networks.
- **Policy C-8.8:** Provide a continuous pedestrian network within and between neighborhoods to facilitate pedestrian travel free from major impediments and obstacles.

However, the street in this location does not produce a major amount of traffic, other than from adjacent businesses. In addition, there is no neighborhood to speak of south of 30th Street in this area. Given that the majority of traffic is generated by the applicant, and that the other users south of the project area on "A" Avenue will maintain access, the latter policies do not carry as much weight as those mentioned formerly.

Summary

The General Plan Circulation Element does not identify the area as a major road (arterial or collector). The proposed street vacation does not conflict with the policies and goals of the General Plan. Furthermore, all occupant and emergency access will be maintained with relation to the businesses operating on the street, both north and south of the proposed vacated street.

RECOMMENDATION

1. Determine that the Street Vacation as described on the attached plans is consistent with the National City General Plan, since the portion of "A" Avenue to be vacated serves minimal non-area occupant traffic and is not identified as an arterial or collector street in the Circulation Element of the General Plan. Furthermore, all resident and emergency access will be maintained.
2. Determine that the Street Vacation as described on the attached plans is not consistent with the National City General Plan, based on Findings to be determined by the Planning Commission.

ATTACHMENTS

1. Recommended Conditions of Approval
2. Location Map
3. Site photos
4. Notice of Exemption
5. Project Plans



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

RECOMMENDED CONDITIONS OF APPROVAL

2013-23 SC -- A Avenue -- Frank Motors

General

1. This *Street Closure* authorizes the vacation of 60 feet by 250 feet of "A" Avenue south of East 28th Street. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2013-23 SC dated 10/2/2013.
2. *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 Department.

Fire

3. Plans submitted for improvements must comply with the 2013 editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA), and the current edition of the California Code of Regulations.
4. Identification signs shall be posted for all utilities such as natural gas and fire sprinkler system. Please contact the National City Fire Department for direction and copy of requirements.
5. Fire department access roads shall meet the requirements of the California Fire Code 2010 Edition Chapter 5 and Appendix D and 503.1.1 *Access Roads*. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to Fire Department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. Fire department access roads shall have an unobstructed width of not less than 20 feet for emergency vehicle travel. Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING - FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles.
6. Roads or alleys 20 to 26 feet wide shall be posted on both sides as fire lanes.
7. If automatic gates are used, emergency strobes shall be for entrance and egress if applicable.
8. The National City Fire Department shall be involved with all fire inspections for this site. Rough inspections of all phases of work are required.
9. A 48 hour notice is required for all inspections.

Engineering

10. The Applicant shall submit a plat and legal description of the proposed area of the street vacation.

11. The Applicant shall submit a title report for all properties adjacent to the portion of "A" Avenue to be vacated.
12. The street vacation document shall provide all necessary easements as required by the various utility companies.
13. The street vacation document shall provide to the City of National City a twenty foot access and sewer easement ten feet on either side of the existing center line of the portion of "A" Avenue to be vacated.
14. The street vacation document shall provide to the City of National City a drainage easement over that portion of "A" Avenue to be vacated.
15. The Applicant shall submit plans and details of all gates, fences, barricades and appurtenances proposed to be installed at either end of the vacated portion of "A" Avenue.



Vacation Area



Zone Boundary



0 55 110 220 Feet

APN:
vacation (n/a)

Planning Commission
Location Map

2013-23 SC

Site Photos – 2013-23 SC – A Avenue – Frank Motors



A Avenue looking northbound



A Avenue looking southbound



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF EXEMPTION

TO: County Clerk
County of San Diego
P.O. Box 1750
1600 Pacific Highway, Room 260
San Diego, CA 92112

Project Title: 2013-23 SC

Project Location: "A" Avenue south of East 28th Street, National City, CA 91950

Contact Person: Martin Reeder

Telephone Number: (619) 336-4313

Description of Nature, Purpose and Beneficiaries of Project:

Vacation of a portion of 60-foot by 250-foot portion of "A" Avenue south of East 28th Street.

Applicant:

Jerry Drewett – Frank Motors
2400 National City Blvd.,
National City, CA 91950

Telephone Number:

(619) 507-4336

Exempt Status:

Categorical Exemption. Class 5 Section 15305 (Minor Alterations in Land Use Limitations)

Reasons why project is exempt:

There is no possibility that the proposed vacation will have a significant impact on the environment since the area to be vacated is a developed street and will remain in a vehicular capacity, is not identified as a major road (arterial or collector) in the Circulation Element of the General Plan, and is not identified for any future street or alley extension in or near the subject area.

