



Planning Commission Minutes

Meeting of May 19, 2014

Planning Commission Meeting
City Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950

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

Agenda Items

The meeting was called to order by Chairwoman Pruitt at 6:03 p.m.

Roll Call

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

Staff Also Present: Deputy City Attorney Jennifer Knight, Executive Director Brad Raulston, Principal Planner Raymond Pe, City Engineer Stephen Manganiello

Pledge of Allegiance Commissioner Garcia

Approval of Minutes

1. Approval of Minutes of the Meeting held on May 5, 2014.

Motion by Baca, 2nd by Bush, to approve the Minutes from the meeting of May 5, 2014.

Motion carried by the following vote:

Ayes: Baca, Bush, Pruitt, Alvarado, Flores

Abstain: Garcia

Absent: Dela Paz

Approval of Agenda

2. Approval of Agenda for the Meeting on May 19, 2014.

Motion by Baca, 2nd by Flores for approval of the Agenda for the meeting of May 19, 2014.

Motion carried by the following vote:

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

Absent: Dela Paz

ORAL COMMUNICATION

None

PRESENTATIONS:

3. Social Security Administration new National City Office – America Donato
4. Sage Project update presented by Dr. Jessica Barlow, Professor at SDSU

OTHER BUSINESS

5. Review of Capital Improvement Plan for consistency with the General Plan.
Presented by Principal Planner Raymond Pe

Motion by Baca, 2nd by Alvarado to approve the Capital Improvement Plan for consistency with the General Plan.

Motion carried by the following vote:

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

Absent: Dela Paz

6. Resolution 11-2014 approving a Certificate of Compliance and Parcel Map Waiver for the subdivision of an existing commercial property into three parcels located at 2414-2424 Hoover Avenue (Case File No.: 2014-06 CC)

Motion by Baca, 2nd by Bush to adopt Resolution 11-2014 approving a Certificate of Compliance and Parcel Map Waiver for the subdivision of an existing commercial property into three parcels located at 2414-2424 Hoover Avenue (Case File No.: 2014-06 CC)

Motion carried by the following vote:

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

Absent: Dela Paz

7. Resolution 12-2014 denying a Conditional Use Permit for a tobacco specialty shop located in South Bay Plaza at 1430 E. Plaza Blvd., Suite E7B (Case File No. 2014-04 CUP)

Motion by Baca, 2nd by Bush to adopt Resolution 12-2014 denying a Conditional Use Permit for a tobacco specialty shop located in South Bay Plaza at 1430 E. Plaza Blvd., Suite E7B (Case File No. 2014-04 CUP)

Motion carried by the following vote:

Ayes: Baca, Pruitt, Alvarado, Flores

No: Bush

Abstain: Garcia

Absent: Dela Paz

8. Discussion regarding Planning Commission Summer recess.
Presented by Brad Raulston, Executive Director

Motion by Flores, 2nd Alvarado to cancel the July 7th Planning Commission meeting and revisit the need for June 16, 2014 meeting at the June 2, 2014 Planning Commission meeting.

Motion carried by the following vote:

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

Absent: Dela Paz

PUBLIC HEARINGS

STAFF REPORTS

Deputy City Attorney: Reminder regarding the Mandatory Ethics Training scheduled for May 29th from 4:00-6:00pm in the Council Chambers. Arrive 30 minutes early for registration. May also take the course online.

Executive Director: No report

Principal Planner: No report

City Engineer: No report

Commissioners:

Garcia – No report

Baca – No report.

Bush – No report. Will be leaving for Marine Boot Camp from June 2-March 2015/

Alvarado: No report

Flores – No Report

Dela Paz – Absent

Pruitt – Request the Deputy City Attorney provide a memo to the Commissioners with rules regarding absences and leaves of absences. To include responsibilities.

Adjournment at 7:23 p.m. to next regularly scheduled meeting on June 2, 2014.

CHAIRPERSON



Planning Commission Agenda

Meeting of June 2, 2014 6:00 PM.
Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950

Welcome to the Planning Commission meeting. The National City Planning Commission conducts its meeting in the interest of community benefit. Your participation is helpful. These proceedings are video recorded.

Roll Call

Pledge of Allegiance Led by Commissioner Flores

Approval of Minutes

1. Approval of Minutes of the Meeting held on May 19, 2014.

Approval of Agenda

2. Approval of Agenda for the Meeting on June 2, 2014.

ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).

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



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

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the Planning Department at (619) 336-4310 to request a disability-related modification or accommodation. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

PRESENTATIONS

3. Fiscal Outlook – Leslie Deese, City Manager and Stacey Stevenson, Director of Human Resources

OTHER BUSINESS

4. Discussion regarding Planning Commission summer recess.

PUBLIC HEARINGS

5. Public Hearing – Conditional Use Permit for a Wireless Communications Facility at 2720 East 4th Street “A”. (Case File No.: 2014-07 CUP)
6. Resolution 13-2014 taking action on a Conditional Use Permit for a Wireless Communications Facility at 2720 East 4th Street “A”. (Case File No.: 2014-07 CUP).
7. Public Hearing – Conditional Use Permit modification and Zone Variance for less than required parking for an apartment complex located at 2525 Highland Avenue (Case File No.: 2014-05 CUP, Z).
8. Resolution 14-2014 taking action on a Conditional Use Permit modification and Zone Variance for less than required parking for an apartment complex located at 2525 Highland Avenue (Case File No.: 2014-05 CUP, Z).

STAFF REPORTS

City Attorney

Executive Director

Principal Planner

Commissioners

Chairperson

ADJOURNMENT

Adjournment to next regularly scheduled meeting on June 16, 2014

June 2, 2014

Item #3

Fiscal Outlook

Leslie Deese, City Manager

Stacey Stevenson, Admin Services Director

June 2, 2014

Item #4

**Discussion of Planning Commission
Summer Recess**



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR A WIRELESS COMMUNICATIONS FACILITY AT 2720 E 4TH ST. "A".

Case File No.: 2014-07 CUP

Location: Paradise Village Retirement Complex

Assessor's Parcel No.: 554-280-01

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Danielle Weizman for AT&T Mobility

Property owner: Adventist Health Systems West

Combined General Plan/
Zoning designation: MXD-2 – Major Mixed-Use District

Parcel size: 9.62 acres

Adjacent land use/zoning:

North: Single-family residential across E. 4th St. / RS-2

East: San Diego Academy / MXD-2

South: Commercial and church uses / MXD-2

West: Residential use and Paradise Valley Hospital / I

Environmental review: Categorically Exempt pursuant to Class 3 Section 15303 (New Construction or Conversion of small structures)

BACKGROUND

Site Characteristics

The project site is the Paradise Village Retirement Complex, which is comprised of 6 five-story buildings on a 9.62-acre property. From north to south, there is a residential building in the northeast corner of the property, a large multi-purpose building (bank, restaurant, theater, etc.), two residential buildings flanking the multi-purpose building, then two more residential buildings flanking a recreational area at the south end of the lot. Each of the two southern residential building pairs appears as one; they are attached by a portion of building that houses a bridge that connects to the other group of buildings. Nearby uses include Paradise Valley Hospital and San Diego Academy, as well as residential and commercial uses, and a church (Paradise Valley Seventh Day Adventist).

Proposed Use

AT&T proposes to install a new wireless communications facility consisting of a new architecturally integrated structure on the roof of the existing Paradise Village retirement facility. The site will house a total of (12) new panel antennas, (24) remote radio units (RRU's), and (2) GPS antennas, along with a base station equipment shelter at grade that will be converted from an existing storage room on the first floor of the existing building. The architectural feature will be a 12-foot tall penthouse on the roof the residential building south of the multi-purpose building. The penthouse would be stucco to match the residential building and would also have a matching tile roof. A chase (cable tray) will be installed on the outside of the building, travelling across the roof and going down the side of the building. The chase will be textured and painted to match the surface on which it is located.

Analysis

Consistent with City policy, the proposed facility will not be highly visible to the observer, since the antennas will be completely contained within an architectural feature that matches the building upon which it is mounted. The proposal also avoids the need for accessory equipment screening by locating the equipment inside the existing parking garage. Exhibit B shows the proposed penthouse in a photo simulation.

AT&T is currently in the process of upgrading its existing facilities to their newer 4G LTE technology, which requires larger antennas and upgraded equipment. There is an existing AT&T facility to the south of the proposed location within the Paradise Valley Seventh Day Adventist church. However, due to the increased size of the newer equipment and the existing restricted space within the church building, the facility is no longer suitable. Furthermore, the new location would offer more than double the existing coverage area for the AT&T network, increasing service reliability for its customers (see attached coverage maps), and would replace the original facility. The antennas would

provide coverage to the north, southeast, and south west. This area stretches from Logan Avenue in San Diego south to approximately 19th Street in National City.

With the subject building being higher than all buildings adjacent in the area, the antennas would have clear reception and transmission in those directions. Nearby land uses in these directions are single-family residential, vacant land, a church, and a school respectively. However, the antennas are positioned in such a way as to be directed above any nearby sensitive uses. Although there are such land uses in the vicinity, it should be mentioned that, per the 1996 Telecommunications Act, "no State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." It should also be pointed out that if approved by a local jurisdiction, all wireless communications facilities must obtain all required state and federal permits in order to operate. A Condition of Approval (No. 11) is included requiring these permits.

Comments were received from the Building and Fire Departments and require compliance with their respective codes. Standard Conditions of Approval for wireless facilities are also included, requiring compliance with applicable codes, all necessary state/local/federal permits, and that any external equipment is painted to match the surface on which it is mounted.

Summary

The proposed wireless communications facility is an example of a stealth facility, as required by City policy. In addition, the facility will provide expanded service to local AT&T customers. The use will be installed completely within a penthouse and existing building, therefore not placing a burden on existing facilities, businesses or City streets. Furthermore, Conditions of Approval will ensure that the facility functions effectively and without impact to surrounding uses.

RECOMMENDATION

Approve 2014-07 CUP subject to the conditions listed below, based on attached findings/findings to be determined by the Planning Commission.

ATTACHMENTS

1. Recommended Findings for Approval
2. Recommended Conditions
3. Location Map
4. Nearby Wireless Facilities Map
5. Site Photos
6. Coverage Maps
7. Public Hearing Notice (Sent to 122 property owners)
8. Notice of Exemption
9. Applicant's Plans (Exhibits A and B, Case File No. 2014-07 CUP, dated 4/28/14)



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL

2014-07 CUP – 2720 East 4th St. "A"

1. That the proposed use is allowable within the applicable zoning district pursuant to a conditional use permit and complies with all other applicable provisions of the Land Use Code, since a wireless communications facility is a conditionally-permitted use in the MXD-2 zone.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, since Policy E-3.3 of the General Plan is to increase access to wireless internet connections, computers, and other forms of communication technology, and since no Specific Plans exist in this area.
3. That the site for the proposed use is adequate in size and shape, since the proposed antennas and associated equipment are to be incorporated into and upon an existing building and will not increase the footprint of that building, thus not affecting parking or access.
4. That the site has sufficient access to streets and highways that are adequate in width and pavement type to carry the volume and type of traffic generated by the proposed use, since the unmanned wireless communications facility requires only one to two visits each month for routine maintenance, which will have a negligible effect on the adjacent developed streets.
5. That the proposed use will not have an adverse effect upon adjacent or abutting properties, since the 12 antennas will be painted to match the existing building, and as such will not be highly visible from adjacent properties.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, since staff has already determined that the proposed use is categorically exempt from environmental review pursuant to Class 3 Section 15303 (New Construction or Conversion of Small Structures), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.

RECOMMENDED CONDITIONS OF APPROVAL

2014-07 CUP – 2720 East 4th St. "A"

General

1. This *Conditional Use Permit* authorizes a wireless communications facility at 2720 East 4th Street, "A". Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibits A and B dated 4/28/2014 Case File No. 2013-31 CUP. Any additional antennas or facilities must be in substantial conformance with the design for installation shown on these plans.
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 Executive Director 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 2013 edition of the California Building, Electrical, Plumbing, Mechanical, Energy and Codes.

Fire

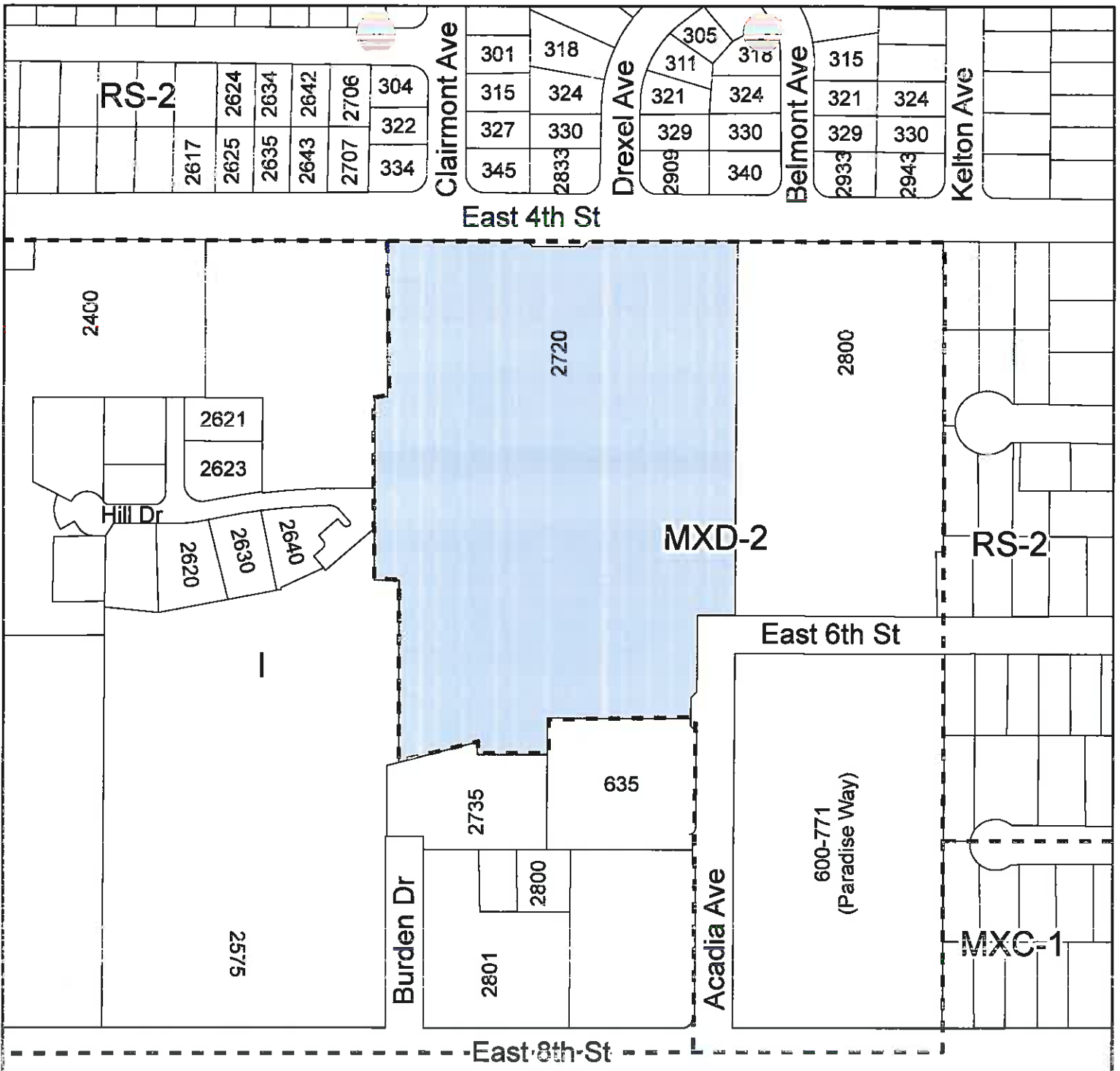
6. Plans submitted for improvements must comply with the current editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA).
7. The proposed rooftop building shall be evaluated for fire sprinkler coverage if necessary.
8. The National City Fire Department shall be involved with all fire inspections for this site. Rough inspections of all phases of work are required.



Engineering

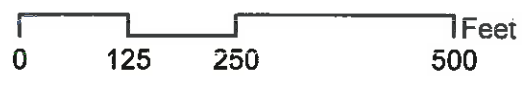
9. The Priority Project Applicability checklist for the National Pollutant Discharge Elimination System (NPDES) is required to be completed and submitted to the Engineering Department. The checklist will be required when a project site is submitted for review of the City Departments. The checklist is available at the Engineering Department. If it is determined that the project is subject to the "Priority Project Permanent Storm Water BMP Requirements" and the City of National City Storm Water Best Management Practices of the Jurisdictional Urban Runoff Management Program (JURMP) approved Standard Urban Storm Water Mitigation Plan (SUSMP) documentation will be required prior to issuance of an applicable engineering permit. The SUSMP shall be prepared by a Registered Civil Engineer.
10. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. If required, an approved SWPPP will be required prior to issuing of a construction permit.

Planning

11. All appropriate and required local, state and/or federal permits must be obtained prior to operation of the wireless communications facility.
12. Any equipment visible to the exterior of the facility, including cable chases/trays, shall be painted to match the surface on which it is mounted.
13. The permittee shall not object to co-locating additional facilities of other communication companies and sharing the project site, provided such shared use does not result in substantial technical or quality-of-service impairment for the permitted use. In the event a dispute arises with regard to co-locating with other existing or potential users, the City may require a third party technical study at the expense of either or both the applicant and the complaining user. This condition in no way obligates the City to approve any co-location proposal if it is determined by the City not to be desirable in a specific case.
14. The applicant or operator shall be responsible for the removal and disposal of any antennas, equipment or facilities that are abandoned, decommissioned, or become obsolete within six (6) months of discontinuance.



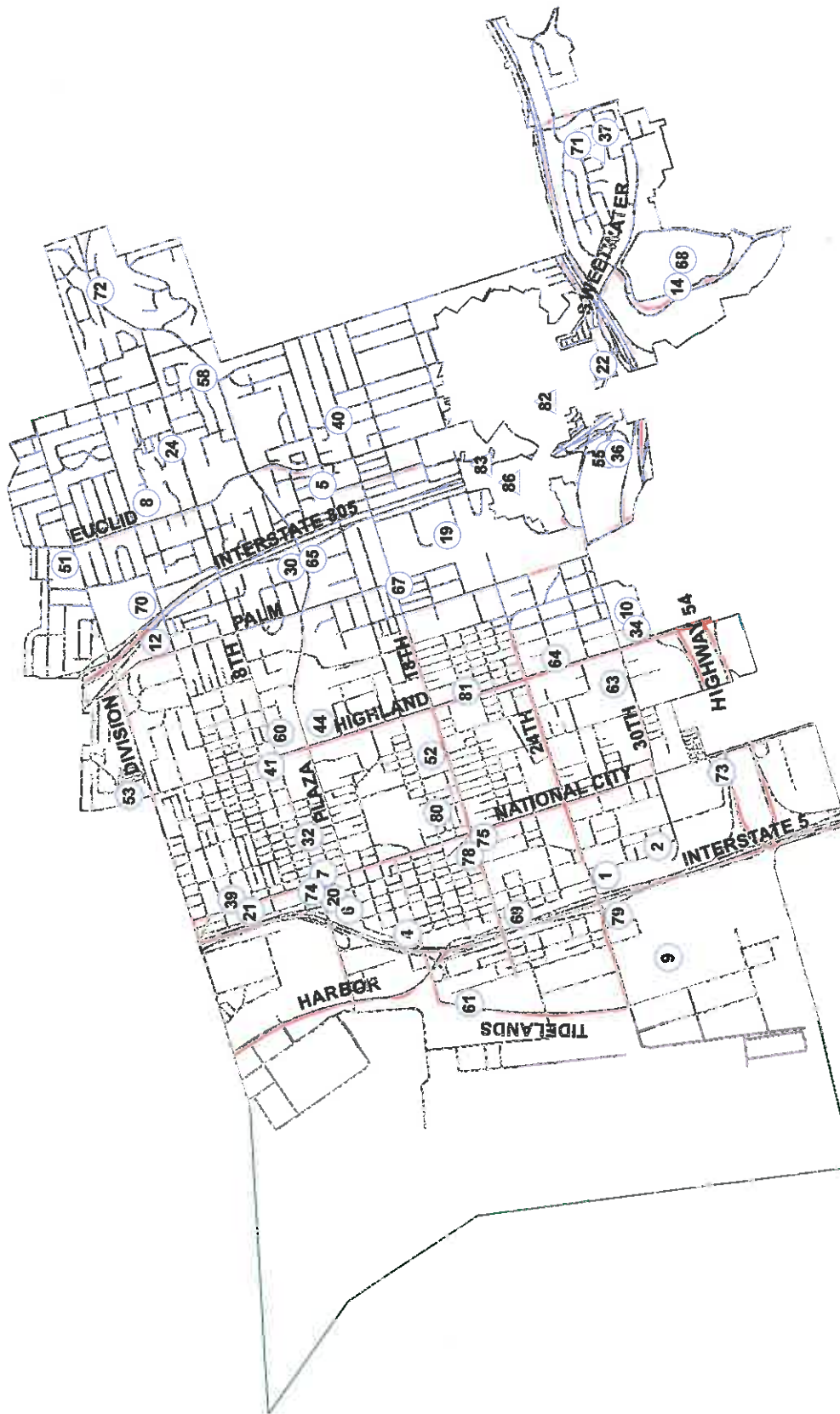
 Subject Parcel
 Zone Boundary



APN:
554-280-01

Planning Commission
Location Map

2014-07 CUP



Wireless facilities in National City

Wireless facilities in unincorporated area



Wireless Communication Facilities

FACILITY	APN	LOCATION	PROVIDER	FILE NO
1	562-340-44	2434 Southport	Urban Comm Rad	CUP-1992-11
		Radio communication facility (microwave transmitter)- 80-foot tall tower and 8-foot in diameter dish antenna		
2	562 340 26	300 W 28th	AirTouch	CDC Reso 94-28
		75-foot monopole with three sector antennas and 450-sa foot equipment building.		
	562-340-26	300 W 28th	Nextel	CUP-2003-30
		12 antennae on existing communications tower and a 270 square foot equipment enclosure adjacent to existing equipment		
4	559-032-02	1215 Wilson	Pac Bell	CUP-1995-11
		Located on roof of existing building. PCS facility- six roof-mounted antennas and two ground-mounted equipment boxes.		
5	557-410-03	1645 E Plaza	Pac Bell	CUP--1995-13
		Located on roof of Quality Inn. PCSfacility- six panel antennas and equipment cabinet.		
6	555-086-11	910 Hoover	AirTouch	CUP-1995-18
		Located on existing building. Cellular facility- three support structures with five panel antennas each, two dish antennas and equipment cabinet		
7	556-471-24	801 National City Blvd	AT&T	CUP-1996-2
		Located on roof of Red Lion Hotel. Paging facility- four whip antennas, one global positioning satellite antenna and equipment cabinet.		
	556-471-24	801 National City Blvd	Nextel	CUP-1994-8
		Located on roof of Red Lion Hotel. ESMR facility- three whip antennas and equipment cabinet.		
	556-471-24	801 National City Blvd	Pagenet	CUP-1996-12
		Located on roof of hotel. Paging facility- four antennas and equipment cabinet one floor down from roof.		
	556-471-24	801 National City Blvd	AT&T	CUP-1999-5
		Located atop Red Lion Hotel. Wireless communication facility- four antennas and radio base system.		
8	554-120-30	2400 E 4th	AT&T	CUP-1996-4
		Located on roof of Paradise Valley Hospital. Paaina facility- four whip antennas, one alobal Positioninasatellite antenna and equipment cabinet.		
9	559-160-13	1022 W Bay Marin	GTE	CUP-1996-5
		Located on a 360-sa foot building. Cellular facility- 60-foot monopole with twelve panel antennas.		
10	563-370-36	3007 Highland	Pac Bell	CUP-1996-6
		Located on existing Super Saver building. PCSfacility- six panel antennas and two equipment cabinets.		
12	554-050-12	303 Palm	AirTouch	CUP-1996-8
		60-foot high monopole with six whip antennas, thirty directional cellular antennas, and three dishes with an eauidmentcabinet at base.		
	554-050-12	303 Palm	Sprint PCS	CUP-2001-10
		Located on National Guard Armory property. PCSfacility six antennas in three 40-foot flag poles, one GPS antenna and a new equipment building.		

14	564-471-01	3030 Plaza Bonita Rd	Nextel	CUP-1997-8
	Located atop Plaza Bonita sign. ESMR facility- nine antennas and equipment cabinet.			
	564-471-01	3030 Plaza Bonita Rd	Pac Bell	CUP-1996-7
	Located atop the existing Plaza Bonita sign. PCS facility- three antennas and two equipment cabinets at base of sign.			
16	557-420-36	1840 E 12th	Nextel	CUP-1999-4
	60-foot monopole on vacant commercial lot.			
20	555-082-11	111 W 9th	Sprint	CUP-2000-9
	Located atop 2-story Sid's Camet Barn warehouse. Wireless communication facility- twelve wireless panel antennas and 4-inch GPS antenna.			
21	555-030-21	330 National City Blvd	GTE	CUP-2000-11
	Located atop Bay Theatre. Wireless communication facility- twelve panel antennas and four equipment cabinets.			
22	564-250-50	2435 Sweetwater	Sprint	CUP-2000-14
	Located at Sweetwater Inn. Global Positioning System with nine panel antennas.			
30	557-420-36	1905 E Plaza	Sprint PCS	CUP-2001-3
	53 foot tall monopole with nine panel antennas. PCS Facility with one equipment enclosure and a GPS antenna.			
32	556-473-18	242 E 8th	AT&T	CUP-2001-6
	Located atop an existing church.			
34	563-370-35	3007 Highland	Nextel	CUP-2001-12
	Located atop Sweetwater Square. New equipment building over trash enclosure, nine panel antennas and one GPS antenna.			
36	563-231-38	1914 Sweetwater	Cingular	CUP-2002-3
	Located on an existing 75 foot tall pole sign for the Sweetwater Town and Country Shopping Center.			
37	564-310-37	3737 Sweetwater	Cingular	CUP-2002-4
	72 foot tall monopole with standard equipment enclosure			
39	556-101-15	241 National City Blvd	Cingular	CUP-2002-6
	12 panel antennas behind four new partial parapet walls atop an existing furniture store; four equipment cabinets outside			
40	558-200-24	2415 E 18th	Cingular	CUP-2002-13
	Panel antennas located inside new light standards; equipment located inside existing commercial building			
41	556-354-13	716 Highland	AT&T	CUP-2002-14
	Six facade mounted panel antennas with equipment on roof of PacBell switching station. Equipment screened to match existing.			
44	556-590-61	1019 Highland	Sprint PCS	CUP-2002-24
	6 panel antennas in a new monument sign in the South Bay Plaza shopping center			
	556-590-61	1019 Highland	Cingular	CUP-2002-2
	Located atop South Bay Plaza on an existing mechanical equipment screen.			
51	552-283-11	2323 E Division	Sprint	CUP-2004-6
	3 panel antennas in a 9x10x16 roof-mounted cupola			

52	560-191-30	1701 D Ave	Nextel	CUP-2004-12
	12 panel antennas on a 57' faux broadleaf tree with 230 square foot equipment enclosure			
53	551-570-20	51 N Highland	Sprint	CUP-2004-15
	2 panel antennas in a 45' flagpole with 4 wall-mounted equipment cabinets			
55	563-231-39	1914 Sweetwater	Nextel	PC Reso 20-2002
	2 panel antennas in a 45' flagpole with 4 wall-mounted equipment cabinets			
57	554-120-24	2701 E 8th	Cingular	PC Reso 02-2001
	Co-location in church spire-3 antennas within existing architectural feature			
	554-120-24	2701 E 8th	T-Mobile	CUP-2000-19
	Located at existing church. Antennas located in a GO-foot monument.			
	554-120-24	2701 E 8th	Sprint	CUP-2000-27
	12 panel antennas mounted on exterior of self-storage building and painted to match; all equipment located inside of the buildings			
	554-120-24	2701 E 8th	AT&T	CUP-2000-19
	Located at existing church. Antennas located in a 60-foot monument			
58	558-030-30	1035 Harbison	Nextel	CUP-2005-3
	12 panel antennas on a monopalm with 299 SQ.ft. equipment enclosure.			
60	556-510-12	914 E 8th	Cingular	CUP-2005-10
	12 panel antennas on 39-ft monopole with 280 sq. ft. equipment shelter			
61	559-040-53	1439 Tidelands	Cingular	CUP-2005-9
	12 panel antennas on monopalm with associated equipment shelter			
	559-040-53	1445 Tidelands	Nextel	CUP-2000-31
	40-foot monopalm with three sectors of four antennas each and equipment shelter			
63	562-200-02	2900 Highland	Cingular	CUP-2005-12
	3 antennas on replacement light standard with associated equipment shelter			
64	563-010-47	2605 Highland	Cricket	CUP-2006-11
	3 antennas in new architectural feature of church with associated equipment			
	563-010-47	2605 Highland	Sprint	CUP-2002-18
	Six panel antennas and equipment inside a new 54 foot tall monument/cross/sign.			
65	557-420-31	1900 E Plaza	Cricket	CUP-2006-6
	3 antennas on new faux palm tree with associated equipment			
	557-420-31	1900 E Plaza	Cingular	CUP-2004-4
	5 panel antennas in a new pole sign at Jimmy's Restaurant			
67	561-222-23	1526-40 E 18th	T-Mobile	CUP-2006-10
	12 panel antennas on a new 45-foot tall faux pine tree with associated equipment shelter			
68	564-471-07	3030 Plaza Bonita Rd	Cingular	CUP-2005-24
	12 antennas facade mounted to new rooftop enclosure that will house equipment			

68	564-471-07	3030 Plaza Bonita Rd	Verizon	CUP-2003-13	12 panel antennas on the roof of the Plaza Bonita Mall behind a screen wall
69	559-106-17	525 W 20th	Cricket	CUP-2005-25	3 antennas on existing self storage building painted to match with associated equipment
70	559-106-17	525 W 20th	Sprint	CUP-2001-4	Located on existina storage building. Wireless communication facility- 9 antennas and equipment building.
	554-050-15	2005 E 4th	Cricket	PC Reso 09-2003	3 antennas on existing light standard with associated equipment shelter
	554-050-15	2005 E 4th	Cingular	CUP-2003-5	12 panel antennas on a replacement 100 foot light standard in EITovon park and a 160 square foot equipment enclosure.
	554-050-15	2005 E 4th	GTE	CUP-1998-4	Located in EITovon Park. Cellular facility- 978" monopole with twelve panel antennas, three omni antennas, and 192-sqfoot equipment building.
	554-050-15	2005 E 4th	Nextel	CUP-2005-15	12 panel antennas on a 47-foot tall faux-broadleaf awith 230 sq. ft. equipment shelter
71	564-290-06	3820 Cagle St	Cricket	PC RESO 10-2004	3 antennas on existing faux pine tree with vaulted equipment shelter
	564-290-06	3820 Cagle St	Sprint	CUP-2001-2	Located at Sweetwater Heights Centennial Park. Wireless communication facility- 35-foot pole with six antennas, equipment building and adjacent lighting for the park.
	564-290-06	3820 Cagle St	T-Mobile	CUP-2004-3	Located at Sweetwater Heights Centennial Park. Wireless communication facility- 55-foot monopine with twelve panel antennas and equipment building
	564-290-06	3820 Cagle St	Cingular	PC Reso 11-2002	Co-location on 55-foot monopine - additional 12 panel antennas and new 275 SQ.ft. equipment vault
72	669-060-26	5800 Boxer Rd	Cricket	PC RESO 32-2003	3 antennas on existing water tower with associated equipment shelter
	669-060-26	5800 Boxer Rd	T-Mobile	CUP-2003-16	12 panel antennas on the outside of the 0.0. Arnold water tank and a 150 square foot equipment enclosure adjacent to the tank
	669-060-26	5800 Boxer Rd	Sprint	PC Reso 32-2003	6 panel antennas on the outside of the 0.0. Arnold water tank and a 360 square foot equipment enclosure adjacent
	669-060-26	5800 Boxer Rd	Cingular	CUP-2005-21	12 panel antennas on the outside of the 0.0. Arnold water tank and a 520 square foot equipment enclosure adjacent
73	562-330-43	152 W 33rd	Cricket	PC Reso 21-2002	3 antennas on existing self storage within matching architectural projection with associated equipment
	562-330-43	152 W 33rd	Sprint	CUP-2002-8	12 panel antennas mounted on exterior of self-storage building and painted to match; all equipment located inside of the

74	555-053-17 3 antennas facade mounted to existina hotel with associated equipmen	700 NCB Cricket	PC Reso 05-2000
	555-053-17 Located atop Holiday Inn. Wireless communication facility with equipment cabinet.	700 NCB Metricom	CUP-2000-4
	555-053-17 Located atop Holiday Inn Hotel. - 8-foot whip antenna, two 4x2-foot panel antennas, and one GPS antenna with two indoor equipment cabinets.	700 NCB Skytel	CUP-2000-30
75	560-203-03 15 panel antennas behindscreen wall atop existing car dealership with associated equipment	1800 National City Blvd Nextel	CUP-2006-15
76	561-360-35 3 antennas on recreation building at Las Palmas Park	1810 E 22nd Cricket	2007-14 CUP
	561-360-35 Located in Las Palmas Park. Monopalm and equipment along with live palms.	1820 E 22nd Sprint-Nextel	CUP-2000-8
78	560-143-36 9 antennas located on 3 different locations on industrial/ warehouse building. Each location will have 2 pannel antennas. Associated equipment will be located in building	1703 Hoover Clewire	2009-22 CUP
79	559-160-33 9 antennas on tower of Marina Gateway Plaza commercial building hidden behind parapet wall. 6-foot tall equipment cabinet on roof below tower will be mostly covered	700 Bay Marina Dr Clewire	2009-23 CUP
80	560-151-20 6 panel antennas and RF transparent cupola atop National City Ministry Church, as well as a 330 sq ft equipment/storage/trash enclosure on the ground. The 8-foot tall Cupola will have a cross affixed to it in order to appea as part of the church	142 E 16th AT&T	2010-11 CUP
81	561-271-01 12 antenas on a 43-foot mono-palm on eastern property line	2005 Highland Ave Plancom	2010-31 CUP
	561-271-01 12 antennas on the roof of a Highland Avenue office building	2005 Highland T-Mobile	CUP-2003-4
	561-271-01 12 antennas on the roof of a Highland Avenue office building with new cupola to match existing	2005 Highland Cingular	CUP-2006-2
82	563-184-47 75-foot monopole and equipment building.	2909 Shelby Dr AT&T	P95-025
83	563-062-17 35-foot monopalm with three sector directional antenna system and equipment cabinets.	2524 Prospect St AT&T	ZAP99-028
85	564-310-32 3312 Bonita Heights Lane AT&T	3312 Bonita Heights Lane AT&T	ZAP00-133
86	563-063-29 2563 Grove St	2563 Grove St AT&T	MUP91-026W2

86

563-063-29 2563 Grove St

Monopole located aside live palm trees.

P91-026W



SD0259 PARADISE VILLAGE
2720 EAST 4TH STREET
NATIONAL CITY, CA 91950

1 ***LOOKING NORTH FROM THE SUBJECT SITE***



2 ***LOOKING SOUTH FROM THE SUBJECT SITE***





SD0259 PARADISE VILLAGE
2720 EAST 4TH STREET
NATIONAL CITY, CA 91950

3

LOOKING EAST FROM THE SUBJECT SITE



4

LOOKING WEST FROM THE SUBJECT SITE





SD0259 PARADISE VILLAGE
2720 EAST 4TH STREET
NATIONAL CITY, CA 91950

5 ***LOOKING NORTH TOWARD THE SUBJECT SITE***



6 ***LOOKING SOUTH TOWARD THE SUBJECT SITE***





SD0259 PARADISE VILLAGE
2720 EAST 4TH STREET
NATIONAL CITY, CA 91950

7 ***LOOKING EAST TOWARD THE SUBJECT SITE***



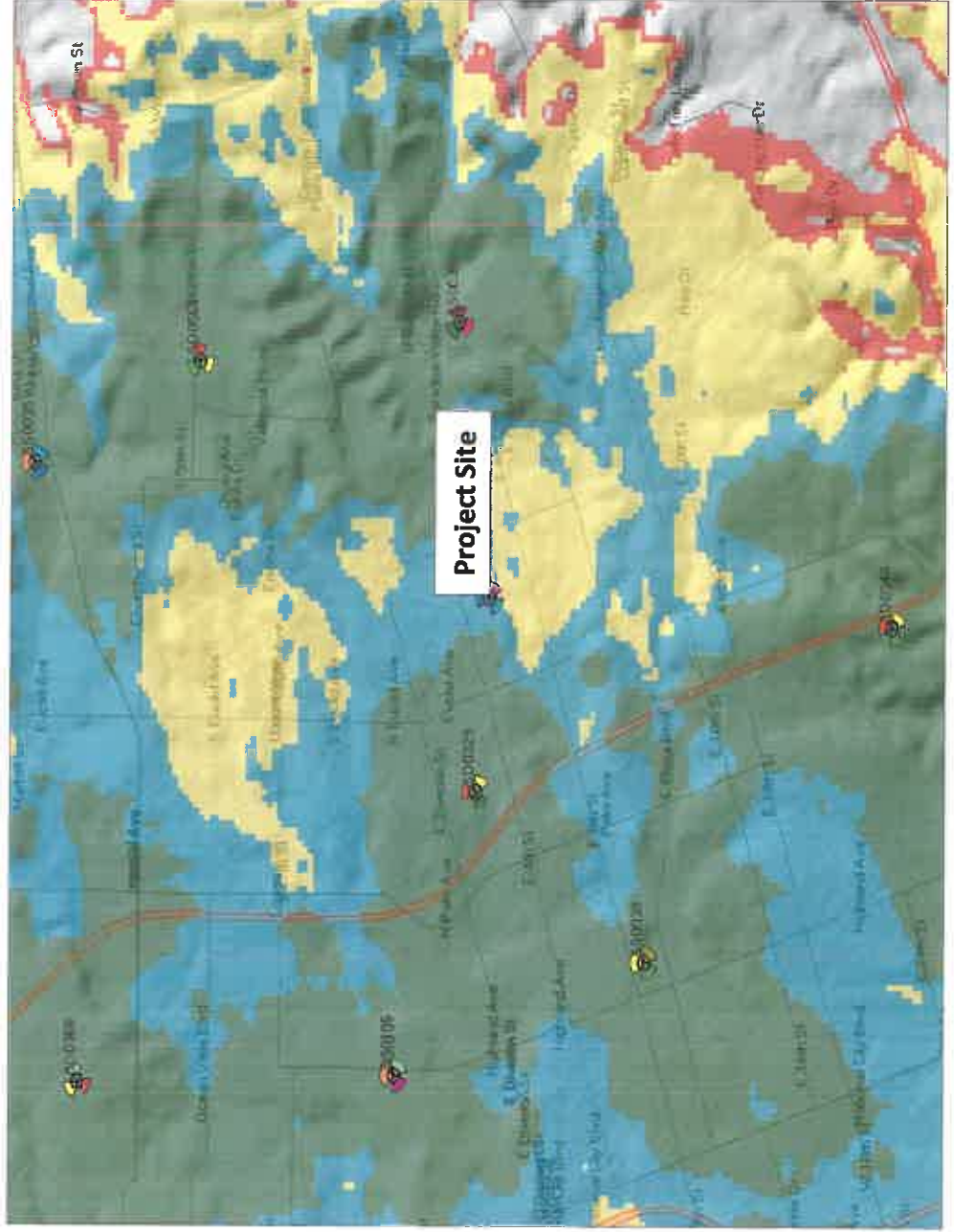
8 ***LOOKING WEST TOWARD THE SUBJECT SITE***



SD0259 PARADISE VILLAGE
2720 EAST 4TH STREET
NATIONAL CITY, CA 91950



EXISTING COVERAGE WITHOUT SITE SD0259

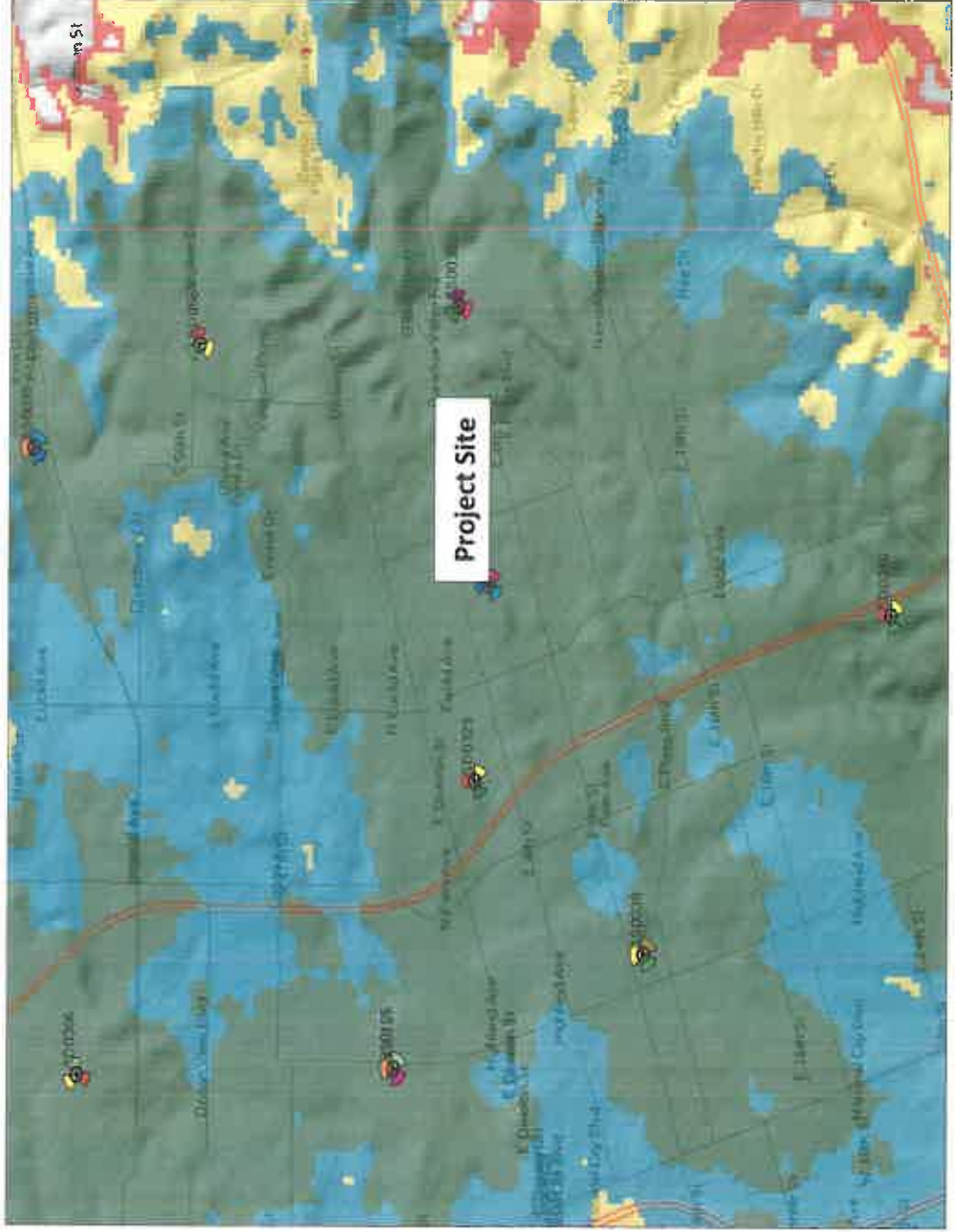


- LEGEND**
- EXCELLENT COVERAGE
 - GOOD COVERAGE
 - AVERAGE COVERAGE
 - POOR COVERAGE
 - NO COVERAGE



SD0259 PARADISE VILLAGE
2720 EAST 4TH STREET
NATIONAL CITY, CA 91950

NETWORK COVERAGE WITH PROPOSED SD0259



- LEGEND**
- EXCELLENT COVERAGE
 - GOOD COVERAGE
 - AVERAGE COVERAGE
 - POOR COVERAGE
 - NO COVERAGE



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

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT MODIFICATION FOR A
WIRELESS COMMUNICATIONS FACILITY
LOCATED AT 2720 EAST 4TH STREET.
CASE FILE NO.: 2014-07 CUP
APN: 554-280-01

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, June 2, 2014**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: AT&T Mobility)

The applicant proposes a new wireless telecommunications facility within a new penthouse structure on the roof of a residential building located at Paradise Village. The operating equipment is proposed within the parking garage on the ground floor.

Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 12:00 p.m., **June 2, 2014**, who can be contacted at 619-336-4310 or planning@nationalcityca.gov

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

NATIONAL CITY PLANNING DEPARTMENT

BRAD RAULSTON
Executive Director



CITY OF NATIONAL CITY - DEVELOPMENT SERVICES DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF EXEMPTION

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

Project Title: 2014-07 CUP

Project Location: 2720 East 4th Street "A", National City, CA, APN: 554-280-01

Contact Person: Martin Reeder

Telephone Number: (619) 336-4313

Description of Nature, Purpose and Beneficiaries of Project:

Conditional Use Permit for a wireless communications facility on an existing multi-family-residential building. The project will increase signal strength and service area for AT&T customers.

Applicant:

Danielle Weizman for AT&T Mobility
6886 Mimosa Drive
Carlsbad, CA 92011

Telephone Number:

(619) 972-4944

Exempt Status:

Categorical Exemption. Class 3 Section 15301 (Existing Facilities)

Reasons why project is exempt:

There is no possibility that the proposed use will have a significant impact on the environment since antennas will be within an architectural feature on the roof of the building and the associated equipment will be within the parking garage. The proposal will not affect use of the property.

Date:

MARTIN REEDER, AICP
Principal Planner

RESOLUTION NO. 13-2014

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA,
APPROVING A CONDITIONAL USE PERMIT FOR A
WIRELESS COMMUNICATIONS FACILITY
LOCATED AT 2720 E 4TH ST. "A".
APPLICANT: DANIELLE WEIZMAN FOR AT&T MOBILITY
CASE FILE NO. 2014-07 CUP
APN: 554-280-01

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for a wireless communications facility located at 2720 East 4th Street "A" at a duly advertised public hearings held on June 2, 2014, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2014-07 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on June 2, 2014, support the following findings:

1. That the proposed use is allowable within the applicable zoning district pursuant to a conditional use permit and complies with all other applicable provisions of the Land Use Code, since a wireless communications facility is a conditionally-permitted use in the MXD-2 zone.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, since Policy E-3.3 of the General Plan is to increase access to wireless internet connections, computers, and other forms of communication technology, and since no Specific Plans exist in this area.
3. That the site for the proposed use is adequate in size and shape, since the proposed antennas and associated equipment are to be incorporated into and

upon an existing building and will not increase the footprint of that building, thus not affecting parking or access.

4. That the site has sufficient access to streets and highways that are adequate in width and pavement type to carry the volume and type of traffic generated by the proposed use, since the unmanned wireless communications facility requires only one to two visits each month for routine maintenance, which will have a negligible effect on the adjacent developed streets.
5. That the proposed use will not have an adverse effect upon adjacent or abutting properties, since the 12 antennas will be painted to match the existing building, and as such will not be highly visible from adjacent properties.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, since staff has already determined that the proposed use is categorically exempt from environmental review pursuant to Class 3 Section 15303 (New Construction or Conversion of Small Structures), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.

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

General

1. This *Conditional Use Permit* authorizes a wireless communications facility at 2720 East 4th Street, "A". Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibits A and B dated 4/28/2014 Case File No. 2013-31 CUP. Any additional antennas or facilities must be in substantial conformance with the design for installation shown on these plans.
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 Executive Director 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 2013 edition of the California Building, Electrical, Plumbing, Mechanical, Energy and Codes.

Fire

6. Plans submitted for improvements must comply with the current editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA).
7. The proposed rooftop building shall be evaluated for fire sprinkler coverage if necessary.
8. The National City Fire Department shall be involved with all fire inspections for this site. Rough inspections of all phases of work are required.

Engineering

9. The Priority Project Applicability checklist for the National Pollutant Discharge Elimination System (NPDES) is required to be completed and submitted to the Engineering Department. The checklist will be required when a project site is submitted for review of the City Departments. The checklist is available at the Engineering Department. If it is determined that the project is subject to the "Priority Project Permanent Storm Water BMP Requirements" and the City of National City Storm Water Best Management Practices of the Jurisdictional Urban Runoff Management Program (JURMP) approved Standard Urban Storm Water Mitigation Plan (SUSMP) documentation will be required prior to issuance of an applicable engineering permit. The SUSMP shall be prepared by a Registered Civil Engineer.
10. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. If required, an approved SWPPP will be required prior to issuing of a construction permit.

Planning

11. All appropriate and required local, state and/or federal permits must be obtained prior to operation of the wireless communications facility.
12. Any equipment visible to the exterior of the facility, including cable chases/trays, shall be painted to match the surface on which it is mounted.
13. The permittee shall not object to co-locating additional facilities of other communication companies and sharing the project site, provided such shared use does not result in substantial technical or quality-of-service impairment for the permitted use. In the event a dispute arises with regard to co-locating with other existing or potential users, the City may require a third party technical study at the expense of either or both the applicant and the complaining user. This condition in no way obligates the City to approve any co-location proposal if it is determined by the City not to be desirable in a specific case.

14. The applicant or operator shall be responsible for the removal and disposal of any antennas, equipment or facilities that are abandoned, decommissioned, or become obsolete within six (6) months of discontinuance.

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 June, 2014, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT
MODIFICATION AND ZONE VARIANCE FOR LESS
THAN REQUIRED PARKING FOR AN APARTMENT
COMPLEX LOCATED AT 2525 HIGHLAND
AVENUE.

Case File No.: 2014-05 CUP, Z

Assessor's Parcel No.: 563-010-50

Staff report by: Martin Reeder, Principal Planner

Applicant: Nationwide Enterprises

Property owner: Joseph Bendah

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

Parcel size: 1.03 acres

Adjacent land use/zoning:

North: Multi-family Residential / MXC-2

East: Single-family Residential / RS-2 and RS-3

South: Church / MXC-2

West: Olivewood School across Highland Avenue / I

Environmental review: Not a project under CEQA (existing facility, no
expansion)

BACKGROUND

Previous Information

This item was continued off calendar at the meeting of May 5, 2013. At that time the potential buyer was attempting to reach an agreement with the neighboring church regarding a modified version of a previous agreement. However, such an agreement was not able to be made. The applicant wishes to move forward with the application.

Site Characteristics

The site is located on the east side of Highland Avenue, between 24th and 26th Streets. The 1.03-acre, roughly L-shaped parcel extends from Highland Avenue to I Avenue and is zoned Major Mixed-Use Corridor (MXC-2). The site contains a three-story structure previously approved as a 151-unit senior assisted living facility, with some surface parking and underground parking (totaling 55 spaces), and an adult day care. The site slopes 8 feet within the first 45 feet of the property from Highland Avenue.

History

A 151-unit, 230 bed, assisted living facility was approved for the site in 1987. In 2002, a parking Variance was approved to allow a portion of the parking garage to be converted to an adult day care and reduce the allowable number of beds to 190. In 2010 the applicant was approved for the conversion of the property to a 151-unit senior independent living facility with a variance for less than required parking (apartments require more parking than an assisted living facility).

As part of the 2010 approval, the applicant was required to have a parking agreement with the neighboring church for overflow parking. The agreement has since ceased to be honored by either signing party due to a dispute, which is proving to be a problem for potential buyers trying to acquire the property. The agreement includes language that it cannot be removed without the express written permission of the City.

Proposed Use

The applicant wishes to modify the Conditional Use Permit to remove an existing condition requiring an agreement for overflow parking on the adjacent church lot. As part of the proposal an existing Adult Day Health Care Center on the project site would be converted back to parking spaces. Although 23 parking spaces would potentially be added back to the site due to closure of the day care center, the removal of the agreement for parking on the adjacent property would result in a shortage of on-site parking as required by the Land Use Code. Therefore, the applicant has also applied for a Zone Variance for less than required parking.

Analysis

Senior apartments are considered the same as standard apartments with regard to parking. In a normal case, a 151-unit apartment complex would require a minimum of 218 spaces to be provided on site (1.3 spaces per unit plus guest parking). There are only 55, although conversion of the day care center would add 23 more for a total of 78 parking spaces. However, other recent senior apartment complexes have been

approved with less parking due to less need for personal vehicles for seniors. This was done through the City's previous CUP process, which allowed for exceptions (similar to a variance) to be processed as part of the CUP application.

The city has approved two senior living complexes since 2005. Paradise Village was approved at a ratio of 0.8 parking spaces per unit and Plaza City Apartments was approved at a ratio of 0.65 spaces per unit. In order to be consistent with the lowest required parking ratio (0.65/unit), the subject property would need to provide 98 parking spaces. This equates to a shortage of 20 parking spaces, or 43 if the day care center is not converted. Without additional parking, the ratio would be 0.52 spaces per unit, a full 20% less than Plaza City Apartments.

Zone Variances are meant to provide adjustments to avoid practical difficulties and unnecessary hardships with respect to a particular piece of property, which is not enjoying the privileges commonly enjoyed by other properties in the same vicinity and zone. A practical difficulty or unnecessary physical hardship may result from the size, shape, or dimensions of a site, or because of the location of existing structures on the site, or from setbacks or building lines, or from geographic, topographic, or other physical conditions on the site or in the immediate vicinity. In this case, the location of the existing residential building and parking lot due to the shape of the lot and topographic constraints make it impractical to provide additional parking.

In order to approve a Zone Variance, the Planning Commission must make three separate findings:

1. Variances from the terms of this title shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity and under the same zoning classification.
2. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
3. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

(Re: Finding No. 1) In this case, the steep topography at the west end of the site has limited how the property was initially developed, as has the L-shaped configuration of the property – potential development is constrained due to the existing improvements having been designed to fit the odd-shaped lot, although all minimum standards (e.g. width, depth, etc.) are met. As a result, the location of existing buildings on the property makes it impossible to provide another 20 parking spaces (for a total of 98) without removing and rebuilding existing improvements. This is a hardship to the property

owner. Other senior apartment complexes under the same land use designation – Major Mixed-Use – including the Plaza City Apartments and Paradise Village have a reduced parking ratio compared to that required by the Land Use Code. It should be noted that Paradise Village and Plaza Senior Apartments are located on lots that are much larger than the subject property (9.62 and 1.65 acres respectively), and are more regular in shape. Therefore, these properties are enjoying privileges that the subject cannot as easily realize.

In addition to the constraints discussed above, there has also consistently been an excess of parking available at the site. The applicant has maintained that the parking facility is never full. To bolster this claim, the applicant provided information on the number of licensed vehicles owned by residents, which is 19. Staff has visited the facility on several occasions and noted between 15 and 20 parking spaces empty during the day (during day care operating hours). The applicant has stated that day care staff parks in the parking garage and that there are usually up to 12 staff on site at one time. If the day care center were to be converted back to parking, it would be expected to result in approximately 50 free spaces. A recent site visit conducted after the day care center was closed observed only 25 cars, roughly consistent with the applicant's claims. Under current and expected circumstances, it can be seen that enough parking exists to support the facility. Furthermore, the previous approval was specifically for senior independent living. No change from this use would be possible without further modification of the CUP, which the applicant is not currently requesting.

(Re: Finding No. 2) This Zone Variance is also subject to conditions that will assure that the adjustment does not constitute a grant of special privileges. Specifically, conditions require that the property be restricted to senior residential use only and that an annual parking survey be conducted to ensure that adequate parking is provided. In the event that adjacent areas are impacted due to inadequate parking, measures would be taken to remedy any impacts. This would include requiring nearby off-site parking in the amount necessary to bring the property into compliance with other similar uses (0.65 spaces per unit minimum) and/or reducing the number of units in use to offset the parking shortage.

(Re: Finding No. 3) The Zone Variance would not permit a use otherwise not allowed by the Land Use Code, as apartments are a permitted use in the MXC-2 zone. Furthermore, restricted senior apartments have been permitted elsewhere in the City with reductions in required parking.

Generally, there are not any expected adverse effects that would result from approving this Zone Variance. Other senior residential complexes have received reduced parking, although not at such a reduced ratio (0.52). However, in the event that the facility has a significant change in population (e.g. an increase number of "younger" seniors who are more likely to still drive and own a car), there may be increased parking demand that might not be able to be accommodated onsite, which would potentially impact adjacent properties and/or neighborhoods. In order to offset potential impacts, a condition has been added to require an annual parking review, which may require a reduction in the

units occupied and/or offsite parking provided to the satisfaction of the Planning Commission.

Summary

The subject property has a history of changing uses that have proved challenging due to the limited number of parking spaces built for the original assisted living facility. However, it is apparent that not all parking spaces are used very often, if at all. With the conversion of the adult day care, an additional 23 parking spaces would be provided, which would provide excess spaces should more be needed. If the findings for approval of the Zone Variance can be met, it would be appropriate to remove the previous CUP condition requiring the off-site parking agreement with the church. If the findings cannot be made, the condition should not be removed, although it could be modified to require a specific number of spaces "off-site" nearby, rather than specifically at the church. This would remedy the current disagreement between the subject property owner and the church property. It should be noted that the previous CUP approval was for senior independent living. This use would not change and would also be more restricted to this use (see condition no. 10). Therefore, adding 23 parking spaces would improve the already underutilized parking situation and limiting the use to senior independent living would guard against a change in use that would increase parking demand.

RECOMMENDATION

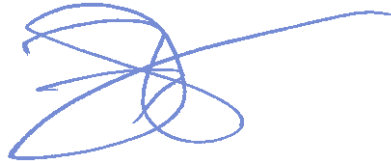
1. Approve 2014-05 CUP, Z based on the attached findings/findings to be determined by the Planning Commission; or
2. Deny 2014-05 CUP, Z based on the findings to be determined by the Planning Commission; or
3. Continue the item to a specific date.

ATTACHMENTS

1. Recommended Findings for Approval
2. Recommended Conditions
3. Location Map
4. Site Photos
5. Public Hearing Notice (Sent to 38 property owners)
6. Planning Commission Resolution 19-2010



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL
OF THE ZONE VARIANCE
2014-05 CUP, Z – 2525 Highland Avenue

1. That because of special physical and other circumstances occurring at the site, including topography, existing buildings and parking structures, the strict application of Land Use Code, Title 18, Chapter 18.45 (Off-Street Parking and Loading) deprives the property owner of the ability to make the best use of the property while maintaining the existing property improvements, since the prior use and parking have been sufficient, and since no change of use is proposed but rather 23 more parking spaces will be provided.
2. That the requested Zone Variance is subject to conditions that will assure that the proposed parking variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, since 23 additional parking spaces will be provided, since the facility will be restricted to seniors, and since an annual parking review will be conducted to ensure that adequate parking will continue to be provided.
3. That the Zone Variance does not authorize a use or activity that is not otherwise expressly permitted by the zoning regulation governing the parcel of property, since senior apartments are an allowed use in the MXC-2 zone, in which the property is located, and since there has been an abundance of parking available on site for the history of this use and that 23 more parking spaces will be provide through conversion of the adult day care to parking area.

RECOMMENDED FINDINGS FOR APPROVAL
OF THE CONDITIONAL USE PERMIT MODIFICATION
2014-05 CUP, Z – 2525 Highland Avenue

1. That the proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, since senior apartments are a permitted use and since no additional units are being added.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, since senior apartments are consistent with Housing Element goals and are a permitted use within the Major Mixed-Use land use designation, and since no Specific Plans exist in this area.
3. That the site for the proposed use is adequate in size and shape, since repeated site visits have determined that the existing parking facilities are in excess of what is currently in need by residents of the property, and since the existing adult day care will be converted to provide 23 additional parking spaces.
4. That the site has sufficient access to streets and highways that are adequate in width and pavement type to carry the volume and type of traffic generated by the proposed use, since no additional units are being added, and since the existing adult day care will be converted to provide 23 additional parking spaces, thus reducing parking demand.
5. That the proposed use will not have an adverse effect upon adjacent or abutting properties, since conversion of the adult day care to parking will reduce parking demand.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, since staff has already determined that the proposed use is categorically exempt from environmental review pursuant to Class 1 Section 15301 (Existing Facilities), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit and Zone Variance.

RECOMMENDED CONDITIONS OF APPROVAL
2525 Highland Avenue – 2014-05 CUP, Z

General

1. This *Conditional Use Permit and Zone Variance* authorize the removal of Condition of Approval number 11 of Planning Commission Resolution 19-2010 in association with a senior independent living facility located at 2525 Highland Avenue and the conversion of the ~~existing adult day care~~ to a parking garage.
2. Unless specifically modified, removed or superseded by adoption of these conditions, all Conditions of Approval contained in Planning Commission Resolution 19-2010 are still in effect and apply to the subject property.
3. Before this *Conditional Use Permit and Zone Variance* 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 and Zone Variance*. 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 and Zone Variance* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.
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* and submitted to the National City Planning Department.
5. 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.
6. Conversion of the use of the property to a permitted use that provides all necessary parking as required by Chapter 18.45 (Parking and Loading) of the National City Municipal Code shall automatically terminate this *Conditional Use Permit and Zone Variance*.

Building/Fire

7. Plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.
8. A demolition permit shall be required for removal of any structure or portion thereof associated with conversion of the adult day care center to parking garage.

Planning

9. An annual parking review shall be conducted, beginning twelve months from the approval of this Conditional Use Permit modification and Zone Variance, to ensure that there are no parking impacts on neighboring streets or other nearby properties caused by approval of said permits. If any such impacts are observed as a result of these permits, a reduction in the number of units may be required and/or offsite parking provided to the satisfaction of the Planning Commission.
10. Residency of the building(s) at 2525 Highland Avenue shall be restricted to persons over the age of 55 years old only (seniors). The facility shall function as a senior independent living facility only. The facility may be converted back to a senior assisted living facility with appropriate state approvals and permits, and subject to Condition No. 6.
11. No more than 151 individual units may be constructed, created, or resided in without modification of this permit.
12. The existing adult day care shall be converted back to a parking garage and shall provide a minimum of an additional 23 parking spaces.
13. No regular pedestrian access between the parking garage and "I" Avenue shall be permitted. The access door to "I" Avenue from the parking garage shall be converted to an emergency exit subject to the requirements of the Fire Department.

E. 24th St

MXC-1

2400

2428

2432

2440

2504

2530

Olivewood Elementary

Highland Ave

2401

802

906

910

918

RS-2

2416

2416

RS-3

2425

2424

2437

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2440

2503

2503

RS-3

2504

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2510

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2532

MXC-2

911

919

931

2536

2540

2605

RS-3

E 26th St

2604

Michelle Ct

930

2604

2608

2610

RS-2

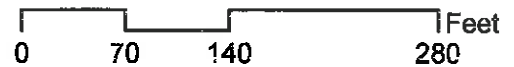
2627



Subject Parcel



Zone Boundary



APN:
563-010-50

Planning Commission
Location Map

2014-05 CUP, Z

Site Photos – 2014-05 CUP – 2525 Highland Avenue



Overhead view



Property looking east



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

NOTICE OF PUBLIC HEARING

**CONDITIONAL USE PERMIT MODIFICATION AND ZONE VARIANCE
FOR LESS THAN REQUIRED PARKING FOR AN APARTMENT COMPLEX
LOCATED AT 2525 HIGHLAND AVENUE.**

CASE FILE NO.: 2014-05 CUP, Z

APN: 563-010-50

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, June 2, 2014**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Nationwide Enterprises). This item was originally scheduled to be heard at the May 5, 2014 Planning Commission meeting, but was continued off calendar at that time.

The applicant wishes to remove an existing condition requiring an agreement for overflow parking on an adjacent lot. As part of the proposal an existing Adult Day Health Care Center on the project site would be converted back to parking spaces.

Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Department on or before 12:00 p.m., **June 2, 2014**, who can be contacted at 619-336-4310 or planning@nationalcityca.gov

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

NATIONAL CITY PLANNING DEPARTMENT

A handwritten signature in blue ink, appearing to read "BRAD RAULSTON", is written over the printed name.

BRAD RAULSTON
Executive Director

RESOLUTION NO. 19-2010

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA,
APPROVING A MODIFICATION OF A CONDITIONAL USE PERMIT
FOR A CHANGE OF USE FROM A SENIOR ASSISTED LIVING
AND ADULT DAY CARE FACILITY TO A SENIOR INDEPENDENT LIVING
AND ADULT DAY CARE FACILITY AND A VARIANCE REQUEST
TO ALLOW LESS THAN THE REQUIRED PARKING TO ACCOMMODATE THE
CHANGE OF USE TO AN INDEPENDENT LIVING FACILITY
APPLICANT: JOSEPH BENDAH
CASE FILE NO. 2010-19 MCUP, Z

WHEREAS, the Planning Commission of the City of National City considered a Modification to an existing Conditional Use Permit for a change of use from a senior assisted living and adult day care facility to a senior independent living and adult day care facility and a Variance request to allow less than the required parking to accommodate the change of use to an independent living facility at 2525 Highland Avenue (APN: 563-010-50), at a duly advertised public hearings held on August 16, 2010, 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. 2010-19 MCUP, Z maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearings held on August 16, 2010, support the following findings:

CONDITIONAL USE PERMIT MODIFICATION:

1. That the site for the proposed change of use is adequate in size and shape since the project site accommodates the existing three story building with underground parking and an adult day care facility and no expansion or change in the exterior is proposed.
2. That the site had sufficient access to streets and highways, since the site fronts on Highland Avenue, a major roadway, with medical, banks, stores, and markets along Highland Avenue and MTS bus service is provided and no increase in traffic is expected.

3. That the proposed use will not have an adverse effect upon adjacent and abutting properties since the change of use is a minor change and is compatible with existing residential development to the north and east and is located along a major transportation corridor.
4. That the proposed use is deemed essential and desirable to the public convenience or welfare, since it will provide for needed senior housing and will facilitate a viable use and provide flexibility to ensure the economic viability of the property.

VARIANCE:

1. That because of special circumstances exist on the site including existing buildings and parking structures, that make strict application of Land Use Code, Title 18, Chapter 18.58, Off-Street Parking deprives the property owner of the ability to make the best use of the property while maintaining the existing property improvements and since the prior use and parking have been sufficient and the change of use is a minor change that will not necessitate a great demand for parking and a passenger van will continue to provide service for adults to the adult day care facility..
2. That the requested variance is subject to conditions that will assure that the proposed parking variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated since additional parking will be provided on the adjacent church parking lot to accommodate visitors and short term parking, public bus service is available at the site, the adult day care provides recreational services, and the facility offers meals, cleaning and laundry services thereby reducing the need for residents to have and maintain a car.
3. That the variance does not authorize a new use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property, since the proposed parking variance will not change the existing configuration and built environment and will only facilitate the change of use from assisted senior living to independent senior living.

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

General

1. This Modification to the Conditional Use Permit and Zone Variance authorizes the change in use from an senior assisted living facility to a senior independent living facility and a reduction in the required on site parking at 2525 Highland Avenue. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with existing improvements and use and parking as described in the staff report contained in Case File 2010-19 MCUP, Z. Any change to the use shall require a modification of the Conditional Use Permit.
2. Before this Modification of the Conditional Use Permit and Variance 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 Planning Division 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 Section 18.116.190 of 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. The permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.

Building

5. Plans must comply with the 2007 editions of the California Building Code, the California Mechanical Code, the California Plumbing Code, the California Electrical Code, California Fire Code and California Title 24 energy and accessibility regulations.
6. Van accessible parking spaces shall be provided with proper path of travel and signage and shall be approved by the Building Official.

Fire

7. Plans must comply with the 2007 editions of the NFPA and CFC.
8. The property owner shall ensure that the existing fire alarm system and extinguishers are maintained and operational for the life of the facility.

Planning

9. Attendees at the Adult Day Care shall pick up and dropped off at the entrance to the facility from Highland Avenue.
10. The maximum occupancy of the day health care center shall be limited to 90 participants.
11. Within 30 days of the approval, an agreement, reviewed and approved by the City Attorney, shall be signed, notarized, and recorded with the County of San Diego by both the owner of the senior apartments and the representative for the Highland Avenue Baptist Church that allows for the use of the church parking lot by the senior apartments located at 2605 Highland Avenue except as follows:
 - The parking lot shall not be used on major events such as a wedding or funeral conducted at the church.
 - The parking lot shall not be used on Sundays during service.
 - No cars shall be left overnight without permission by the church, or they may be subject to towing at their own expense.

- The parking lot shall be maintained and not inoperable vehicles shall be stored on the parking lot at any time.
- 12. The property, parking areas, and parking garage shall be kept free of trash and the garage shall not be used for storing furniture and other items.
- 13. The applicant shall maintain the driveway with adequate mirrors to assist in safe vehicular ingress and egress, a handicap spaces at the front entrance to the senior living facility and one to the adult day care, and a clear identified pedestrian path from the living facility to the adult day care facility.
- 14. All landscaping shall be maintained and any dead or decaying vegetation shall be removed and replaced; the irrigation system shall be properly maintained in good working order; and the site shall be kept free of weeds and trash.
- 15. The applicant shall work with MTS transit services to determine an appropriate bench and location and shall install a bench to the satisfaction of MTS and the City.
- 16. The Conditional Use Permit and Zone Variance shall be brought to the Planning Commission for review to ensure the continued adequacy of parking, consistent with the Variance findings made as part of this approval, within three years from the date of this approval.

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 16, 2010, by the following vote:

AYES: DeLaPaz, Farias, Alvarado, Baca, Pruitt, Reynolds, Flores.

NAYS:

ABSENT:

ABSTAIN:


CHAIRMAN

RESOLUTION NO. 14-2014

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA,
APPROVING A CONDITIONAL USE PERMIT
AND ZONE VARIANCE FOR LESS THAN REQUIRED PARKING
FOR AN APARTMENT COMPLEX
LOCATED AT 2525 HIGHLAND AVENUE.
APPLICANT: NATIONWIDE ENTERPRISES
CASE FILE NO. 2014-05 CUP
APN: 563-010-50**

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit and zone variance for less than required parking for an apartment complex located at 2525 highland Avenue at a duly advertised public hearings held on June 2, 2014, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2014-05 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on June 2, 2014, support the following findings:

**RECOMMENDED FINDINGS FOR APPROVAL
OF THE ZONE VARIANCE**

1. That because of special physical and other circumstances occurring at the site, including topography, existing buildings and parking structures, the strict application of Land Use Code, Title 18, Chapter 18.45 (Off-Street Parking and Loading) deprives the property owner of the ability to make the best use of the property while maintaining the existing property improvements, since the prior use and parking have been sufficient, and since no change of use is proposed but rather 23 more parking spaces will be provided.

2. That the requested Zone Variance is subject to conditions that will assure that the proposed parking variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, since 23 additional parking spaces will be provided, since the facility will be restricted to seniors, and since an annual parking review will be conducted to ensure that adequate parking will continue to be provided.
3. That the Zone Variance does not authorize a use or activity that is not otherwise expressly permitted by the zoning regulation governing the parcel of property, since senior apartments are an allowed use in the MXC-2 zone, in which the property is located, and since there has been an abundance of parking available on site for the history of this use and that 23 more parking spaces will be provide through conversion of the adult day care to parking area.

RECOMMENDED FINDINGS FOR APPROVAL OF THE CONDITIONAL USE PERMIT MODIFICATION

1. That the proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, since senior apartments are a permitted use and since no additional units are being added.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, since senior apartments are consistent with Housing Element goals and are a permitted use within the Major Mixed-Use land use designation, and since no Specific Plans exist in this area.
3. That the site for the proposed use is adequate in size and shape, since repeated site visits have determined that the existing parking facilities are in excess of what is currently in need by residents of the property, and since the existing adult day care will be converted to provide 23 additional parking spaces.
4. That the site has sufficient access to streets and highways that are adequate in width and pavement type to carry the volume and type of traffic generated by the proposed use, since no additional units are being added, and since the existing adult day care will be converted to provide 23 additional parking spaces, thus reducing parking demand.
5. That the proposed use will not have an adverse effect upon adjacent or abutting properties, since conversion of the adult day care to parking will reduce parking demand.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, since staff has already determined that the proposed use is categorically exempt from environmental review pursuant to Class 1 Section 15301 (Existing Facilities), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit and Zone Variance.

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

General

1. This *Conditional Use Permit* and *Zone Variance* authorize the removal of Condition of Approval number 11 of Planning Commission Resolution 19-2010 in association with a senior independent living facility located at 2525 Highland Avenue and the conversion of the existing adult day care to a parking garage.
2. Unless specifically modified, removed or superseded by adoption of these conditions, all Conditions of Approval contained in Planning Commission Resolution 19-2010 are still in effect and apply to the subject property.
3. Before this *Conditional Use Permit* and *Zone Variance* 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* and *Zone Variance*. 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* and *Zone Variance* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.
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* and submitted to the National City Planning Department.
5. 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.
6. Conversion of the use of the property to a permitted use that provides all necessary parking as required by Chapter 18.45 (Parking and Loading) of the National City Municipal Code shall automatically terminate this *Conditional Use Permit* and *Zone Variance*.

Building/Fire

7. Plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.
8. A demolition permit shall be required for removal of any structure or portion thereof associated with conversion of the adult day care center to parking garage.

Planning

9. An annual parking review shall be conducted, beginning twelve months from the approval of this *Conditional Use Permit* modification and *Zone Variance*, to ensure

that there are no parking impacts on neighboring streets or other nearby properties caused by approval of said permits. If any such impacts are observed as a result of these permits, a reduction in the number of units may be required and/or offsite parking provided to the satisfaction of the Planning Commission.

10. Residency of the building(s) at 2525 Highland Avenue shall be restricted to persons over the age of 55 years old only (seniors). The facility shall function as a senior independent living facility only. The facility may be converted back to a senior assisted living facility with appropriate state approvals and permits, and subject to Condition No. 6.
11. No more than 151 individual units may be constructed, created, or resided in without modification of this permit.
12. The existing adult day care shall be converted back to a parking garage and shall provide a minimum of an additional 23 parking spaces.
13. No regular pedestrian access between the parking garage and "I" Avenue shall be permitted. The access door to "I" Avenue from the parking garage shall be converted to an emergency exit subject to the requirements of the Fire Department.

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 June, 2014, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON