



Planning Commission Agenda

Meeting of December 1, 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 Commissioner Garcia

Approval of Minutes

1. Approval of Minutes of the Meeting held on November 17, 2014.

Approval of Agenda

2. Approval of Agenda for the Meeting on December 1, 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

CONTINUE PUBLIC HEARING

3. 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).
4. Resolution 25-2014 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).

PUBLIC HEARINGS

5. Tentative Parcel Map for the subdivision of one lot into three at 1745 East 10th Street with an exception for reduced lot frontage (Case File No. 2014-17 LS).
6. Resolution 26-2014 taking action on a Tentative Parcel Map for the subdivision of one lot into three at 1745 East 10th Street with an exception for reduced lot frontage (Case File No. 2014-17 LS).
7. Tentative Parcel Map for subdividing one lot into two, Zone Variance for a reduced front yard setback, and exception for reduced lot width at 240 Norton Avenue (Case File No. 2014-18 LS, Z).
8. Resolution 27-2014 taking action on a Tentative Parcel Map for subdividing one lot into two, Zone Variance for a reduced front yard setback, and exception for reduced lot width at 240 Norton Avenue (Case File No. 2014-18 LS, Z).

OTHER BUSINESS

STAFF REPORTS

Deputy City Attorney

Executive Director

Principal Planners

Commissioners

Chairperson

ADJOURNMENT

Adjournment to next regularly scheduled meeting on December 15, 2014



Planning Commission Minutes

Meeting of November 17, 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 6:03 p.m.

Roll Call

Commissioners Present: Bush, Pruitt, Alvarado, Flores, Dela Paz
Commissioners Absent: Garcia

Staff Also Present: Deputy City Attorney Jennifer Knight, Executive Director Brad Raulston, Principal Planner Martin Reeder, Principal Planner Raymond Pe

Pledge of Allegiance Presented by Commissioner Baca

Note: Commissioner entered took his seat on dais at 6:04 pm

Approval of Minutes

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

Motion by Bush, 2nd by Flores for approval of the Minutes for the Special Meeting held on September 22, 2014.

Motion carried by the following vote:

Ayes: Garcia, Bush, Pruitt, Flores, Dela Paz

Abstain: Alvarado, Baca

2. Approval of Minutes for the Meeting held on October 20, 2014.

Motion by Flores, 2nd by Alvarado for approval of the Minutes for the Meeting held on October 20, 2014.

Motion carried by the following vote:

Ayes: Garcia, Bush, Pruitt, Flores, Alvarado

Abstain: Baca, Dela Paz

Approval of Agenda

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

Motion by Baca, 2nd by Alvarado for approval of the Agenda for the meeting of November 17, 2014.

Motion carried by the following vote:

Ayes: Garcia, Baca, Bush, Pruitt, Alvarado, Flores, Dela Paz

ORAL COMMUNICATION

None

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)

Presented by Principal Planner, Martin Reeder

Applicant: Nick Salem

Discussion by Commissioners regarding clarification of report from Police Department, clarification of times of operation, the need for time to review letters and handouts received just prior to hearing, questions related to ABC policies, questions regarding conditions of approval and changes stated by applicant.

Four speakers in opposition: Danielle Castillo, Jack Armstrong, Mike Gantham, Benjamin Adler

Four speakers in support: Anita Brenkley, Janice Martinelli, Yessenia Jurado, Arkan Somo

Motion by Garcia, 2nd by Bush to continue the Public Hearing to December 1, 2014.

Motion carried by the following vote:

Ayes: Garcia, Baca, Bush, Pruitt, Alvarado, Flores, Dela Paz

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 (Case File No. 2014-08 CUP)

Item trailed to December 1, 2014 with item #4

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 (Case File No. 2014-20 LS)

Presented by Principal Planner, Martin Reeder
Applicant: Victor Rodriguez

Commissioners asked questions regarding timing of final map and lot access.

Motion by Baca, 2nd by Dela Paz to close the Public Hearing and approve the 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)

Motion carried by the following vote:

Ayes: Garcia, Baca, Bush, Pruitt, Alvarado, Flores, Dela Paz

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 (Case File No. 2014-20 LS)

Motioned by Dela Paz, 2nd by Flores to approve 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 (Case File No. 2014-20 LS)

Motion carried by the following vote:

Ayes: Garcia, Baca, Bush, Pruitt, Alvarado, Flores, Dela Paz

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)

Presented by Principal Planner, Martin Reeder
Owner: Gary Finelli, Frank Motors

Commissioners asked questions about public notice, process, area history, and future plans for the property after vacation.

Motioned by Bush, 2nd by Alvarado to find the vacation of a segment of A Avenue located south of East 28th Street and north of East 29th Street consistent with the General Plan (Case File No. 2013-23 SC)

Motion carried by the following vote:

Ayes: Garcia, Baca, Bush, Pruitt, Alvarado, Flores, Dela Paz

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)

Motioned by Dela Paz, 2nd by Bush to approve 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)

Motion carried by the following vote:

Ayes: Garcia, Baca, Bush, Pruitt, Alvarado, Flores, Dela Paz

10. Adoption of 2015 Planning Commission Calendar

Motioned by Flores, 2nd by Baca to adopt the 2015 Planning Commission Calendar

Motion carried by the following vote:

Ayes: Garcia, Baca, Bush, Pruitt, Alvarado, Flores, Dela Paz

11. Discussion regarding Planning Commission education options

STAFF REPORTS

City Attorney – No report

Executive Director – No report

Principal Planner – No report

Commissioners:

Dela Paz – Green construction codes.

Garcia – No report. Thank you for considering education options.

Bush – Follow up on parking issues. Brad addressed

Alvarado: No report. Inquired on what's happening at the old Blockbuster Building at Euclid and Plaza. The building is being split into two units for future tenants.

Flores – No Report. Happy Thanksgiving

Pruitt – No report.

Adjournment at 9:15 p.m. to next Meeting scheduled for December 1, 2014 at 6:00 pm.

CHAIRPERSON

Planning Commission Meeting Minutes November 17, 2014

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Item no. **3**
December 1, 2014

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

PLANNING COMMISSION STAFF REPORT

Title: CONTINUED 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

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Grill House at Big Ben

BACKGROUND

Previous Action

Planning Commission held a public hearing on this item at the regularly-scheduled meeting of November 17, 2014. Prior to the meeting but after the report had been provided to the Commission, three letters of concern were received by staff. Two letters were from area residents with concerns generally focused on noise, alcohol sales, and problems associated with existing outlets in the area. A letter was also received by another area business with regard to alleged issues of permitting and operations. One of the residents and the business owner spoke at the hearing. Several other community members also spoke, both with concerns as noted above, and in support of the proposal.

The applicant and his architect spoke about comments and conditions provided by the Building and Fire Department, which required significant modifications to the proposal that affected the likelihood of the project moving forward. Commissioners asked several questions about business operations, conditions of approval, and California Department of Alcoholic Beverage Control (ABC) regulations.

The Commission continued the hearing for two weeks in order for staff to provide additional information on hours of operation, Building & Fire Department comments, ABC regulations, and to respond to comments from concerned residents/business owners.

New Information

Hours of Operation – The previous recommended conditions referenced different hours of operation for each use (alcohol sales, live entertainment, and public assembly). In order to make the request clearer and to make potential enforcement easier, staff suggests that hours of operations be limited to the following:

- Alcohol sales – 9:00 a.m. to 10:00 p.m. seven days a week.
- Live entertainment and public assembly activities – 12:00 p.m. to 10:00 p.m. Friday, Saturday, and Sunday.

This will mean that all conditionally-allowed activities would end at 10 p.m., rather than having staggered times, as was conditioned previously. The only caveat would be that live entertainment and public assembly is limited to the weekends only, which was the general direction based on comments from the public, staff, and the majority of the Planning Commission.

Building and Fire Department Comments – Department comments previously required additional bathrooms (Building) and the installation of fire sprinklers (Fire), both as a result of the change in occupancy triggered by the public assembly use. The architect representing the applicant disagreed with the City's interpretation of the codes and asked that the conditions be modified to include just generic Building and Fire Code compliance requirements rather than specifics that may or may not be changed later.

Subsequent discussions with the Building Official and Battalion Chief/Fire Marshall clarified the need for the additional improvements, which will still be required. However, in order to streamline the CUP hearing process, the conditions were changed as requested by the applicant. It should be noted that any and all requirements of the Building and Fire Codes would still need to be met. The condition change would just allow the applicant to take up the issue at time of building permit submittal. The Grill House at Big Ben currently has an active building permit, which has not received final sign off. No sign off will be granted until existing items and those related to this CUP (should it be approved) are addressed.

ABC regulations – Questions were raised about "corkage" and kitchen facilities, as regulated by ABC. Corkage is a charge made by a restaurant or hotel for serving alcohol that has been brought in by a customer. Consumption of alcohol brought from outside an establishment is permitted provided that it is consistent with the type of license the establishment possesses. In this case, the Grill House at Big Ben is applying for a Type 41 ABC license, which is On-Sale Beer and Wine for Bona Fide Public Eating Place. Therefore, only beer and wine would be allowed to be served and consumed (no distilled spirits). Any rules applied to the license, either through ABC or through a CUP would apply. Condition No. 10 has been added to require that all alcohol products be served by an employee of Grill House at Big Ben.

A "bona fide eating place" is defined in the Business and Professions Code as "[A] place which is regularly and in a bona fide manner used and kept open for the serving of

meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health."

In this case, the Grill House at Big Ben would comply with this definition provided that the kitchen facility was part of the subject premises (outside patio) as shown on the approved floor plan associated with the ABC license. ABC has required that the floor plan for the Type 21 license in the market (Off-Sale General) be reduced to exclude the kitchen, and the Type 41 license in question expanded to include the kitchen.

Resident/Business Owner Concerns – The main issue brought up by concerned residents was related to noise. Noise is generally regulated by its impact on receiving land uses. Each land use has a set limit as contained in Title 12 (Noise) of the Municipal Code. Small residential developments have the most restrictive limits on received noise (45 decibels between 10 p.m. and 7 a.m., and 55 decibels between 7 a.m. and 10 p.m.). Limits on noise received by commercial land uses are 60 and 65 decibels respectively.

For reference, the following are examples of environmental noise and their decibel values¹:

- Acoustic guitar (1 foot away) - 80 db
- Electric guitar (full volume at 10 inches) - 115 db
- Rock vocalist screaming - 140 db

Section 12.06.020 refers to Table III, which contains the following limits:

EXTERIOR ENVIRONMENTAL NOISE LIMITS		
Receiving Land Use Category	Allowable Noise Level (db (A))	
	10 p.m. to 7 a.m.	7 a.m. to 10 p.m.
All residential (less than 9 dwelling units)	45	55
Multi-unit residential (Consisting of 9 dwelling units or more and Public Space)	50	60
Commercial	60	65

Condition No. 14 requires compliance with Title 12 regulations and refers to Table III.

In addition to resident concerns, an area business owner provided a letter to staff, which had six points of issue. The issues are enumerated below with responses following each

¹ <http://www.coolmath.com/decibels1.htm>

issue. The issues are paraphrased for brevity; however, the original letters are attached for reference.

1. Reference to a formal protest with ABC regarding the Type 41 license application.
 - Per ABC, no protest formal or otherwise has been received in reference to this location
2. No notice of community meeting received.
 - A copy of the occupant list contained in the case file includes both the complainants' information, as well as that of a resident with the same complaint who spoke at the hearing. The applicant uses the same labels for the community meeting mailing. It is assumed that the applicant used the same list, but not known if mailing notices were omitted or failed to be received due to delivery issues.
3. Violation regarding kitchen facilities on site.
 - ABC requirements for kitchen facilities are discussed above and are in compliance per a conversation with ABC staff.
4. Lack of doors and windows to block sound.
 - The project site is an outdoor patio. Potential noise impacts are a known issue and being discussed as part of this hearing process.
5. Previous noise issues involving an unpermitted live entertainment event.
 - The applicant is aware that the live band performing at their grand opening was not permitted to perform. This is part of the reason for including live entertainment in this CUP application, which will have conditions to mitigate noise impacts if the CUP is granted.
6. Allegations of alcohol sales violations/potential violations at Big Ben Market related to distilled spirits.
 - Staff has not observed said violations or received other complaints regarding any of the allegations. ABC is also unaware of any violations. Staff will monitor the business for potential violations. However, Big Ben Market is a separate license. Distilled spirits would not be permitted at Grill House at Big Ben as part of this request.

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.

Hours have been changed to be clearer with regard to operational restrictions. In addition, conditions have been added to require service of all alcohol products by Grill House staff and to impose specific noise standards on live entertainment. Furthermore, issues related

to interpretation of Building and Fire Codes have been removed from the current process to aid in streamlining the current request.

RECOMMENDATION


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

ATTACHMENTS

1. Recommended Findings for Approval/Denial
2. Amended Recommended Conditions
3. Business and Professions Code Section 23038
4. Public correspondence
5. November 17, 2014 staff report with attachments



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 (On-Sale Beer and Wine for Bona Fide Public Eating Place), 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 to Exhibit B, case file no. 2014-08 CUP, dated 11/17/2014.
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 approves three separate uses: on-site beer and wine sales, live entertainment, and public assembly. If any of the uses authorized by this resolution are not exercised within one year after adoption of the Resolution of approval, that use or those uses shall become null and void and will no longer be part of this permit unless extended according to procedures specified in the Municipal Code.
4. This permit approves three separate uses: on-site beer and wine sales, live entertainment, and public assembly. If any of the uses authorized by this resolution are discontinued for a period of 12 months or longer, permission to conduct that use or those uses shall expire and will no longer be part of this permit. 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. All plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, and Mechanical Code.

Fire

8. All 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.
9. No public assembly or live entertainment uses may be conducted until all required building improvements have received final inspection and issued a certificate of occupancy.

Planning

10. All alcohol products shall be served by an employee of the Grill House at Big Ben. No self-serve of any alcohol products is permitted.
11. No distilled spirits purchased from Big Ben Market or elsewhere may be brought into or consumed on the outside patio. All alcohol purchase and consumption occurring in the outside patio shall comply with the ABC regulations related to a Type 41 license (On-Sale Beer and Wine for Bona Fide Public Eating Place). No on-sale purchases shall be made inside Big Ben Market.
12. 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.
13. The hours of live entertainment and public assembly activities (e.g., banquets, parties, etc.) shall be limited to between 12:00 p.m. and 10:00 p.m. Friday, Saturday, and Sunday.
14. All live entertainment and public assembly activities shall comply with Table III of Chapter 12.06 (Exterior Noise Limits) of the National City Municipal Code.
15. 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.
16. 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.
17. Alcohol shall be available only in conjunction with the purchase of food.
18. 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.
19. 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.

Police

20. 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.

Food Service

To the licensee:

If you are licensed as a bona fide eating place (license Type 41, 47, or 49), you must operate and maintain your licensed premises as a bona fide eating place. You must make actual and substantial sales of meals, during the normal meal hours that you are open, at least five days a week. Normal meal hours are: Breakfast 6:00 a.m. - 9:00 a.m.; lunch 11:00 a.m. - 2:00 p.m.; and dinner 6:00 p.m. - 9:00 p.m. Premises that are not open five days a week must serve meals on the days they are open.

The premises must be equipped and maintained in good faith. This means the premises must possess working refrigeration and cooking devices, pots, pans, utensils, table service, condiment dispensers, menus, posters, signs, and enough goods to make substantial meals. The premises must comply with all regulations of the local health department.

Incidental, sporadic or infrequent sales of meals or a mere offering of meals without actual sales is not compliance. "Meals" means the usual assortment of food commonly ordered at various hours of the day. The service of only sandwiches or salads is not considered compliance. However, certain specialty entrees, such as pizza, fish, ribs, etc., and an assortment of other foods, such as soups, salads or desserts, may be considered a meal.

The Department will presume that a licensee is operating as a bona fide eating place if the gross sales of food prepared and sold to guests on the premises exceeds the gross sales of alcoholic beverages. "Prepared" means any processing preliminary to the final serving of food. (Note: Some licensees have a "conditional" license that requires food sales to be 50% or more of the total gross sales.)

Source: Instructions, Interpretations and Procedures, L-24.1 - L-24.2, April 1, 1975

29038. "Bona fide public eating place," "meals."

"Bona fide public eating place" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health.

"Meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement. "Guests" shall mean persons who, during the hours when meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in this section, however, shall be construed to require that any food be sold or purchased with any beverage.

Source: California Business and Professions Code

November 17, 2014

RECEIVED

NOV 13 2014



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

[Handwritten signature]

BRAD RAULSTON
Executive Director

Nov. 10, 2014

I CHALLENGE BECAUSE:

- No ROOM
No PARKING
NOISY - DESTROYING OUR HISTORICAL AND PEACEFUL NEIGHBORHOOD

- ALREADY ONE ACROSS THE STREET.
BAD SERVING LIQUOR IN THE OPEN
NO GOOD EXAMPLES HERE FOR ANYONE!

From: jack armstrong <jackarm1@hotmail.com>
Sent: Friday, November 07, 2014 4:40 PM
To: Planning
Subject: Public hearing re: case file no.: 2014-08 CUP APN: 556-472-23

To the National City Planning Dept. & Planning Commission.

I am writing to oppose the issuance of a CUP allowing Beer & Wine sales, a Banquet Facility & Live Entertainment at The Grill House located at Big Ben's, 108 East 8th St.

I intend on attending the Public Hearing Monday, November 17, 2014 and additionally submit my opposition here, in written form.

I oppose the issuance of a CUP for the main reason that 200 bedrooms face the outdoor venue where the entertainment will take place. Bayview Tower is located less than 100 yards from the property and on the occasions when live bands have played at the Grill House venue, the noise generated was excessive and disturbing within our individual units.

I would also think that the lessons learned by the issuance of a similar CUP to McDini's across the street would prove the point that a live entertainment venue, especially outdoors, is not a welcome addition to the immediate neighborhood. Big Ben is appreciated for what it has become with its re-emergence as a neighborhood market and purveyor of healthy prepared foods. The re-opening of the Trophy Lounge just two blocks away will provide an entertainment venue in the neighborhood that is better contained and controlled.

Thank you for reading my letter of opposition to the granting of this CUP.

Respectfully submitted,

jack armstrong
via computer
jackarm@cox.net
619.847.5818

November 14, 2014

ORIGINALS

City of National City Planning Commission
1243 National City Blvd
National City, CA 91950
in re: Grill House at Big Ben Market, Jackels, et al
Case file #2014-08 CUP

HANDOUT
Item No. **4**
November 17, 2014

Dear Planning Commission:

We are filing this letter in OPPOSITION to the C.U.P. permit request as filed April 17, 2014 for usage allowing for LIVE ENTERTAINMENT & Banquet facility at the business known as GRILL HOUSE at Big Ben aka Jackel's Inc at 106 East 8th Street National City.

Our opposition is based upon the following:

1. It should be noted the proposed business activities refer to "GRILL HOUSE at Big Ben" Pending liquor license #545750 lists ownership as Naseem Salem & Adel Salem, BIG BEN corporation.

NO
Protest

There is a formal hold on establishing this license listed as "Form 220" indicating someone has filed a PUBLIC PROTEST to prevent the issuance of this license for the good of the community.

2. According to NCMC Chapter 18.71.030 Community meeting Required.

M
WIK

We have (post) reviewed the Community Meeting sign in sheet dated July 14, 2014. Our properties are located at: 706 "A" Avenue 704 "A" Avenue 105/107 East 8th Street and 700 "A" Avenue located directly across from proposed venue.

We did NOT receive any notification of the community meeting where our displeasures would have been expressed to Grill House ownership.

We feel the omission of any invitation was intentional by Grill House ownership as our tenant owns McDini's Restaurant Corp located across the street.

We were forced to obtain file 2014-08-CUP from planning on Thursday Nov 14, 2014 at 5:28PM simply to review entire file.

3. The proposed venue is in direct VIOLATION of 18.71.040 Distance Requirements There is a legal question that pertains to the possible alter ego of Big Ben Market and the proposed Grill House at Big Ben live entertainment usage.

Section "E" refers to the minimum distances from schools or other uses required for grocery stores involving sales of on site consumption.

NO
(740)

It should be noted that proposed venue does not actually prepare meals, rather the cooking facilities are located within the "sister" operation located within Big Ben's market, NOT Grill House.

The state ABC issue here is, for a venue to actually acquire a Class 41 Beer & Wine license, actual meals must BE PREPARED in a kitchen area on premises.

There IS NO KITCHEN or proposed kitchen at GRILL HOUSE outdoor area.

It would appear the applicants are attempting to illegally obtain a BEER & WINE license.

4. The proposed architect plans fail to show WINDOWS or DOORS to eliminate any glaring SOUND or NOISE complaints.

✓

In its present form, Grill House is an OPEN, exterior patio-type establishment Further, GRILL HOUSE area openly faces the 100+ BAY VIEW condo units located less than 600' WEST of Grill House.

It would be safe to assume that any music provided by live bands, club DJ'S or other **LIVE ENTERTAINMENT** would openly cause great **NOISE OBSTRUCTIONS** to the many residents at Bay View aside from the Union Bank located just 100' east.

5. Our many tenants at 105/107 East 8th Street and 704/706 "A" Avenue have already experienced a blatant and ignorant incident with Grill House at Big Ben.

On or about May 14, 2014, Grill House presented a 10pc live band (Colours) during a Sunday afternoon/evening session in the outdoor patio area.

It should be noted that GRILL HOUSE did NOT HAVE a conditional use permit for this illicit activity.

During this LIVE BAND violation by Grill House, our present and former tenants at 105 AND 41 East 8th STreet businesses were adversely affected by the TERRIBLE noise factor.

Despite several calls to NCPD to no avail, McDini's was forced to close early at about 6PM - 11PM to the uncontrolled and obviously unsupervised music activity.

There was no security present nor did ownership heed calls from McDini's to desist the loud and uncontrolled music levels.

6. The alter ego business at Big Bens next door sells alcohol for OFF SITE consumption. This includes small bottles of 1 oz & 3.75 oz' plastic bottles of CHEAP vodka and other hard liquor, along with "low end" 40 oz Beer products.

These products are targeted for low-end clientele, transients and street beggars.

The actual problem is, these persons have been attracted to Big Bens for several decades and are visually soliciting for money to purchase these items in the alley's aside, and across from Big Bens, most notably in the 800 block of 8th Street located directly across (NORTH) of Bens/Grill house.

There is no way that proposed GRILL HOUSE security could deter anyone from entering the next door market, procuring cheap liquor then consuming it within the GRILL HOUSE area while entertainment or banquets are present.

The Big Ben market has previous violations for sales of liquor to under age persons and RECENT 2013 CALIFORNIA STATE A.B.C. investigations of sections pertaining to "SALES TO OBVIOUSLY INTOXICATED PERSONS" meaning that Bens OPENLY sells hard liquor and cheap beer to drunk persons at all hours, most recently at 6:03AM as documented on receipts submitted to ABC investigators in the San Diego office.

These intoxicated persons have been documented frequenting and **PASSING OUT** on the street across from Bens, just far enough from Bens to give the impression they did not frequent Big Bens.

These persons are documented drug users, street alcoholics and street prostitutes that frequent both BEN'S and the general NATIONAL CITY community at large including the 700-800 Block of "A" AVENUE through 800 block of National City Blvd.

Neither BENS nor GRILL HOUSE have ever openly demonstrated any sort of community "embracement" during the original or post-fire business operations.

This activity would openly dissuade TOURISM from frequenting this IMMEDIATE area, something the area museums have been working towards accomplishing.

Before Grill House is allowed to offer live entertainment, they should be forced to:

1. Build an actual on-site kitchen within GRILL HOUSE preparing, cooking and serving actual on-site meals within the actual patio building. (Not on 2014 plans)

2. Completely envelope the patio area on WEST, SOUTH & NORTH corridors with a minimum of 1-1/2" thick SOUND PROOF glass to protect all area residents and the neighboring businesses. (Not included on 2014 plan)

not substantiated

PAGE THREE

Aside from this, the following conditions should be added in any further considerations at this venue:

1. Maintain a min of (01) ARMED SECURITY guards and (03) additional licensed SECURITY TEAM that will patrol the areas directly next to GRILL HOUSE along with the bar/restaurant at McDini's located at 105 East 8th Street in an actual show of community support.
If guards or security company ownership is found to have criminal records or lawsuits involving fraud or lack insurance for deceptive motives, CUP would be subject to revocation proceedings.
2. A condition that if any liquor is confiscated or found within or within (50' from GRILL HOUSE, that live entertainment conditions will be immediately revoked. Liquor refers to ANY BOTTLE, BEER CAN or WINE BOTTLE of any size or brand. This will protect the community and force BENS to exhibit best behavior.
3. No DJ'S should be allowed to perform as the permit specifically refers to live music, aka "live bands"
4. A condition allowing for a revocation if more than ONE incident occurs within a one-year period from the issuance of any permit.
Incident refers to any fight, persons in distress, persons appearing intoxicated in public, Noise complaints, trespassing violations and vagrancy for more than TWO minutes in areas within 300' of Grill House, including repeated illegal parking in private lots within (300)' of Grill House after verbal or written notification to either entity, GRILL HOUSE, JACKELS inc, Jackel Family Trust or Big Bens Corporation ownership.
5. That GRILL HOUSE will demonstrate good faith and cooperation with all residential and commercial business neighbors by providing clean-up & maintenance services that encompass the areas at least 300' EAST/WEST-NORTH/.SOUTH of Grill House. This includes broken fences at residents at residents behind Bens, trash left discarded in the streets and parking areas that about Grill House, including ALL merchants parking area entrances, landscaping & building exteriors.
Any violations of the above would result in a revocation of the permit for live entertainment OR banquet services.
6. Obtain a separate health dept rating that would allow for (indoor) serving of food. There is no present HEALTH CODE grade visible at Grill House.
The grade listed refers to Big Ben Market, NOT GRILL HOUSE.
7. That no operation of these premises should continue until an approved 2014 code kitchen suppression system is in actual operation within GRILL HOUSE.

PAGE FOUR

8. That no operation allowing live entertainment be permitted until a complete crime & incident study be completed by NCPD, IPS and any other agencies or private firms that demonstrate the levels of crime statistics and other emergency services involved with the area at 108 EAST 8th STREET and the immediate area impacting 600 - 900 block of "A" AVENUE, 000 - 800 Block of 8th Street that shall be incorporated into any decisions involving CUP application for GRILL HOUSE.

Finally, we believe that GRILL HOUSE does NOT currently possess the ability to demonstrate the operation of a banquet or live entertainment venue based upon lack of previous expertise in either area, aside from the current ABC protest and numerous civic, municipal and state **VIOLATIONS**.

Sincerely;



Howard Adler Trust
P.O. box 15352
San Diego, CA 92175
(619) 739-1166

SOLOMON FACTORY DIRECT
706 "A" AVENUE
National City, CA 91950

VEE PARTS
704 "A" AVE
Natl City CA 91950

McDini's Restaurant Corp
105 East 8th ST
National City, CA 91950

Parking Facility
700 "A" AVENUE
National city, CA 91950



NATIONAL CITY MUNICIPAL CODE

Chapter 18.71 SALE OF ALCOHOLIC BEVERAGES AND LIVE ENTERTAINMENT

18.71.010 Conditional use permit--Required.

A conditional use permit is required for the sale of alcoholic beverages, whether for on-site or off-site consumption, and may be approved pursuant to Chapter 18.116 of this title and Sections 18.71.020, 18.71.030, 18.71.040, 18.71.050 and 18.71.060. (Ord. 2236 § 2 (part), 2003)

18.71.020 Conditional use permit--Additional notice required.

In addition to notice required pursuant to Section 18.130.080, and in accordance with procedures for mailing written notice as contained in Section 18.130.080, written notice for a public hearing on a conditional use permit for the sale of alcoholic beverages shall be provided to owners and occupants of property within a radius of six hundred sixty feet of the exterior boundaries of the property where the sale of alcoholic beverages is proposed. (Ord. 2236 § 2 (part), 2003)

18.71.030 Community meeting--Required.

Prior to the public hearing required pursuant to Section 18.71.010, the applicant shall hold a community meeting to inform residents of a proposal for the sale of alcoholic beverages. The applicant shall provide to the planning department documentation of the meeting and input received. (Ord. 2236 § 2 (part), 2003)

18.71.040 Distance requirements.

Establishments where alcoholic beverages are sold for on or off-site consumption shall be located as follows:

- A. Liquor stores, or other businesses where the principal use involves the sale of alcohol for off-site consumption, shall be:
1. A minimum of six hundred sixty feet from any public school (kindergarten through twelfth grade) within the boundaries of the city; and
 2. A minimum of five hundred feet apart.
- B. Bars and cocktail lounges or other establishments where the sale of alcoholic beverages for on-site consumption is the principal use, shall be:
1. A minimum of six hundred sixty feet from any public school (kindergarten through twelfth grade) within the boundaries of the city; and
 2. No less than one thousand feet apart.
- C. Restaurants where the sale of alcoholic beverages for on-site consumption is accessory or incidental to the principal use shall be a minimum of six hundred sixty feet from any public school (kindergarten through twelfth grade) within the boundaries of the city; except that this distance requirement shall not apply to restaurants (other than fast-food restaurants with drive-through service) where at least thirty percent of the floor area of the building is comprised of seating area.
- D. Private clubs or lodges, bowling alleys, theaters and other establishments where the sale of alcoholic beverages is accessory or incidental to the principal use shall be:
1. A minimum of six hundred sixty feet from any public school (kindergarten through twelfth grade) within the boundaries of the city; and
 2. No closer than five hundred feet apart. This limitation shall not apply to restaurants.



**California Department of Alcoholic
Beverage Control**
*License Query System Summary
as of 11/16/2014*

License Information
License Number: 545750
Primary Owner: BIG BEN MARKET CORP THE
ABC Office of Application: 10 - SAN DIEGO
Business Name
Doing Business As: GRILL HOUSE AT BIG BEN
Business Address
Address: 106 E 8TH ST Census Tract: 0117.00
City: NATIONAL CITY County: SAN DIEGO
State: CA Zip Code: 91950
Licensee Information
Licensee: BIG BEN MARKET CORP THE
Company Information
Officer: SALEM, NASEEM ADEL T (PRESIDENT/TREASURER)
Officer: SALEM, ADEL (VICE PRESIDENT/SECRETARY)
Stock Holder: SALEM, ADEL
Stock Holder: SALEM, NASEEM ADEL T
License Types
1) License Type: 41 - ON-SALE BEER AND WINE - EATING PLACE
License Type Status: PENDING
Status Date: 03-JUN-2014 Term: 12 Month(s)
Original Issue Date: Expiration Date:
Master: Y Duplicate: 0 Fee Code: P40
License Type was Transferred On: FROM:
Current Disciplinary Action
... No Active Disciplinary Action found ...
Disciplinary History
... No Disciplinary History found ...
Hold Information
Hold Date: 03-JUN-2014 Type: FORM 220
Escrow
... No Escrow found ...

BIG BEN SPECIALTY MARKET
108 EAST 8TH STREET
NATIONAL CITY CA 91950
(619) 477-1015

0001 02 02125081 11/08/14 7:49am 123
BUDWEISER \$1.99 T
C.R.V. \$0.10 T
PRINGLES THE ORI \$2.29 F

SUBTOTAL \$4.38
TAX 1 \$0.19
TOTAL \$4.57

CASH \$20.00
CHANGE \$15.43

OF ITEMS: 2

THANK YOU!
BIGBENSPECIALTYMARKET.COM

November 13, 2014

City of National City
attn: Mike Fellows
Planning Department
1243 National City Blvd
National City, CA 91950

Dear Mr Fellows;

We are requesting copies of the complete file in the matter of Big Bens Market, Jackals Inc, Grill House at Big Ben permit for live entertainment & banquet facility.

We did not receive any notice of a community meeting and therefore would like to review the complete file in this matter.

Please find check enclosed for \$22.50

Sincerely;



Benjamin Adler
McDini's Restaurant Corp
105 East 8th ST
National City, CA 91950

cc: Beury Law

Department of Alcoholic Beverage Control
**COMMON ABC LICENSE TYPES
 AND THEIR BASIC PRIVILEGES**

State of California

*Benjamin Adler
 - at mtg.*

LICENSE TYPE	DESCRIPTION
01	BEER MANUFACTURER - (Large Brewery) Authorizes the sale of beer to any person holding a license authorizing the sale of beer, and to consumers for consumption on or off the manufacturer's licensed premises. Without any additional licenses, may sell beer and wine, regardless of source, to consumers for consumption at a bona fide public eating place on the manufacturer's licensed premises or at a bona fide eating place contiguous to the manufacturer's licensed premises. May conduct beer tastings under specified conditions (Section 23357.3). Minors are allowed on the premises.
02	WINEGROWER - (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct winetastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises.
20	OFF SALE BEER & WINE - (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.
21	OFF SALE GENERAL - (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.
23	SMALL BEER MANUFACTURER - (Brew Pub or Micro-brewery) Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.
40	ON SALE BEER - (Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
41	ON SALE BEER & WINE - EATING PLACE - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
42	ON SALE BEER & WINE - PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
47	ON SALE GENERAL - EATING PLACE - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
48	ON SALE GENERAL - PUBLIC PREMISES - (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
49	ON SALE GENERAL - SEASONAL - Authorizes the same privileges and restrictions as provided for a Type 47 license except it is issued for a specific season. Inclusive dates of operation are listed on the license certificate.





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

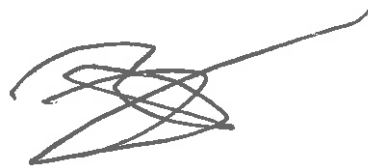
1. Approve 2014-08 CUP subject to the conditions listed below, based on attached findings; or
2. Deny 2014-08 CUP subject to the conditions listed below, based on attached findings; or
3. Continue the item to a subsequent agenda.

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

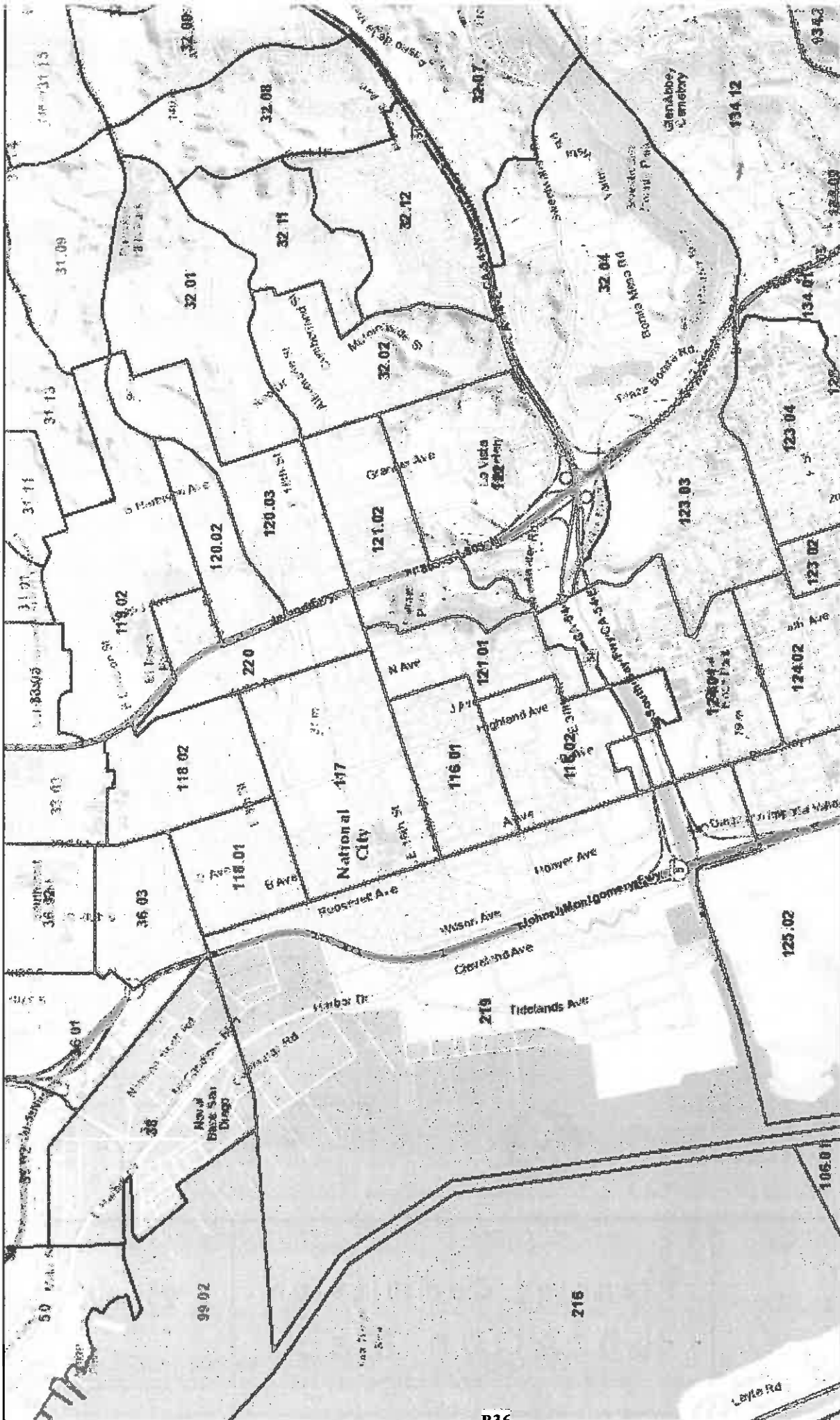


0 75 150 300 Feet

APN:
556-472-23

Planning Commission
Location Map

2014-08 CUP



CensusTracts 2010

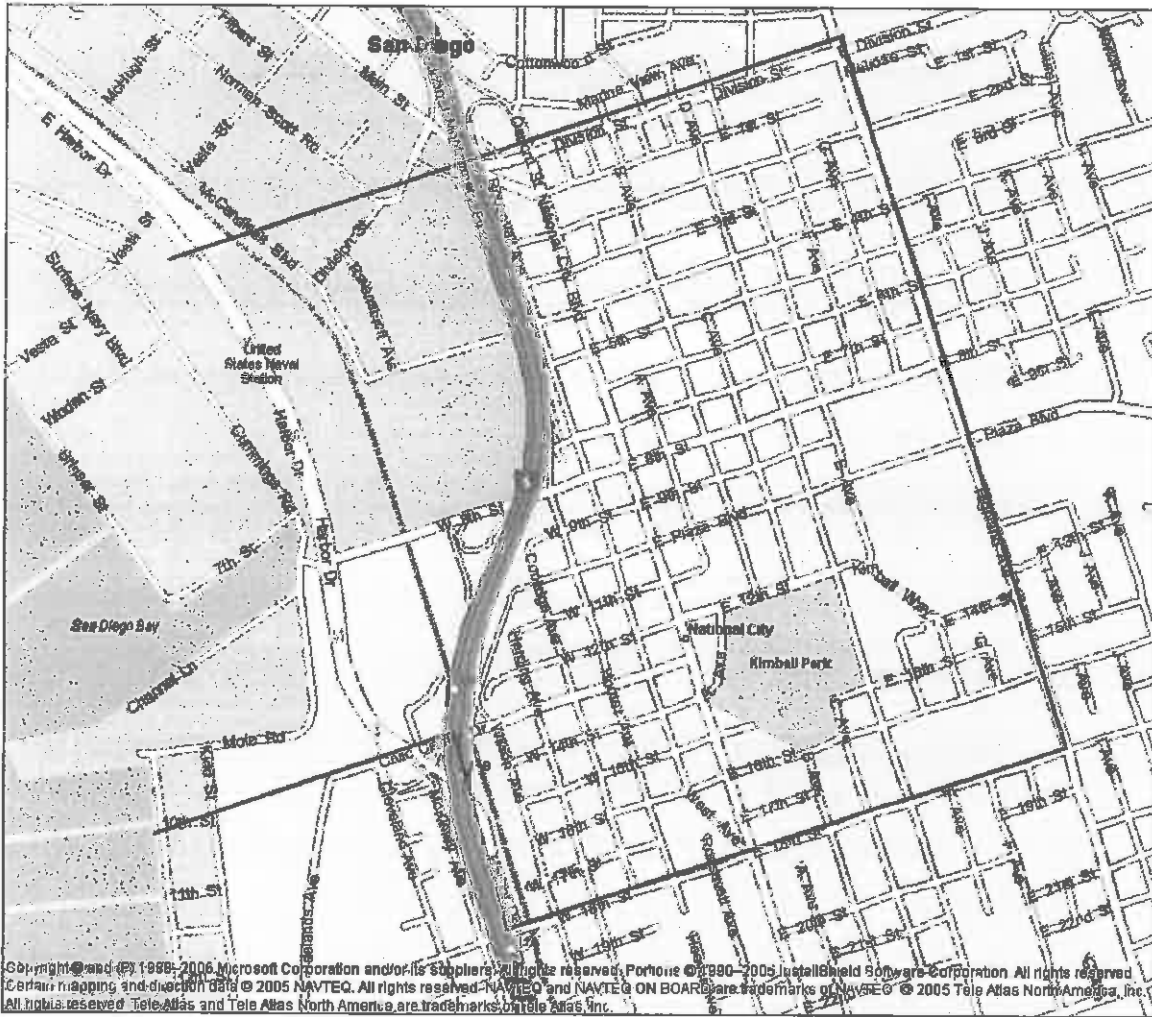
August 25, 2014

1:45,467

0 0.375 0.75 1.5 mi

0 0.5 1 2 km

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



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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 customers dining experience pleasant and convenient.

#4 **Information regarding the project:**

#5 **Q & 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 **O & 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 James Martindale	x 926 A AVE 4 people 9016 "	619 962-4128	Lady Martindale@gmail.com
2 Dennis of Below Properties	x 910 " 3 people x 912 " 10 people		
3	x 924 " 20 people		
4 Kimball Museum 9730	x 936 " 2 people National City Historical Society 12 Boardman		
5	x 940 " 4 people		
6 Naseem Salam Naseem	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

(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

GRILL HOUSE AT BIG BEN

PROJECT DIRECTORY

ARCHITECT: POINT OF DEPARTURE
 271 7TH STREET
 NATIONAL CITY, CA 91920

OWNER: MISS MOORE
 GRILL HOUSE AT BIG BEN
 271 7TH STREET
 NATIONAL CITY, CA 91920

INDEX TO DRAWINGS

T1.0 TITLE SHEET SITE PLAN
 A-1.1 FLOOR PLAN
 A-1.1 ELEVATIONS
 A-1.1 REMODEL EQUIPMENT PLAN

PROJECT DATA

PROJECT ADDRESS: 271 7TH STREET
 NATIONAL CITY, CA 91920

HISTORIC: YES NO SPRAINED: YES NO

ZONE: P-D-1 P-D-2

LEGAL DESCRIPTION: 686-69238-00
 LOT 170.10 IN SUBD OF LOT 1, QUANTER
 SECTION 16, T12N, R23E, S12W, 10E
 IN THE CITY OF NATIONAL CITY

TYPE OF CONSTRUCTION: V-8
 OCCUPANCY CLASSIFICATION: A-3

NUMBER OF STORES: 1 STORY
 BUILDING HEIGHT: 20' 0"

ALLOWABLE AREA (NON-SPRAINED) LBS: 6,500 SF
 ACTUAL AREA (NEW AND EXISTING): 2,520 SF

AREA OF TWO-UC OCCUPANT LOAD: 30 OCCUPANTS

OWNER/ARCH CODES: 2015 CMC, 2015 DMC, 2015 UPC, 2015 HSC, 2015 TMLC
 24 CMC, 2010 CAL GREEN BUILDING CODE

SCOPE OF WORK

CONDITIONAL USE PERMIT FOR THE APPLICATION FOR AN ON-SALE BEER, WINE & LIQUOR LICENSE FOR AN EXISTING OUTDOOR DINING PATIO

FIRE NOTES

- ALL DETECTORS SHALL BE OBTAINABLE FROM THE BLOCK, VERIFY THE USE OF A LIST OR MANUAL ALARM DEVICE. DETECTORS SHALL BE INSTALLED IN ALL OCCUPANCY AREAS. DETECTORS SHALL BE INSTALLED IN ALL OCCUPANCY AREAS.
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VICINITY MAP

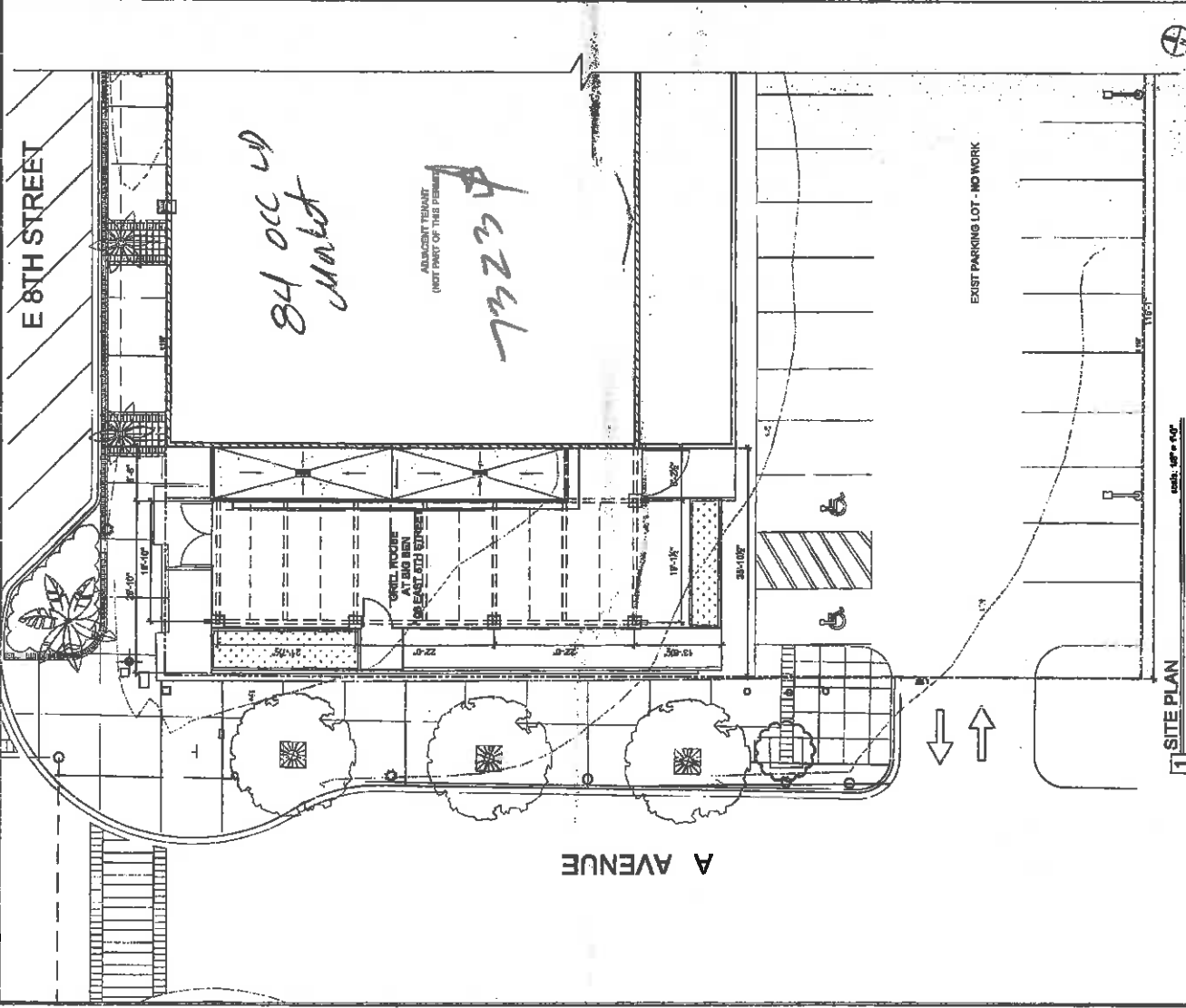
106 E. 8TH STREET

T1.0

GENERAL NOTES

- EXISTING IMPROVEMENTS TO BE REMOVED SHALL BE SHOWN WITH DASHED LINES.
- CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 CALIFORNIA GREEN BUILDING CODE.
- CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 CALIFORNIA GREEN BUILDING CODE.
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CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 CALIFORNIA GREEN BUILDING CODE.



GENERAL NOTES

- EXISTING MARKET AND DELI TO REMAIN. NO WORK REQUIRED FOR THIS APPLICATION FOR A CONDITIONAL USE PERMIT.
- RESTROOM FACILITIES APPROVED UNDER NATIONAL CITY BUILDING DEPARTMENT PLAN CHECK # 2013-3495

KEY NOTES

- GLASS GUARD RAIL 5' HIGH
- 19" WROUGHT IRON GATE (IF TALL) GATE SHALL REMAIN OPEN DURING BUSINESS HOURS.
- 4" WROUGHT IRON GATE (IF TALL) EQUIPPED W/ PANTO HARDWARE PER C.B.C.
- 7" WROUGHT IRON SECURITY GATE (IF TALL) TO REMAIN OPEN DURING BUSINESS HOURS.
- 6" CONC. CURB
- EXISTING TRELLIS @ 10'11" A.F.F.
- ACCESSIBLE HEIGHT BAR COUNTER (BY)
- 42" HIGH BAR COUNTER
- CONCRETE PLANTER, DIMENSIONS PER PLAN

EXISTING REQUIREMENTS

UNASSIGNED OCCUPANCY GROUP: A2

ASSEMBLY WITHOUT FIRED SEATING: 1,000 NSF
 OCCUPANT LOAD FACTOR: 15/SF
 PERMITTED OCCUPANTS: 66

STAGE: 170 NSF
 PERMITTED OCCUPANTS: 11

SEWAGE: 201 NSF
 OCCUPANT LOAD FACTOR: 20/SSSFS
 PERMITTED OCCUPANTS: 98

TOTAL OCCUPANTS: 98

MIN. EXIT WIDTH REQUIRED: 98" x 1.3 = 27"

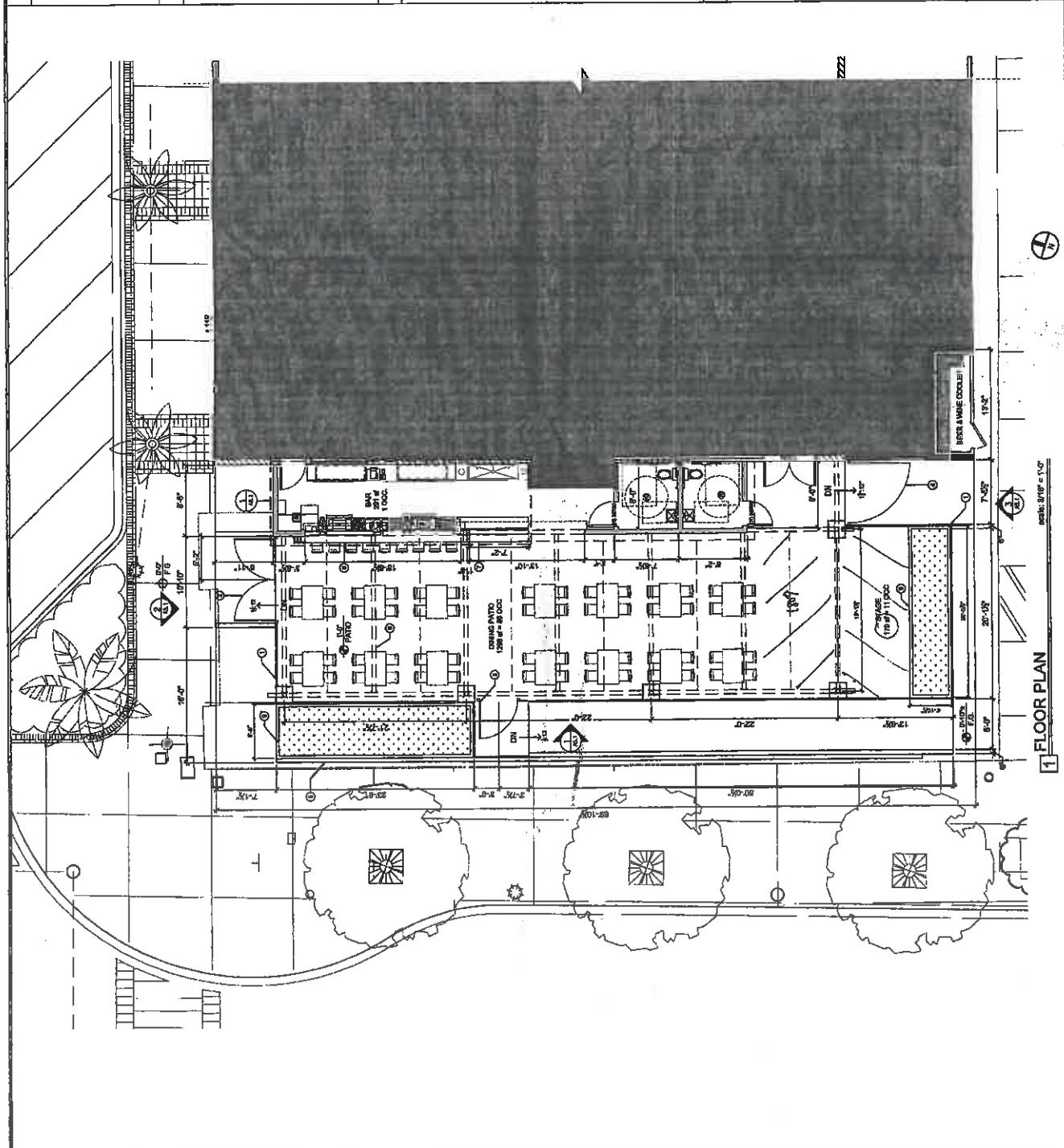
OF EXITS REQUIRED (1-500 OCCUPANTS) = 2
 # OF EXITS PROVIDED = 3

PLUMBING FIXTURE DATA

SO. FOOTAGE:	1489 SF
OCCUPANCY GROUP:	A2
OCCUPANT LOAD FACTOR: (SEE TABLE A)	30
TOTAL OCCUPANT LOAD:	49
# WATER CLOSERS REQUIRED:	1 MALE 1 FEMALE
# WATER CLOSERS PROVIDED:	1 MALE 1 FEMALE
# LAVATORIES REQUIRED:	1 MALE 1 FEMALE
# LAVATORIES PROVIDED:	1 MALE 1 FEMALE

NOTES:

- THE TOTAL NUMBER OF REQUIRED WATER CLOSERS FOR REMALES SHALL BE NOT LESS THAN THE TOTAL NUMBER OF REQUIRED WATER CLOSERS AND URINALS FOR MALES. (BSC) THIS REQUIREMENT SHALL NOT APPLY TO OCCUPANCY GROUPS A1, A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13, A14, A15, A16, A17, A18, A19, A20, A21, A22, A23, A24, A25, A26, A27, A28, A29, A30, A31, A32, A33, A34, A35, A36, A37, A38, A39, A40, A41, A42, A43, A44, A45, A46, A47, A48, A49, A50, A51, A52, A53, A54, A55, A56, A57, A58, A59, A60, A61, A62, A63, A64, A65, A66, A67, A68, A69, A70, A71, A72, A73, A74, A75, A76, A77, A78, A79, A80, A81, A82, A83, A84, A85, A86, A87, A88, A89, A90, A91, A92, A93, A94, A95, A96, A97, A98, A99, A100.
- THE REQUIRED URINALS SHALL BE PERMITTED TO BE OMITTED OR REDUCED IN NUMBER IF THE BUILDING PROVIDES A SECOND WATER CLOSET TO BE PROVIDED FOR ONE FEMALE (NOTE A, TABLE A2.1, 2013 CFC)

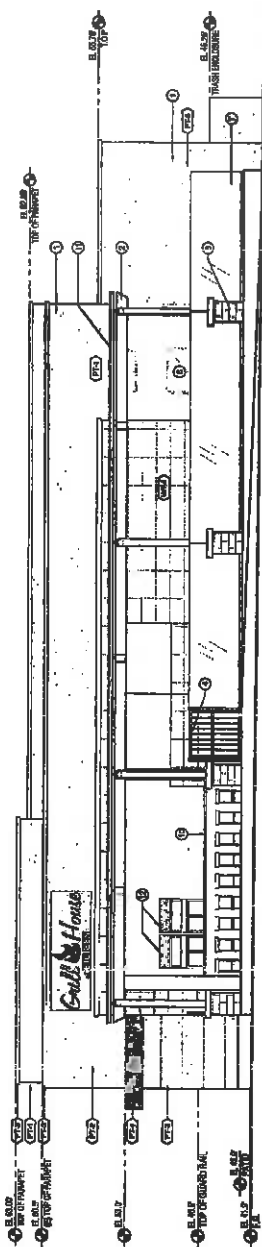


KEY NOTES

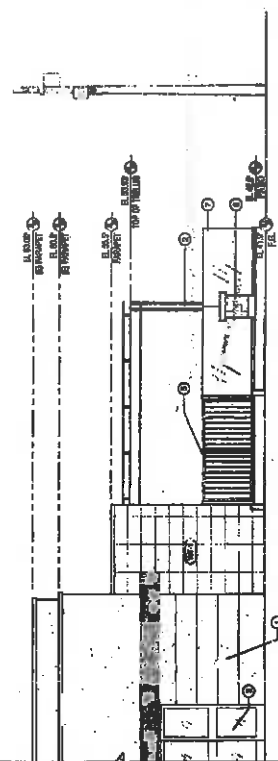
- 1. 3 COAT CEMENT FLASHER OVER WIRE LATHWORK
- 2. BUILDING PAPER - PER DETAIL 314.3
- 3. EXIST. TRUSS STRUCTURE
- 4. 2" AUTOMATIC SLIDING BROWSE FRONT DOORS
- 5. 10" WROUGHT IRON GATE
- 6. 2" 1/4" DIA COLUMN BASE TYP
- 7. 2" 1/4" DIA COLUMN PAIR
- 8. 2" 1/4" DIA DOOR-HUNT (P#4)
- 9. 2" 1/4" DIA HANGAR, BEEM & WIRE COOLER
- 10. 4" HUBBARD COUNTER
- 11. 2" CORRUGATED METAL ROOF
- 12. 2" SLIDING SERVICE WINDOW

FINISH SPECIFICATIONS

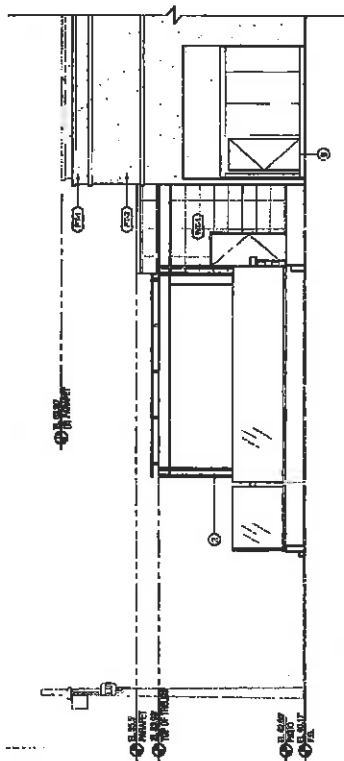
- PAINT**
- 1. EXISTING PAINT
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 - 3. 215 ROYAL SUPREME
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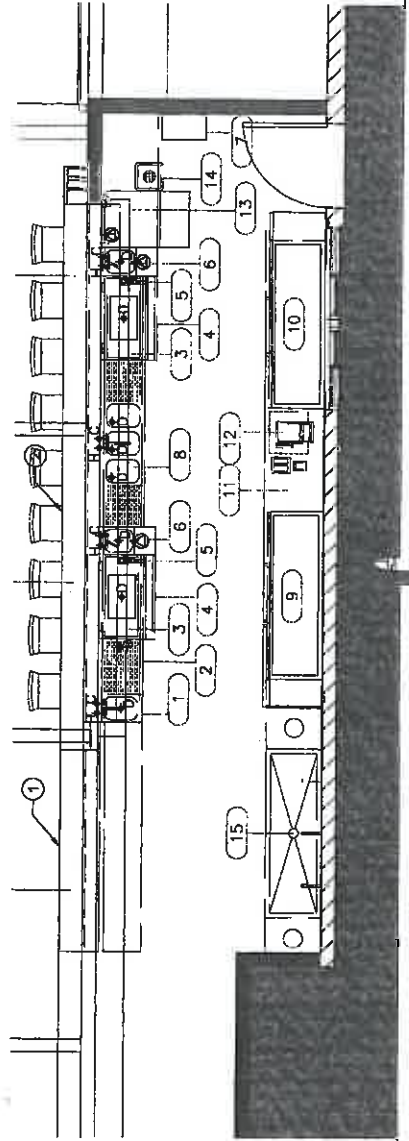
1 WEST ELEVATION
 scale: 3/8" = 1'-0"



2 NORTH ELEVATION
 scale: 3/8" = 1'-0"



3 SOUTH ELEVATION
 scale: 3/8" = 1'-0"



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

KEY NOTES

1. ACCESSIBLE HEIGHT BAR COUNTER BY
2. 42" HIGH BAR COUNTER

EQUIPMENT SCHEDULE

Item No	Qty	Equipment Category	Manufacturer	Model Number	Base	Volts	Amps	KW	HP	Phase	Plug	NEMA	Remarks	Cold Water Size (in)	Hot Water Size (in)	Direct Drain Size (in)	Indr Drain Size (in)	WBTUH	Remarks
1	1	Underbar Handink	Krombe Metal	KR18-1C	Legs									0.5	0.5	1.5	1		
2	1	Underbar Filter & Drainboards	Krombe Metal	KR18-0524	Legs														
3	2	Underbar Ice Chest	Krombe Metal	KR18-360P-10	CC														
4	2	Underbar Speed Rgr	Krombe Metal	RS-38	CC														
5	2	Bar Gun	Verity w/ Suppler		Item 58	120	15.0			1 X	1 X			0.5*					
6	2	Underbar Blender Station	Krombe Metal	KR18-1280	Legs	120	15.0			1 X	1 X			0.5	0.5				
7	1	Slim Jim Trash Can	Rubbermaid		Legs														
8	1	Underbar Sink	Krombe Metal	KR18-83C	Legs									0.5	0.5				
9	1	Back Bar Cooler	Krombe Metal	BSSMR	Casters	120			0.33	1 X	1 X			0.5	0.5				Self Contained
10	1	Back Bar Cooler	Krombe Metal	BSSMR	Casters	120			0.33	1 X	1 X			0.5	0.5				Self Contained
11	1	Back Bar Cabinet	Custom Millwork	B594L	Casters	120			0.33	1 X	1 X			0.5	0.5				Self Contained
12	1	POS System	Verity w/ Suppler		Item 60														
13	1	Transferter, Under Counter, Low Items	Oak, Olemachines	L-7X	6" Legs	115	18			1 X	1 X			0.5					
14	1	Existing Floor Sink																	
15	1	Existing S.S. Trough Sink																	

RESOLUTION NO. 24-2014

**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 duly advertised public hearing held on November 17, 2014 and December 1, 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 hearings held on November 17, 2014 and December 1, 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 (On-Sale Beer and Wine for Bona Fide Public Eating Place), 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 to Exhibit B, case file no. 2014-08 CUP, dated 11/17/2014.
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 approves three separate uses: on-site beer and wine sales, live entertainment, and public assembly. If any of the uses authorized by this resolution are not exercised within one year after adoption of the Resolution of approval, that use

or those uses shall become null and void and will no longer be part of this permit unless extended according to procedures specified in the Municipal Code.

4. This permit approves three separate uses: on-site beer and wine sales, live entertainment, and public assembly. If any of the uses authorized by this resolution are discontinued for a period of 12 months or longer, permission to conduct that use or those uses shall expire and will no longer be part of this permit. 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. All plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, and Mechanical Code.

Fire

8. All 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.
9. No public assembly or live entertainment uses may be conducted until all required building improvements have received final inspection and issued a certificate of occupancy.

Planning

10. All alcohol products shall be served by an employee of the Grill House at Big Ben. No self-serve of any alcohol products is permitted.
11. No distilled spirits purchased from Big Ben Market or elsewhere may be brought into or consumed on the outside patio. All alcohol purchase and consumption occurring in the outside patio shall comply with the ABC regulations related to a Type 41 license (On-Sale Beer and Wine for Bona Fide Public Eating Place). No on-sale purchases shall be made inside Big Ben Market.
12. 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.
13. The hours of live entertainment and public assembly activities (e.g., banquets, parties, etc.) shall be limited to between 12:00 p.m. and 10:00 p.m. Friday, Saturday, and Sunday.

14. All live entertainment and public assembly activities shall comply with Table III of Chapter 12.06 (Exterior Noise Limits) of the National City Municipal Code.
15. 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.
16. 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.
17. Alcohol shall be available only in conjunction with the purchase of food.
18. 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.
19. 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.

Police

20. 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 December 1, 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 SUBDIVISION OF ONE LOT INTO THREE AT 1745 EAST 10TH STREET WITH AN EXCEPTION FOR REDUCED LOT FRONTAGE.

Case File No.: 2014-17 LS

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

Assessor's Parcel Nos.: 557-190-34

Staff report by: Martin Reeder, AICP

Applicant: Alex Ahmadian

Plans prepared by: Victor Rodriguez-Fernandez

Zoning designation: Small Lot Residential (RS-2)

Parcel size: 0.44 acres

Adjacent land use/zoning:

- North:** Apartments / RM-3 (Very High-Density Multi-Unit Residential)
- East:** Single-family home / RS-2
- South:** Single-family homes across East 10th Street / RS-2
- West:** Single-family homes / RS-2

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

BACKGROUND

Site characteristics

The approximately 19,357 square-foot property is located on the north side of East 10th Street in the RS-2 Zone. The lot is located near to the intersection of R Avenue and is 125 feet wide and an average of 157 feet deep. The site is mostly flat, although the property is retained in the front and the land slopes downward sharply (ten or more feet) beyond the northerly property line.

Although the southern (front) property boundary is a straight line, the site is developed with a retaining wall separating the street from the property, which is between three and seven feet in height. This retaining wall follows the curvature of the curb towards the east of the lot in this location. As a result, the property practically includes an extra approximately 380 square feet, which is located behind the retaining wall. There is a power pole and street light in this area.

There is an existing 1,967 square-foot single family residence on the north side of the property and a two-car garage at the front of the property. The site is bordered on the east, west, and south by single family residences also in the RS-2 zone. There are apartments to the northwest beyond a large vacant lot that is located to the north of the subject property.

Proposed use

The applicant is proposing to subdivide the existing 19,357 square-foot lot into three lots. The existing two-car garage would be demolished in order to make way for future construction (at permit submittal). Parking for Parcels 2 and 3 will be accessed via a 24-foot wide driveway from 10th Street. Parcel 1 would have individual driveway access, also from 10th Street, utilizing an existing driveway. An access and utility easement is shown on the tentative map for Parcels 2 and 3 over the 24-foot wide driveway.

The application includes an exception for less-than-required street frontage for Parcel 3, which would only have 12 feet of frontage on 10th Street (half of the proposed 24-foot wide driveway). 100 cubic yards of grading is proposed as part of future development. No construction is proposed as part of this application, although proposed driveways and building footprints are shown on the map for reference and easement purposes.

Subdivision of the property into three lots is proposed as follows:

Parcel 1 will have 60 feet of frontage on East 10th Street. It will be 84 feet deep and would have a net size of 5,016 square feet. In order to meet the minimum lot size of 5,000 square feet, the engineer has shown a 22.8 by 8.3-foot "general utility easement" on the north side of the proposed parcel. Practically-speaking, this will end up being used by Parcel 3 as part of their lot area.

Parcel 2 would have approximately 53 feet of frontage on East 10th Street and would have a net size of 5,029 square feet. The westerly 12 feet would incorporate the easterly half of the proposed driveway leading to parking for Parcels 2 and 3.

In order to meet the minimum lot size of 5,000 square feet, the engineer has shown the area of street behind the retaining wall (roughly 380 square feet) as being vacated, although no street vacation process has been initiated or approved at this point. Without the vacation, the proposed building envelope for this lot would not meet the required 20-foot front yard setback. However, this can be addressed at building permit submittal.

Parcel 3 will have 12 feet of frontage on East 10th Street and would include the existing residence. It will be an average of 157 feet deep and would have a net size of 9,312 square feet. Due to the driveway access and specific parking areas for each lot, Parcel 3 is irregular in shape. The shape is intended to keep enough land around the existing house in order to provide minimum setbacks and minimum lot sizes for the two new lots. No changes are proposed to the existing home.

The applicant is not proposing any development at this time, although easements would be created that would necessitate specific development in the future, as shown by the proposed building envelopes. 100 cubic yards of cut and fill is proposed with regard to grading of the site. This would mostly be in order to provide the main driveway to Parcels 2 and 3.

Analysis

General Plan

This project contributes to infill development, which is encouraged by General Plan, as well as provides two additional home ownership opportunities. If the future homes are constructed, the resulting density of 6.7 units per acre would also be consistent with the General Plan density for the Low-Medium Density Residential land use designation (RS-1 and RS-2), which specifies a maximum density of 9.0 units per acre.

Subdivision Ordinance

The proposed subdivision is inconsistent with the Subdivision Ordinance as it creates a development pattern that is not consistent with nearby properties. All properties on the north side of 10th Street on this block are regular in shape. The proposed lot pattern in this case is highly irregular due to the existing house being preserved. The Subdivision Ordinance also requires that proposed lot lines are at 90 degrees to the street where practicable. This has not been done in this case, although it can be argued that this is not practicable due to the restrictions as already noted. However, the average proposed lot sizes are consistent with area properties, which are approximately 5,000 square feet in size; the average of the three proposed lots is almost 6,450 square feet.

Due to the size and placement of the existing house, the proposed lots have been designed in an irregular manner. Although the existing lot is almost four times the minimum lot size of 5,000 square feet, the existing home makes it impractical to cut the

lot in a uniform manner. Without removing or severely modifying the existing residence, creating two lots instead of three may be more appropriate. This would allow for regular shaped lots and ample room for parking and setbacks as required by the Code. However, the applicant has stated that two lots would not be economically feasible and requiring two rather than three would halt the project.

The proposal will need an exception for less than required street frontage for parcel 3; the actual frontage will be 12 feet where 50 feet is required. This is normal where a large lot is subdivided, in that the rear portion of the lot requires access.

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 8.7 units per acre, consistent with Land Use Code requirements. The proposed future density of 6.7 units per acre would be also consistent with this density.

Significant grading would be needed as part of the proposal. Plans show a 24-foot section of retaining wall being removed from the front of the property. This would allow a 24-foot wide driveway to be constructed. However, because of the topography in the area, the driveway would have a 20% slope (six feet in rise over 33 feet in length). Anything over 12% requires special construction techniques (concrete instead of asphalt) and also requires a flat area at the base of the driveway prior to entering the street, which is not provided in this case. In addition, Fire Department access roads must be no steeper than 15%, although this is technically only needed for new homes, not the existing house. Both new residences would be closer than 150 feet to the street, thus the road is not technically needed.

Due to the constricted nature of the lot, it again might be more appropriate to split the lot into two rather than three. Although in cases of topography, a variance or exception may be appropriate, the existing driveway at the west end of the lot is currently sufficient and would suffice for two new lots. It may also be sufficient for three lots in the case of complete redevelopment of the site. However, that would necessitate demolition of the existing home. Asking for relief due to a self-inflicted situation (placement of the residence in this case) is not grounds for granting an exception or variance.

Another option would be to continue to utilize the existing driveway and to redesign the three-lot configuration using access easements rather than have irregular lot shapes. This would allow a more uniform lot design and would minimize the need for grading and new retaining walls.

The proposed design is not ideal and does not meet the intent of the Land Use Code. This is primarily due to the need for the "general utility easement" (Parcel 1) and street vacation (Parcel 2) required to meet minimum lot sizes. Although the roughly 380 square-foot portion of street behind the retaining wall is not being used and is a good

candidate for abandonment, it should not be relied upon to provide the minimum lot area.

Department Comments

Comments were received from the Building and Fire Departments and have been included as Conditions of Approval. Building is requiring code compliance. The Fire Department is also requiring code compliance, including specific requirements for a Fire Department access road for future homes. Although the rear of the existing residence is greater than 150 feet from the street and would normally require the access road, such a road is not required given the existing nature of the structure. Future homes would be within 150 feet of the road, so the road is not technically needed. That being said, existing Fire Department access to the rear house would be removed in the case of new construction, although it is unclear if the existing driveway meets fire access requirements. Standard conditions related to Final Map requirements have also been included as conditions.

Summary

The subject property is a large lot, which is almost four times the minimum lot size. As such, it is suitable for subdividing. However, the placement of the existing home and a large retaining wall at the street limits opportunities for subdivision. Although there are topographical issues on the property, the placement of the existing home is considered self-inflicted and is thus not a consideration for an exception or variance from code requirements. The project as proposed, with an irregular lot configuration and reliant on a future street vacation, will technically meet the code with regard to minimum lot size. However, the proposal would result in a crowded development that would not be consistent with area development. Therefore, staff is suggesting that the proposal be reduced to two new lots rather than three.

If approved, the proposed subdivision will result in additional home ownership opportunities, and will generally meet all Land Use Code requirements, 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

1. Continue the public hearing to a specific date so that the project can be redesigned;
or
2. Approve 2014-17 LS subject to the conditions listed below, based on attached findings/ findings to be determined by the Planning Commission; or
3. Deny 2014-17 LS based on attached findings/ findings to be determined by the Planning Commission.

ATTACHMENTS

1. Recommended Findings for Denial/Approval
2. Recommended Conditions
3. Location Map
4. Notice of Exemption
5. Public Hearing Notice (Sent to 35 property owners)
6. Site photos
7. Applicant's Plans (Exhibit A, case file no. 2014-17 LS, dated 11/5/2014)



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR DENIAL
OF THE TENTATIVE PARCEL MAP
Case File No. 2014-17 LS – 1745 East 10th Street

1. The site is not physically suitable for the proposed type of development, since the size and placement of the existing house requires the proposed lots to be designed in an irregular manner.
2. The site is not physically suitable for the proposed density of development, since two of the proposed lots cannot meet the minimum lot size requirement without creating atypical lot shapes and vacating a portion of the street.

RECOMMENDED FINDINGS FOR APPROVAL
OF THE TENTATIVE PARCEL MAP
Case File No. 2014-17 LS – 1745 East 10th Street

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 7.9 units per acre, is consistent with the Low-Medium Density Residential land use designation, which specifies a maximum density of 9.0 units per acre the uses, and since there are no specific plans applicable to the site.
1. The site is physically suitable for the proposed type of development, since two an additional single-family homes can be located on a level building pad on the site with a minor amount of grading.
2. The site is physically suitable for the proposed density of development, since all three resultant lots can accommodate a single family residence with suitable yard areas.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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. 2014-17 LS – 1745 East 10th Street**

1. The property to be divided is of such size and shape that it is impossible or impracticable in the particular case to conform fully to the subdivision requirements, since most of the deep (150-plus feet) property is isolated from public streets and existing development limits the areas in which lot lines can be placed.
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 24 feet in width) will be provided for all three 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 two additional homeownership opportunities, and since there are no applicable specific plans.

RECOMMENDED CONDITIONS OF APPROVAL
Case File No. 2014-17 LS – 1745 East 10th Street

General

1. This *Tentative Parcel Map* authorizes the creation of three 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. 2014-17 LS, dated 11/5/2014. No construction or demolition is approved as part of this approval.
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 improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, and Mechanical.

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 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.
7. Fire apparatus access roads shall comply with the requirements of this section (Section 5 CFC 2013) and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. This comment shall apply to new residential structures.

8. 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 thousand 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. All fire department access roads shall be painted and signed to prevent parking in these required designated emergency areas.
9. Should any plan corrections be required, contractor must correct the plan and re-submit to the Fire Department for approval once again prior to installation.
10. All contractors shall possess a National City New Business License prior to Fire Department plan submittal. A copy of the New Business License will be required at time of plan submittal.
11. If entrance/exit gates are used, gates shall be equipped with Knox Box and Emergency Strobes so as to provide emergency vehicle access and egress. A Knox Key Switch shall be required in conjunction with strobe for emergency access, and shall be placed at front of property. Please contact the National City Fire Department for exact field location.

Planning

12. All future construction must meet setback requirements as stated in the Land Use Code.
13. No construction is permitted on proposed Parcel 2 unless a Street Vacation request has been approved that results in a minimum 5,000 square feet of lot area for said Parcel 2.
14. If the approximate 380 square-foot portion of East 10th Street located behind the retaining wall at the front of the subject property is vacated, an easement for access and maintenance of the existing power pole and street light shall be granted.

MXC-2

RM-1

RM-3

RS-2

E. 9th

E. 9th St

E. 10th St

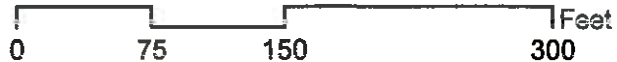
R Avenue



Subject Parcel



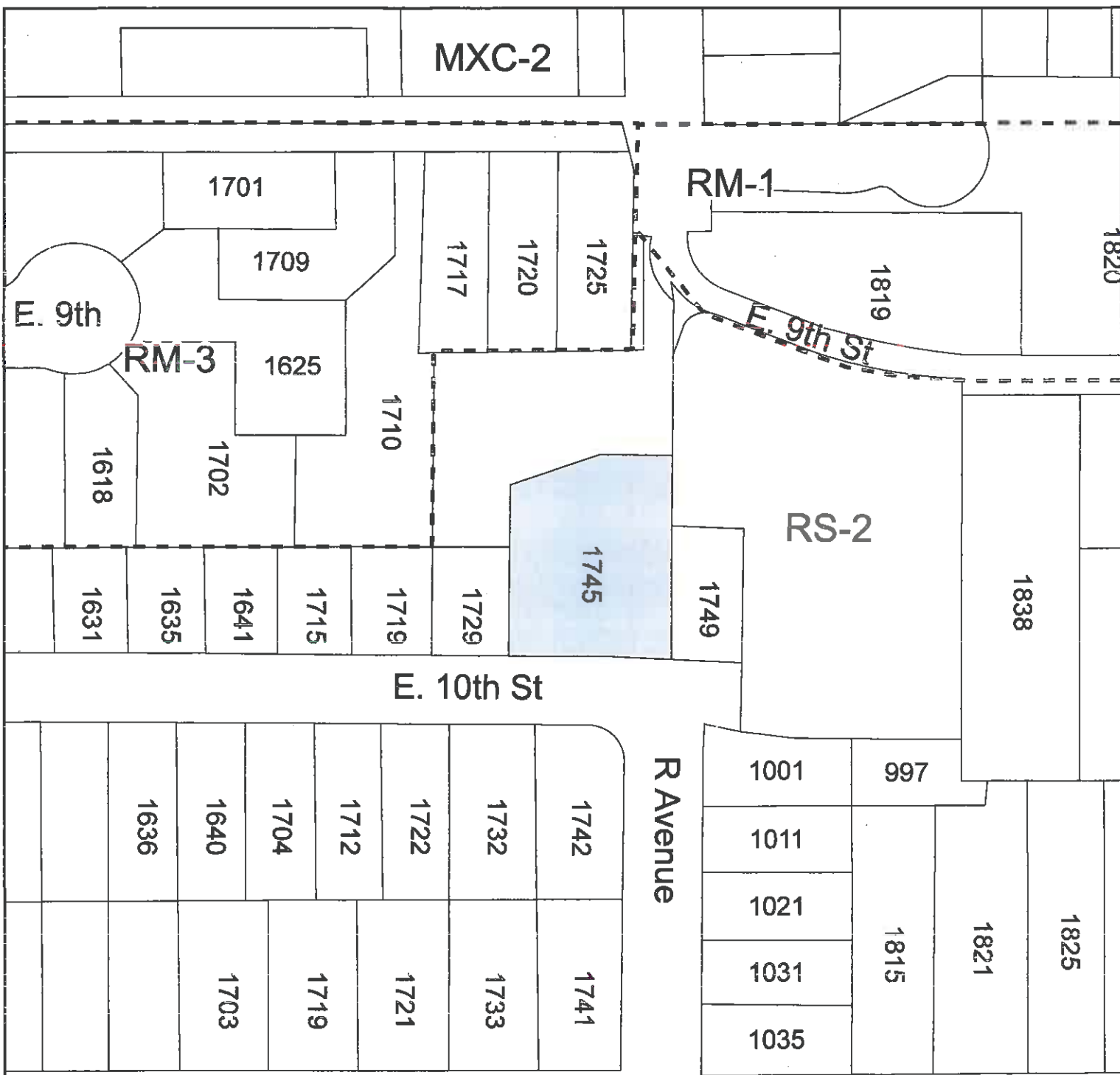
Zone Boundary



APN:
557-190-34

Planning Commission Location Map

2014-17 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: 2013-17 LS

Project Location: 1745 East 10th Street, 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 19,357 square-foot lot into three lots. There is an existing single-family home that will remain. No construction is proposed as part of this project.

Applicant:

Alex Ahmadian
3425 Del Mar Heights Road
San Diego, CA 92130

Telephone Number:

(858) 736-6218

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 19,357 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 SUBDIVISION OF
ONE LOT INTO THREE AT 1745 EAST 10TH STREET
WITH AN EXCEPTION FOR REDUCED LOT FRONTAGE.
CASE FILE NO.: 2014-17 LS
APN: 557-190-34

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, December 1, 2014**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Alex Ahmadian)

The property is a 19,357 square-foot lot near the corner of East 10th Street and "R" Avenue. Access to the proposed lots will be from 10th Street. An exception is being requested for reduced street frontage for Parcel 3, which would have 12 feet of frontage on 10th Street where 50 feet is required.

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 Division on or before 12:00 p.m., **December 1, 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

Site Photos – 1745 E. 10th St. – 2014-17 LS



Driveway from E. 10th Street looking northeast



Existing home looking north

RESOLUTION 26-2014

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA,
APPROVING A TENTATIVE PARCEL MAP FOR THE SUBDIVISION
OF ONE LOT INTO THREE AT 1745 EAST 10TH STREET
WITH AN EXCEPTION FOR REDUCED LOT FRONTAGE.
APPLICANT: ALEX AHMADIAN
CASE FILE NO. 2014-17 LS**

WHEREAS, application was made for approval of a Tentative Parcel Map for the subdivision of one lot into three at 1745 East 10th Street with an exception for reduced lot frontage on property generally described as:

Parcel "A" in the City of National City, County of San Diego, State of California, as shown on a parcel map file at page 1809 of parcel maps in the office of the County Recorder of said County and that portion of parcel "B" according to parcel map no. 1809 filed in the office of the County Recorder of San Diego County, California as file No. 73-222163 dated August 9, 1973.

WHEREAS, the Planning Commission of the City of National City considered a Tentative Parcel Map for the subdivision of one lot into three at 1745 East 10th Street with an exception for reduced lot frontage at a duly advertised public hearing held on December 1, 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. 2014-17 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 December 1, 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 7.9 units per acre, is consistent with the Low-Medium Density Residential land use designation, which specifies a maximum density of 9.0 units per acre the uses, and since there are no specific plans applicable to the site.
2. The site is physically suitable for the proposed type of development, since two an additional single-family homes 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 all three 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 and shape that it is impossible or impracticable in the particular case to conform fully to the subdivision requirements, since most of the deep (150-plus feet) property is isolated from public streets and existing development limits the areas in which lot lines can be placed.
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 24 feet in width) will be provided for all three 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 two additional homeownership opportunities, 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 three 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. 2014-17 LS, dated 11/5/2014. No construction or demolition is approved as part of this approval.
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 improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, and Mechanical.

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 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.
7. Fire apparatus access roads shall comply with the requirements of this section (Section 5 CFC 2013) and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. This comment shall apply to new residential structures.
8. 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 thousand 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. All fire department access roads shall be painted and signed to prevent parking in these required designated emergency areas.
9. Should any plan corrections be required, contractor must correct the plan and re-submit to the Fire Department for approval once again prior to installation.
10. All contractors shall possess a National City New Business License prior to Fire Department plan submittal. A copy of the New Business License will be required at time of plan submittal.
11. If entrance/exit gates are used, gates shall be equipped with Knox Box and Emergency Strobes so as to provide emergency vehicle access and egress. A Knox Key Switch shall be required in conjunction with strobe for emergency access, and shall be placed at front of property. Please contact the National City Fire Department for exact field location.

Planning

12. All future construction must meet setback requirements as stated in the Land Use Code.
13. No construction is permitted on proposed Parcel 2 unless a Street Vacation request has been approved that results in a minimum 5,000 square feet of lot area for said Parcel 2.

14. If the approximate 380 square-foot portion of East 10th Street located behind the retaining wall at the front of the subject property is vacated, an easement for access and maintenance of the existing power pole and street light shall be granted.

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 December 1, 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 SUBDIVIDING ONE LOT INTO TWO, ZONE VARIANCE FOR A REDUCED FRONT YARD SETBACK AND EXCEPTION FOR REDUCED LOT FRONTAGE AT 240 NORTON AVENUE.

Case File No.: 2014-18 LS, Z

Location: West side of Norton Avenue, between East 1st and 4th Streets.

Assessor's Parcel Nos.: 554-023-18

Staff report by: Martin Reeder, AICP

Applicant: Abraham Edid

Plans prepared by: K & S Engineering, Inc.

Zoning designation: Small Lot Residential (RS-2)

Parcel size: 0.25 acres

Adjacent land use/zoning:

- North: Apartments / High-Density Multi-Unit Residential (RM-2)
- East: Apartments across Norton Ave / RS-2
- South: Vacant property / RS-2
- West: Single and multi-family residential / RS-2

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

BACKGROUND

Site characteristics

The property is a 10,996 square-foot interior lot behind 242 Norton Avenue. Until recently the property was developed with a single-family residence (240 Norton Avenue), which was damaged by a fire and subsequently demolished.

The property is located on the west side of Norton Avenue in the Small Lot Residential (RS-2) zone. It is 75 feet wide by 149 feet deep. There is a 9-foot by 20-foot notch in the northeast corner of the lot, which is part of an adjacent property. The site slopes upward from 81 feet (above sea level) at the east end to 88 feet at the western end.

The property at 242 Norton Avenue has an existing 13-foot access easement across it, which leads to 240 Norton Avenue. The owner is currently working towards constructing a single-family residence at the rear of the subject property. This is allowed subject to a building permit, which is not part of this request, and would utilize the existing easement for the time being.

Proposed use

The applicant is proposing to subdivide the existing 10,996 square-foot lot into two lots. Access to the two proposed lots will via a new 20-foot wide access easement across 242 Norton Avenue. In order to provide the 20-foot easement, part of the existing residence at 242 Norton may have to be removed. This is a Condition of approval and would be required prior to constructing the second new residence.

An exception is being requested for less-than-required street frontage for the new parcels, both of which would be interior lots with no street frontage. The application also includes a Zone Variance for less-than-required front yard setback for the proposed new residence on Parcel 2, to be constructed later.

Parcel 1 would be 75 feet square and have a gross/net size of 5,625 square feet. Access would be from an easement over 242 Norton for now and via the future 20-foot easement from Norton Avenue once the Final Map is recorded.

Parcel 2 would be 75 feet wide by 74 feet deep, for a gross size of 5,370 square feet. The lot would share 55 feet of boundary with 242 Norton Avenue and 20 feet with the property to the north of 242 Norton (238 Norton Avenue). After discounting the 20-foot by 74-foot access easement, the net size of Parcel 2 would be 3,890 square feet.

The applicant is only proposing to construct a replacement home at the rear of the existing parcel at the moment (what will become Parcel 1). The second home would be constructed in the future, once the Final Map has been recorded, which would include the partial demolition of 242 Norton Avenue in order to provide a full 20 feet for access in to the rear properties. Building permits are currently in process for the new home. A grading

permit has also been submitted, which covers all the necessary grading required for the new parcels.

Analysis

General Plan

This project contributes to infill development, which is encouraged by General Plan, as well as provides an additional home ownership opportunity. Once both future homes are constructed, the resulting density of 7.9 units per acre would also be consistent with the General Plan density for the Low-Medium Density Residential land use designation (RS-1 and RS-2), which specifies a maximum density of 9.0 units per acre.

Subdivision Ordinance

The proposed subdivision is consistent with the Subdivision Ordinance as it creates a development pattern that is roughly consistent with nearby properties. Most of the other single-family properties in the area have similar shaped lots. The other lots developed with apartments are typically much larger. Additionally, the average lot size of single-family properties in this block is approximately 5,800 square feet; the average of the two proposed lots is almost 5,500 square feet.

As mentioned above, this proposal will need an exception for less-than-required street frontage for the new parcels, both of which would be interior lots with no street frontage. However, the lot as it exists today has functioned with no lot frontage since it was created. There will be no change in how the lot is accessed, although Parcel 1 will ultimately gain access across Parcel 2 as well as from 240 Norton Avenue. No issues are expected as a result of this configuration.

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 other single-family properties in the same block as the proposed site and on same side of the street is approximately 7.9 units per acre, consistent with Land Use Code requirements. The proposed future density is also 7.9 units per acre.

Significant grading will be needed in order to create two new buildable lots. 190 cubic yards of cut and 500 cubic yards will be required and has been approved through the current grading permit.

Department Comments

Comments were received from the Building and Fire Departments and have been included as Conditions of Approval. Building is requiring code compliance, as is the Fire Department, including a Fire Department access road leading to the future homes. The road is required because the farthest corner of the proposed rear residence on Parcel 1 is farther than 150 feet from the street. A fire apparatus turnaround is also required and is shown on the tentative map. Standard conditions related to Final Map requirements have also been included as conditions.

Zone Variance

Although the net size of 3,890 square feet for Parcel 2 (after discounting the 20-foot wide access easement) is still large enough to construct a new residence, the lot is further impacted by the neighboring property taking part of the northeast corner (238 Norton Avenue). The Land Use Code (LUC) requires that a 20-foot setback be maintained from the front property line. The 9-foot by 20-foot notch in the corner of the lot reduces the buildable area and makes it difficult to provide the necessary 20-foot front yard setback on Parcel 2. A potential house would need to be set back nine feet on the north side, which the applicant wishes to avoid. This makes the difference between 1,350 square feet of buildable area and 1,215 square feet (3% of the lot). This also does not include the necessary covered parking required by the Code.

Three specific findings must be made in order to approve a Zone Variance request. The first is that the lot is affected by special circumstances, including size, shape, or topography, that deprive the lot of the ability to develop per the LUC as others in the area have. In this case the front of the property is impacted by the corner of the neighboring lot, which restricts the normal buildable area afforded standard-shaped lots.

The second finding is that granting of the Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. In this case there are multiple properties in the same neighborhood in the same zone which have less than the required front yard setback, including 238 Norton Avenue and several properties on East 4th Street to the south.

The third finding is that the Variance does not authorize a use that is not otherwise allowed in the zone. In this case a single-family home is an allowed use in any residential zone. The resultant size of the home could be 1,350 square feet (minus the garage) if the Variance were approved. This would be within the allowances of the LUC for a home in the RS-2 zone and would continue to meet floor area ratio and maximum size requirements.

Summary

The property has historically been developed with a single-family home that was destroyed. 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 consistent with the General Plan and the Subdivision Ordinance. With the approval of the requested Zone Variance, the proposal would also be consistent with the Land Use Code. The project would be similar in design to existing properties in the area and would revive a currently vacant property. 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

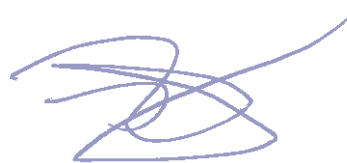
Approve 2014-18 LS, Z subject to the conditions listed below, based on attached findings/
findings to be determined by the Planning Commission.

ATTACHMENTS

1. Recommended Findings for Approval
2. Recommended Conditions
3. Location Map
4. Notice of Exemption
5. Public Hearing Notice (Sent to 39 property owners)
6. Site photos
7. Applicant's Plans (Exhibit A, case file no. 2014-18 LS, Z dated 9/18/2014)



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL
OF THE TENTATIVE PARCEL MAP
Case File No. 2014-18 LS, Z – 240 Norton 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 7.9 units per acre, is consistent with the Low-Medium Density Residential land use designation, which specifies a maximum density of 9.0 units per acre the uses, and since there are no specific plans applicable to the site.
2. The site is physically suitable for the proposed type of development, since two additional single-family homes can be located on level building pads on the site.
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 ZONE VARIANCE
FOR REDUCED FRONT YARD SETBACK
Case File No. 2014-18 LS, Z – 240 Norton Avenue

1. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of Land Use Code, Title 18, Chapter 18.21.040 (Development Standards Residential Zones) **deprives such property of privileges enjoyed by other property in the vicinity and under the same zoning classification**, since the front of the property is impacted by the corner of the neighboring lot by 3% (180 square feet), which restricts the normal buildable area afforded standard-shaped lots.
2. That the requested Zone Variance is subject to conditions that will assure that the proposed parking variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, since there are multiple properties in the same neighborhood in the same zone which have less than the required front yard setback, including 238 Norton Avenue and several properties on East 4th Street to the south.
3. That the Zone Variance does not authorize a use or activity that is not otherwise expressly permitted by the zoning regulation governing the parcel of property, since a single-family home is an allowed use in any residential zone, including the RS-2 zone.

RECOMMENDED FINDINGS FOR APPROVAL OF THE EXCEPTION
FOR REDUCED STREET FRONTAGE
Case File No. 2014-18 LS, Z – 240 Norton 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 the existing lot is a previously-developed and permitted interior lot that has no street frontage.
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 20 feet in width) will be provided for both lots through an approved access and utility easement, 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. 2014-18 LS, Z – 240 Norton Avenue

General

1. This *Tentative Parcel Map and Zone Variance* authorize the creation of two new parcels from one existing parcel, both with no street frontage, and for a reduced front yard setback for proposed Parcel 2. Except as required by Conditions of Approval, all plans submitted for permits associated with the project shall conform to Exhibit A, case file no. 2014-18 LS, Z dated 9/18/2014.
2. Before this *Tentative Parcel Map and Zone Variance* 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 and Zone Variance*. 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 and Zone Variance* 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.
4. The Zone Variance shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.

Building

5. Plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, and Mechanical.

Engineering

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

Fire

7. 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.
8. Fire apparatus access roads shall comply with the requirements of this section (Section 5 CFC 2013) and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by

an approved route around the exterior of the building. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. This comment shall apply to new residential structures.

9. 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 thousand 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. All fire department access roads shall be painted and signed to prevent parking in these required designated emergency areas.
10. Should any plan corrections be required, contractor must correct the plan and re-submit to the Fire Department for approval once again prior to installation.
11. All contractors shall possess a National City New Business License prior to Fire Department plan submittal. A copy of the New Business License will be required at time of plan submittal.
12. If entrance/exit gates are used, gates shall be equipped with Knox Box and Emergency Strobes so as to provide emergency vehicle access and egress. A Knox Key Switch shall be required in conjunction with strobe for emergency access, and shall be placed at front of property. Please contact the National City Fire Department for exact field location.

Planning

13. Prior to approval of any building plans for a second new house and/or development of proposed Parcel 2, a free and clear 20-foot wide access easement shall be provided across 242 Norton Avenue and Parcel 2 to the satisfaction of the Fire Department. This may entail the removal of part of the residence located at 242 Norton Avenue.



Subject Parcel



Zone Boundary



APN:
554-023-18

Planning Commission
Location Map

2014-18 LS, Z



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: 2013-18 LS, Z

Project Location: 240 Norton 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 10,996 square-foot lot into two lots. No construction is proposed as part of this project.

Applicant:
Abraham Edid
9265 Activity Road, Suite 112
San Diego, CA 92126

Telephone Number:
(858) 427-1450

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 10,996 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 SUBDIVIDING ONE LOT INTO TWO,
ZONE VARIANCE FOR A REDUCED FRONT YARD SETBACK
AND EXCEPTION FOR REDUCED LOT WIDTH
AT 240 NORTON AVENUE.
CASE FILE NO.: 2014-18 LS, Z
APN: 554-023-18

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, December 1, 2014**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Abraham Edid)

The property is a 10,996 square-foot lot interior lot behind 240 Norton Avenue. Access to the proposed lots will be via a 20-wide access easement across 240 Norton Avenue. An exception is requested for reduced lot frontage due to the interior lot. A Zone Variance is requested for reduced front yard setback for the proposed new residence on Parcel 2.

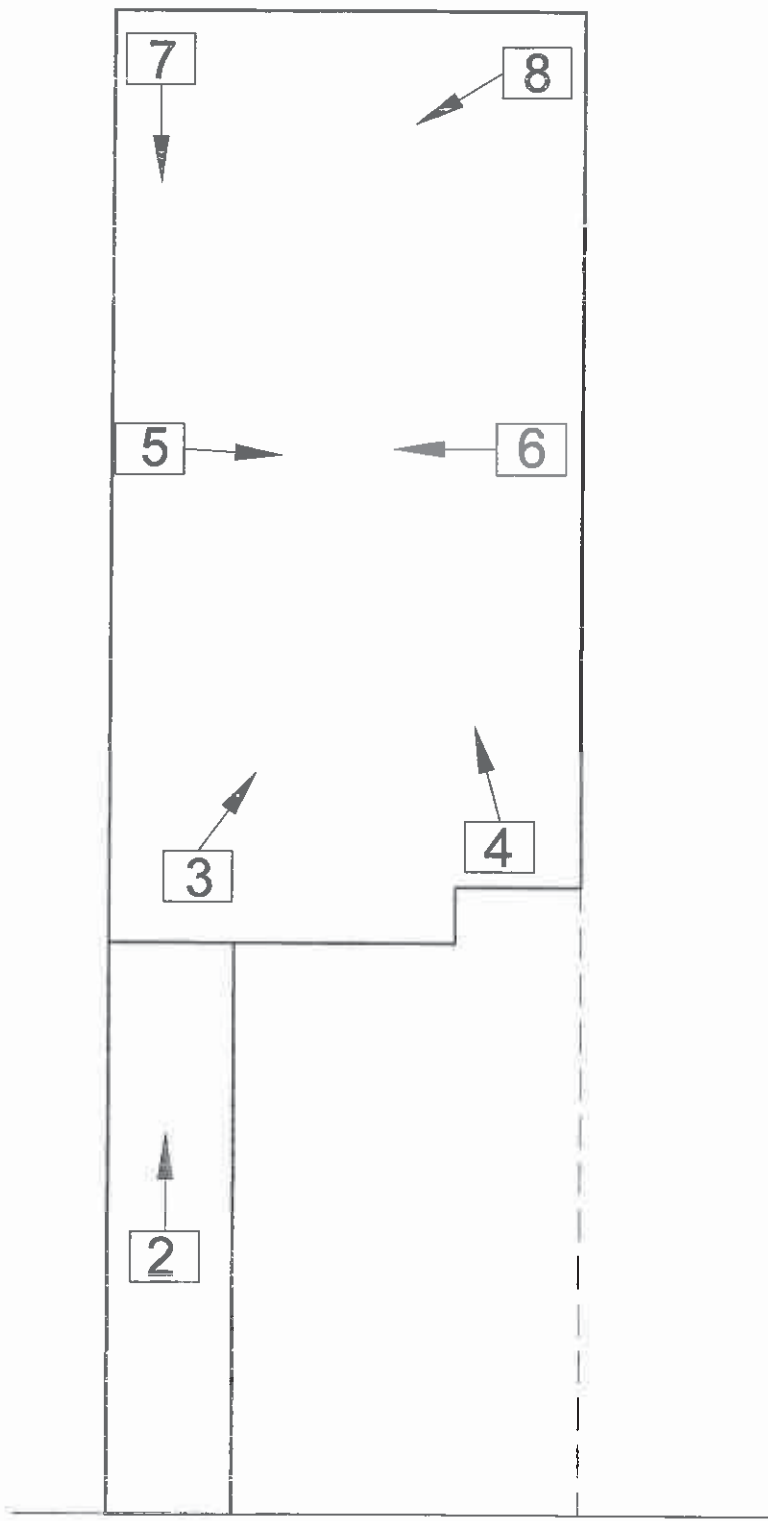
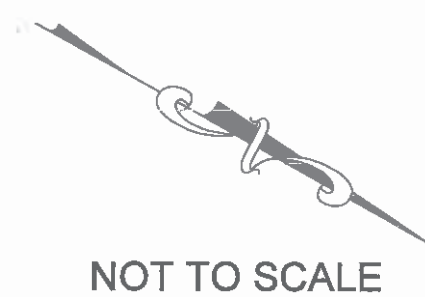
Plans are available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Department on or before 12:00 p.m., **December 1, 2014**, who can be contacted at 619-336-4310 or planning@nationalcityca.gov

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

PHOTO KEY MAP



NORTON AVE

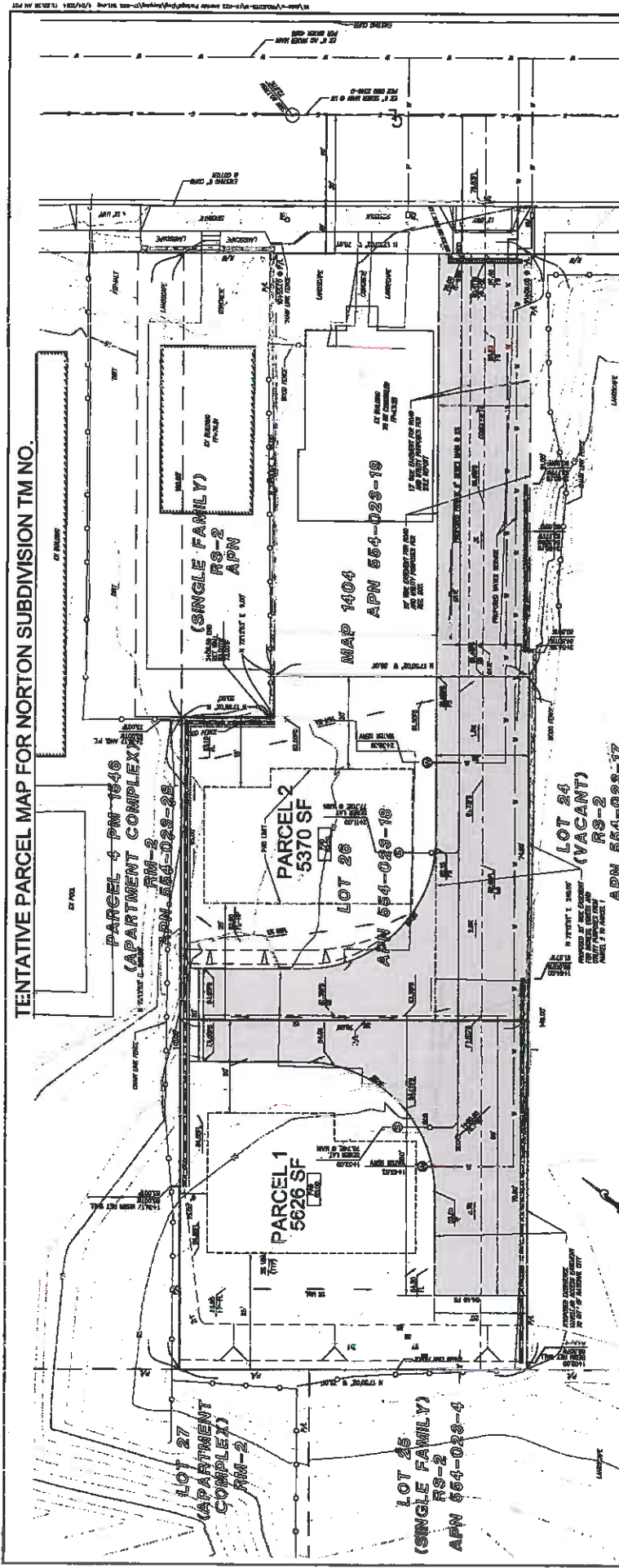
 **K&S ENGINEERING, INC.**
Planning . Engineering . Surveying
7801 Mission Center Court, Suite 100 San Diego, CA 92108
(619) 296-5565 Fax: (619) 296-5564

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TENTATIVE PARCEL MAP FOR NORTON SUBDIVISION TM NO.



OWNER/APPLICANT:
 LIBERTY CREEK TRACT I, AN UNRECORDED INTEREST IN
 NATURAL CITY, CALIFORNIA
 AND THAT THE MAP SHOWS THE BOUNDARIES OF THE
 UNRECORDED INTEREST IN NATURAL CITY, CALIFORNIA
 AS SHOWN ON THE MAP AND THE BOUNDARIES OF THE
 INTEREST AS SHOWN ON THE MAP ARE THE PROPERTY OF
 THE APPLICANT.

PREPARED BY:
 K&S ENGINEERING, INC.
 707 NORTH CENTER ROAD, SUITE 100
 SAN JOSE, CA 95128
 (408) 253-8888

DATE:
 9/18/2014

SITE ADDRESS:
 NORTON AVENUE, SUITE 100
 NATURAL CITY, CALIFORNIA

ASSESSOR'S PARCEL NUMBER:
 554-023-19

LEGAL DESCRIPTION:
 LOT 29 IN BLOCK 3 OF PLANNED PARCELS OF MAP 1404
 AND ALSO DESCRIBING THE EASTERN 1/2 OF LOT 29

SITE AREA:
 PARCEL 2: 5370 SF
 TOTAL: 5370 SF

EXISTING & PROPOSED ZONING:
 RS-2

EXISTING NO. OF LOTS:
 1

PROPOSED NO. OF LOTS:
 2

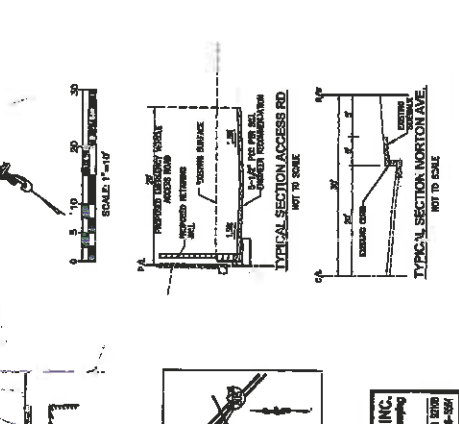
EXISTING USE:
 UNIMPROVED LAND

PROPOSED USE:
 2 SINGLE FAMILY HOMES

PRIOR PERMITS:
 BUILDING PERMIT NO.
 GRADING NO.

- GENERAL NOTES:**
- THIS IS TO CREATE 2 SINGLE FAMILY RESIDENTIAL.
 - THE EXISTING UTILITIES SHOWN SHALL BE UNDERGROUND.
 - SEE ALL CITY ORDINANCES.
 - CUT, 100 CY (MAX. CUT DEPTH - 4)
 - FILL, 300 CY (MAX. FILL DEPTH - 7)
 - RETAINING WALL LENGTHS: 300' LP
 - RETAINING WALL BUILT TO MEET 15:1
 - RETAINING WALL SHALL MEET 15:1
- COORDINATES:**
 NAD 83 COORDINATES: 10N-120
 UTM COORDINATES: 18Q-40N
- UTILITIES:**
 WATER: EXISTING UTILITY
 SANITARY: EXISTING UTILITY
 GAS: EXISTING UTILITY
 POWER: EXISTING UTILITY
 TELEPHONE: EXISTING UTILITY
- TOPOGRAPHY:**
 2011 AIR PHOTO COURTESY OF: SITE 100
 2011 LIDAR DATA COURTESY OF: SITE 100
 SURVEY DATA: MARCH 31, 2014
- BENCH MARK:**
 BENCH MARK: MOUNTAIN AVENUE BENCH MARK
 6250 4TH STREET CA, MOUNTAIN AVE SE
 FIELD BOOK: A-703-2
 ELEVATION: 627.1

DESCRIPTION	ITEM	SYMBOL
EXISTING	CONCRETE SURFACE	[Symbol]
EXISTING	GRAVEL SURFACE	[Symbol]
EXISTING	GRAVEL DRIVEWAY	[Symbol]
EXISTING	GRAVEL DRIVEWAY TO BE IMPROVED	[Symbol]
EXISTING	GRAVEL DRIVEWAY TO REMAIN	[Symbol]
PROPOSED	RETAINING WALL	[Symbol]
PROPOSED	EMERGENCY VEHICLE ACCESS ROAD	[Symbol]
PROPOSED	2% FILL SLOPE	[Symbol]
PROPOSED	2:1 CUT SLOPE	[Symbol]
PROPOSED	UNIFORM GRADE OF FILL	[Symbol]
PROPOSED	1% GRADEWAY	[Symbol]
PROPOSED	WOOD EAVES	[Symbol]
PROPOSED	3'-0" SIDEWALK UNDERDRAIN	[Symbol]
PROPOSED	WATER LATERAL	[Symbol]
PROPOSED	PRIVATE & SEWER LATERAL	[Symbol]



LEGEND:

EXISTING:
 CONCRETE SURFACE
 GRAVEL SURFACE
 GRAVEL DRIVEWAY
 GRAVEL DRIVEWAY TO BE IMPROVED
 GRAVEL DRIVEWAY TO REMAIN

PROPOSED:
 RETAINING WALL
 EMERGENCY VEHICLE ACCESS ROAD
 2% FILL SLOPE
 2:1 CUT SLOPE
 UNIFORM GRADE OF FILL
 1% GRADEWAY
 WOOD EAVES
 3'-0" SIDEWALK UNDERDRAIN
 WATER LATERAL
 PRIVATE & SEWER LATERAL

SCALE: 1" = 10'

LOCATION MAP:
 SHOWS SITE LOCATION WITHIN NATURAL CITY

K&S ENGINEERING, INC.
 Planning • Engineering • Grading
 707 North Center Road, Suite 100 San Jose, CA 95128
 (408) 253-8888 Fax: (408) 253-1581

EXHIBIT A
 Case File No. 2014-18 LS, Z
 Date: 9/18/2014

TPM NO.

RESOLUTION 27-2014

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA,
APPROVING A TENTATIVE PARCEL MAP FOR SUBDIVIDING
ONE LOT INTO TWO, ZONE VARIANCE FOR A REDUCED FRONT YARD SETBACK
AND EXCEPTION FOR REDUCED LOT FRONTAGE AT 240 NORTON AVENUE.
APPLICANT: ABRAHAM EDID
CASE FILE NO. 2014-18 LS, Z

WHEREAS, application was made for approval of a Tentative Parcel Map for subdividing one lot into two, Zone Variance for a reduced front yard setback and exception for reduced lot Frontage at 240 Norton Avenue on property generally described as:

Lot 26 in block 3 of Paradena Park, in the City of National City, County of San Diego, according to map thereof no. 1404, filed in the office of the County Recorder of San Diego County, February 16, 1912.

Excepting therefrom the easterly 100.00 feet of the northerly 20.00 feet thereof.

Also except therefrom the easterly 91.00 feet thereof.

WHEREAS, the Planning Commission of the City of National City considered a Tentative Parcel Map for subdividing one lot into two, Zone Variance for a reduced front yard setback and exception for reduced lot Frontage at 240 Norton Avenue at a duly advertised public hearing held on December 1, 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. 2014-18 LS, Z, 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 December 1, 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 7.9 units per acre, is consistent with the Low-Medium Density Residential land use designation, which specifies a maximum density of 9.0 units per acre the uses, and since there are no specific plans applicable to the site.
2. The site is physically suitable for the proposed type of development, since two additional single-family homes can be located on level building pads on the site.
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 ZONE VARIANCE
FOR REDUCED FRONT YARD SETBACK**

1. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of Land Use Code, Title 18, Chapter 18.21.040 (Development Standards Residential Zones) deprives such property of privileges enjoyed by other property in the vicinity and under the same zoning classification, since the front of the property is impacted by the corner of the neighboring lot by 3% (180 square feet), which restricts the normal buildable area afforded standard-shaped lots.
2. That the requested Zone Variance is subject to conditions that will assure that the proposed parking variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, since there are multiple properties in the same neighborhood in the same zone which have less than the required front yard setback, including 238 Norton Avenue and several properties on East 4th Street to the south.
3. That the Zone Variance does not authorize a use or activity that is not otherwise expressly permitted by the zoning regulation governing the parcel of property, since a single-family home is an allowed use in any residential zone, including the RS-2 zone.

**FINDINGS FOR APPROVAL OF THE EXCEPTION
FOR REDUCED 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 the existing lot is a previously-developed and permitted interior lot that has no street frontage.
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 20 feet in width) will be provided for both lots through an approved access and utility easement, 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 and Zone Variance is approved subject to the following conditions:

General

1. This *Tentative Parcel Map and Zone Variance* authorize the creation of two new parcels from one existing parcel, both with no street frontage, and for a reduced front yard setback for proposed Parcel 2. Except as required by Conditions of Approval, all plans submitted for permits associated with the project shall conform to Exhibit A, case file no. 2014-18 LS, Z dated 9/18/2014.
2. Before this *Tentative Parcel Map and Zone Variance* 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 and Zone Variance*. 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 and Zone Variance* 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.
4. The Zone Variance shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.

Building

5. Plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, and Mechanical.

Engineering

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

Fire

7. 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.
8. Fire apparatus access roads shall comply with the requirements of this section (Section 5 CFC 2013) and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. This comment shall apply to new residential structures.

9. 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 thousand 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. All fire department access roads shall be painted and signed to prevent parking in these required designated emergency areas.
10. Should any plan corrections be required, contractor must correct the plan and re-submit to the Fire Department for approval once again prior to installation.
11. All contractors shall possess a National City New Business License prior to Fire Department plan submittal. A copy of the New Business License will be required at time of plan submittal.
12. If entrance/exit gates are used, gates shall be equipped with Knox Box and Emergency Strobes so as to provide emergency vehicle access and egress. A Knox Key Switch shall be required in conjunction with strobe for emergency access, and shall be placed at front of property. Please contact the National City Fire Department for exact field location.

Planning

13. Prior to approval of any building plans for a second new house and/or development of proposed Parcel 2, a free and clear 20-foot wide access easement shall be provided across 242 Norton Avenue and Parcel 2 to the satisfaction of the Fire Department. This may entail the removal of part of the residence located at 242 Norton Avenue.

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 December 1, 2014, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON