



Planning Commission Agenda

Meeting of August 19, 2019 – 6:00 p.m.
Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950



The Planning Commission requests that all cellphones, pagers, and/or smart devices 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.

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 Natividad

Approval of Minutes

1. Approval of Minutes from the Meeting of August 5, 2019

Approval of Agenda

2. Approval of the Agenda for the Meeting on August 19, 2019

ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).

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

PRESENTATIONS

CONTINUED PUBLIC HEARINGS

PUBLIC HEARINGS

3. Resolution Taking Action on a General Plan Amendment and Zone Change for a Property Located at 2443 "N" Avenue to Change the Zoning From Large Lot Residential (RS-1) to Institutional (I) (Case File No. 2019-04 GPA, ZC)
4. Resolution Taking Action on a Conditional Use Permit for the On-Site Sale of Beer and Wine at a New Restaurant (Von's Chicken) Located at 811 "K" Avenue (Case File No. 2019-15 CUP)
5. Resolution Taking Action on a Conditional Use Permit for a Baseball Academy to be Located at 220 West 25th Street Unit "D" (Case File No. 2019-17 CUP)

OTHER BUSINESS

6. Resolution Taking Action on the Review of the Proposed Vacation of a Portion of Alley North of East 12th Street (Between National City Blvd. and "A" Avenue) for Installation of Utilities Related to an Approved Affordable Housing Project for Conformance with the General Plan (Case File No. 2019-18 SC)

STAFF REPORTS

Senior Assistant City Attorney

Director of Community Development

Principal Planner

Commissioners

Chairperson

ADJOURNMENT

Adjournment to the next regularly scheduled meeting on September 9, 2019 at 6:00 p.m.



Planning Commission Minutes

Planning Commission
Meeting of August 5, 2019
Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950

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

Agenda Items

The meeting was called to order by Chair Sendt at 6:00 p.m.

Roll Call

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

Commissioners Absent: None.

Staff Also Present: Director of Community Development, City Attorney Angil Morris-Jones, Principal Planner Martin Reeder, Principal Planner Ray Pe

Pledge of Allegiance Presented by Chair Garcia

1. Approval of Minutes from the Meeting of July 15, 2019.

Motion by Yamane, second by Baca to approve the Minutes for the Meeting of July 15, 2019.

Motion carried by the following vote:

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

Abstain: Garcia

Noes: None.

Absent: None.

Commissioner Garcia abstained because he was not present at the meeting on July 15, 2019.

2. Approval of the Agenda for the Meeting of August 5, 2019.

Motion by Baca, second by Flores to approve the Agenda for the Meeting of August 5, 2019 with the correction to change the header on the agenda from July 15, 2019 to August 5, 2019.

Motion carried by the following vote:

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

Abstain: None.

Noes: None.

Absent: None.

ORAL COMMUNICATION: None.

PRESENTATIONS: None.

CONTINUED PUBLIC HEARINGS: None.

PUBLIC HEARINGS:

3. Resolution Taking Action on a Tentative Subdivision Map for the Subdivision of One Lot Into Six Lots at Property, located on the Northwest Corner of West 18th Street and Harding Avenue (Case File No. 2019-08 S)

Presented by Principal Planner Martin Reeder.

Commissioner Natividad requested that going forward when staff includes site drawings in the Powerpoint Presentation that the corresponding site plan number from the staff report packet be referenced.

Commissioner Natividad suggested that the Habitat for Humanity hire local labor as well as make efforts to inform local residents of the availability of these homes. In response, Habitat for Humanity representative Lori Pfeiler advised that she is working with City staff to advertise an orientation that will occur in a City facility.

Applicant Lori Pfeiler, representing the Habitat for Humanity confirmed that she has read, understands, and accepts the conditions.

Public Speaker Sandra Wheeler spoke in opposition of the project.

Motion by Yamane, second by Garcia to close the public hearing and approve a Resolution Taking Action on a Tentative Subdivision Map for the Subdivision of One Lot Into Six Lots at Property, located on the Northwest Corner of West 18th Street and Harding Avenue (Case File No. 2019-08 S)

Motion carried by the following vote:

Ayes: Sendt, Flores, Yamane, Baca, Garcia, Natividad

Abstain: None.

Noes: Dela Paz

Absent: None.

4. Resolution Taking Action on a Code Amendment Amending Sections 18.12.160 (Historic Properties) and 18.30.320 (Pawn Shops and Businesses Engaged in Secondhand Dealing and/or the Purchase and Selling of Gold and Other Precious Metals) of Title 18 (Zoning) of the National City Municipal Code (Case File No. 2019-14 A) – ***Staff is requesting that this item be continued to a future meeting. Item will be renoticed.***

Presented by Senior Planner Martin Reeder.

Motion by Sendt, second by Natividad to continue the item to a future meeting.

Motion carried by the following vote:

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

Abstain: None.

Noes: None.

Absent: None.

OTHER BUSINESS: None.

STAFF REPORTS:

City Attorney: None.

Armando Vergara, Director of Community Development: Not present.

Principal Planners: None.

COMMISSIONER REPORTS:

Natividad: None.

Baca: None.

Dela Paz: None.

Garcia: Announced an upcoming census event at 10 am-12 pm on Friday, August 16, 2019 at the Educational Cultural Complex to discuss funding and census activities.

Yamane: Asked a question to staff relating to the City's process for renewing lapsed development permits.

Sendt: Congratulated Vice Chair Flores on her 24th wedding anniversary.

Flores: None.

ADJOURNMENT by Chair Sendt at 7:14 p.m. to the meeting of August 19, 2019.

CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of August 19, 2019.



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR A PROPERTY LOCATED AT 2443 “N” AVENUE TO CHANGE THE ZONING FROM LARGE LOT RESIDENTIAL (RS-1) TO INSTITUTIONAL (I).

Case File No.: 2019-04 GPA, ZC

Assessor’s Parcel No.: 563-040-09

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: International Community Foundation

Land use designation: Low-Medium Density Residential

Zoning designation: Large Lot Residential (RS-1)

Project size: 1 acre

Adjacent land use/zoning:

- North: Single-family residential / RS-1
- East: National City Golf Course / OS
- South: Olivewood Gardens Learning Center / I
- West: Single-family residential across “N” Avenue / RS-2 (Small Lot Residential)

Environmental review: Addendum to Negative Declaration 2007-16 IS

Staff Recommendation: Approve

Staff Recommendation

Staff recommends approval of the proposed General Plan Amendment and Zone Change. The proposed development meets five General Plan Policies related to Open Space and one to Land Use, and would remedy an existing land use conformance issue.

Executive Summary

The applicant is proposing to change the zoning of an existing single family lot from Small Lot Residential (RS-2) to Institutional (I), in order to merge the lot with an adjacent Institutionally-zoned property directly to the south. Both properties are part of the International Community Foundation campus, which includes Olivewood Gardens and Learning Center. The zone change and subsequent merging of the properties would alleviate an existing conformance issue with an existing garage.

History

The campus was established through a Specific Plan in 2006/2007. The original plan had a two-phase approach. Phase one included remodeling existing structures and adding a parking lot, which has since been completed. The second phase included expansion of the existing pool house by 450 square feet, construction of a 3,500 square-foot meeting facility, and construction of a 1,200 square-foot single-story office space located at the rear of the property in place of the current swimming pool.

The Specific Plan was processed in conjunction with a General Plan Amendment and Zone Change, which changed the two properties south of the project site to IP-PD (Private Institutional – Planned Development), the zone that pre-dated the current Institutional zoning. The International Community Foundation for Cross Border Philanthropy (“ICF”), who processed the original zone change, continues to own the property.

None of the phase two activities have occurred and the specific plan has since been dissolved by adoption of the 2011/2012 General Plan and Land Use Code. However, these uses would generally be permissible under the current Institutional zoning.

Planning Commission initiated the General Plan Amendment and Zone Change in 2015.

Site Characteristics

The project site is a one-acre parcel located north of Olivewood Gardens and Learning Center, which is located at 2505 and 2525 "N" Avenue. The property was originally developed with a single-family house and a garage. The house has since been demolished, although the garage remains. The lot is set back from "N" Avenue and is accessed via a 20-foot wide driveway across the single-family property adjacent to the west (2441 "N" Avenue).

The ICF campus is located on an historic 6.85-acre property. The primary use (Olivewood Gardens and Learning Center) serves as an interactive indoor-outdoor classroom for children and adults from around San Diego County. Olivewood Gardens provides science-based environmental education lessons, hands-on gardening, and hands-on cooking to students and families from underserved communities. The campus is also home to the International Community Foundation main office.

With the exception of the ICF campus, the area is developed with single-family homes in the Large Lot Residential zone (RS-1) to the north, and Small Lot Residential zone (RS-2) across "N" Avenue to the west.

Proposal

The applicant wishes to change the zoning designation of the subject property from Large Lot Residential (RS-1) to Institutional (I) in order to alleviate the existing code conformance issue with the garage. The issue is due to the garage (an accessory use) existing on what is still a residentially-zoned property without a primary use (residence). The garage is currently used as a storage structure for the ICF campus. Merging of the lots would alleviate the code violation. However, the property would then be split by a zone boundary, which necessitates the zone change. The merger is a housecleaning activity by the applicant. No construction is proposed at this time.

In order to change the zone, the land use designation would need to be changed from Low-Medium Density Residential to Institutional. Although they are no longer proposing an expansion of the campus, the applicant originally purchased the subject property north of Olivewood Gardens several years ago with the intention of eventually expanding the campus by moving the existing house at 2505 "N" Avenue (currently an office) to the south side of the lot and expanding the existing parking lot from 14 spaces to 61 spaces. Additional offices were also part of the proposed campus expansion. However, no expansion is proposed at this time and the property will remain in its current state. Any

future expansion would need to comply with the design guidelines specified in the Land Use Code related to construction in the Institutional zone.

Analysis

There are several General Plan Policies that are pertinent to this proposal. Specifically:

- **Policy OS-3.1:** Allow for community and private gardens as areas where residents can plant and grow fruit and vegetables and ornamental gardens that can be a source of pride and beauty in the neighborhood.
- **Policy OS-3.2:** Encourage the development of community gardens in conjunction with school sites as an educational resource.
- **Policy OS-3.3:** Encourage the development of unused land such as portions of parks and utility right of ways to be converted to productive space for growing food.
- **Policy OS-3.4:** Support private and institutional gardens and explore additional opportunities for partnerships and collaboration.
- **Policy OS-3.14:** Increase public knowledge about food and food systems from the production process to disposal.

The current use (ICF) is currently consistent with and implements these General Plan policies. Expansion of this use will continue to meet the intent of these policies. In addition, development of the currently vacant parcel will be consistent with Land Use Policy LU 4.3, which states the following:

- **Policy LU 4.3:** Promote infill development, redevelopment, rehabilitation, and reuse efforts that contribute positively to existing neighborhoods and surrounding areas.

Land Use Code

The purpose of the institutional (I) zone is to provide for a wide range of institutional and accessory uses including public, quasi-public, and private facilities that address health, safety, educational, cultural, and welfare needs of the community and neighborhoods. Allowed uses include educational facilities, government offices and courts, community centers, libraries, museums and cultural centers, hospitals and medical centers, retirement communities, public safety facilities (i.e., fire and police

stations), neighborhood gardens and community farms, public utilities, and similar uses. The existing and proposed use of the property conforms to this definition.

As previously mentioned, ICF originally proposed to move their office (former house at 2505 "N" Avenue) further south and expand the existing parking lot from 14 spaces to 61 spaces. While this is not currently anticipated, conditions have been added regarding the eventual design. These are related to fire access and required buffer between the parking area and residential properties.

Additional offices were also part of the proposed campus expansion considered under the original Phase 2 (e.g. meeting center, additional offices). However, those activities would not be part of proposed construction on the subject lot, although they are shown on the concept plan. Conditions also address compliance with relevant Municipal Code requirements for future activities associated with any phase 2 activities (e.g. distance from residential uses, compliance with noise standards, etc.).

Applicable design guidelines stated in the Land Use Code for the Institutional zone are as follows:

Front yard setback:	10 feet
Interior side yard setback:	25 feet (same as adjacent [rear] setback in RS-1 zone)
Rear yard setback:	5 feet
Maximum building height:	65 ft. or 5 stories (35 ft. within 100 ft. of residential zone)
Floor area ratio:	3.0

Because the subject property does not have any street frontage, the north and west property lines are considered interior side and thus subject to the adjacent residential setback for new construction, which is 25 feet in this case. While a parking lot may be constructed closer than 25 feet, a minimum 10-foot buffer would be required. Conditions include requiring this buffer, as well as landscaping to screen any future parking area from adjacent residential uses.

California Environmental Quality Act (CEQA)

In September 2007, the City prepared an initial study and a negative declaration (IS/ND) under CEQA for the specific plan. On November 26, 2007 the City adopted the IS/ND (see Attachment 7) and approved the project. CEQA Guidelines section 15164 authorizes the lead agency to prepare an addendum to the previously approved

negative declaration, provided that no substantial changes are made. Staff prepared such an addendum and found that the modified project would not result in any new or substantially more significant impacts than those examined in the previous IS/ND. Furthermore, there is no new information and there are no changed conditions that would result in any new or substantially more significant impacts than those examined in the IS/ND. Moreover, potential changes to parking capacity would result in an improved result than originally concluded by the 2007 Initial Study checklist.

Comments/Conditions

Comments were received from the Fire Department regarding fire access consistent with the California Fire Code. These comments have been included as conditions of approval, as well as standard conditions for compliance with applicable Building Division and Engineering Department regulations.

Planning Department conditions include requiring the merger of the two properties in to one, compliance with noise regulations, and location of future development away from adjacent residential use. In addition, there is a condition requiring that all future development provide adequate onsite parking.

Staff was contacted by a neighboring property owner, in response to the public notice, who had privacy concerns over the potential increased use of the access easement over 2441 "N" Avenue. While it was explained that no construction was proposed at this time, staff has included conditions requiring screening of future parking spaces that face neighboring properties.

Summary

The subject property is currently vacant, with the exception of a garage (an accessory use), which is not permitted on a lot without a primary use. Because the property is zoned RS-1, a house must exist on the lot in order for the garage to continue to exist unless the zoning is changed. The Institutional zoning and subsequent merging of the properties would allow the garage to stay as an accessory structure and alleviate the non-conforming issue.

The property is adjacent to an existing and established institutional use which would benefit from the addition of property in order to meet its long-term goals of expansion. The proposed re-zone would contribute to a development that would be consistent with

several General Plan policies and would increase the ability of Olivewood Gardens to serve the community.

OPTIONS

1. Approve 2019-04 GPA, ZC subject to attached conditions, based on the attached findings or findings to be determined by the Planning Commission; or
2. Deny 2019-04 GPA, ZC based on the attached findings or findings to be determined by the Planning Commission; or,
3. Continue the item to a later date in order to obtain additional information.

ATTACHMENTS

1. Recommended Findings
2. Recommended Conditions
3. Overhead
4. Site Photos
5. Public Hearing Notice (Sent to 136 property owners and occupants)
6. Original site plan and current concept plan
7. Addendum to and copy of Negative Declaration 2007-16 IS
8. Resolutions



MARTIN REEDER, AICP
Principal Planner



ARMANDO VERGARA
Director of Community Development

RECOMMENDED FINDING FOR APPROVAL
OF THE GENERAL PLAN AMENDMENT AND ZONE CHANGE
2019-04 GPA, ZC – 2443 'N' Avenue

1. The proposed development is consistent with General Plan Land Use Policies OS-3.1, OS-3.2, OS-3.4 and HEJ-4.4 because the site will be used to support an existing private garden that is used to educate students and families from underserved communities on the environment, hands-on gardening, and hands-on cooking.

RECOMMENDED FINDING FOR DENIAL
OF THE GENERAL PLAN AMENDMENT AND ZONE CHANGE
2019-04 GPA, ZC – 2443 'N' Avenue

1. The proposed development is not consistent with the General Plan, because the proposed use would be out of character with that of the surrounding area.

RECOMMENDED CONDITIONS OF APPROVAL

2019-04 GPA, ZC – 2443 'N' Avenue

General

1. This *General Plan Amendment and Zone Change* authorizes the zone change of 2443 'N' Avenue from Large Lot Residential (RS-1) to Institutional (I). Unless specifically modified by this resolution, all previous Conditions of Approval as stated in City Council Resolution 2007-249 are still in effect. All plans submitted for permits associated with the project shall conform to the conditions of approval contained in the approval resolution for Case File No. 2019-04 GPA, ZC.
2. This *General Plan Amendment and Zone Change* shall not become effective until the properties addressed 2443 'N' Avenue and 2505 'N' Avenue (APNs 563-040-09 and 563-040-11 respectively) have been merged.
3. Before this *General Plan Amendment and Zone Change* shall become effective, the applicant and/or the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. **Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the General Plan Amendment and Zone Change.** The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *General Plan Amendment and Zone Change* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager or assign prior to recordation.
4. *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.**

Building

5. Plans submitted for improvements must comply with the current editions of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.

Fire

6. Plans submitted for improvements must comply with the current editions of National Fire Prevention Association regulations, the California Fire Code and the current edition of the California Code of Regulations.
7. Per the zone change, the existing property is being changed from an "R" property to an "I" property. Further evaluation shall be conducted by the National City Fire Department, if this property is used for this purpose.
8. Approved signs or other approved notices or markings (*Red Curb*) that include NO PARKING – FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designed shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. **All projects shall be evaluated for this necessary application.**
9. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.
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.

Planning

11. All future construction shall comply with Chapter 18.26.030 (General development standards) of the National City Municipal Code. In particular, no structure shall be placed within 25 feet of the property line abutting residentially-zoned properties.
12. If constructed within 100 feet of the northerly property line, any balconies or other exterior use areas shall face south to avoid noise impacts to residential areas located to the north.
13. All current and future activities shall comply with Table III of Title 12 (Noise) of the National City Municipal Code.
14. Any plans submitted for a parking lot on the property shall include a minimum 10-foot wide landscaped buffer. If parking spaces are directed towards adjacent residential properties, screening shall be required in the form of a wood fence or privacy hedge to screen said properties from vehicle operations, including headlights at night.

15. Properties currently addressed as 2443 'N' Avenue and 2505 'N' Avenue (APNs 563-040-09 and 563-040-11 respectively) shall be merged.
16. All future development shall provide adequate parking, as specified in Chapter 18.45 (Off-street parking and loading) of the National City Municipal Code.
17. Any retaining walls, or sections thereof, constructed on the east side of the property shall not exceed eight feet in height. If step-backs between sections are necessitated, the area between wall sections shall include landscaping to break up the mass of the wall. This landscaping shall be automatically irrigated.
18. A Temporary Use Permit (TUP) is required for any special events held on site. Unless able to located on-site, any required off-site parking shall be secured for each event in order to minimize the impact on the neighborhood, and shall be identified in the TUP.

2019-04 GPA, ZC – 2443 'N' Ave. – Overhead



ATTACHMENT 3

2019-04 GPA, ZC – 2443 'N' Ave. – Site Photos



View looking west from mid-property



View looking east from mid-property



View looking west at access easement across 2441 "N" Avenue



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

NOTICE OF PUBLIC HEARING

GENERAL PLAN AMENDMENT, ZONE CHANGE, AND LOT MERGE FOR A
PROPERTY LOCATED AT 2443 'N' AVENUE TO CHANGE THE ZONING FROM
LARGE LOT RESIDENTIAL (RS-1) TO INSTITUTIONAL (I)
CASE FILE NO. 2019-04 GPA, ZC
APN: 563-040-09

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, August 19, 2019**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request (Applicant: International Community Foundation).

The applicant has applied for a General Plan Amendment, Zone Change, and Lot Merge for the property located at 2443 'N' Ave. The parcel is currently zoned Large Lot Residential (RS-1) and is proposed to be changed to Institutional (I), in order to correct a non-conformance issue on the property and allow for the lot to be merged with the existing International Community Foundation property directly to the south.

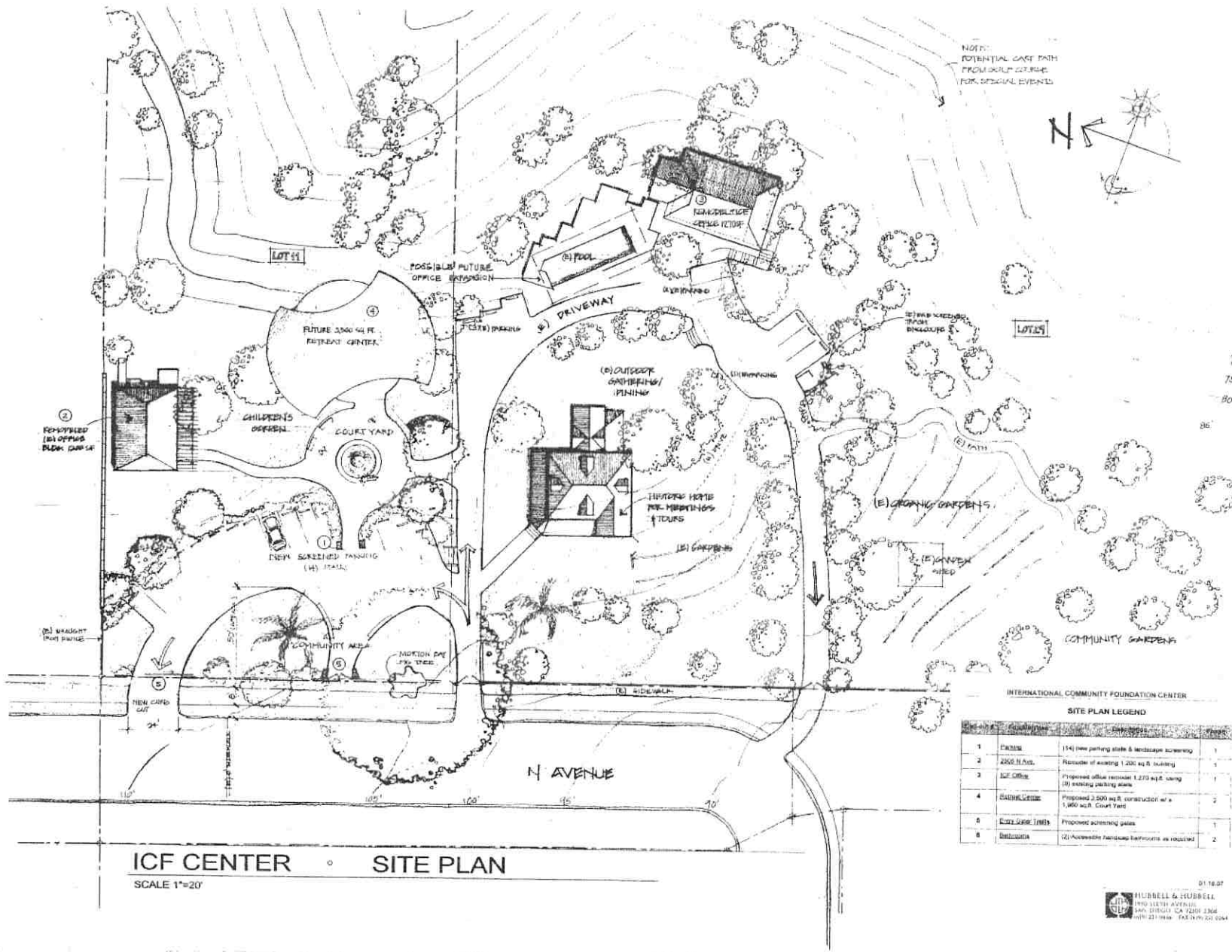
Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received on or before 12:00 p.m., **August 19, 2019** by the Planning Division, who can be contacted at 619-336-4310 or planning@nationalcityca.gov.

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

NATIONAL CITY PLANNING DIVISION

ARMANDO VERGARA
Director of Community Development

ATTACHMENT 5



ICF CENTER **SITE PLAN**
 SCALE 1"=20'

INTERNATIONAL COMMUNITY FOUNDATION CENTER
 SITE PLAN LEGEND

NO.	DESCRIPTION	AMOUNT
1	PARKING	114 New parking stalls & landscape screening
2	2500 N. AV.	Remodel of existing 1,200 sq ft building
3	ICF OFFICE	Proposed office remodel 1,270 sq ft using (3) existing parking stalls
4	OUTDOOR GATHERING	Proposed 2,500 sq ft construction w/ a 1,800 sq ft Court Yard
5	SCREENED TERRACE	Proposed screening gates
6	RECREATION	(2) Accessible handicap bathtubs as required

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 HUBBELL & HUBBELL
 1870 115TH AVENUE
 SAN DIEGO, CA 92108-1306
 TEL: 619 211-1868 FAX: 619 211-0264

ATTACHMENT 6

NATIONAL CITY PLANNING DEPT.
 EXHIBIT A
 CASE FILE NO. 2007-16 GP, ZC, SP
 DATE: 3/15/2007

Addendum to the Initial Study and Negative Declaration for the International Community Foundation Specific Plan

Introduction

In September 2007, the City of National City ("City") prepared an initial study and a negative declaration ("IS/ND") under the California Environmental Quality Act ("CEQA") for a specific plan, on the properties located at 2505 and 2525 "N" Avenue, for the operations campus for the International Community Foundation ("ICF").

On November 26, 2007 the City adopted the IS/ND (part of Attachment 7) and approved the project, and the developer began limited construction activities. Under the adopted IS/ND, land use entitlements for the project included, but were not limited to, the following:

Phase 1 consisted of the conversion of a 1,200 square-foot residence at 2505 "N" Avenue to office space, construction of a parking lot, and installation of landscaping, use of the 3,400 square-foot Oliver Noyes residence, and use of the pool house for meeting space. The property originally had eight parking stalls located around the existing circle drive on the 2525 "N" Avenue site.

Phase 2 consisted of the remodel of a 780 square-foot pool house into office space, with a potential expansion of 450 additional square feet. Also proposed was construction of a 3,500 square foot, ADA-compliant meeting facility that would provide seating for up to a maximum of 75 individuals and include handicapped accessible bathrooms, a kitchen, a projection screen, wireless access, and an outdoor balcony. Lastly, construction of a 1,200 square-foot, single-story office space located at the rear of the project in place of the current swimming pool, was proposed.

Phase 1 has been completed. With the exception of the use of the pool house as an office, no Phase 2 activities were completed. The owner of the property has since acquired a residential property, which borders the easterly 475 feet of the north property line of the ICF campus, and wishes to merge the two together. The new lot was originally developed with a single-family residence (since demolished) and a garage. The garage still remains and is used for storage. Access to the property is through a 20-foot wide access easement across the residential property to the west (2441 "N" Avenue). No change in use of the property is proposed at this time, although it is intended to be the location of a future parking lot.

Applicability and Use of an Addendum

Under CEQA, lead agencies must conduct an evaluation of proposed changes to a project in order to determine whether further environmental analysis is required. (Pub. Resources Code § 21166; CEQA Guidelines, § 15162.) Once a negative declaration

has been completed for a project, a lead agency may not require preparation of a subsequent environmental review unless the conditions set forth in Public Resources Code section 21166 and CEQA Guidelines section 15162 are satisfied.

CEQA Guidelines section 15162 states that:

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

If none of the conditions set forth in CEQA Guidelines section 15162(b) allowing a lead agency to prepare a subsequent negative declaration are met, CEQA Guidelines section 15164 authorizes the lead agency to prepare an addendum to the previously approved negative declaration. In relevant part, CEQA Guidelines section 15164 states:

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Under the instant circumstances, no substantial changes are being made to the proposed project. Phase 2 of the project will be completed using substantially the same site plan that was reviewed in the approved IS/ND. Therefore, the physical effects on the environment as a whole are the same. The developer is solely proposing to add visitor parking spaces on site that would have otherwise been secured elsewhere and those visitors bused into the property. This would also alleviate street parking currently occurring in the neighboring area, which would now be located on site instead. Institutional uses, including visitor parking, were contemplated under the original IS/ND. Based on these circumstances, the modified project does not trigger any of the circumstances that would require preparation of a subsequent EIR or negative declaration under Public Resources Code section 21166 or CEQA Guidelines section 15162, as further set forth in this Addendum.

Description of the Proposed Project:

The description of the project remains the same as that described on Pages 1 and 2 of the attached IS/ND. While no construction is expected at this time, the developer is

expecting to construct the approved Phase 2 improvements proposed in Case File No. 2007- 16 GP, ZC, SP, IS in the future as funds allow. The only change in the meantime is to merge the adjacent property to the north. The original conditions of approval required adequate off-site parking to be provided to cover an events occurring on site. The applicant would eventually like to have this parking provided on-site. This would be consistent with the spirit and intent of the Land Use Code, which requires that all permanent uses provide adequate on-site parking. Conditions of approval for this project require that all Land Use Code requirements for parking lots (e.g. buffers from residential uses, landscaping, lighting, etc.) be met at such time as the parking lot is built.

Environmental Impacts Associated with the Modified Project:

Changed Conditions

Because the elements of the project will remain the same as the project previously examined in the attached IS/ND, with the exception of merging the adjacent property and creating a parking lot, all indirect project impacts would remain the same as those identified in attached IS/ND in the absence of any changed conditions in the environment.

The traffic analysis conducted in 2007 and included in the Initial Study for the original project, the project was expected to result in approximately 142 average daily trips, an increase of 118 ADT above the current use at that time. With such a low increase in trips, a full traffic study was not warranted and study segments would be expected to continue to operate under capacity and the existing roadways to adequately serve the project. This has been the case, especially since only Phase 1 entitlements were completed.

Based on its review of the modified project and its familiarity with the project environment, the City has determined that the environment in the project location has not changed in a way that would result in previously unexamined environmental impacts from the project or an increase in the severity of any of the previously examined environmental impacts. In fact, addition of parking would reduce the impact concluded by subsection (f) of Section XV. (TRANSPORTATION/TRAFFIC) from "Less than significant impact" to "no impact" in that there would no longer be inadequate parking capacity.

New Information

Based on its review of the modified project and its familiarity with the project environment, the City has determined that there is not any new information that was not available at the time of the previous IS/ND that would show that the project may have new or previously unexamined significant impacts on the environment.

Cumulative Impacts

Based on its review of the modified project and its familiarity with the project environment, the City has determined that there is not any new information that was not available at the time of the previous IS/ND that would show that the project may have new or increased cumulative impacts on the environment.

Conclusions:

The modified project would not result in any new or substantially more significant impacts than those examined in the IS/ND. Furthermore, there is no new information and there are no changed conditions that would result in any new or substantially more significant impacts than those examined in the IS/ND. Moreover changes to parking capacity result in an improved result than originally concluded in Initial Study 2007-16 IS, as discussed above.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) INITIAL STUDY CHECKLIST

CITY OF NATIONAL CITY
Planning Department
1243 National City Boulevard
National City, CA 91950

1. **PROJECT TITLE/PROJECT #:** Specific Plan and General Plan/Zone Change to allow for the development of an office and meeting facility for a non-profit philanthropic foundation, the International Community Foundation, Project No. 2007-16 IS
2. **LEAD AGENCY:** City of National City
Planning Department
1243 National City Boulevard
National City, CA 91950
- Contact:** Angela Reeder, AICP, Associate Planner
Phone: (619) 336-4310
3. **PROJECT LOCATION:** 2505 and 2525 N Avenue, adjacent to the Westside of the National City Municipal Golf Course, within the City of National City (APNs 563-150-29 and 563-040-11)
4. **PROJECT PROPONENT:** International Community Foundation (ICF)
11300 Sorrento Valley Road, Suite 115
San Diego, CA 92121
- Contact:** Richard Romney
Phone: (858) 395-9255
5. **COMBINED GENERAL PLAN/
ZONING DESIGNATION:** Single-Family Residential Large Lot, RS-1 – existing GP/Zone
Private Institutional, PD Overlay, IP-PD- proposed GP/Zone
6. **ASSOCIATED APPLICATIONS:** Specific Plan, Project No. 2007-16 SP
General Plan, Zone Change, Project No. 2007-16 GP ZC
7. **PROJECT DESCRIPTION:** The International Community Foundation (ICF), a non-profit philanthropic organization, has submitted an application for a Specific Plan, General Plan Amendment, and Zone Change. A General Plan Amendment and Zone Change are required to rezone the property from single-family residential, RS-1, to Private Institutional Use, IP-PD.

The project involves two parcels located at 2505 and 2525 N Avenue, each containing a single-family residence, one of which is known as the historic Oliver Noyes residence at 2525 N Avenue. The property was donated to ICF with the stipulation that they preserve the historic integrity of the Oliver Noyes residence and the grounds. The property at 2505 N Avenue (Parcel #: 563-040-11) covers 2.28 acres and includes a single-story 2-bedroom home. The applicant proposes to convert this residence into offices and construct a 14-space parking lot to conduct fundraising and volunteerism activities. The adjacent 3,400 square foot Oliver Noyes House at 2525 N Avenue (APN #563-150-29) contains 4 bedrooms, and is proposed by the applicant to be used for

meetings, receptions, and accommodations for occasional visiting donors and guests. This parcel also includes an outdoor pool, pool house, and expansive gardens (including a ½ acre working organic garden) with acreage totaling 4.57 acres. The 780-square-foot pool house sits on the easternmost section of the property overlooking the municipal golf course and is proposed as meeting space initially, and to eventually be converted it to office space as well. In addition, the application involves future phases that include constructing a 1,200 square foot office building and a 3,500 square foot meeting facility.

ICF currently has a staff of 6 people who would be utilizing the office space and a maintenance staff of 3 who would maintain the buildings and gardens. Board meetings would be held every other month for approximately one to two hours with approximately 9 – 12 attendees. Once or twice per year ICF may host outdoor receptions that may include up to 100 individuals. A Temporary Use Permit (TUP) would be obtained prior to special events. Off-site parking would be secured for each event in order to minimize the impact on the neighborhood, and would be identified in the TUP.

The operation of the facility is proposed in two phases. Phase 1 will consist of converting the 1,200 square foot residence at 2505 N Avenue to office space, construction of the parking lot and installation of landscaping, use of the 3,400 square foot Oliver Noyes residence, and use of the pool house for meeting space. The property currently has 8 parking stalls located around the existing circle drive on the 2525 N Avenue site. Phase 1 expansion includes construction of 14 additional parking stalls on the 2505 N Avenue site to accommodate board members and visiting guests. Along with the parking expansion on this parcel, landscaping would be enhanced. No modifications to the Oliver Noyes residence are proposed other than regular maintenance.

Phase 2 will consist of a remodel of the 780 square foot pool house into office space, with a potential expansion of 450 additional square feet. Also proposed is construction of a 3,500 square foot, ADA compliant meeting facility that would provide seating for up to a maximum of 75 individuals and include handicapped accessible bathrooms, a kitchen, a projection screen, wireless access, and an outdoor balcony. Lastly, construction of a 1,200 square foot, single-story office space located at the rear of the project in place of the current swimming pool, has been proposed.

The architectural design of each new structure of Phase 2 would occur prior to its construction and would require review and approval of the City through the Planned Development permit process (Municipal Code Chapter 18.116).

SITE DESCRIPTION: The Specific Plan area includes two parcels comprised of approximately 6.85 acres located on the east side of the N Avenue and 24th Street intersection and west and adjacent to the National City Golf Course. Surrounding uses include the National City Municipal Golf Course to the east and south, and single-family housing to the north and west. The terrain consists of a relatively level area in the northwestern one third of the site and then slopes steeply down approximately 75 feet on the east and south perimeters, adjacent to the golf course below. All development would occur within the level areas of the project site, within the area previously disturbed. No development is proposed on the slopes.

8. OTHER AGENCIES WHOSE APPROVAL MAY BE REQUIRED (AND PERMITS NEEDED):

N/A

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or is “Potentially Significant Unless Mitigated,” as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy & Mineral Resources |
| <input type="checkbox"/> Geological Problems | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology /Water Quality |

- | | | |
|--|---|---|
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Circulation |
| <input type="checkbox"/> Utilities & Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION:

(To be completed by the Lead Agency)
On the basis of this Initial Evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a significant effect(s) on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a “potentially significant impact” or is “potentially significant unless mitigated.” An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effect that remains to be addressed.

Signature	Date
Printed Name: Angela Reeder, AICP	Title: Associate Planner

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to the project. A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards.
2. All answers must take account of the whole action involved. Answers should address off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence than an

effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4. “Negative Declaration: Less than Significant w/ Mitigation Incorporated” applied where the incorporation of a mitigation measure has reduced an effect from “Potentially Significant Impact” to “Less than Significant Impact”. The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D).
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). References to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whichever format is selected.
9. The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

ISSUES with Supporting Documentation & Sources

I. AESTHETICS - Would the project:	Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista? (Sources: 1, 2, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Sources: 1, 2, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Sources: 1, 2, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime Views in the area? (Sources: 1, 2, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

There are no designated scenic vistas nearby or across the proposed project site. As such, no vistas would be adversely impacted by the proposed project. Also, while there are a handful of private parcels adjacent to site on the west whose views could be altered by the proposal, the City does not have a policy to protect private views.

The proposal does include a property on the National City Historical Properties List, the Oliver Noyes House. The intent of the Specific Plan is to allow for the conversion and re-use of the property in question, while promoting the long-term preservation and maintenance of the historic house and its adjoining gardens and

open space.

To make certain the visual character and quality of the site is maintained, the project includes several measures that ensure the project would not have substantial adverse effects on the community. The measures include: interior renovation and use of the existing structures on the site, positioning the proposed parking lot approximately 55 feet from the street with additional landscaping to screen it from N Avenue, locating the proposed meeting facility approximately 145 feet from the street, the proposed design of the meeting facility would be a “low lying structure that will blend in with the surrounding landscape” and use materials that complement the character of existing buildings on-site, and placing the only other new structure proposed on an existing swimming pool site which is not visible from the street.

City ordinances require commercial uses to provide lighting for pedestrians and parking. Lighting proposed for the project would consist of accent lighting along the walkways and the parking lot. All fixtures would be shielded to eliminate spillage onto neighboring properties and public rights-of-way. Therefore, there would not be an impact on adjacent residential properties.

II. AGRICULTURE RESOURCES --

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation & Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:

	Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Sources: 1, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Sources: 1, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Sources: 1, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

National City is a primarily built-out community and there is no farmland mapped or planned to be mapped within the City, or more specifically on the project site. The site is also currently zoned for single-family uses, and no Williamson Act contract is associated with the land; therefore, the proposed zone change to Private Institutional zoning and associated Specific Plan on the project site would have no impact on agricultural zoned areas. Also, the Specific Plan will retain 1/2 acre of organic producing gardens that will be used for education, with the potential to expand the garden to 1 acre in a later phase of the plan.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|----------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? (Sources: 4, 7, 8, 9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Sources: 4, 7, 8, 9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Sources: 4, 7, 8, 9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| d) Expose sensitive receptors to substantial pollutant concentrations? (Sources: 4, 9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| e) Create objectionable odors affecting a substantial number of people? (Sources: 4, 9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

The County of San Diego is in attainment for all California Clean Air Act (CCAA) pollutants with the exception of ozone. The proposed Specific Plan includes the renovation and reuse of existing single-family structures and does not include any future design components that would obstruct the Regional Air Quality Strategy (RAQS) for San Diego County.

Emissions resulting from developing the site would be directly related to the amount of vehicular traffic generated by the facility. A traffic analysis dated June 12, 2007, calculated that the project would generate 142 ADT or "low volumes" of traffic, compared to the estimated 24 ADT from the current use. Consequently, while the proposed project would have an incremental impact to area-wide air-quality resulting from the cumulative impacts of thousands of sources, the individual impacts attributed to this project are immeasurably small on a regional scale and will not cause ambient air-quality standards to be exceeded or have a significant impact on air quality.

As the project primarily includes the use of existing structures on-site with little additional construction and includes plans to retain an extensive amount of landscaping, gardens, and open space, any impacts from construction equipment and operations would be minimal and temporary in nature. While dust from grading and other site preparation would generate particulate matter emission, due to the small amount of grading, and with appropriate use of grading and operation procedures, the project would not generate significant particulate matter or dust and would therefore not result in a significant impact.

IV. BIOLOGICAL RESOURCES –

Would the project:

- | | Potentially Significant Impact | Less Than Significant w/ Mitigation Incorporation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (CDBG) or U.S. Fish and Wildlife Service? (Sources: 1, 4, 5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game (CDFG) or US Fish and Wildlife Service? (Sources: 1, 4, 5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|----------|
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Sources: 1, 4, 5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Sources: 1, 4, 5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Sources: 1, 2, 4, 5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Sources: 1, 4, 5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

The proposed project site includes a 6.85 acre site, consisting of two parcels. The southern, larger parcel includes a house listed on the local National City Historic list (Noyes House) and the fully landscaped gardens surrounding it. The main residence is situated approximately 90 feet from N Avenue and was constructed on the higher elevation of the site. The house is surrounded by ornamental gardens along the front and rear and an organic garden to the south. Terrain on the north side of the Noyes house is relatively flat extending all the way to a home on the northern lot. The east and south boundaries of the site have steep slopes leading down to the municipal golf course below. There is no indication of a native habitat on the slopes and the brush there is periodically cleared for fire management.

Trees most commonly found on the property include canary date palms, jacarandas, pepper trees and citrus trees. Bushes and flowers on the property include Indian Hawthorn, hibiscus, roses, poppies, budilea, lavender, guava, trumpet flower, gardenia and jatropa. Located on the site is an expansive fig-tree – among the oldest in San Diego County, which would be preserved.

No indication of sensitive habitat or sensitive species are known to exist on the site, and there is no impact to sensitive or protected species as defined above. Also, the proposed project site contains no jurisdictional wetlands or jurisdictional waters of the U.S. or state-defined streambeds; therefore, the project will not impact protected wetlands. One freshwater emergent wetland is identified within the adjacent golf course property, according to US Fish and Wildlife information, but will not be impacted by the proposed project, and therefore there is no significant impact.

The proposed project site contains no known biological resources that are protected by local, state or federal ordinances or laws, and there are no adopted habitat conservation plans that include the proposed project site. The property has been the site of two single-family residences since the early 1900's containing a garden and ornamental vegetation. The proposed use of the property and future development would not impact any protected biological resources; therefore there is no impact.

V. CULTURAL RESOURCES

Would the project:

- | | Potentially Significant Impact | Less Than Significant w/ Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? (Sources: 1, 4) | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an | | | | |

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|---|
| archaeological resource pursuant to 15064.5? (Sources: 1, 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Sources: 1, 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| d) Disturb any human remains, including those interred outside of formal cemeteries? (Sources: 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

ICF received the approximately seven acre project site, including the parcel with the Noyes house and an adjacent parcel to the north, from the former owner with the goal of establishing a use that would preserve the site. As such, the proposed Specific Plan overlay was drafted to allow for the conversion and use of the property for a non-profit institution, while promoting the long-term preservation and maintenance of the historic house, its adjoining gardens, and open space. With approval of the Specific Plan, the applicant states they will receive an endowment to maintain and protect the home and gardens long-term.

Originally built in 1896, the Walton residence (otherwise known as the Oliver Noyes House) at 2525 N Avenue (Parcel #: 563-150-29) is a well preserved Queen Anne Victorian home totaling 3,430 square feet with 4 bedrooms and 2 1/2 baths. There are two main floors with a large attic and a semi exposed basement used as a wine cellar / tool room. The home also has a spacious covered porch on two sides of the house. This well preserved Victorian home is on the city of National City Historical Property List. The historic residence is set back approximately 90 feet from N Avenue. There is a gradual incline from the street to the main house and then the grade remains flat going east to the pool and the pool house. The terrain on the north side of the residence is relatively flat.

As a site identified on the National City Historic Properties List, any modifications to the Noyes house will be reviewed with additional scrutiny by the City Building Department and if found to be a significant, alteration will require additional review by the National City Historic Society and City Council. Should the Council find that the alteration would result in an adverse effect on the public welfare, the permit may be denied or withheld until such time as all alternative measures are thoroughly evaluated (Municipal Code 18.139.030).

To further ensure the character and quality of the site is maintained, the Specific Plan was drafted to include several measures to retain the character of the site and specifically to the Noyes house. Those measure include: the interior renovation and use of existing structures on the site, upgrading the landscaping on the northern parcel using plant material consistent with the Noyes lot, a requirement that each of the two proposed new structures incorporate a design and materials that complement the style and character of the Noyes house, retaining the existing driveway around the Noyes house, and continuing to maintain the organic garden on the Noyes property and potentially expand it from 1/2 acre to 1 acre. Future construction within the site will also require review by the City Planning Commission for consistency. Consequently, no substantial adverse changes to the Noyes home would occur.

No archaeological resources as defined in Section 15064.5 or unique geologic or paleontological features are known to exist on the proposed project site. As such, there impacts to archaeological resources or unique geologic features are anticipated.

No cultural resource constraints are known to exist on the previously developed project site and the project includes primarily re-use of existing structures. As such, there is a relatively low probability of disturbing any human remains and therefore, no significant impact. In the event of the accidental discovery or recognition of any human remains during construction, the applicant shall take all appropriate steps as required by relevant federal, state, and local laws.

VI. GEOLOGY & SOILS

Would the project:

Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporation	Less Than Significant Impact	No Impact
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- a) Expose people or structures to potential substantial adverse

effects, including the risk of loss, injury, or death involving:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|---|
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. (Sources: 4, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| ii) Strong seismic ground shaking? (Sources: 4, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| iii) Seismic-related ground failure, including liquefaction? (Sources: 4, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| iv) Landslides? (Sources: 4, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| b) Result in substantial soil erosion or the loss of topsoil? (Sources: 4, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Sources: 4, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Sources: 4, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (Sources: 2, 4, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

California Geological Survey information indicates the site is not located within an Alquist-Priolo Special Studies Zone, and there are no known active or potentially active faults that intercept the project site; therefore, the potential for ground rupture at this site is considered low. The nearest active fault to the site is the Rose Canyon Fault, located approximately three miles to the west. Accordingly, the site is not considered to possess a significantly greater seismic risk than that of the surrounding area in general.

While the project primarily includes the conversion and reuse of existing structures, two additional structures are identified as potential Phase 2 construction. The Specific Plan stipulates that a separate discretionary permit be pursued for each of these buildings. At that time, a geotechnical investigation will be prepared to determine if there are conditions that would preclude the development of the property as planned. It should be recognized that Southern California is an area that is subject to some degree of seismic risk and that it is generally not considered economically feasible nor technologically practical to build structures that are totally resistant to earthquake-related hazards. Construction in accordance with the minimum requirements of the Uniform Building Code should minimize damage due to seismic events.

The proposed project site is currently and would continue to have traditional sewer laterals, which connect with the existing sewer system that serves the City. There would be no need for the use of septic tanks or alternative waste water disposal systems; therefore, there would be no impact.

VII. HAZARDS & HAZARDOUS MATERIALS

Would the project:

Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporation	Less Than Significant Impact	No Impact
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- | | | | | |
|--|--------------------------|--------------------------|--------------------------|---|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Sources: 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Sources: 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Sources: 1, 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Sources: 4, 6, 13) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Sources: 1, 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Sources: 1, 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Sources: 1, 2, 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Sources: 1, 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

The proposed project area is not identified as a hazardous material site and there are no hazardous materials associated with the proposed office use of the site for a non-profit organization. Also, the site is not within two miles of a public or private airport or associated airport plan, therefore would not be an impact.

VIII. HYDROLOGY AND WATER QUALITY

Would the project:

- | | Potentially Significant Impact | Less Than Significant w/ Mitigation Incorporation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| a) Violate any water quality standards or waste discharge requirements? (Sources: 1, 2, 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Sources: 1, 2, 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Sources: 1, 2, 4, 11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Sources: 1, 2, 4, 11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

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|--|--------------------------|--------------------------|--------------------------|----------|
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Sources: 1, 2, 4, 14) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| f) Otherwise substantially degrade water quality? (Sources: 1, 2, 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Sources: 1, 2, 4, 11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Sources: 1, 2, 4, 11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Sources: 1, 2, 4, 11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| j) Inundation by seiche, tsunami, or mudflow? (Sources: 1, 2, 4, 11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

The main component of the proposed project includes the conversion of existing structures on-site and the expansion of the existing gardens, which would have no significant adverse impact on runoff, groundwater recharge, or drainage patterns. A new 14-space parking lot is proposed in the first phase of the Specific Plan on the northern parcel along N Avenue. To reduce potential drainage offsite, the applicant proposes to a permeable material such as decomposed granite for the majority of their parking lot surface. This type of material helps maintain the informal garden style repeating throughout the property and is necessary to maintain the roots of the historic Morton Bay Fig tree along N Avenue.

The proposed project site is located outside the boundaries of both the 100-year and 500-year flood zones, and would therefore not place housing in a flood zone or add structures that would redirect flood flows. A portion of the Municipal Golf Course to the east of the project site does lie within a 100-year Flood Hazard Area (Zone AO); however, the project site sits on the top of a steep slope approximately 75 higher than the valley below and no impacts as a result of the flood area would occur. Also, the project's use of existing structures would not increase runoff to the golf course below.

Two new structures are proposed in Phase 2 of the Specific Plan; however, one is proposed on the site of the existing pool and would therefore not add to the site's impervious surface. The second structure, a 3,500 square foot meeting facility, is proposed on the northern lot in a relatively flat area adjacent to the small home on the lot. The proposed structures would require additional discretionary review by the City prior to approval for architectural design elements to ensure consistency with the existing structures on site and the surrounding community. Any future construction activities would comply with City ordinances regarding stormwater protection measures and standard construction practices and would therefore create no significant impact

IX. LAND USE & PLANNING

Would the project:

- | | Potentially Significant Impact | Less Than Significant w/ Mitigation Incorporation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|--------------------------|
| a) Physically divide an established community? (Sources: 1, 2, 4) | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Sources: 1, 2, 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

The proposed project involves the use of an existing historic single-family site for an institutional use, including the conversion of another single-family home and accessory structure into office space, as well as two future structures on-site.

While the subject property is located in an urbanized area, the 6.85 acre site is developed with only two single-family homes, far below the allowable density in the surrounding neighborhood. Currently, the site is built at a density of 0.3 dwellings per acre. The existing General Plan/Zoning designation of Single-Family Residential (RS-1) allows 4.4 dwellings per acre, or approximately 30 detached units on the site.

While additional homes could be developed on the site, the current Single-Family Residential zoning does not allow for an institutional use. As such, the applicant is concurrently processing a General Plan and Zoning Map Amendment to change the zoning designation to Private Institutional (IP-PD). Since any new use will be subject to the Specific Plan and require the granting of a Planned Development Permit, which is in turn subject to CEQA, the proposed zone change in and of itself will not cause any environmental effects. Also, the proposed Specific Plan cannot be approved unless the associated zone change occurs as well, either concurrently or prior to the Specific Plan.

The site is situated between an established single-family neighborhood (Single-Family Residential, RS-1 zone) and the National City Municipal Golf Course (Civic Institutional zone). As such, changing the site's use and zoning to Private Institutional would be consistent with the adjacent Civic Institutional Zone. Also, the site is located on the fringe of the neighborhood and would not divide an established community. Lastly, the objective of the Specific Plan and the conversion of existing structures on-site is to retain the historical, residential character of the property and remain compatible with the adjacent neighborhood, resulting in no significant impact.

The City's General Plan encourages projects which support historic preservation efforts. The proposed Specific Plan is consistent with this goal, as it mandates the conservation of a home on the City's Historic Properties List and limits future development on the site while retaining the overall historic character of the site.

X. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Sources: 1, 2, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Sources: 1, 2, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion: There are no known mineral resources on the proposed project site or delineated on a local plan for the site; therefore, there is no impact.

XI. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Sources: 1, 2, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Sources: 1, 2, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: 1, 2, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: 1, 2, 4, 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Sources: 1, 2, 4, 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Sources: 1, 2, 4, 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The project will comply with requirements of the California Building Codes and City ordinances with regard to noise for an office/institutional project. The proposed project would be primarily an office development, which by its nature would not typically generate noise levels in excess of local standards and affect neighboring properties. Any special activities would require a Temporary Use Permit and the noise generated would be of limited duration during that temporary time period and would still remain subject to City Noise Ordinance.

While the majority of the project includes interior renovation of existing structure, plans include a new parking area and two potential new buildings on-site. The associated grading and construction on the project site would create temporary noise impacts. Modern construction equipment, properly used and maintained, meet the noise limits contained in the City's Noise Ordinance. All noise generated by the project would be required to comply with the City's Noise Ordinance. Upon completion of the project, all noise from the project operations would be required to conform to the City's Noise Ordinance, and because construction noise is temporary, no significant impact from the project would occur.

The proposed project site is not located within an airport land use plan or within two miles of a public use airport or private airstrip; therefore, there is no impact to those people working on the project site.

XII. POPULATION & HOUSING

Would the project:

- | | Potentially Significant Impact | Less Than Significant w/ Mitigation Incorporation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Sources: 1, 2, 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Sources: 1, 2, 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Sources: 1, 2, 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

While the conversion of two existing single-family homes into office/institutional use could potentially attract project employees to the area, the size of the proposed office staff is so small (6-10 persons) that no significant increase to population within the City would be expected as a result of the proposal. Also, as the project will only affect two existing, unoccupied, single-family homes, it will not necessitate the construction of replacement housing. As such, there no impact expected as a result of this project.

XIII. PUBLIC SERVICES

- | | Potentially Significant Impact | Less Than Significant w/ Mitigation Incorporation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
|--|--------------------------------|---|------------------------------|-----------|

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection? (Sources: 1, 2, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Police protection? (Sources: 1, 2, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Schools? (Sources: 1, 2, 4, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Parks? (Sources: 1, 2, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Other public facilities? (Sources: 1, 2, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

The proposed project would not result in adverse impacts to police or fire protection services. The project site is currently and will continue to be served by the National City Police and Fire Departments. Plans also include additional elements intended to increase Fire service to the site, including sprinklers in the Pool House building being converted to office space, a new standpipe at the south driveway on N Avenue, and a new point of connection for the Fire Department adjacent to the Pool House.

The proposed project would result in no impacts to City schools or parks, as the proposal is an institutional/office project, which would not be expected to result in additional school children or population in the area. The project also retains and enhances ample open space and passive recreational amenities on-site, such as walking paths and gardens, for use by staff and visitors.

XIV. RECREATION

	Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Sources: 2, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Sources: 2, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

The proposed project includes the conversion of two single-family residential properties into office and meeting facilities to support a non-profit institutional use. The proposed institutional/office use of the project site would not increase the use of local recreational facilities, necessitate construction of additional recreational facilities, or remove or impact existing facilities in the surrounding area; therefore, there is no impact.

XV. TRANSPORTATION/TRAFFIC

Would the project:

Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporation	Less Than Significant Impact	No Impact
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- | | | | | |
|--|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (Sources: 1, 2, 4, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Sources: 1, 2, 4, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Sources: 1, 2, 4, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Sources: 1, 2, 4, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| e) Result in inadequate emergency access? (Sources: 1, 2, 4, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| f) Result in inadequate parking capacity? (Sources: 1, 2, 4, 7) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Sources: 1, 2, 4, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

According to a review of the potential traffic impacts dated June 12, 2007, by the National City Transportation Engineer, the proposed project would not cause a significant increase in traffic. The traffic analysis states that the project will result in an approximately 142 average daily trips, an increase of 118 ADT above the current use. With such a low increase in trips, a full traffic study is not warranted and study segments would be expected to continue to operate under capacity and the existing roadways will adequately serve the project.

Project plans include retaining the use of the existing one-way driveway on the south parcel (2525 N Avenue), which includes an entrance from 24th Street on the north side of the house and exit on the south side. Plans also include the construction of a 14-lot parking area on the north parcel that would be accessed from the existing driveway entrance and have a second exit on the north end of the lot. The new private driveways proposed within the site will be designed in accordance with private road standards acceptable to the City Engineering and Fire Departments. Parking proposed on-site can accommodate the conversion of the existing structures, the proposed expansion of the pool house, and the new 1,200 square foot office facility proposed on the existing pool site per City Land Use Code requirements. Therefore, there is no impact.

The Specific Plan states that any events held in the proposed Meeting Facility building that exceed parking availability on-site will be required to secure temporary parking arrangements off-site and obtain a Temporary Use Permit from the City that identifies the alternate parking. This arrangement attempts to avoid the impact of requiring construction of excessive parking lots on a site for the occasional, larger event and also remove any traffic and parking capacity impacts to the adjacent neighborhood from these events. The Specific Plan also identifies the frequency of these extra events as only a few times a year (less than 5). As such, there is no significant impact.

The proposed project does not contain any components that would result in a change in air traffic patterns; therefore, there is no impact.

The proposed project is located between an existing single-family neighborhood and a municipal golf course. As such, pedestrian access points into the site are limited to private driveways from 24th Street to the west. Public access through the project site is not necessary and the proposed project would not conflict with any adopted policies, plans or programs supporting alternative transportation and therefore, there is no impact.

XVI. UTILITIES & SERVICE SYSTEMS

Would the project:

	Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Sources: 1, 2, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources: 1, 2, 4, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources: 1, 2, 4, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Sources: 1, 2, 4, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Sources: 1, 2, 4, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Sources: 1, 2, 4, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

The proposed General Plan Amendment, Zone Change and Planned Development/Specific Plan is located on a currently developed property located within an urbanized area with existing utility services, including water and wastewater facilities. The primary component of the project includes the conversion of existing structures to another use (residential to office), and comments received from City staff and Sweetwater Authority indicate that capacity exists to handle the needs of the structures to be converted. The two structures proposed for construction in a later phase of the Specific Plan would require additional discretionary review by the City, and while not anticipated, any upgrades required in association with that development will be addressed at that time. Therefore, the project would have no significant impact. Also, new construction would be designed and constructed to include best management practices (BMPs) to appropriately handle wastewater and not exceed wastewater treatment requirements of the San Diego Regional Water Quality Control Board: therefore, there is no impact.

The proposed project site would continue to be served by EDCO, the local waste collection and recycle company. EDCO has indicated that they are able to accommodate the solid waste disposal needs of future projects within the City; therefore, there is no significant impact. Also, the proposed project would comply with all federal, state, and local statutes and regulations related to solid waste.

XVII. MANDATORY FINDINGS of SIGNIFICANCE

Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporation	Less Than Significant Impact	No Impact
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|--|--------------------------|--------------------------|--------------------------|----------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

No significant impacts to the environment as a result of this project have been identified. Approval of the project is not expected to have any significant impacts, either long-term or short-term, nor will it cause substantial adverse effect on human beings, either directly or indirectly.

REFERENCE SOURCES:

<u>Reference #</u>	<u>Document Title</u>	<u>Available for Review at:</u>
1	National City General Plan	National City Planning Dept. 1243 National City Boulevard National City, CA 91950
2	City of National City Municipal Code	National City Planning Dept.
3	City of National City Design Guidelines	National City Planning Dept.
4	International Community Foundation Specific Plan (2007-16 SP)	National City Planning Dept.
5	US Fish and Wildlife Wetland Mapped System (http://wetlandsfws.er.usgs.gov/wlnds/launch.html)	online
6	FEMA Map Service Center (www.fema.gov)	online
7	ICF Specific Plan Traffic Analysis, June 2007	National City Planning Dept.
8	2004 Triennial Revision of the Regional Air Quality Strategy for San Diego County, July 2004	National City Planning Dept.
9	<i>Air Quality in San Diego County</i> , Air Pollution Control District for San Diego County, 2006	National City Planning Dept.
10	SanGIS Interactive Mapping (www.sangis.org)	online
11	Environmental Assessment Form for project	National City Planning Dept.
12	Co. of San Diego Department of Environmental Health website (www.sdcounty.ca.gov/deh/)	online
13	California Geological Survey (http://www.consrv.ca.gov/CGS/)	online
14	Comments from National City Fire, Police, Building, & Engineering Departments and Sweetwater Authority and SDG&E	National City Planning Dept.

PROPOSED NEGATIVE DECLARATION

Project Title: Specific Plan and General Plan/Zone Change to allow for the development of an office and meeting facility for a non-profit philanthropic foundation, the International Community Foundation (2007-16 IS)

Applicant: International Community Foundation (ICF)
Richard Kiy
11300 Sorrento Valley Road, Suite 115
San Diego, CA 92121

Address of Project: 2505 and 2525 N Avenue, adjacent to the Westside of the National City Municipal Golf Course, within the City of National City (APNs 563-150-29 and 563-040-11)

Project Description

The International Community Foundation (ICF), a non-profit philanthropic organization, has submitted an application for a Specific Plan, General Plan Amendment, and Zone Change. A General Plan Amendment and Zone Change are required to rezone the property from single-family residential, RS-1, to Private Institutional Use, IP-PD.

The project involves two parcels located at 2505 and 2525 N Avenue, each containing a single-family residence, one of which is known as the historic Oliver Noyes residence at 2525 N Avenue. The property was donated to ICF with the stipulation that they preserve the historic integrity of the Oliver Noyes residence and the grounds. The property at 2505 N Avenue (Parcel #: 563-040-11) covers 2.28 acres and includes a single-story 2-bedroom home. The applicant proposes to convert this residence into offices and construct a 14-space parking lot to conduct fundraising and volunteerism activities. The adjacent 3,400 square foot Oliver Noyes House at 2525 N Avenue (APN #563-150-29) contains 4 bedrooms, and is proposed by the applicant to be used for meetings, receptions, and accommodations for occasional visiting donors and guests. This parcel also includes an outdoor pool, pool house, and expansive gardens (including a ½ acre working organic garden) with acreage totaling 4.57 acres. The 780-square-foot pool house sits on the easternmost section of the property overlooking the municipal golf course and is proposed as meeting space initially, and to eventually be converted it to office space as well. In addition, the application involves future phases that include constructing a 1,200 square foot office building and a 3,500 square foot meeting facility.

ICF currently has a staff of 6 people who would be utilizing the office space and a maintenance staff of 3 who would maintain the buildings and gardens. Board meetings would be held every other month for approximately one to two hours with approximately 9 – 12 attendees. Once or twice per year ICF may host outdoor receptions that may include up to 100 individuals. A

Temporary Use Permit (TUP) would be obtained prior to special events. Off-site parking would be secured for each event in order to minimize the impact on the neighborhood, and would be identified in the TUP.

The operation of the facility is proposed in two phases. Phase 1 will consist of converting the 1,200 square foot residence at 2505 N Avenue to office space, construction of the parking lot and installation of landscaping, use of the 3,400 square foot Oliver Noyes residence, and use of the pool house for meeting space. The property currently has 8 parking stalls located around the existing circle drive on the 2525 N Avenue site. Phase 1 expansion includes construction of 14 additional parking stalls on the 2505 N Avenue site to accommodate board members and visiting guests. Along with the parking expansion on this parcel, landscaping would be enhanced. No modifications to the Oliver Noyes residence are proposed other than regular maintenance.

Phase 2 will consist of a remodel of the 780 square foot pool house into office space, with a potential expansion of 450 additional square feet. Also proposed is construction of a 3,500 square foot, ADA compliant meeting facility that would provide seating for up to a maximum of 75 individuals and include handicapped accessible bathrooms, a kitchen, a projection screen, wireless access, and an outdoor balcony. Lastly, construction of a 1,200 square foot, single-story office space located at the rear of the project in place of the current swimming pool, has been proposed.

The architectural design of each new structure of Phase 2 would occur prior to its construction and would require review and approval of the City through the Planned Development permit process (Municipal Code Chapter 18.116).

The Specific Plan area includes two parcels comprised of approximately 6.85 acres located on the east side of the N Avenue and 24th Street intersection and west and adjacent to the National City Golf Course. Surrounding uses include the National City Municipal Golf Course to the east and south, and single-family housing to the north and west. The terrain consists of a relatively level area in the northwestern one third of the site and then slopes steeply down approximately 75 feet on the east and south perimeters, adjacent to the golf course below. All development would occur within the level areas of the project site, within the area previously disturbed. No development is proposed on the slopes.

Environmental Findings:

The Negative Declaration (2007-16 IS) has been considered together with any comments received during the public review process, and based on the whole record (including the Initial Study Checklist and any comments received) there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the City's independent judgment and analysis.

A copy of the Initial Study documenting reasons to support the finding is attached (2007-16 IS).

Notice of Determination

TO: County Clerk
County of San Diego
1600 Pacific Highway, Room 260
San Diego, CA 92112

FROM: City of National City
1243 National City Boulevard
Contact: Angela Reeder
Phone: 619-336-4310

SUBJECT: Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): _____ N/A _____

Project Title: International Community Foundation Specific Plan– Case File No. 2007-16 GP, ZC, SP, IS

Project Location: At 2505 and 2525 N Avenue, adjacent to the west side of the National City Municipal Golf Course, (APNs 563-150-29 and 563-040-11), within the City of National City.

Project Description: The project involves two parcels located at 2505 and 2525 N Avenue, each containing a single-family residence, one of which is known as the historic Oliver Noyes residence at 2525 N Avenue. The property at 2505 N Avenue (Parcel #: 563-040-11) covers 2.28 acres and includes a single-story home. The applicant proposes to convert this residence into offices and construct a 14-space parking lot to conduct fundraising and volunteerism activities. The adjacent historic house at 2525 N Avenue (APN #563-150-29) contains 4 bedrooms, and is proposed by the applicant to be used for meetings, receptions, and accommodations for occasional visiting donors and guests. This parcel also includes an outdoor pool, pool house, and expansive gardens (including a ½ acre working organic garden) with acreage totaling 4.57 acres. The 780-square-foot pool house sits on the easternmost section of the property overlooking the municipal golf course and is proposed as meeting space initially, and to eventually be converted it to office space. In addition, the application involves future phases including constructing a 1,200 square foot office building and a 3,500 square foot meeting facility.

Project Applicant: International Community Foundation, Richard Kiy,
Applicant's Address: 11300 Sorrento Valley Road, Suite 115, San Diego, CA 92121

This is to advise that the City of National City (Lead Agency or Responsible Agency) has approved the above-described Project on November 20, 2007, and has made the following determinations regarding the project:

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures [were were not] made a condition of the approval of the project.
4. A Mitigation Reporting or Monitoring Plan [was was not] adopted for this project.
5. A Statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final Negative Declaration with comments and responses and record of project approval is available to the General Public at: City of National City Planning Department

Signature (Public Agency): _____ **Title:** Associate Planner
Date: November 26, 2007

RESOLUTION NO. 2019-13

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA,
RECOMMENDING APPROVAL OF A
GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR THE REZONING OF A
PROPERTY LOCATED AT 2443 'N' AVENUE FROM
LARGE LOT RESIDENTIAL (RS-1) TO INSTITUTIONAL (I).
APPLICANT: INTERNATIONAL COMMUNITY FOUNDATION
CASE FILE NO. 2019-04 GPA, ZC
APN: 563-040-09

WHEREAS, application was made for approval of a General Plan Amendment and Zone Change for the rezoning of a property located at 2443 'N' Avenue from large lot residential (RS-1) to Institutional (I); and

WHEREAS, the Planning Commission of the City of National City, California, initiated said applications at a duly advertised public hearing held on May 20, 2019, at which time the Planning Commission considered oral and documentary evidence; and,

WHEREAS, the Planning Commission of the City of National City, California, considered said applications at a duly advertised public hearing held on August 19, 2019, at which time the Planning Commission considered oral and documentary evidence; and,

WHEREAS, at said public hearing the Planning Commission considered the staff report provided for Case File No. 2019-04 GPA, ZC, 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.

NOW, THEREFORE, BE IT RESOLVED by the City 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 August 19, 2019, support the following finding:

FINDING FOR APPROVAL OF THE GENERAL PLAN AMENDMENT
AND ZONE CHANGE

1. The proposed development is consistent with General Plan Land Use Policies OS-3.1, OS-3.2, OS-3.4 and HEJ-4.4 because the site will be used to support an existing private garden that is used to educate students and families from underserved communities on the environment, hands-on gardening, and hands-on cooking.

BE IT FURTHER RESOLVED that based on the findings herein before stated, the Planning Commission hereby recommends approval of said General Plan Amendment and Zone Change for the rezoning of a property located at 2443 'N' Avenue from large lot residential (RS-1) to Institutional (I), subject to the following conditions:

General

1. This *General Plan Amendment and Zone Change* authorizes the zone change of 2443 'N' Avenue from Large Lot Residential (RS-1) to Institutional (I). Unless specifically modified by this resolution, all previous Conditions of Approval as stated in City Council Resolution 2007-249 are still in effect. All plans submitted for permits associated with the project shall conform to the conditions of approval contained in the approval resolution for Case File No. 2019-04 GPA, ZC.
2. This *General Plan Amendment and Zone Change* shall not become effective until the properties addressed 2443 'N' Avenue and 2505 'N' Avenue (APNs 563-040-09 and 563-040-11 respectively) have been merged.
3. Before this *General Plan Amendment and Zone Change* shall become effective, the applicant and/or the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. **Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the General Plan Amendment and Zone Change.** The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *General Plan Amendment and Zone Change* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager or assign prior to recordation.

4. *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.**

Building

5. Plans submitted for improvements must comply with the current editions of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.

Fire

6. Plans submitted for improvements must comply with the current editions of National Fire Prevention Association regulations, the California Fire Code and the current edition of the California Code of Regulations.
7. Per the zone change, the existing property is being changed from an "R" property to an "I" property. Further evaluation shall be conducted by the National City Fire Department, if this property is used for this purpose.
8. Approved signs or other approved notices or markings (*Red Curb*) that include NO PARKING – FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designed shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. **All projects shall be evaluated for this necessary application.**
9. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.
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.

Planning

11. All future construction shall comply with Chapter 18.26.030 (General development standards) of the National City Municipal Code. In particular, no structure shall be placed within 25 feet of the property line abutting residentially-zoned properties.
12. If constructed within 100 feet of the northerly property line, any balconies or other exterior use areas shall face south to avoid noise impacts to residential areas located to the north.
13. All current and future activities shall comply with Table III of Title 12 (Noise) of the National City Municipal Code.

14. Any plans submitted for a parking lot on the property shall include a minimum 10-foot wide landscaped buffer. If parking spaces are directed towards adjacent residential properties, screening shall be required in the form of a wood fence or privacy hedge to screen said properties from vehicle operations, including headlights at night.
15. Properties currently addressed as 2443 'N' Avenue and 2505 'N' Avenue (APNs 563-040-09 and 563-040-11 respectively) shall be merged.
16. All future development shall provide adequate parking, as specified in Chapter 18.45 (Off-street parking and loading) of the National City Municipal Code.
17. Any retaining walls, or sections thereof, constructed on the east side of the property shall not exceed eight feet in height. If step-backs between sections are necessitated, the area between wall sections shall include landscaping to break up the mass of the wall. This landscaping shall be automatically irrigated.
18. A Temporary Use Permit (TUP) is required for any special events held on site. Unless able to located on-site, any required off-site parking shall be secured for each event in order to minimize the impact on the neighborhood, and shall be identified in the TUP.

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of August 19, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2019-13

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA,
RECOMMENDING DENIAL OF A
GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR THE REZONING OF A
PROPERTY LOCATED AT 2443 'N' AVENUE FROM
LARGE LOT RESIDENTIAL (RS-1) TO INSTITUTIONAL (I).
APPLICANT: INTERNATIONAL COMMUNITY FOUNDATION
CASE FILE NO. 2019-04 GPA, ZC
APN: 563-040-09

WHEREAS, application was made for approval of a General Plan Amendment and Zone Change for the rezoning of a property located at 2443 'N' Avenue from large lot residential (RS-1) to Institutional (I); and

WHEREAS, the Planning Commission of the City of National City, California, initiated said applications at a duly advertised public hearing held on May 20, 2019, at which time the Planning Commission considered oral and documentary evidence; and,

WHEREAS, the Planning Commission of the City of National City, California, considered said applications at a duly advertised public hearing held on August 19, 2019, at which time the Planning Commission considered oral and documentary evidence; and,

WHEREAS, at said public hearing the Planning Commission considered the staff report provided for Case File No. 2019-04 GPA, ZC, 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.

NOW, THEREFORE, BE IT RESOLVED by the City 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 August 19, 2019, support the following finding:

FINDING FOR DENIAL OF THE GENERAL PLAN AMENDMENT
AND ZONE CHANGE

1. The proposed development is not consistent with the General Plan, because the proposed use would be out of character with that of the surrounding.

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of August 19, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR THE ON-SITE SALE OF BEER AND WINE AT A NEW RESTAURANT (VON'S CHICKEN) LOCATED AT 811 'K' AVENUE

Case File No.: 2019-15 CUP

Location: Southeast corner of E. 8th St. and 'K' Ave. (The Kimball)

Assessor's Parcel Nos.: 556-510-63

Staff report by: Chris Stanley, Assistant Planner

Applicant: Wing & Wo LLC/ Steve Rawlings

Zoning designation: Major Mixed-Use Corridor (MXC-2)

Adjacent use and zoning:

- North: MXC-2 and RS-2 - Single-Family Residential across E. 8th St.
- East: MXC-2 and RS-3 - Bethel Evangelical Church across 'L' Ave. / Multi-Family Residential
- South: MXC-2 and Major Mixed-Use District (MXD-2) – Multi-Family Residential
- West: MXC-2- Single Family Residential

Environmental review: Not a project per California Environmental Quality Act (CEQA)

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of the on-site sale of beer and wine at a new restaurant, "Von's Chicken", subject to the attached recommended conditions. The sale of alcohol is conditionally allowed in the Major Mixed-Use Corridor zone and would be accessory to the restaurant. The proposed hours of sale for beer and wine, 10 a.m. to 9 p.m. Sunday through Thursday and 10 a.m. to 10 p.m. Friday and Saturday would be consistent with recent alcohol Conditional Use Permit (CUP) approvals.

Executive Summary

The business has applied for a CUP to sell beer and wine at a new restaurant (Von's Chicken). The hours for the sale of beer and wine, as proposed by the applicant, are 10 a.m. to 9 p.m. Sunday through Thursday and 10 a.m. to 10 p.m. Friday and Saturday. A Type 41 (On-Site Sale of Beer and Wine) license is concurrently being processed with the California Department of Alcoholic Beverage Control (ABC).

Site Characteristics

The project location is an existing 1,200 square-foot retail space located at 811 'K' Avenue. The restaurant will be the corner suite of the ground level of a newly built mixed-use project, The Kimball; the commercial suites for the project will continue east to 'L' Ave. Single family residential (RS-2 and MXC-2) exists north, east, and south of the property, as well as a church on the east side of 'L' Ave.

Proposed Use

The applicant is proposing to sell beer and wine at the new restaurant. The floor plan provided with this application shows ten tables with 30 chairs and bench seating as well as counter seating with four additional chairs. Alcohol would be delivered to the table upon request and would only be available with the sale of food. Proposed alcohol sales hours are from 10 a.m. to 9 p.m. Sunday through Thursday and 10 a.m. to 10 p.m. Friday and Saturday. No live entertainment is proposed.

Analysis

Section 18.30.050 of the Land Use Code allows for on-site alcohol sales with an approved CUP. Additional requirements for alcohol CUPs include expanded notification, a community meeting, and distance requirements.

Mailing - All property owners and occupants within a distance of 660 feet are required to be notified of a public hearing for alcohol-related CUP applications. Notice of this public hearing was sent to 555 occupants and owners.

Community Meeting - Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held Wednesday, July 10, 2019 at 5:00 p.m. at the subject restaurant. The meeting advertisement is attached (Attachment 7). There were three community member in attendance. According to the applicant, the business model was explained to those in attendance, with the only concern being that the location would not be a bar. The applicant also stated that the same 555 occupants and owners that were notified of the Planning Commission were notified of the community meeting.

Distance Requirements - Chapter 18.030.050 (D) of the National City Zoning Code requires a 660-foot distance from any public school, however, restaurants with greater than 30% of their area devoted to seating are exempt from this distance requirement. The property in question meets this requirement with approximately 50% of its floor area devoted to seating. There are no schools within 660 feet from the site.

Alcohol Sales Concentration/Location - Per State ABC, there are currently 14 on-sale licenses in this census tract (117) where a maximum of eight are recommended. For reference, the alcohol outlets in the census tract are:

Name	Address	License Type*	CUP
American Legion	35 E. 18 th ST.	52	N
Chuck E. Cheese's	1143 Highland Ave.	41	N
Royal Mandarin	1132 E. Plaza Blvd.	41	Y
VFW Post	1401 Highland Ave.	52	Y
Golden Chopsticks	1430 E. Plaza Blvd.	41	Y
Ginza Sushi	925 E. Plaza Blvd.	41	Y
Lai Thai Restaurant	1430 E. Plaza Blvd.	41	Y
Café La Maze	1441 Highland Ave.	47	N
Grill House at Big Ben	106 E. 8 th St	41	Y
Yi Sushi #2	1430 E. Plaza Blvd.	41	Y
Crab Fever	1420 E. Plaza Blvd.	41	Y
Galbi Sushi	1519 Highland Ave.	41	Y
Slappy's Burgers	1105 E. Plaza Blvd.	41	Y

Karina's	1705 Highland Ave.	41	Y
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* Type 41 – On-Sale Beer and Wine for Bona Fide Public Eating Place

* Type 47 – On-Sale General – Eating Place

* Type 52 – Veteran's Club

The fourteen existing licenses are for restaurants and Veteran's Clubs. Census tract 117 includes the area south of East 8th Street, north of East 18th Street, east of National City Boulevard, and west of Palm Avenue. The attached census tract map shows the location of the subject tract (Attachment 6).

Hours of Operation

The hours of operation for the existing license holders range from 9 a.m. to 2 a.m. for the varying properties. Recent alcohol sales hours have been between 10 a.m. and 10 p.m., as such, the proposed hours are within the recommended hours.

Institute for Public Strategies (IPS)

IPS provided comments recommending that owners, management, and staff be required to attend Responsible Beverage Sales and Service (RBSS) training as well as the sale of beer and wine ceasing by 10 p.m. The RBSS training is a standard condition of City Council Policy 707 and is included as a condition of approval.

Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 12 points, which places it in the Low Risk category. Low risk is considered 1 to 12 points (see Attachment 9).

Public Comments

An email was received from a nearby resident living at 922 E. 8th St. who was concerned about the amount of businesses that sell alcohol; they state that there should be more Police officers and that there are empty alcohol containers on the streets that do not get picked up. The resident also states that businesses should have their own security.

Findings for Approval

The Municipal Code contains six required findings for CUPs as follows:

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

The use is allowable within the Major Mixed-Use Corridor zone pursuant to a CUP, and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.

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

Alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. A restaurant use is consistent with the Major Mixed-Use Corridor land use designation contained in the Land Use and Community Character element of the General Plan. In addition, the property is not within a specific plan area.

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

The building is existing and not proposed to be expanded. The proposal involves an accessory use for an existing suite. Potential development in this zone (MXC-2) was analyzed for traffic impacts during the most recent Land Use Update. Because the sale of alcohol would be accessory to the sale of food, no measurable increase in traffic is expected.

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

The proposed alcohol sales would be accessory to an existing restaurant use where no expansion of the premises is proposed. The addition of alcohol sales is not expected to increase the demand for parking on the property.

5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare,

or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located.

The proposed use will be subject to conditions that limit the sale of beer and wine as well as the hours that it will be available; no beer or wine will be sold after 10:00 p.m. and will only be available with the sale of food. In addition, all business staff is required to receive RBSS training.

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

The project is not considered a project under CEQA, as no development is proposed. In addition, the proposed use is similar to other commercial uses in the area, which are permitted by right in the mixed-use zones. Given that there is no calculable increase in traffic and no other impacts are anticipated, staff is of the opinion that the project would not result in any physical changes to the environment.

The following two conditions are also included with alcohol CUPs:

7. The proposed use is deemed essential and desirable to the public convenience or necessity.

In this case, alcohol sales would contribute to the viability of the restaurant, an allowed use in the Major Mixed-Use Corridor zone.

8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

Findings for Denial

Due to there being other on-sale sites in the area, there are also findings for denial as follows:

1. The census tract is currently over-concentrated with 14 on-sale licenses, where a maximum of eight are recommended.
2. The proposed use is not deemed essential to the public necessity, as there are 12 other restaurants in census tract 117 that already serve alcohol.

3. Based on the above finding, 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.

Conditions of Approval

Standard Conditions of Approval have been included with this permit, as well as conditions specific to on-sale alcohol sales per City Council Policy 707 (alcohol incidental to food, hours of operation, RBSS training, etc.).

Summary

The proposed use is consistent with the General Plan due to alcohol sales for on-site consumption being a conditionally-allowed use in the Major Mixed-Use Corridor zone. The proposed use would be accessory to the existing restaurant use in a commercial area. The addition of alcohol sales is not expected to increase the demand for parking, other services on the property, or have any significant effects on the area.

Options

1. Approve 2019-15 CUP subject to the conditions listed within, based on the attached findings, or findings to be determined by the Planning Commission;
or
2. Deny 2019-15 CUP based on the attached finding or findings to be determined by the Planning Commission; or,
3. Continue the item to a specific date in order to obtain additional information.

Attachments

1. Recommended Findings
2. Recommended Conditions of Approval
3. Overhead
4. Applicant's Plans (Exhibit A, Case File No. 2019-15 CUP, dated 6/18/2019)
5. Public Hearing Notice (Sent to 555 property owners & occupants)
6. Census Tract & Police Beat Maps
7. Community Meeting Advertisement / Sign-In Sheet / Minutes
8. City Council Policy 707
9. Police Department Comments
10. Public Comment
11. Resolutions



CHRIS STANLEY
Assistant Planner



ARMANDO VERGARA
Director of Community Development

RECOMMENDED FINDINGS FOR APPROVAL

2019-15 CUP – 811 'K' Avenue

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because alcohol sales for on-site consumption is a conditionally allowed use in the Major Mixed Use Corridor zone.
2. The proposed use is consistent with the General Plan. Alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. In addition, a restaurant use is consistent with the Major Mixed-Use land use designation contained in the Land Use and Community Character (LU) element of the General Plan. Furthermore, the property is not within a Specific Plan area.
3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the building is existing and not proposed to be expanded. The proposal involves an accessory use for an existing suite. Potential development in this zone (MXC-2) was analyzed for traffic impacts during the most recent Land Use Update. Because the sale of alcohol would be accessory to the sale of food, no measurable increase in traffic is expected.
4. The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints, because the proposed alcohol sales would be accessory to an existing restaurant use where no expansion of the premises is proposed. The addition of alcohol sales is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance, be injurious, or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be subject to conditions that limit the sale of alcohol and the hours that it will be available; no alcohol will be sold after 10 p.m. and will only be available with the sale of food; all business staff is required to receive Responsible Beverage Service & Sales (RBSS) Training.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act, and because there is no development, it has been determined that the proposed use is not a project per the Act; there is no

calculable increase in traffic and no other impacts are anticipated. The project would not result in any physical changes to the environment.

7. The proposed use is deemed essential and desirable to the public convenience or necessity because beer and wine sales would contribute to the viability of the restaurant, an allowed use in the Major Mixed-Use Corridor zone.
8. Based on findings 1 through 7 above, 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

2019-15 CUP – 811 'K' Avenue

1. The census tract is currently over-concentrated with 14 on-sale licenses, where a maximum of eight are recommended.
2. The proposed use is not deemed essential to the public necessity, because there are three other establishments in census tract 117 that serve beer and wine.
3. Based on the above finding, 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

2019-15 CUP – 811 'K' Avenue

General

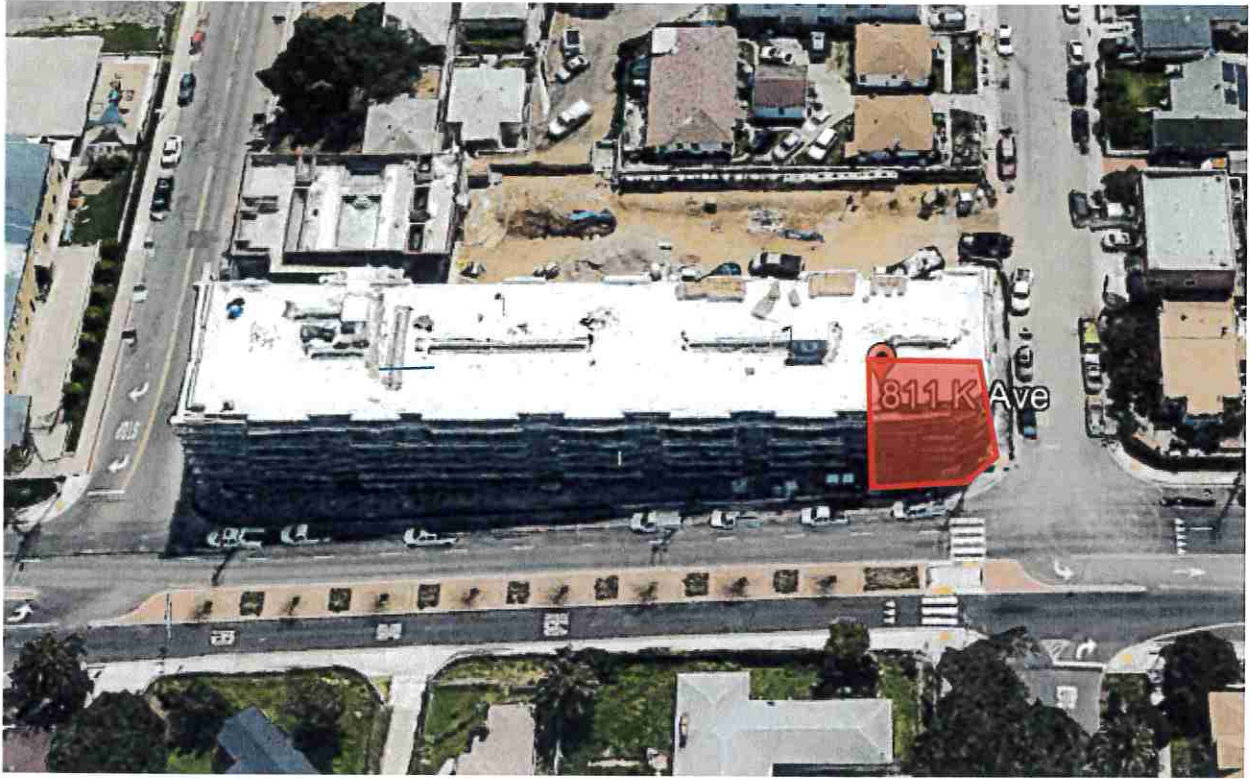
1. This Conditional Use Permit authorizes the sale of beer and wine for on-site consumption at a new restaurant located at 811 'K' Ave. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2019-15 CUP, dated 6/18/2019.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Deputy City Manager prior to recordation.
3. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

Planning

6. 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.

7. 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 judgement 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.
8. Alcohol shall be available only in conjunction with the purchase of food.
9. The sale of alcoholic beverages shall be permitted only between the hours of 10 a.m. and 9 p.m. Sunday through Thursday and 10 a.m. through 10 p.m. Friday and Saturday.
10. This permit does not include live entertainment. If in the future the applicant chooses to add live entertainment, the Conditional Use Permit shall be amended through the Discretionary Permit process.

2019-15 CUP – 811 'K' Avenue – Overhead



GENERAL NOTES

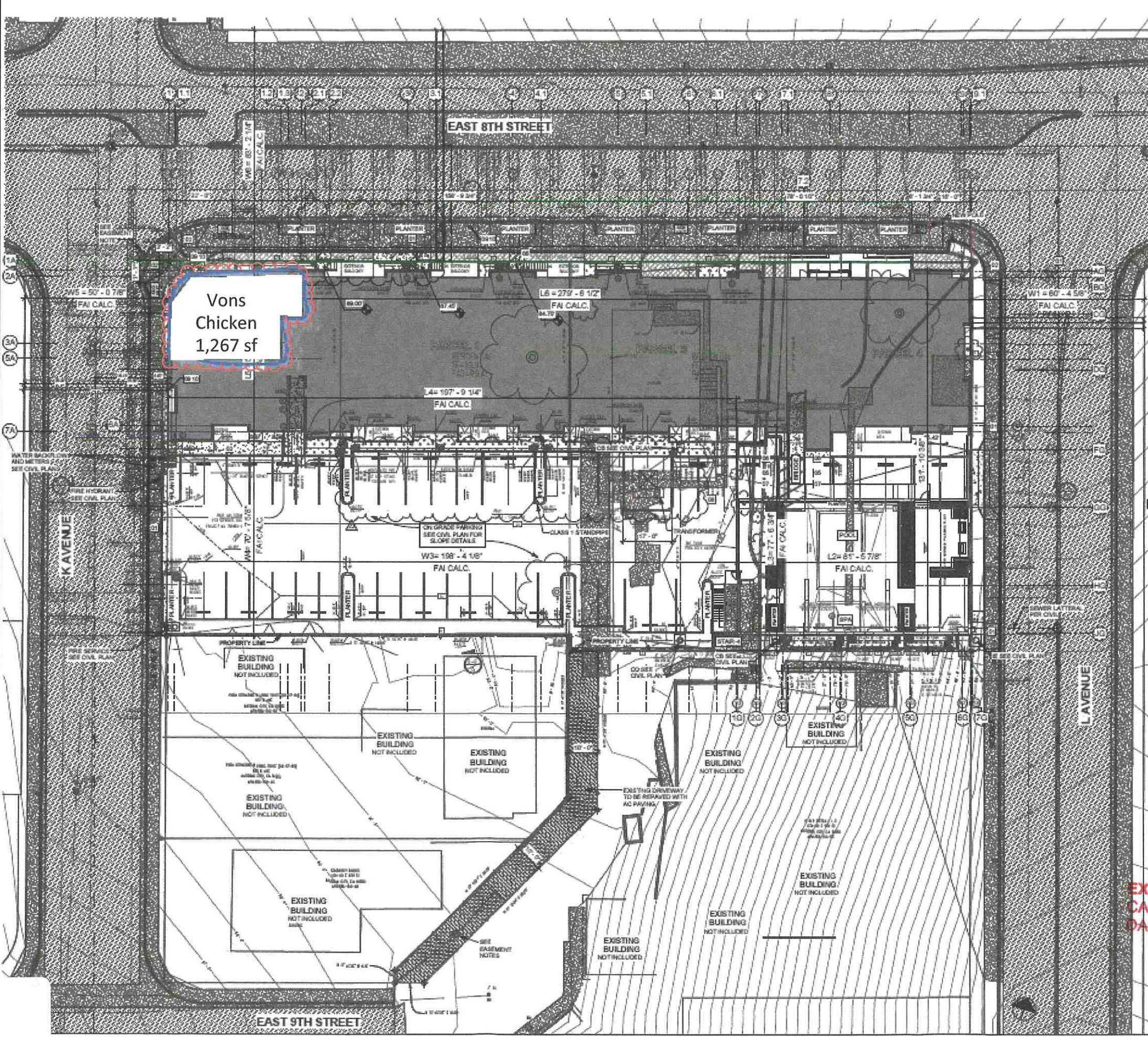
1. PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER PDPS POLICY P-066 (LPC 901.4.4)
2. ALL UNSEWERED WATER SERVICES SHALL BE RELETED AND NEW WATER SERVICES INSTALLED (AS REQUIRED) OUTSIDE OF ANY VEHICULAR USE AREAS OR DRIVEWAY
3. ALL PROPOSED PUBLIC WATER FACILITIES, INCLUDING SERVICES AND METERS, MUST BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH ESTABLISHED CRITERIA IN THE MOST CURRENT EDITION OF THE CITY OF SAN DIEGO REGULATIONS, STANDARDS AND PRACTICES, THEREOF.
4. ACCESS TO EXISTING COMMON AREA POOL WILL NOT BE PROVIDED TO TENANTS IN THE PROPOSED BUILDING.
5. BOTH THE GARAGE AND BUILDING ABOVE WILL BE FIRE-SPRINKLERED.
6. ALL PROPERTY LINES, EASEMENTS AND BUILDINGS, BOTH EXISTING AND PROPOSED, ARE SHOWN ON THIS SITE PLAN. FOR CLARITY EXISTING HOUSE TO BE DEMOLISHED SHOWN ON SHEET A0.1.

KEYNOTE

- 01 PUBLIC RIGHT OF WAY
- 02 ACCESSIBLE COMPLIANT PEDESTRIAN CURB CUT/WALKWAY, REF 60.2
- 03 ACCESSIBLE COMPLIANT WALKWAY
- 04 TOW AWAY SIGN (FOR ACCESSIBLE PARKING) AT ENTRANCE TO GARAGE RAMP, REF DETAIL 146.3
- 05 ACCESSIBLE COMPLIANT PARKING STALLS, REF 493.3
- 06 ACCESSIBILITY PARKING SIGN TYPICAL AT ACCESSIBLE PARKING STALL, REF DETAIL 346.3
- 07 ASSIGNED ACCESSIBLE PARKING SPACES
- 08 ASSIGNED PARKING SPACE
- 09 EXISTING PRIVATE OVERHEAD AND/OR UNDERGROUND LIGHT, ELECTRICAL, TELECOM & CABLE UTILITIES TO BE REMOVED. SERVICE BRIDGES FROM SAN DIEGO GAS & ELECTRIC, SDG&E AND COX CONNECTION REQUIRED PRIOR TO ANY DEMOLITION WORK. EXISTING UTILITIES TO BE CARRIED OR REMOVED WITHIN PROJECT PROPERTY BOUNDARY.
- 10 EXISTING OFF-SITE PUBLIC UTILITIES & SIGNAGE TO BE PROTECTED IN PLACE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REPAIR ANY DAMAGE TO EXISTING ON-SITE AND/OR OFF-SITE PUBLIC UTILITIES & SIGNAGE.

EASEMENT NOTES:

- THE FOLLOWING IS A LIST OF EASEMENT EXCEPTIONS TO COVERAGE AS LISTED IN THE ABOVE REFERENCED PRELIMINARY REPORT. SURVEY RELATED ITEMS THAT CAN BE PLOTTED ARE SHOWN HEREON. THE EFFECT OF AGREEMENTS, ASSIGNMENTS, COVENANTS & CONDITIONS & RESTRICTIONS, FINANCING STATEMENTS, LEASES, LIENS, PERMITS, RESOLUTIONS, TAXES, OR WAIVERS THAT APPEAR IN SAID REPORT THAT ARE NOT SURVEY RELATED ARE NOT INCLUDED IN THIS LIST.
2. AN EASEMENT TO KIMBALL BROTHERS WATER COMPANY FOR THE CONSTRUCTION AND MAINTENANCE OF FLUMES, CANALS, OR AQUEDUCTS. RECORDED OCTOBER 14, 1889 IN BOOK 7, PAGE 124 OF DEEDS. THE INTEREST OF SAID GRANTEE HAS SINCE PASSED AND NOW VESTS OF RECORD IN THE CALIFORNIA WATER & TELEPHONE COMPANY, A CORPORATION. THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
 11. AN EASEMENT TO THE STATE OF IDA E. WALLACE HOGARTY, DECEASED FOR PUBLIC ROAD AND INCIDENTAL PURPOSES. RECORDED JULY 22, 1922 AS BOOK 144, PAGE 136 OF OFFICIAL RECORDS. THE LOCATION OF SAID THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
 12. AN EASEMENT TO CHARLOTTE O. MBER, TESTAMENTARY TRUSTEE UNDER THE WILL OF IDA E. WALLACE HOGARTY, FORMERLY IDA E. WALLACE, DECEASED FOR STREET AND INCIDENTAL PURPOSES. RECORDED OCTOBER 09, 1928 AS BOOK 461, PAGE 186 OF OFFICIAL RECORDS. THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
 13. AN EASEMENT TO THE CITY OF NATIONAL CITY FOR RIGHT OF WAY TO CONSTRUCT, RECONSTRUCT, MAINTAIN, OPERATE, AND REPAIR STREET, TOGETHER WITH RIGHT OF INGRESS/EGRESS AND INCIDENTAL PURPOSES. RECORDED NOVEMBER 21, 1923 AS INSTRUMENT NO. 33-422276 OF OFFICIAL RECORDS.
 21. RIGHTS OF PUBLIC USE FOR STREET PURPOSES AS DISCLOSED IN VARIOUS INSTRUMENTS OF RECORD, ONE OF WHICH RECORDED JANUARY 26, 1925 IN BOOK 1574, PAGE 19, OF OFFICIAL RECORDS.
 22. AN EASEMENT TO NELLIE F. HAMILTON FOR WATER PPS AND INCIDENTAL PURPOSES. RECORDED JULY 15, 1948 AS INSTRUMENT NO. 75236 OF OFFICIAL RECORDS. THE LOCATION OF THE EASEMENT IS LOCATED WITHIN "L" STREET AND THEREFORE DOES NOT AFFECT THE SUBJECT PROPERTY.



JOB # 18-01

AUGUSTO ANGELOCCI ARCHITECT AIA

9965 MESA RIM ROAD SUITE 215
SAN DIEGO, CA 92021
PH: (858) 450-0966
FAX: (858) 450-0866



THE KIMBALL

108 EAST 8TH STREET
NATIONAL CITY, CA 91960

REVISIONS

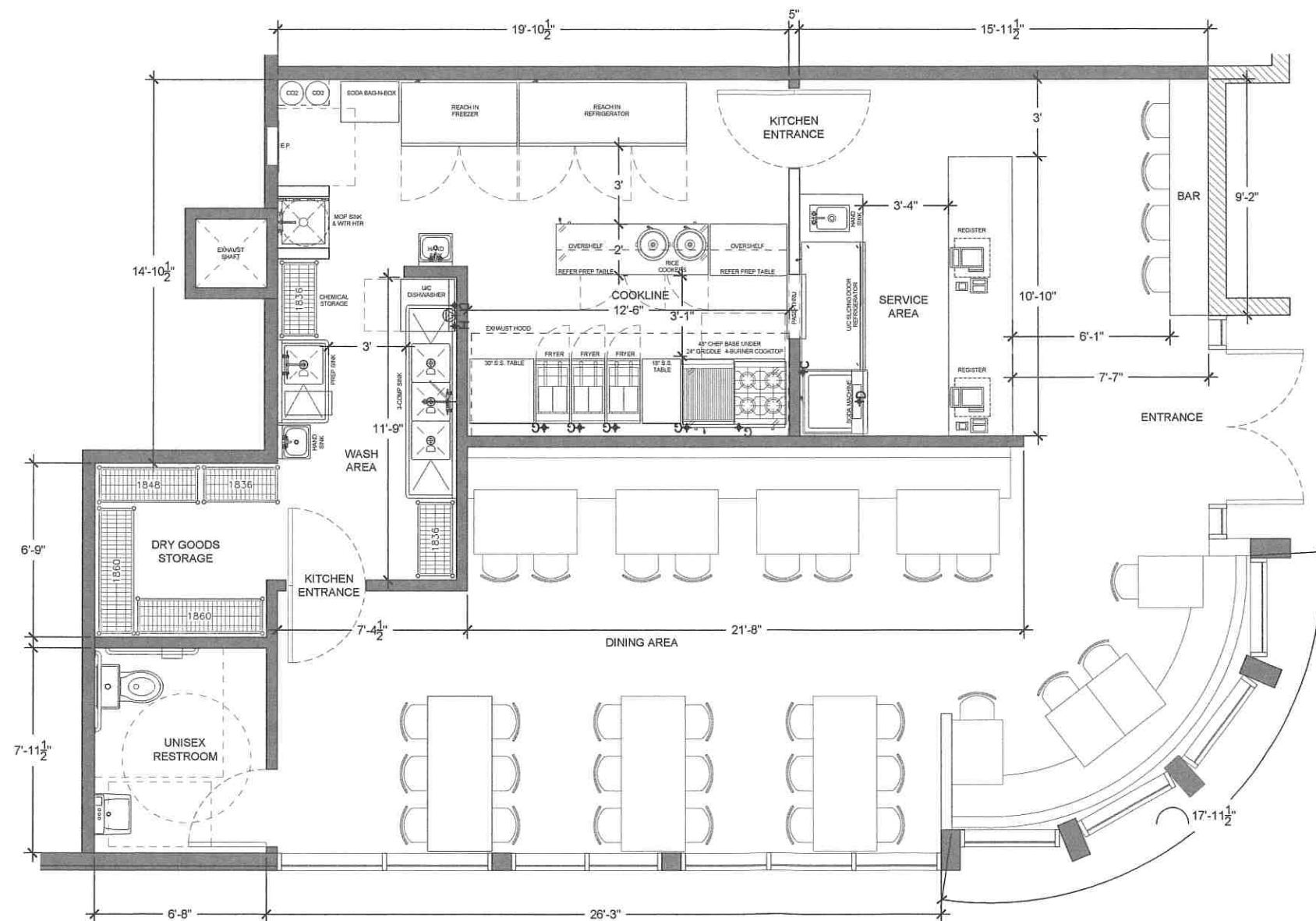
No.	Date	Revision Description
22	05-04-18	Markers & Scale

SHEET NAME
SITE PLAN

EXHIBIT: A
CASE FILE NO.: 2019-18
DATE: 6-18-19
SHEET NUMBER

A1.1

DEFERRED SUBMITTAL
5/31/2018



Store Size: 1,267 square feet
 Number of Seats - 34

VONS CHICKEN FLOOR PLAN - REV 1 (4/26/19) 3/8"=1'-0"

These drawings are the property of the architect and shall remain the property of the architect. No part of these drawings may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the architect. The architect shall not be responsible for any errors or omissions in these drawings. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and regulations. The contractor shall also be responsible for protecting the architect's intellectual property and for indemnifying the architect from all claims, damages, and expenses, including reasonable attorneys' fees, arising out of or from the performance of the contract. The architect's liability shall be limited to the professional services provided by the architect. The architect shall not be responsible for any construction defects or for any other claims, damages, and expenses, including reasonable attorneys' fees, arising out of or from the construction of the project. The architect shall not be responsible for any claims, damages, and expenses, including reasonable attorneys' fees, arising out of or from the use of the project after completion of the construction. The architect shall not be responsible for any claims, damages, and expenses, including reasonable attorneys' fees, arising out of or from the use of the project after completion of the construction.

JOB NO.	19.167
REVISION	
DATE	APRIL 25, 2019
TITLE	FLOOR PLAN
SHEET	A1.1R1



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

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR THE ON-SITE SALE OF BEER AND WINE AT A
NEW RESTAURANT (VON'S CHICKEN) LOCATED AT 811 'K' AVE.
CASE FILE NO.: 2019-15 CUP
APN: 556-510-63

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, August 19, 2019**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Wing & Wo LLC)

This application has been submitted for Planning Commission consideration. The project site is a new restaurant in the Major Mixed-Use Corridor (MXC-2) zone. The applicant is proposing to sell beer and wine for on-site consumption (Type 41 License) in the 1,200 square-foot commercial space. The proposed alcohol sales hours are 10 a.m. to 9 p.m. Sunday through Thursday and 10 a.m. to 10 p.m. Friday and Saturday.

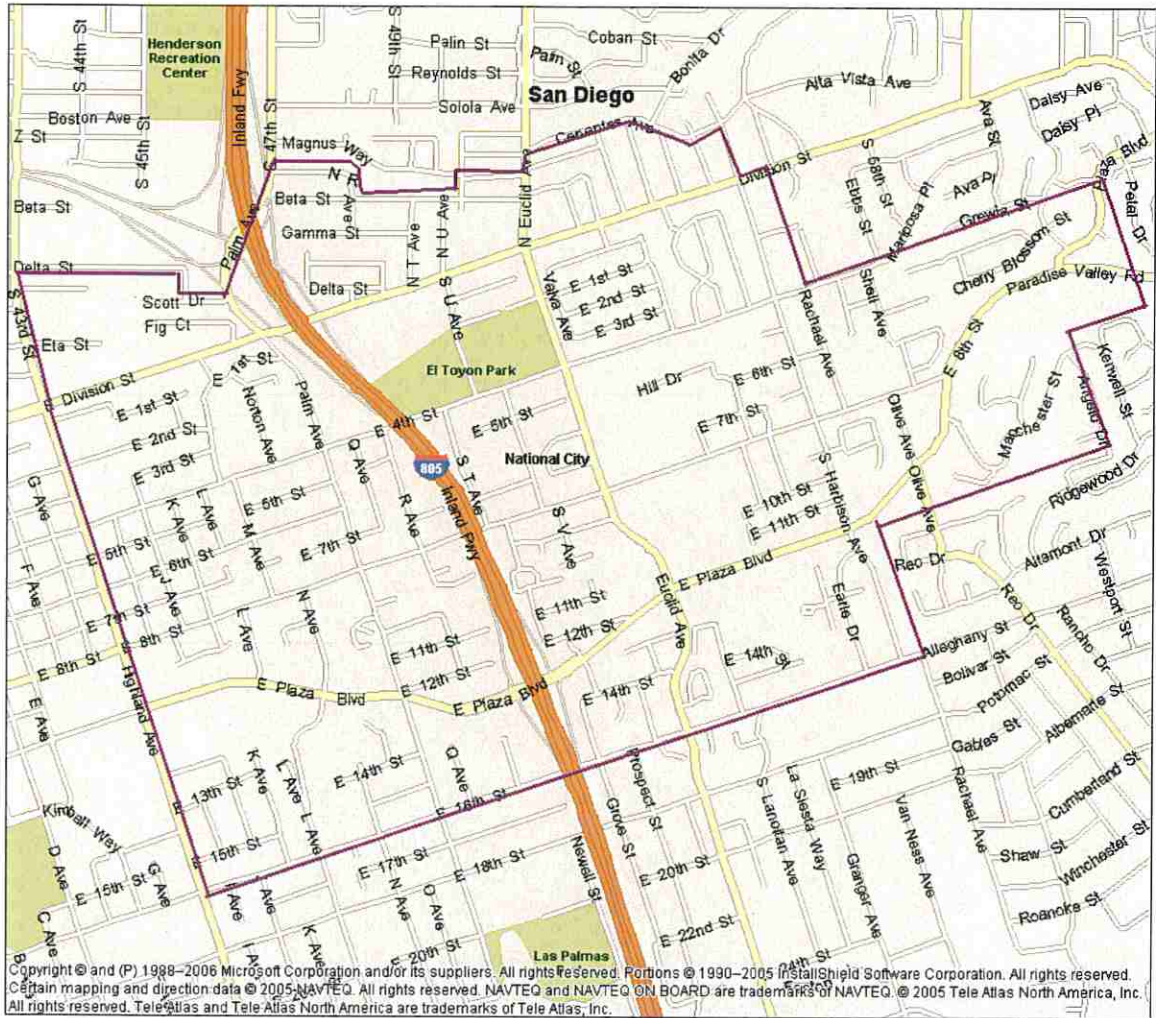
Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received on or before 12:00 p.m., **August 19, 2019** by the Planning Division, who can be contacted at 619-336-4310 or planning@nationalcityca.gov.

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

NATIONAL CITY PLANNING DIVISION

ARMANDO VERGARA
Director of Community Development

ATTACHMENT 5



City of National City Beat 21

You are invited to attend a:
COMMUNITY MEETING

Date: July 10th, 2019

Time: 5:00 p.m.

Address: 811 K Avenue, National City, CA

This meeting is to inform citizens of a use permit application that has been filed for the service of alcoholic beverages at Vons Chicken that will be opening at 811 K Avenue, National City, CA.

We are looking forward to meeting you and discussing any concerns or questions you may have regarding this proposed restaurant operations. If you can't attend the meeting, or if you have any questions before then, please feel free to contact Steve Rawlings, the Applicant's representative at 951-667-5152 or via email at SER@Rawlingspm.com.

This notice is being sent to you in fulfillment of the City of National City requirements. This outreach effort to our neighbors is necessary because an application for development or use has been filed with the City of National City Planning Department.

Rawlings Consulting
PO Box 96
Murrieta, CA 92562

Von's Chicken

7/10/19

<u>Name</u>	<u>Email</u>	<u>Phone</u>
DAVID CHUNG (WING)	WINGANDWO@HOTMAIL.COM	917-834-1385
Steve Rawlings	SER@Rawlingspm.com	951-667-5152
Jovita Arellano	Jarellano@publicstrategies.org	619 227-4588
Stelle Andrade	sandrade@publicstrategies.org	619-779-0414
LUIS SANCHEZ.		619 477 6381

Chris Stanley

From: ser@rawlingspm.com
Sent: Thursday, July 11, 2019 12:37 PM
To: Chris Stanley
Subject: RE: 2019-15 CUP Von's Chicken 811 'K' Ave.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

We showed them the space that the store would be located and gave some details about the operation such as the hours of operation and that beer is ordered at the counter and customers take them back to their seats. David, the owner, had a menu which they were able to look at.

Jovita explained to David that she would be submitting a report that would include the recommendation for in-person training for the employees. David agreed that that was a good idea. Luis said that he just wanted to make sure that it wasn't going to be a bar and that there would be signage regarding alcohol. As you are aware, ABC does require certain signage and I believe those mandated signs will address his concerns.

Jovita and Stelle stated that they were not opposed and Luis said he was looking forward to being a customer. The meeting last about 30 – 40 minutes.

Thanks,

Steve Rawlings
Rawlings Consulting
951.667.5152

From: Chris Stanley <cstanley@nationalcityca.gov>
Sent: Thursday, July 11, 2019 12:07 PM
To: ser@rawlingspm.com
Subject: RE: 2019-15 CUP Von's Chicken 811 'K' Ave.

Thank you. Can you provide a summary of the meeting. Any questions anyone had? Or topics? Or was the only topic explaining what a Korean BBQ was?

Chris Stanley
Assistant Planner
City of National City
1243 National City Boulevard
National City, CA 91950
Office: (619) 336-4381



City Hall Hours: M-Th 7a-6p

CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process
and Alcohol Conditional Use Permit Standards

POLICY
NUMBER 707

ADOPTED: November 12, 1991

AMENDED OR
REVISED: July 17, 2018

Page 1 of 5

PURPOSE/BACKGROUND:

To streamline the process of alcohol license application review to ensure timely staff responses and/or protests to the Department of Alcoholic Beverage Control regarding these applications.

The City Municipal Code requires Conditional Use Permits for the sale of alcohol. Such land use regulation is designed to ensure that the health, safety and welfare of the community does not become negatively impacted. In order to minimize any potential adverse effects of alcohol sales for both on and off-site consumption, including public drunkenness, disorderly conduct, illegal sales or domestic violence, the City adopts conditions of approvals and enact policies designed to protect the public from such effects. The following sets forth the City Council's policy on the applicable alcohol standards for Conditional Use Permit applications for both on and off-sale alcohol sales, as well as the Department of Alcoholic Beverage Control application notification requirements.

POLICY:

The Department of Alcoholic Beverage Control (ABC) sends copies of all alcoholic beverage license applications to the Police Department. The City has thirty days from the date of the ABC mailing to provide comments to the ABC. If no protests are received within that time period, the ABC issues the license.

The Police Department is responsible for ensuring that an appropriate Conditional Use Permit (CUP) exists for the applicant business. If such a CUP exists, the copy of the application is simply filed by the Police Department in the existing file with the notation that there were no objections to the issuance of the license. If it is a new (in the case of an "original" license application) or expanding business or one seeking a license to effect a premises transfer, and no CUP exists, the Police Department is responsible for sending a letter to the ABC protesting the issuance of the license until a CUP is issued by the City.

Whenever such a protest letter is sent to the ABC, that agency notifies the applicant that they must begin the process of obtaining a CUP with the City's Planning Division and that the issuance of the alcoholic beverage license will be delayed until such time as the protest is withdrawn.

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Page 2 of 5

Once a CUP has been issued, the Planning Division notifies the Police Department of that issuance and it is then the responsibility of the Police Department to notify the ABC that the protest is withdrawn.

The CUP application, approval and issuance process is such that it provides all the checks, balances and controls necessary to ensure that businesses seeking alcoholic beverage licenses are in compliance with local standards.

These conditions of approval shall apply to all new Conditional Use Permits (CUPs) for the sale of alcohol for on and/or off-site consumption and modifications of existing CUPs for such sales as specified by the preceding parenthetical references with each condition. These references specify to which type of alcohol CUP being applied for the conditions would apply to – on-sale (restaurant, bar, etc) or off-sale (market, grocery store, etc). Regulation of these conditions and allowances shall be enforced through the Conditional Use Permit process, specifically conditions of approval to read as follows:

1. **(off-sale alcohol)** The sale of beer or malt beverages in quantities of quarts, 22 ounce, 32 ounce, 40 ounce, or similar size containers is prohibited.
2. **(off-sale alcohol)** No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
3. **(off-sale alcohol)** No sale of wine shall be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.
4. **(off-sale alcohol)** Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's pre-packaged multi-unit quantities.
5. **(off-sale alcohol)** The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the applicant.
6. **(off-sale alcohol)** All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.

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7. **(off-sale alcohol)** Ice may be sold only at or about prevailing prices in the area and in quantities of not less than three pounds per sale. Ice shall not be provided free of charge.
8. **(off-sale alcohol)** The display of alcoholic beverages shall be limited to an area in substantial conformance with Exhibit ____, Case File No. ____, dated ____.
9. **(off-sale alcohol)** Permittee shall post signs on the exterior building walls in compliance with Chapter 10.30.070 of the National City Municipal Code. Additionally, the permittee shall post signs, to be approved by the Planning Division, at each entrance to the applicant's premises and parking lot, prohibiting loitering and consumption of alcohol on the premises and adjacent property under his control. Said signs shall not be less than 17 by 22 inches in size, with lettering not less than one inch in height. The signs shall read as follows:
 - a. "No open alcoholic beverage containers are allowed on these premises."
 - b. "No loitering is allowed."
10. **(off-sale alcohol)** Containers of alcohol may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
11. **(off-sale alcohol)** 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.
12. **(off-sale alcohol)** The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of all other commodities during the same period. The applicant shall at all times keep records which reflect separately the gross sales of alcoholic beverages and the gross sales of all other items. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the City Finance Department and any Peace Officer of the California Department of Alcoholic Beverage Control upon demand.
13. **(on and off-sale alcohol)** 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 -

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- of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.

14. **(on-sale alcohol)** 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.
15. **(on-sale alcohol)** Alcohol shall be available only in conjunction with the purchase of food.
16. **(on-sale alcohol with patio)** 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.
17. **(tasting rooms)** The requirements that alcohol be available only with the purchase of food and that alcohol sales not exceed food sales shall not apply to tasting rooms.
18. **(tasting rooms)** Sales of sealed bottles or containers (commonly known as growlers) for off-site consumption of the product manufactured by the master licensee may be sold and/or consumed at this location.
19. **(tasting rooms)** Hours of operation of tasting rooms shall be limited to between 10:00 a.m. to 10:00 p.m. with last call being at 9:00 p.m.
20. **(tasting rooms)** With the submittal of a business license for a tasting room, the Police Department shall provide an ABC Risk Assessment for each business applicant that indicates whether the business is considered a low, medium, or high risk. In the event that a risk assessment for the business allocates or more than 15 points, no business license shall be issued without the issuance of a Conditional Use Permit.

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The sale of three-packs of 24-oz cans of beer shall apply retroactively to all existing off-sale CUPs where a condition exists limiting sales to no less than six-pack quantities. However, business wishing to avail themselves of this modification must conform with all regulations of the Department of Alcoholic Beverage Control (ABC).

The Council may, at its sole discretion, choose to waive or modify any of the above conditions.

VI. Calls for Service at Location (for previous 6 months)

- ✓ Below (1 pt)
- Average (2 pts)
- Above (3 pts)

VII. Proximity Assessment (1/4 mile radius of location)

- Mostly commercial businesses (1 pt)
- ✓ Some businesses, some residential (2 pts)
- Mostly residential (3 pts)

Low Risk (12pts or less) Medium Risk (13 – 18pts) High Risk (19 – 24pts) Total Points <u>12</u>
--

VIII. Owner(s) records check

- ✓ No criminal incidents (0 pts)
- Minor criminal incidents (2 pts)
- Multiple/Major criminal incidents (3 pts)

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

Recommendation:

Completed by: W. Walters, Sergeant Badge ID: 398

Chris Stanley

From: Planning
Sent: Monday, August 12, 2019 1:18 PM
To: Chris Stanley
Subject: FW: no alcohol

[Re: Vons Chicken](#)

From: Alicia Jacome [mailto:aliciajacome40@yahoo.com]
Sent: Sunday, August 11, 2019 6:02 PM
To: Planning <Planning@nationalcityca.gov>
Subject: no alcohol

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am a resident of the 922 East 8th Street. We have so many business they sell alcohol. It is not enough police to control the business and the people behavior after they drink alcohol. If they regulations and the National City Police dispatchers and have more police officer take care the problems is OK. We have lots of problems of legal drugs. We the residents struggle of the problems. Our streets are full of empty alcohol containers and nobody clean up. In another words the owner of the business have their own officer security to take their customers.

RESOLUTION NO. 2019-14

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
APPROVING A CONDITIONAL USE PERMIT FOR ON-SITE BEER AND WINE
SALES AT A NEW RESTAURANT (VON'S CHICKEN) LOCATED AT 811 'K' AVENUE
CASE FILE NO. 2019-15 CUP
APN: 556-510-63

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the on-site sale of beer and wine at a new restaurant for a property located at 811 'K' Avenue at a duly advertised public hearing held on August 19, 2019, 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. 2019-15 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on August 19, 2019, support the following findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because alcohol sales for on-site consumption is a conditionally allowed use in the Major Mixed Use Corridor zone.
2. The proposed use is consistent with the General Plan. Alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. In addition, a restaurant use is consistent with the Major Mixed-Use land use designation contained in the Land Use and Community Character (LU) element of the General Plan. Furthermore, the property is not within a Specific Plan area.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the building is existing and not proposed to be expanded. The proposal involves an accessory use for an existing suite. Potential development in this zone (MXC-2) was analyzed for traffic impacts during the most recent Land Use Update. Because the sale of alcohol would be accessory to the sale of food, no measurable increase in traffic is expected.
4. The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints, because the proposed alcohol sales would be accessory to an existing restaurant use where no expansion of the premises is proposed. The addition of alcohol sales is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance, be injurious, or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be subject to conditions that limit the sale of alcohol and the hours that it will be available; no alcohol will be sold after 10 p.m. and will only be available with the sale of food; all business staff is required to receive Responsible Beverage Service & Sales (RBSS) Training.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act, and because there is no development, it has been determined that the proposed use is not a project per the Act; there is no calculable increase in traffic and no other impacts are anticipated. The project would not result in any physical changes to the environment.
7. The proposed use is deemed essential and desirable to the public convenience or necessity because beer and wine sales would contribute to the viability of the restaurant, an allowed use in the Major Mixed-Use Corridor zone.
8. Based on findings 1 through 7 above, 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 a Conditional Use Permit is approved subject to the following conditions:

General

1. This Conditional Use Permit authorizes the sale of beer and wine for on-site consumption at a new restaurant located at 811 'K' Avenue. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2019-15 CUP, dated 6/18/2019.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Deputy City Manager prior to recordation.
3. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

Planning

6. 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.
7. 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 judgement 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.

8. Alcohol shall be available only in conjunction with the purchase of food.
9. The sale of alcoholic beverages shall be permitted only between the hours of 10 a.m. and 9 p.m. Sunday through Thursday and 10 a.m. through 10 p.m. Friday and Saturday.
10. This permit does not include live entertainment. If in the future the applicant chooses to add live entertainment, the Conditional Use Permit shall be amended through the Discretionary Permit process.

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 August 19, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2019-14

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
DENYING A CONDITIONAL USE PERMIT FOR ON-SITE BEER AND WINE SALES
AT A NEW RESTAURANT (VON'S CHICKEN) LOCATED AT 811 'K' AVENUE
CASE FILE NO. 2019-15 CUP
APN: 556-510-63

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the on-site sale of beer and wine at an existing restaurant for a property located at 811 'K' Avenue at a duly advertised public hearing held on August 19, 2019, 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. 2019-15 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on August 19, 2019, support the following findings:

1. The census tract is currently over-concentrated with 14 on-sale licenses, where a maximum of eight are recommended.
2. The proposed use is not deemed essential to the public necessity, because there are three other establishments in census tract 117 that serve beer and wine.
3. Based on the above finding, 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.

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 August 19, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR A
BASEBALL ACADEMY TO BE LOCATED AT 220 WEST
25TH STREET UNIT 'D'

Case File No.: 2019-17 CUP

Location: 220 West 25th Street Unit 'D'

Assessor's Parcel Nos.: 562-340-40

Staff report by: Chris Stanley, Assistant Planner

Applicant: Jose Luis Espinoza

Zoning designation: Light Industrial (IL)

Adjacent use and zoning:

- North: Commercial / Major Mixed-Use Corridor (MXC-2)
- East: Industrial & Mile of Cars/ IL &
Commercial Automotive (CA)
- South: Industrial / IL
- West: Industrial / IL

Environmental review: Not a project per California Environmental Quality Act (CEQA)

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of the baseball academy at an existing industrial park located at 220 W. 25th St. Unit 'D'. Commercial Recreation, Indoor is conditionally allowed in the Light Industrial (IL) zone. The proposed hours of operation are 3 p.m. to 8 p.m. Monday through Friday.

Executive Summary

The business has applied for a Conditional Use Permit (CUP) to operate a baseball academy at an existing industrial park. The proposed hours of operation allow for shared parking for the site, with industrial uses taking place during the day and the recreation use proposed for the evening. While noise is usually a concern for a gym-like use, with industrial uses surrounding the suite and the Interstate 5 Freeway to the west, noise should not be an issue.

Site Characteristics

The project location is an existing 2,500 square-foot industrial suite located at 220 W. 25th St. Unit 'D'. The suite is 25 feet wide by 100 feet deep and is currently an empty warehouse. The surrounding uses for the property are commercial to the north, industrial and the Mile of Cars to the east, and industrial to the south and west.

Proposed Use

The proposed baseball academy would include three batting cages, a reception desk, restroom, and an office. The hours of operation would be from 3 p.m. to 8 p.m. Monday through Friday. The academy would be a training space for children to attend after school.

Analysis

General Plan

The General Plan Land Use Element designates the property as Industrial which is intended to provide areas for employment-intensive, light manufacturing, large format retail, supporting retail services, and other compatible uses.

The proposed gym use is consistent with the intent of the Industrial land use designation described above, as the gym would create job opportunities and is compatible with the existing industrial uses.

Additionally, the General Plan contains City-wide goals and implementing policies.

Land Use Element Goal LU-2: Calls for a mix of land uses including residential, commercial, employment, service, agricultural, open space, and recreational uses that accommodate the needs of persons from all income groups and age levels. Policies implementing this goal include:

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

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

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

The academy is only proposed to be open from 3 p.m. to 8 p.m. Monday through Friday, whereas, peak hours for the industrial uses are during the day. This mix of hours will promote more activity during more hours of the day, consistent with the aforementioned policy.

- **Policy LU-5.11:** Support efforts to reduce unemployment rates for city residents.

The proposed business expansion supports efforts to reduce unemployment rates because the business will create new employment opportunities.

Land Use Code (LUC)

LUC Section 18.25.020 establishes permitted uses in the IL zone. The baseball academy is classified as an indoor commercial recreation use that requires a CUP in the IL zone.

LUC Section 18.25.050 requires all uses to be housed in completely enclosed buildings, provided that uses which customarily include outdoor use may be permitted outside. In this case, the academy is not a use that customarily takes place outdoors and therefore must be conducted in the building. A Condition of

Approval has been included requiring that all activities be conducted in the building.

Parking Requirement – LUC Section 18.45.050 prescribes the required number of off-street parking spaces by land use. This Code section requires that Indoor Commercial Recreation uses provide 2.5 spaces for each 1,000 square feet. This equates to eight parking spaces required. Industrial uses require one parking space per 1,000 square feet of floor area; with 106 parking spaces and approximately 38,000 square feet for the other suites on the parcel, there is ample parking for the site.

Noise – Batting cages can be noisy and incompatible with neighboring uses. In this case, noise is not a concern, because neighboring uses are manufacturing uses in an industrial zone where moderately noisy uses are expected. In addition, all use would be conducted indoors.

Mailing – All property owners and occupants within a distance of 300 feet are required to be notified of a public hearing for CUP applications, as such, 47 notices were sent out.

Required findings

The Municipal Code contains six required findings for a CUP:

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

Indoor Commercial Recreation is permitted in the IL zone subject to a CUP per LUC section 18.25.020, and the academy complies with all provisions of the LUC as discussed in the staff report.

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

The General Plan designates the property as an industrial land use that provides for intensive uses, light manufacturing, large format retail, supporting retail services, and other compatible uses that are consistent with the use proposed by the applicant. The proposed land use is also consistent with General Plan

Policies HEJ-3.5, LU-5.1, and LU-5.11 because the proposal would raise awareness about the importance of healthy behaviors and physical fitness to overall well-being, promote activity during more hours of the day, and provide jobs.

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

The proposed academy is located in an industrial zone surrounded by industrial uses on a 5.93-acre lot that far exceeds the 5,000 square foot minimum lot size in the zone.

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

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

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

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

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

Staff has determined that the proposed use is not a project per CEQA due to the lack of construction.

Findings for Denial

Due to there being another indoor commercial recreation use in the area, there is also a finding for denial as follows:

1. The proposed use would take away from potential industrial businesses, which are limited on where they can be conducted.

Department Comments

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

Conditions of Approval

Standard Conditions of Approval have been included with this permit. Additionally, a condition has been added prohibiting outdoor training.

Summary

The proposed use is consistent with the General Plan, as the property is designated Industrial and is intended to provide areas for employment intensive uses, light manufacturing, large format retail, supporting retail services, and other compatible uses. The proposal is also consistent with the LUC because Indoor Commercial Recreation is permitted in the IL zone with a CUP and because the proposal meets all requirements of the LUC.

Options

1. Approve 2019-17 CUP subject to the conditions listed within, based on the attached findings, or findings to be determined by the Planning Commission; or
2. Deny 2019-17 CUP based on the attached finding or findings to be determined by the Planning Commission; or,
3. Continue the item to a specific date in order to obtain additional information.

Attachments

1. Recommended Findings
2. Recommended Conditions of Approval
3. Overhead
4. Applicant's Plans (Exhibit A, Case File No. 2019-17 CUP, dated 7/2/2019)
5. Public Hearing Notice (Sent to 47 property owners & occupants)
6. Resolutions



CHRIS STANLEY
Assistant Planner



ARMANDO VERGARA
Director of Community Development

RECOMMENDED FINDINGS FOR APPROVAL

2019-17 CUP – 220 West 25th Street Unit 'D'

1. The proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the LUC because indoor commercial recreation is permitted in the IL zone subject to a CUP per LUC section 18.25.020, and the academy complies with all provisions of the LUC as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan because the General Plan designates the property as an industrial land use that provides for intensive uses, light manufacturing, large format retail, supporting retail services, and other compatible uses that are consistent with the use proposed by the applicant. The proposed land use is also consistent with General Plan Policies HEJ-3.5, LU-5.1, and LU-5.11 because the proposal would raise awareness about the importance of healthy behaviors and physical fitness to overall well-being, promote activity during more hours of the day, and provide jobs.
3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity because the proposed academy is located in an industrial zone surrounded by industrial uses on a 5.93-acre lot that far exceeds the 5,000 square foot minimum lot size in the zone.
4. The site is physically suitable for the type, density, and intensity in use being proposed, including access, utilities, and the absence of physical constraints because the site is capable of highly intensive uses and is proposed to be converted to a less intensive use in an existing building located on a property that has suitable access and utilities.
5. Granting the permit would not constitute a nuisance, be injurious, or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located because the proposed indoor commercial recreation use would not be injurious or detrimental to the public, as it is located in an industrial zone in and surrounded by industrial uses that primarily operate during the day; the proposed academy would operate in the evening. All training will be conducted indoors to prevent impacts on neighboring uses.
6. Staff has determined that the proposed use is not a project per CEQA due to the lack of construction.

RECOMMENDED FINDING FOR DENIAL

2019-17 CUP – 220 West 25th Street Unit 'D'

1. The proposed use would take away from potential industrial businesses, which are limited on where they can be conducted.

RECOMMENDED CONDITIONS OF APPROVAL

2019-17 CUP – 220 West 25th Street Unit 'D'

General

1. This *Conditional Use Permit* authorizes a baseball academy at 220 West 25th Street. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibit A, Case File No. 2019-17 CUP, dated 7/2/2019).
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning 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 Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager or assignee prior to recordation.
3. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.

Building

5. Plans submitted for improvements must comply with the 2016 edition of the California Building, Electrical, Plumbing, Mechanical, Energy, Green and Fire, Codes. This will require upgrading all accessibility code requirements.

Fire

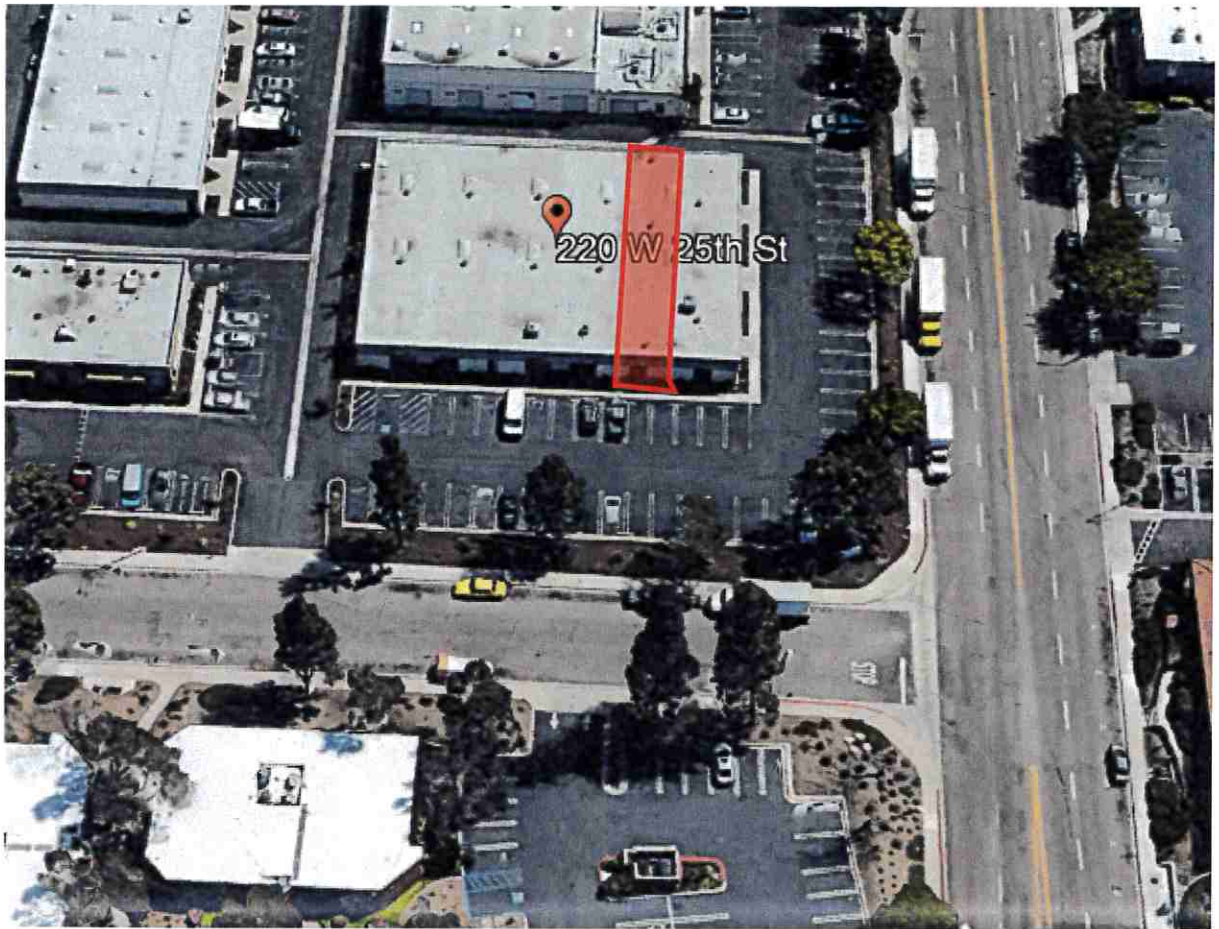
6. Project shall be designed to code.

7. The National City Fire Department utilizes all current codes and ordinances. Currently, we are using the 2016 editions of NFPA, CFC and the current edition of the CCR.
8. If the structures intended use is defined as an A occupancy per the California Building Code, Section 907.2.1 of the California Fire Code and section 707.3.10 of the California Building Code shall apply. Group A occupancies not separated from one another in accordance with section 707.3.10 of the California Building Code shall be considered as a single occupancy for the purposes of applying this section.
9. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.
10. The fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for this code.
11. 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.

Planning

12. All training and gym-related activities must be conducted within the building.

2019-17 CUP – 220 West 26th Street Unit 'D' – Overhead



INVESTCAL REALTY CORPORATION

2333 CAMINO DEL RIO SOUTH, SUITE 210

SAN DIEGO, CA 92108 PHONE (619) 683-9455

FAX: (619) 683-9462 WWW.INVESTCALREALTY.COM

EXHIBIT C: SITE PLAN

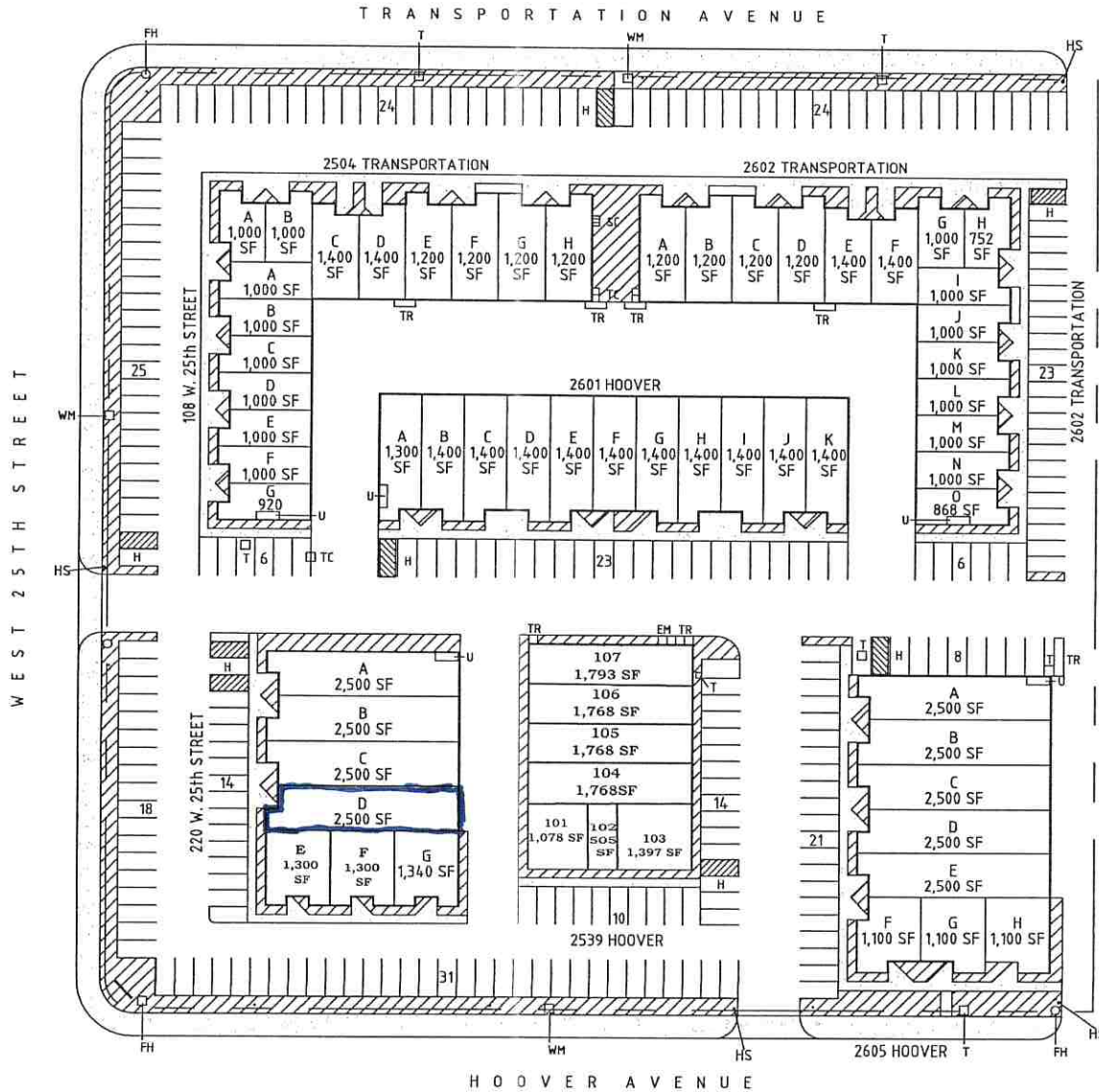


EXHIBIT: A
 CASE FILE NO.: 2019-17CUP
 DATE: 7-2-19

ATTACHMENT 4

NATIONAL CITY BUSINESS PARK

108 W. 25TH STREET, NATIONAL CITY, CA 91950

2605 HOOVER AVENUE, NATIONAL CITY, CA 91950

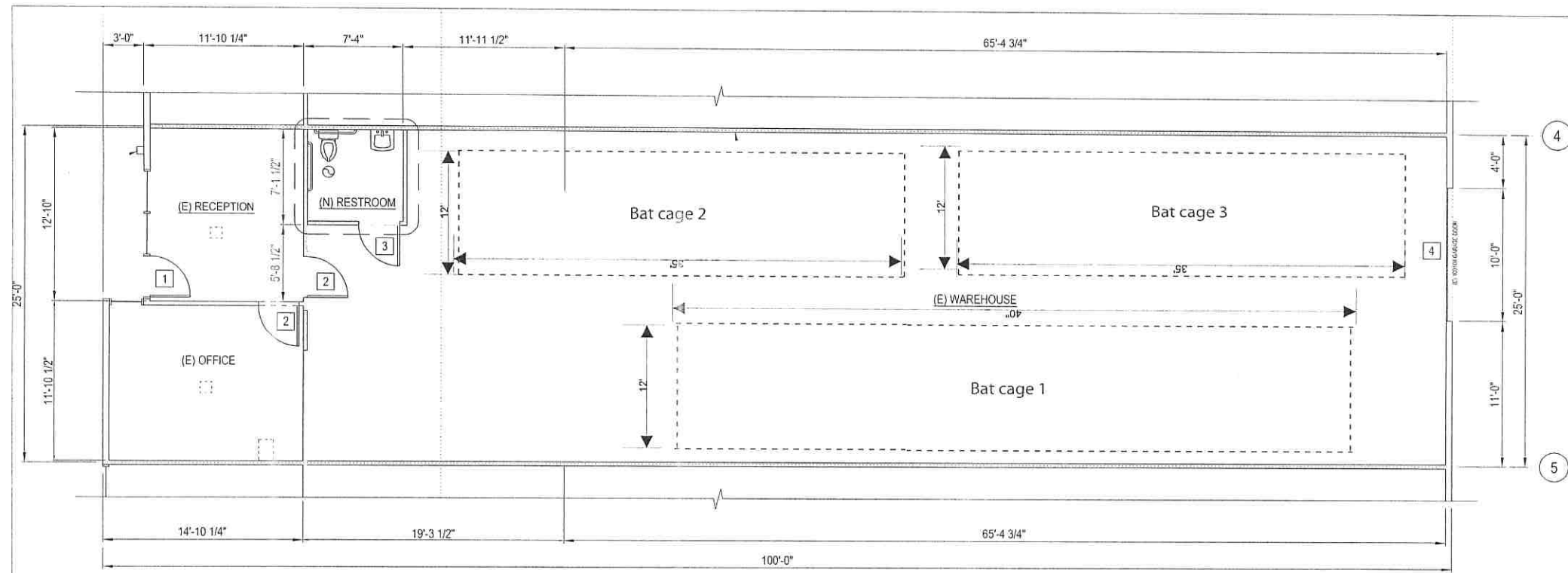
2504-2602 TRANSPORTATION AVENUE, NATIONAL CITY, CA 91950

LAND: 258,310 SF / 5.93 ACRES; BLDG: 86,141 SF

PARKING SPACES: 247 INCLUDING 7 HANDICAPPED

8/13

LAST MODIFIED DATE: 9/06 IRC



FLOOR PLAN



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

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR COMMERCIAL RECREATION INDOOR (BATTING
CAGES) LOCATED AT 220 W. 25TH ST. UNIT 'D'
CASE FILE NO.: 2019-17 CUP
APN: 562-340-40

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, August 19, 2019**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Jose Luis Espinoza)

This application has been submitted for Planning Commission consideration. The project site is a suite in the National City Business Park located in the Light Industrial (IL) zone. The applicant is proposing to operate batting cages in the 2,500 square-foot commercial space. The proposed hours of operation are 3 p.m. to 8 p.m. Monday through Friday.

Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received on or before 12:00 p.m., **August 19, 2019** by the Planning Division, who can be contacted at 619-336-4310 or planning@nationalcityca.gov.

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

NATIONAL CITY PLANNING DIVISION

ARMANDO VERGARA
Director of Community Development

ATTACHMENT 5

RESOLUTION NO. 2019-15

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
APPROVING A CONDITIONAL USE PERMIT FOR A BASEBALL ACADEMY TO BE
LOCATED AT 220 WEST 25TH STREET UNIT 'D'
CASE FILE NO. 2019-17 CUP
APN: 562-340-40

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for a baseball academy for a property located at 220 West 25th Street at a duly advertised public hearing held on August 19, 2019, 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. 2019-17 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on August 19, 2019, support the following findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the LUC because indoor commercial recreation is permitted in the IL zone subject to a CUP per LUC section 18.25.020, and the academy complies with all provisions of the LUC as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan because the General Plan designates the property as an industrial land use that provides for intensive uses, light manufacturing, large format retail, supporting retail services, and other compatible uses that are consistent with the use proposed by the applicant. The proposed land use is also consistent with General Plan Policies HEJ-3.5, LU-5.1, and LU-5.11 because the proposal would

raise awareness about the importance of healthy behaviors and physical fitness to overall well-being, promote activity during more hours of the day, and provide jobs.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity because the proposed academy is located in an industrial zone surrounded by industrial uses on a 5.93-acre lot that far exceeds the 5,000 square foot minimum lot size in the zone.
4. The site is physically suitable for the type, density, and intensity in use being proposed, including access, utilities, and the absence of physical constraints because the site is capable of highly intensive uses and is proposed to be converted to a less intensive use in an existing building located on a property that has suitable access and utilities.
5. Granting the permit would not constitute a nuisance, be injurious, or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located because the proposed indoor commercial recreation use would not be injurious or detrimental to the public, as it is located in an industrial zone in and surrounded by industrial uses that primarily operate during the day; the proposed academy would operate in the evening. All training will be conducted indoors to prevent impacts on neighboring uses.
6. The proposed use is not a project per the California Environmental Quality Act because there is no construction.

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

General

1. This *Conditional Use Permit* authorizes a baseball academy at 220 West 25th Street. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibit A, Case File No. 2019-17 CUP, dated 7/2/2019).
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Division acknowledging and accepting all conditions imposed upon the

approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager or assignee prior to recordation.

3. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.

Building

5. Plans submitted for improvements must comply with the 2016 edition of the California Building, Electrical, Plumbing, Mechanical, Energy, Green and Fire, Codes. This will require upgrading all accessibility code requirements.

Fire

6. Project shall be designed to code.
7. The National City Fire Department utilizes all current codes and ordinances. Currently, we are using the 2016 editions of NFPA, CFC and the current edition of the CCR.
8. If the structures intended use is defined as an A occupancy per the California Building Code, Section 907.2.1 of the California Fire Code and section 707.3.10 of the California Building Code shall apply. *Group A occupancies not separated from one another in accordance with section 707.3.10 of the California Building Code shall be considered as a single occupancy for the purposes of applying this section.*
9. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

10. The fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for this code.
11. 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.

Planning

12. All training and gym-related activities must be conducted within the building.

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 August 19, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2019-15

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
DENYING A CONDITIONAL USE PERMIT FOR A BASEBALL ACADEMY TO BE
LOCATED AT 220 WEST 25TH STREET UNIT 'D'
CASE FILE NO. 2019-17 CUP
APN: 562-340-40

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the on-site sale of beer and wine at an existing restaurant for a property located at 220 West 25th Street at a duly advertised public hearing held on August 19, 2019, 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. 2019-17 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on August 19, 2019, support the following finding:

1. The proposed use would take away from potential industrial businesses, which are limited on where they can be conducted.

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 August 19, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



Item no. 6
August 19, 2019

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

PLANNING COMMISSION STAFF REPORT

Title: REVIEW OF THE PROPOSED VACATION OF A PORTION OF ALLEY NORTH OF EAST 12TH STREET (BETWEEN NATIONAL CITY BLVD. AND "A" AVENUE) FOR INSTALLATION OF UTILITIES RELATED TO AN APPROVED AFFORDABLE HOUSING PROJECT FOR CONFORMANCE WITH THE GENERAL PLAN.

Case File No.: 2019-18 SC

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: AMG & Associates, LLC.

Zoning designation: Downtown Specific Plan Zone 5B

Adjacent land use/zoning:

North: 250 of alleyway previously vacated in 2013 / DZ 5B

East: Centro Apartments across "A" Avenue / DZ 5B

South: City Hall across East 12th Street DZ 16

West: Enterprise Rent-A-Car / DZ 5B

Environmental review: Categorical Exemption. Class 32, Section 15332 (In-Fill Development Projects)

BACKGROUND

Staff Recommendation

Staff recommends that the Planning Commission find the proposed alley vacation in conformance with the General Plan and make a recommendation to the City Council that the alley be vacated.

Executive Summary

The applicant has proposed to vacate a small portion of the easterly half of the alley in this location in order to locate a new electrical transformer. This portion of alley is approximately mid-block between East 11th and 12th streets. The northerly 150 feet of alley was vacated in 2013 as part of an approved 131-unit affordable residential project. Staff has suggested that the remaining alley be vacated in that it no longer serves a public purpose; therefore, this request is for the remaining 100 feet of alley north of East 12th Street.

Adopted in January 2006, the City's Street Vacation Procedures require the City Council to initiate a request to vacate any public streets. The Council initiated the street vacation request on August 6, 2019. Pursuant to the Streets and Highways Code, Section 8313 and the Street Vacation Procedures, the Planning Commission must determine whether a proposed vacation conforms to the General Plan and forward the recommendation to the City Council.

Site Characteristics

This portion of alley is approximately mid-block between East 11th and 12th streets running south towards City Hall. There is an existing electrical transformer located on East 11th Street, from which an electrical line services the Enterprise Rent-A-Car property via the now-vacated northerly 150 feet of alley. In order to build the approved affordable housing project, the electrical transformer and associated conduit will need to be relocated. Current City policy requires that all electrical transformers serving non-public uses be located on private property. The applicant has been working with the owners of the Enterprise Rent-A-Car property to relocate the transformer, but the owners do not wish to participate, even though the applicant has offered to pay all costs associated with relocation and installation.

Proposal

In order to allow the project to move forward, the applicant has worked with City staff on a solution for relocation of the electrical service. It was originally suggested that a small portion of the alley be vacated so that a new transformer may be installed. The easterly half of the alley would become part of the applicant's property and they have agreed to allow an easement for electrical service to be provided to the Enterprise property from the transformer, which would be located on their property. While this is not a normal scenario, the applicant cannot build the project without relocation of the electrical service. Construction of the affordable housing project would meet several City General Plan and Housing Element policies, especially with regard to affordable housing.

Seeing that the northerly 150 feet of alley has already been vacated, the remaining alley no longer serves any public purpose. Therefore, staff is suggesting that the remaining alley be vacated. If this occurs, the easterly half of the alley would revert to the underlying property belonging to the applicant, and the westerly half to the owner of the Enterprise-Rent-A-Car property. The applicant has stated that if the remaining alley were to be vacated, they would guarantee continued vehicular access to the rear of the Enterprise property. The area housing the proposed new transformer and associated access would remain on the applicant's property. As such, conditions have been included that will:

1. Reserve an access easement for the respective land owners so that both can access their properties via the alley.
2. Reserve an easement for SDG&E over the entire alley as part of the alley vacation.
3. Establish responsibility for maintenance of the alley after it is vacated.

These reservations and responsibilities will be in place before the order to vacate and would thus be guaranteed once the alley is finally vacated.

Analysis

The street segment proposed to be vacated is an alley and is not designated as a road or street in the Circulation Element of the General Plan. While the alley is currently used for motorized access to the Enterprise property, the access will not change and

the applicant (via conditions of approval) will guarantee continued access to the neighboring property for Enterprise Rent-A-Car operations.

General Plan Conformance

The street segment proposed to be vacated is an alley and is not designated as a road or street in the Circulation Element of the General Plan. In addition, without the transformer relocation, which the alley vacation will facilitate, the project cannot be built. As the Commission will recall, the City has a regional housing needs fulfillment requirement from SANDAG. Not only will this project provide for 131 new housing units, but it will be affordable to a range of family incomes, which is consistent with both SANDAG and General Plan policy as contained in the Housing Element, which focuses on (among other things):

- Matching housing supply with need
- Maximizing housing choice throughout the community

Relocation of the utilities through vacation of the alley will also be consistent with General Plan policies related to Goal LU-7: The efficient use of land and infrastructure (the same as pertinent during the original alley vacation), specifically, the following policies:

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

This is important because the City is almost completely built out, but additional population growth and development still needs to be accommodated. Vacant parcels, underutilized parcels, and existing vacant buildings are the most logical locations to direct future development.

Summary

The General Plan Circulation Element does not identify the area as a road or street. The proposed street vacation does not conflict with the policies and goals of the General Plan. Furthermore, the vacation would promote a more comprehensive project that is consistent with the Housing Element.

Options

1. Determine that the street (alley) vacation as described on the attached plans is in compliance with the National City General Plan, since the portion of right-of-way to be vacated is an alley that does not serve to provide any motorized or non-motorized access that will not otherwise be maintained. In addition, alleys are not identified as roads or streets in the Circulation Element of the General Plan; or,
2. Determine that the street (alley) vacation as described on the attached plans is not in compliance with the National City General Plan, based on Findings to be determined by the Planning Commission.

ATTACHMENTS

1. Recommended Findings
2. Recommended Conditions of Approval
3. Overhead
4. Site photos
5. Notice of Exemption
6. Site plan
7. Resolution



MARTIN REEDER, AICP
Principal Planner



ARMANDO VERGARA
Director of Community Development

RECOMMENDED FINDINGS OF APPROVAL

2019-08 SC – Alley vacation north of East 12th Street

1. The alley to be vacated is not designated as a road or street in the Circulation Element of the General Plan.
2. That the vacation will facilitate an approved 131-unit residential project that is consistent with both San Diego Association of Governments (SANDAG) and General Plan policy as contained in the Housing Element, which encourages matching housing supply with need and maximizing housing choice throughout the community.
3. That relocation of the utilities through vacation of the alley will be consistent with General Plan policies LU-7.1 and LU-7.6 related to development of vacant and underutilized parcels.

RECOMMENDED CONDITIONS OF APPROVAL

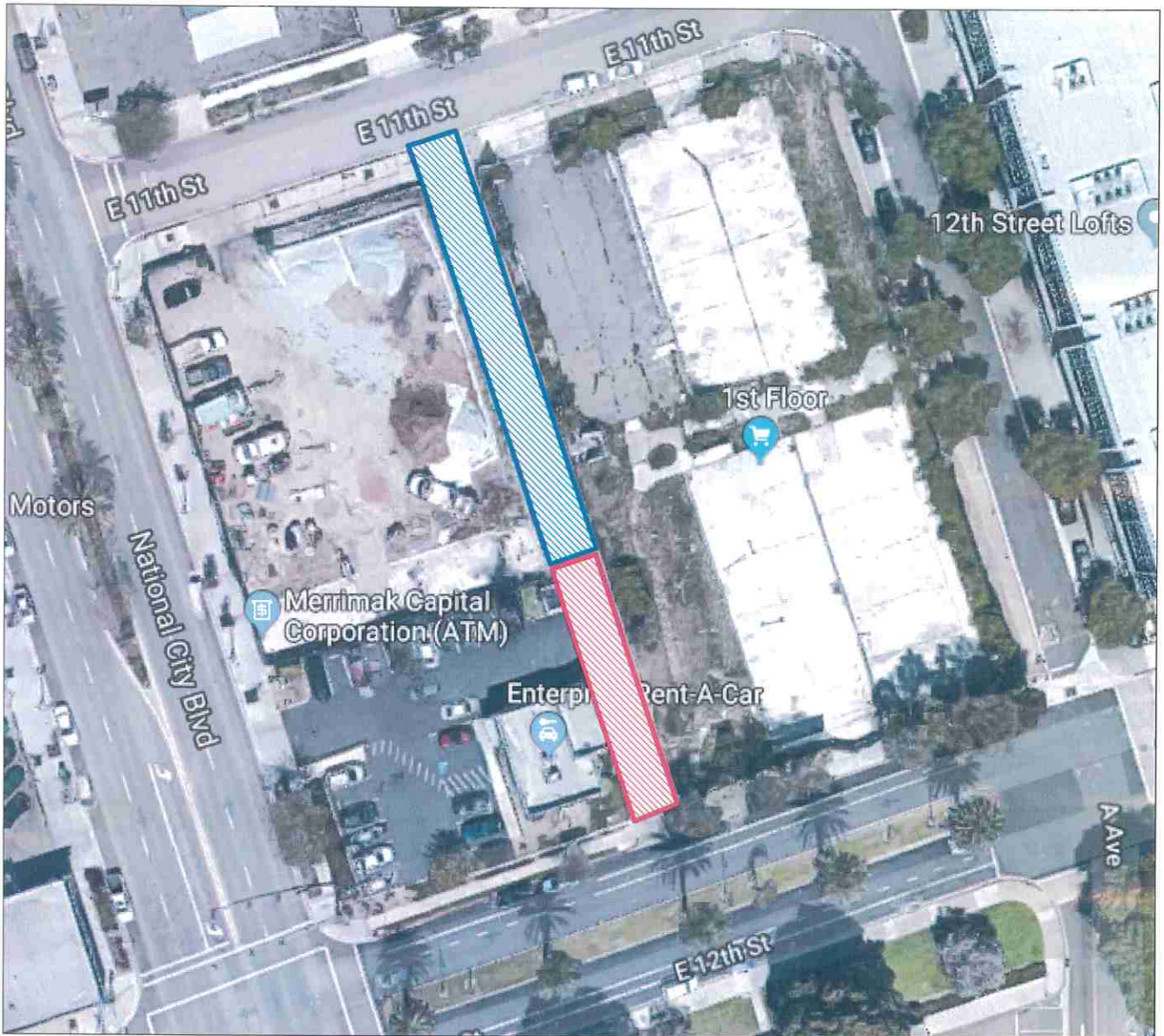
2019-08 SC – Alley vacation north of East 12th Street

General

1. This *Street Closure* authorizes the vacation of 20 feet by 100 feet of the alley north of East 12th Street between National City Blvd. and “A” Avenue. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2019-08 SC dated 8/14/2019.
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. The City shall reserve easements for all existing and proposed utilities located in the alley area prior to the vacation of the alley.
4. The City shall reserve an access easement for the respective land owners having underlying fee title to the vacated property that guarantees both parties equal access to the entire area to be vacated. The easement shall be in place prior to the vacation of the alley.
5. The City shall reserve easement and right-of-way for SDG&E to erect, construct, change the size of, improve, reconstruct, relocate, repair, remove, maintain and use facilities consisting of underground electric facilities, communication facilities and all appurtenances for the transmission and distribution of electricity and for pipelines and appurtenances, together with the right of ingress thereto and egress therefrom over said easement and over other practical routes. No building or other structure, including fences, shall be permitted within the easement without SDG&E's prior written consent. SDG&E's prior written consent shall be required before planting any trees or increasing/decreasing the ground elevation within the easement. The easement shall be in place prior to the vacation of the alley.
6. Maintenance of the area of the alley to be vacated, after the project commonly referred to as the Courtyards at Kimball has been completed and the alley has been vacated, shall be the responsibility of the owners of the property located at 1145 National City Blvd. in that they will be the only users of the property. While the applicant will have right of access to the alley area, it is not expected that regular access will be necessary, but that any damage incurred as a result of said access will be repaired or compensation provided to the maintenance provider.
7. Access to the existing trash enclosure on the property located at 1145 National City Blvd. shall be maintained. In the event that EDCO requires (in writing)

reconfiguration of the trash disposal facilities on the property, the current or future owners of the project commonly referred to as the Courtyards at Kimball shall pay all necessary costs related to said reconfiguration.

2019-18 SC – Alley vacation north of East 12th Street – Overhead



Alley vacated in 2013 (northerly 150 feet)



Area of alley proposed to be vacated (southerly 100 feet)

2019-18 SC – Alley vacation north of East 12th Street – Site photos



Alley looking north from East 12th Street



Alley looking south from mid-block



Approximate location of new transformer and access clearance area



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

NOTICE OF EXEMPTION

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

Project Title: 2019-18 SC

Project Location: Alley north of East 12th Street between National City Blvd. and "A" Avenue, National City, CA 91950

Lead Agency: City of National City

Contact Person: Martin Reeder

Telephone Number: (619) 336-4313

Description of Nature, Purpose and Beneficiaries of Project:

Vacation of 100 feet of alley north of East 12th Street between National City Blvd. and "A" Avenue in association with utility reconfiguration for multi-unit residential project.

Applicant:

AMG & Associates, LLC
16633 Ventura Blvd,
Encino, CA 91436

Telephone Number:

(818) 380-2600

Exempt Status:

Categorical Exemption. Class 32, Section 15332 (In-Fill Development Projects)

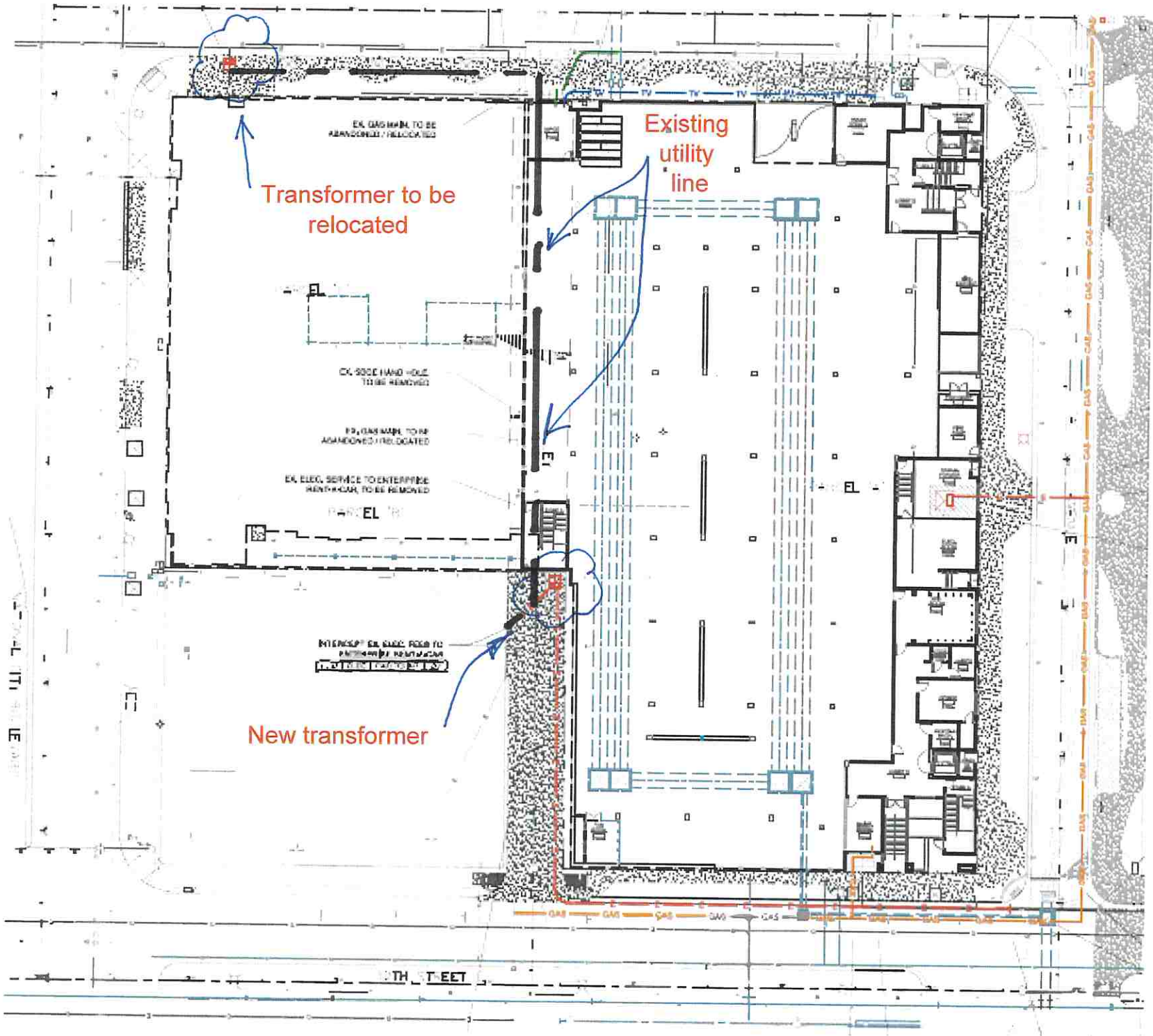
Reasons why project is exempt:

There is no possibility that the proposed vacation will have a significant impact on the environment since the area to be vacated is an undeveloped street right-of-way that is not identified as a major road (arterial or collector) in the Circulation Element of the General Plan, and is not identified for any future street or alley extension in or near the subject area. The property is less than five acres in size and is surrounded by urban development.

Date:

MARTIN REEDER, AICP - Principal Planner

EXHIBIT: A
CASE FILE NO.: 2019-08 SC
DATE: 8/14/2019



RESOLUTION NO. 2019-16

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA,
FINDING THE VACATION OF A PORTION OF ALLEY
NORTH OF EAST 12TH STREET (BETWEEN NATIONAL CITY BLVD.
AND "A" AVENUE) FOR INSTALLATION OF UTILITIES
RELATED TO AN APPROVED AFFORDABLE HOUSING PROJECT
TO BE IN CONFORMANCE WITH THE GENERAL PLAN.
CASE FILE NO. 2019-18 SC

WHEREAS, the Planning Commission of the City of National City considered the vacation of portion of alley north of East 12th Street (between National City Blvd. and "A" Avenue) for installation of utilities related to an approved affordable housing project for conformance with the General Plan at a hearing held on August 19, 2019, at which time oral and documentary evidence was presented; and,

WHEREAS, at said hearing the Planning Commission considered the staff report contained in Case File No. 2019-18 SC maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on August 19, 2019, support the following findings:

1. The alley to be vacated is not designated as a road or street in the Circulation Element of the General Plan.
2. That the vacation will facilitate an approved 131-unit residential project that is consistent with both San Diego Association of Governments (SANDAG) and General Plan policy as contained in the Housing Element, which encourages matching housing supply with need and maximizing housing choice throughout the community.

3. That relocation of the utilities through vacation of the alley will be consistent with General Plan policies LU-7.1 and LU-7.6 related to development of vacant and underutilized parcels.

BE IT FURTHER RESOLVED that the application for Street Vacation, if approved, is subject to the following conditions:

General

1. This *Street Closure* authorizes the vacation of 20 feet by 100 feet of the alley north of East 12th Street between National City Blvd. and "A" Avenue. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2019-08 SC dated 8/14/2019.
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. The City shall reserve an access easement for the respective land owners having underlying fee title to the vacated property that guarantees both parties equal access to the entire area to be vacated. The easement shall be in place prior to the vacation of the alley.
4. The City shall reserve easement and right-of-way for SDG&E to erect, construct, change the size of, improve, reconstruct, relocate, repair, remove, maintain and use facilities consisting of underground electric facilities, communication facilities and all appurtenances for the transmission and distribution of electricity and for pipelines and appurtenances, together with the right of ingress thereto and egress therefrom over said easement and over other practical routes. No building or other structure, including fences, shall be permitted within the easement without SDG&E's prior written consent. SDG&E's prior written consent shall be required before planting any trees or increasing/decreasing the ground elevation within the easement. The easement shall be in place prior to the vacation of the alley.
5. Maintenance of the area of the alley to be vacated, after the project commonly referred to as the Courtyards at Kimball has been completed and the alley has been vacated, shall be the responsibility of the owners of the property located at 1145 National City Blvd. in that they will be the only users of the property. While the applicant will have right of access to the alley area, it is not expected that regular access will be necessary, but that any damage incurred as a result of said access will be repaired or compensation provided to the maintenance provider.
6. Access to the existing trash enclosure on the property located at 1145 National City Blvd. shall be maintained. In the event that EDCO requires (in writing)

reconfiguration of the trash disposal facilities on the property, the current or future owners of the project commonly referred to as the Courtyards at Kimball shall pay all necessary costs related to said reconfiguration.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the Planning Commission finds the proposed Street Vacation in conformance with the National City General Plan.

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of August 19, 2019 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON