

RESOLUTION NO. 2026-02

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA DETERMINING THAT THE  
PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 3 OF THE CEQA  
GUIDELINES SECTION 15303 (NEW CONSTRUCTION OR CONVERSION OF  
SMALL STRUCTURES) AND ZONE VARIANCE TO DEVIATE FROM MINIMUM  
REQUIREMENTS FOR LOT AREA, STREET FRONTAGE, AND SETBACKS AT A  
VACANT PROPERTY LOCATED ON EAST 5TH STREET BETWEEN HIGHLAND  
AVENUE AND I AVENUE.

CASE FILE NO. 2025-21 ZV

APN: 556-311-10

WHEREAS, the Planning Commission of the City of National City considered a Zone Variance for a new single-family residence and accessory dwelling unit (ADU) to be located at East 5th Street between Highland Avenue and I Avenue (APN: 556-311-10). At a duly advertised public hearing held on March 16, 2026, 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. 2025-21 ZV 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 March 16, 2026, support the following findings:

1. The rectangular-shaped lot is a remnant parcel from divisions of land for the development of adjacent properties resulting in a substandard lot with half the minimum lot size and street frontage requirements in the zone. Given the size and shape of the lot, there is no room to build a residence of a typical size and an ADU without encroaching into the required property setbacks.
2. Existing development within the RS-2 zone and vicinity is constructed with less than required lot size, street frontage, and setbacks. Developed properties with

EXHIBIT A

less than 5,000 square feet of lot area along E 5th Street and I Avenue are common. Most residential properties in the area do not conform to setback regulations. The requested reduction will result in development consistent with the surrounding area.

3. That the request is to construct a single-family home and an ADU, which is a permitted use in the RS-2 zone.
4. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 3, Section 15303 (New Construction or Conversion of Small Structures) for which a Notice of Exemption will be filed subsequent to approval of this Zone Variance. Class 3 consists of construction and location of limited numbers of new, small facilities or structures among other similar projects. One single-family residence, or a second dwelling unit in a residential zone are explicitly provided for under this exemption. The proposed project is to construct one single-family residence and an ADU.

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

#### General

1. This *Zone Variance* authorizes a single-family residence and an accessory dwelling unit (ADU) to deviate from requirements for minimum lot area, minimum yard setbacks, and minimum street frontage at a vacant parcel on East 5th Street (APN: 556-311-10). Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit B, Case File No. 2025-21 ZV, dated 3/10/2026.
2. Before this *Zone Variance* 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 *Zone Variance*. The applicant or owner 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 or owner shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *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 Director of Community Development 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. *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 San Diego County Clerk and submitted to the National City Planning Department.*

### Building

5. The proposed construction must be entirely contained within the property bounds.
6. The construction assembly for the proposed structure abutting the property line would be required to be 1-hour fire resistance rated up to a minimum of 5-feet from the property line. This would include exterior walls, return walls, interior walls, roof assembly, etc.
7. No projections, penetrations, or wall openings are allowed on the walls of the proposed structure that are abutting the property line.
8. A complete plan check submittal and an issued building permit is required prior to any work beginning and, through that review, additional comments or requirements may incur.

### Engineering

9. Cross lot drainage is strictly prohibited in the City of National City. Vertical encroachment of rain gutters into adjacent properties will not be allowed, unless an easement is obtained with the adjacent property owner.
10. Building plans will be required to show the foundation, building pad structure, and supporting details. This information is needed to study the method of pad development to ensure that adjacent properties are protected from damage during construction or encroachment onto adjacent properties by the builders.
11. The existing utility easement shall be dimensioned and the easement owner identified. No encroachment of the proposed structures shall be permitted into, under over or through said easement without the direct written permission from the owner of the easement.
12. A grading plan for the site shall be submitted to the National City Engineering/Public Works Department (Engineering). The plans shall be prepared by a registered civil

engineer licensed in the State of California. The plans shall be submitted together with copies of the following items: a cost estimate prepared by the Engineer of Work for all items shown in the grading/improvement plans, a Title Report, a Hydrology Study, a completed Storm Water BMP Applicability Form, a check in the amount equal to three percent (3%) of the engineer's cost estimate or \$10,000, whichever is greater, and a completed copy of the Grading and Improvement application form.

13. A Bond equal to one hundred percent of the Engineer's Cost Estimate shall be posted with Engineering prior to any permit for grading or construction is issued.
14. Prior to any earthwork commencing, the contractor shall submit a haul route to Engineering.
15. The owner shall pay the sewer capacity fee in the amount of \$1,930.
16. The owner shall apply for new addresses with Engineering.

#### Fire

17. Project shall be designed to code. The National City Fire Department utilizes all current codes and ordinances. Currently, we are using the 2022 edition of the California Fire Code (CFC), National Fire Protection Association (NFPA), and Health Safety Codes (HSC).
18. Fire sprinkler system will be required for both the single family and ADU development.
19. The fire code official shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire rescue operations or where necessary to meet the public safety objectives of the jurisdiction.
20. If entrance/exit gates are used, they shall be equipped with Knox Box and Emergency Strobes so as to provide emergency vehicle access and egress. A Knox Key Switch shall be required in conjunction with strobe for emergency access, and shall be placed at front of property. Please contact the National City Fire Department for exact field location.
21. Fire hydrants that may be located throughout the project as not to have a separation distance greater than 300 feet. Fire hydrants to be located within 300 feet of all locations which are roadway accessible. Measurement starts from nearest public fire hydrant to project.
22. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site.
23. A letter describing code compliant water flow shall be requested by the applicant early, so as to identify adequate water supply necessary for firefighting on site.

24. 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.
25. Should any plan corrections be required, contractor must correct the plan and resubmit to the Fire Department for approval once again prior to installation

#### Planning

26. Plans submitted for building permits must meet appropriate design guidelines as specified by the Land Use Code.
27. A landscape and underground irrigation plan shall be submitted with building permit plans as part of the construction permitting process in compliance with Land Use Code Chapter 18.44.

#### Indemnification Agreement

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

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. The City Council may, at that meeting, review or appeal the decision of the Planning Commission by setting the matter for a public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of March 16, 2026, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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CHAIRPERSON