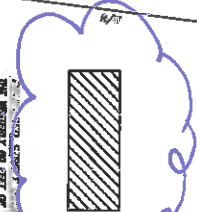
Date:

MARTIN REEDER, AICP
Principal Planner



LEGEND:

- INDICATES A FINISH LINE & AREA TO BE DEDICATED TO STREET USE ON 2ND & 3RD STS. TO ESTABLISH ALIGNMENT.
- INDICATES PROPOSED STREET VACATION AREA.
- INDICATES A ROAD LEAD & AREA TO BE STORAGED FOR FUTURE USE, USED TO ESTABLISH ALIGNMENT.
- INDICATES PROPOSED PARKING AREAS.
- INDICATES EXISTING PROPOSED PARKING AREAS.



INDICATES PROPOSED STREET VACATION AREA (PLEASE SEE / 2-28-2014)

THIS PLAN WAS PREPARED BY ME ON SEPTEMBER 26, 2013.

THESE PLANS WERE PREPARED BY ME ON SEPTEMBER 26, 2013.

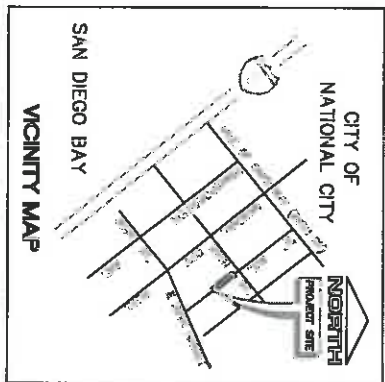
APPROVED: [Signature]

DATE: 9-26-13

SEVEN L. WOODS

OWNER OF RECORD

DATE OF RECORD: 12/27/2014



REVISIONS		
NO.	DATE	DESCRIPTION

PROPOSED STREET VACATION EXHIBIT

FOR: FRANK MOTORS, INC. - 2829 NATIONAL CITY BLVD

PORTIONS OF MAP 168, 1043 & 1067, TOGETHER WITH VACATED PORTIONS OF STREETS,

ALL IN THE CITY OF NATIONAL CITY, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

WOODS LAND SURVEYING, INC.

2810 BARNET AVE., SUITE 20

SAN DIEGO, CA 92108

(619) 575-0700

RESOLUTION NO. 24-2014

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA,
FINDING THE VACATION OF A SEGMENT OF "A" AVENUE
LOCATED SOUTH OF EAST 28TH STREET AND NORTH OF EAST 29TH STREET
FOR CONSISTENCY WITH THE GENERAL PLAN.
CASE FILE NO. 2013-23 SC

WHEREAS, the Planning Commission of the City of National City considered the vacation of a segment of "A" Avenue located south of East 28th Street and north of East 29th Street for consistency with the General Plan at a hearing held on November 17, 2014, at which time oral and documentary evidence was presented; and,

WHEREAS, at said hearing the Planning Commission considered the staff report contained in Case File No. 2013-23 SC 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, based on the testimony and evidence presented to the Planning Commission at the public hearing held on November 17, 2014, that the Planning Commission finds the proposed Street Vacation in conformance with the National City General Plan.

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

General

1. This *Street Closure* authorizes the vacation of 60 feet by 250 feet of "A" Avenue south of East 28th Street. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2013-23 SC dated 10/2/2013.
2. *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 Department.

Fire

3. Plans submitted for improvements must comply with the 2013 editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA), and the current edition of the California Code of Regulations.
4. Identification signs shall be posted for all utilities such as natural gas and fire sprinkler system. Please contact the National City Fire Department for direction and copy of requirements.
5. Fire department access roads shall meet the requirements of the California Fire Code 2010 Edition Chapter 5 and Appendix D and 503.1.1 *Access Roads. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to Fire Department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. Fire department access roads shall have an unobstructed width of not less than 20 feet for emergency vehicle travel. Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING - FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles.*
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8. The National City Fire Department shall be involved with all fire inspections for this site. Rough inspections of all phases of work are required.
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Engineering

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13. The street vacation document shall provide to the City of National City a twenty foot access and sewer easement ten feet on either side of the existing center line of the portion of "A" Avenue to be vacated.
14. The street vacation document shall provide to the City of National City a drainage easement over that portion of "A" Avenue to be vacated.
15. The Applicant shall submit plans and details of all gates, fences, barricades and appurtenances proposed to be installed at either end of the vacated portion of "A" Avenue.

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of November 17, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: ADOPTION OF 2015 PLANNING COMMISSION MEETING DATES

PROPOSED SCHEDULE

The dates listed below are proposed for regularly scheduled Planning Commission meetings.

January 12	July 20
February 9	August 3, 17
March 2, 16	September 14
April 6, 20	October 5, 19
May 4, 18	November 2, 16
June 1, 15	December 7

Planning Commission meetings are typically on the first and third Mondays of each month. January has one meeting because of the Martin Luther King Jr. Holiday and February has one meeting because of President's Day, July has one meeting because of July 4th. September has only one meeting date because of Labor Day. If needed, additional meetings can be scheduled as caseload demands.

RECOMMENDATION

It is recommended that the Planning Commission adopt the proposed 2015 schedule.

A handwritten signature in blue ink, appearing to read "BRAD RAULSTON".

BRAD RAULSTON
Executive Director