



Nonconforming Land Uses & Amortization Workshop

City Council Chambers
February 15, 2017
6:00 p.m.



Workshop Purpose

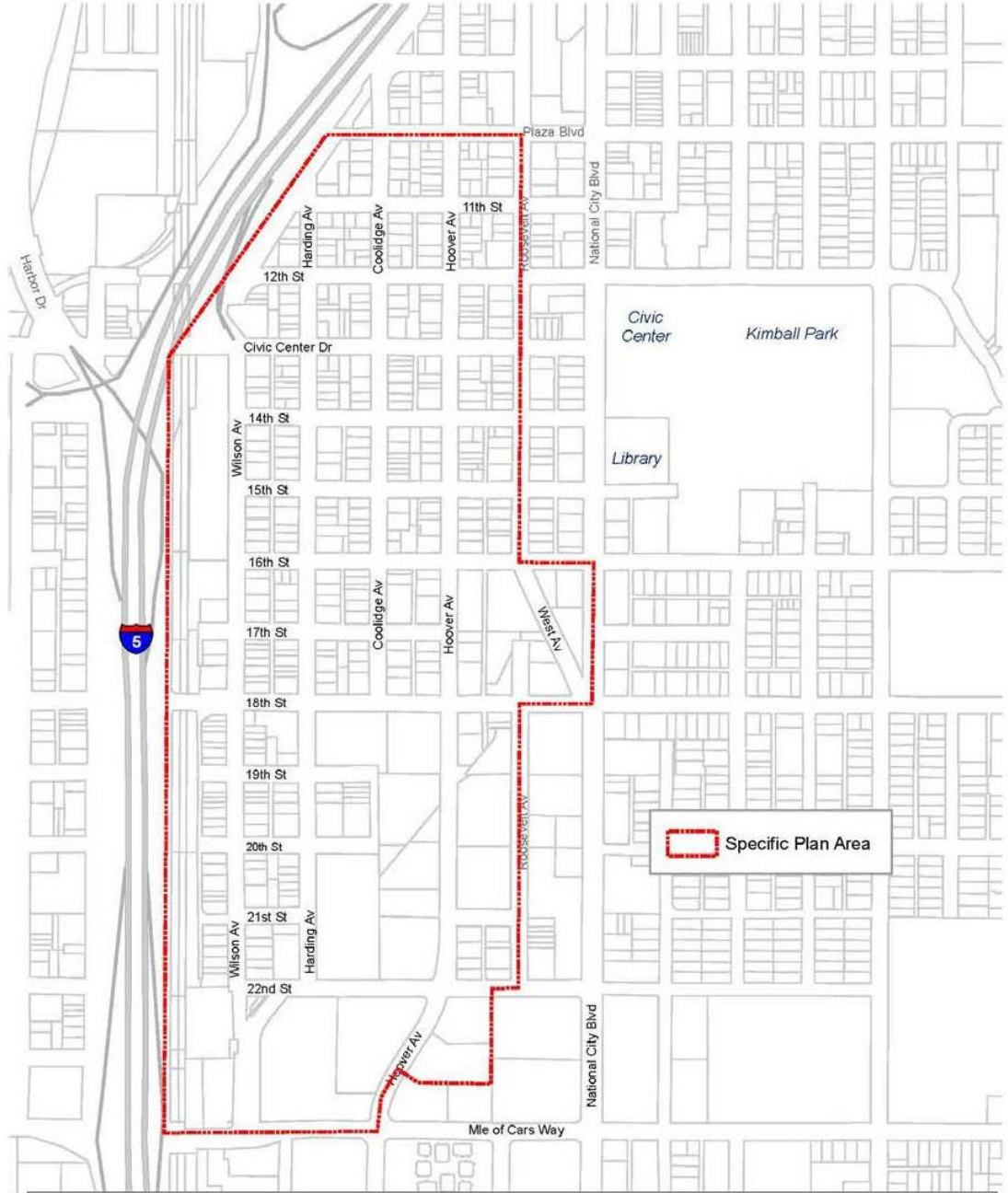
- Explain Amortization Process
- Provide Guidance
- Answer Questions
- Next Steps




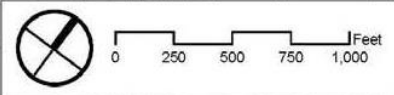
Westside Specific Plan

Vision statement adopted after years of public workshops and community meetings:

“Re-establish the Westside as a safe, healthy, and vibrant neighborhood where people engage in community life.”



 Specific Plan Area

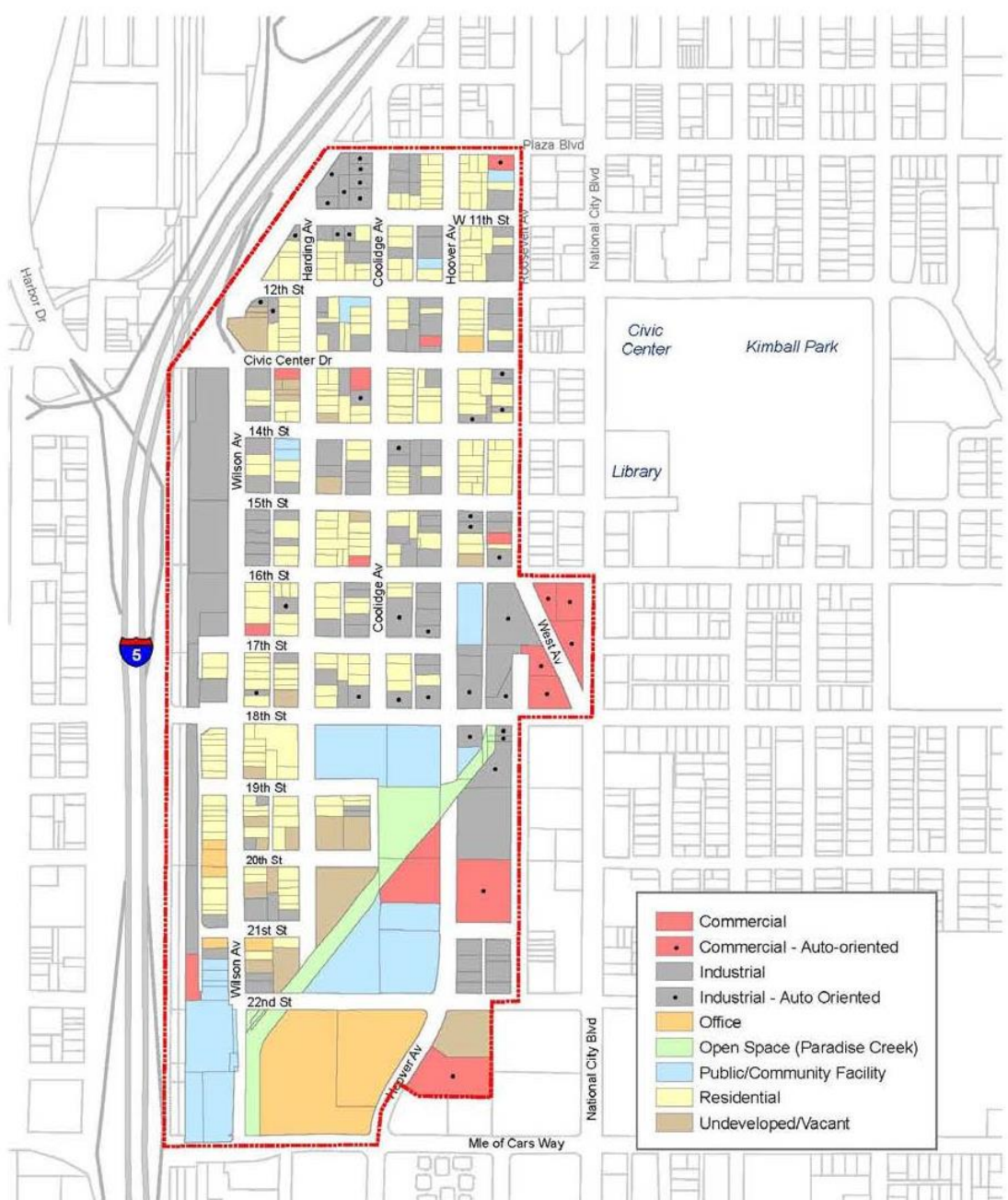


Westside Specific Plan - Figure 2.1
Specific Plan Area

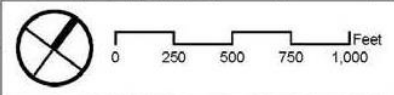


Healthy Community

- 14% of children in the Westside have asthma, twice the average rate in California
- The Westside is home to extremely sensitive areas such as residences, Kimball Elementary School, and Paradise Creek that are affected by pollution, runoff, and industrial uses



- Commercial
- Commercial - Auto-oriented
- Industrial
- Industrial - Auto Oriented
- Office
- Open Space (Paradise Creek)
- Public/Community Facility
- Residential
- Undeveloped/Vacant



Westside Specific Plan - Figure 2.2
Existing Land Use



Nonconforming Use

- Use that was legally established under previous zoning, but no longer conforms to current zoning
- “Grandfathered” and may continue indefinitely, unless:
 - The use is changed
 - The use is discontinued for more than a year
 - The use is terminated after a period of time using amortization





Ranking Factors

1. Assessed Value of Land
2. Assessed Value of Improvements
3. Depreciation in Building Improvements
4. Adaptability to Conforming Use
5. Significantly Nonconforming
6. Compatibility with Surroundings
7. Public Health, Safety, or Welfare
8. Land Area Minimum Requirements
9. Building Minimum Requirements
10. Building Type
11. Building Condition and Usability
12. Building Setback Requirements
13. Floor Area Ratio Requirements
14. Building Height Requirements
15. Parking Space Requirements
16. Business License
17. Proximity to Sensitive Area
18. Proximity to Residential
19. Residential Density
20. Compliance Violations
21. Regulatory Agency Permits
22. Hazardous Substances or Wastes
23. Discharges of Hazardous Substances
24. Storage of Hazardous Substances
25. Work Conducted within Right-Of-Way
26. Lack of Security, such as Fencing

Groups	Group Weights	Factors	Factor Weight	Factor Overall Weight	Sub-Factors	Value	Score Type	Sub-Factor Weight	Sub-Factor Overall Weight
Neighborhood Impacts	0.6	Compatibility	0.52	0.31	Proximity to sensitive area	5-response from Range 100 to 1000 feet from sensitive area	Binned score	0.61	0.19
					Proximity to residential parcel	4-responses from Range 0 to 3 adjacent residential properties	Binned score	0.28	0.09
					Residential density	5-responses from 0 to 60 residential properties within 0.1 mile	Binned score	0.11	0.03
		Public threats	0.27	0.16	Compliance violations	3-responses from no violations, violation resolved, violation not resolved	Binned score	0.37	0.06
					Permits	Yes/No - All permits obtained and current	Binned score	0.23	0.04
					Open storage	Yes/No - No hazardous substances stored in open	Binned score	0.16	0.03
					Security	Yes/No - No materials or wastes accessible to public	Binned score	0.11	0.02
					Hazardous waste storage	Yes/No - No hazardous waste stored, handled or disposed	Binned score	0.07	0.01
					Discharge violation	3-responses from no violations, violation resolved, violation not resolved	Binned score	0.04	0.01
					Work area	Yes/No - Work conducted on property and not in public areas	Binned score	0.02	0.00
		Nonconformance	0.15	0.09	Land size	Yes/No - meet prior zoning minimum land size	Binned score	0.37	0.03
					Business license	3-responses from current license, previous license, no license	Binned score	0.23	0.02
					Building setbacks	Yes/No - meet prior zoning requirements	Binned score	0.16	0.01
					Parking	Yes/No - meet prior zoning requirements	Binned score	0.11	0.01
					Building size	Yes/No - meet prior zoning minimum building size	Binned score	0.07	0.01
					Floor area ratio (FAR)	Yes/No - meet prior zoning requirements	Binned score	0.04	0.00
					Height	Yes/No - meet prior zoning requirements	Binned score	0.02	0.00
		Adaptability	0.06	0.04	Land size	Yes/No - meet current zoning minimum land size	Binned score	0.34	0.01
					Building type	Yes/No - usable or not usable under current zoning	Binned score	0.22	0.01
					Parking	Yes/No - meet current zoning requirements	Binned score	0.15	0.01
					Building condition	5-responses from good, useable, minor work, major work, unuseable	Binned score	0.11	0.00
Building setbacks	Yes/No - meet current zoning requirements				Binned score	0.08	0.00		
Building size	Yes/No - meet current zoning minimum building size				Binned score	0.05	0.00		
Floor area ratio (FAR)	Yes/No - meet current zoning requirements				Binned score	0.03	0.00		
Height	Yes/No - meet current zoning requirements				Binned score	0.02	0.00		
Business Operations	0.4	Improvement value	0.61	0.24	Assessed value per square foot of building	Proportional score	0.24		
		Building depreciation	0.28	0.11	Years since the investment to building depreciation years	Proportional score	0.11		
		Land value	0.11	0.04	Assessed value per square foot of land	Proportional score	0.04		



Ranking List

- Does not amortize or terminate nonconforming uses
- Ranks according to degree of nonconformity to zoning
- Allows efforts to focus on the most nonconforming uses
- Staff directed to meet with top 10 nonconforming uses



Amortization

City Council may affirmatively terminate a nonconforming use after a reasonable period of time that allows the owner to recover the investment in the use (business).

NCMC Section 18.11.100 (D)



Amortization Period

- Cost of land and improvements
- Length of time the use has existed
- Adaptability to a conforming use
- Cost of moving and re-establishing the use
- Whether use is significantly nonconforming
- Compatibility with neighborhood
- Threat to public health, safety, or welfare
- Other relevant factors



Next Steps

- Identify nonconforming uses
- Rank nonconforming uses
- Public review of draft ranking
- Finalize ranking after public review
- Staff and consultant meet with top 10
- Recommend amortization of up to 5
- Planning Commission public hearing
- City Council public hearing



Staff Contact

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Amortization Webpage

www.nationalcityca.gov/government/planning/amortization



Questions?