



Planning Commission Agenda

Meeting of September 18, 2017 – 6:00 p.m.
Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950



The Planning Commission requests that all cellphones, pagers, and/or smart devices be turned off during the meeting.

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

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

Roll Call

Pledge of Allegiance by Commissioner Yamane

Approval of Minutes

1. Approval of Minutes from the Meeting of August 21, 2017

Approval of Agenda

2. Approval of Agenda for the Meeting on September 18, 2017

ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).

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

PRESENTATIONS

CONTINUED PUBLIC HEARINGS

PUBLIC HEARINGS

3. Resolution taking action on a Code Amendment amending Section 18.21.040 related to maximum area of accessory structures. (Case File No.: 2017-21 A)

OTHER BUSINESS

STAFF REPORTS

Senior Assistant City Attorney

Deputy City Manager

Principal Planners

Commissioners

Chairperson

ADJOURNMENT

Adjournment to the next regularly scheduled meeting on October 2, 2017.



Planning Commission Minutes

Planning Commission
Meeting of August 21, 2017
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 Chair Garcia at 6:01 p.m.

Roll Call

Commissioners Present: Flores, Dela Paz, Garcia, Sendt, Quintero, Yamane

Commissioners Absent: Baca

Staff Also Present: Deputy City Manager Brad Raulston, Senior Assistant City Attorney Nicole Pedone, Principal Planner Martin Reeder, Principal Planner Ray Pe, Assistant Planner Michael Fellows

Pledge of Allegiance Presented by Commissioner Flores

1. Approval of Minutes from the Meeting of August 7, 2017.

Motion by Flores, second by Sendt to approve the Minutes for the Meeting of August 7, 2017.

Motion carried by the following vote:

Ayes: Flores, Dela Paz, Garcia, Sendt, Quintero, Yamane

Abstain: None.

Noes: None.

Absent: Baca

2. Approval of the Agenda for the Meeting of August 21, 2017.

Motion by Yamane, second by Flores to approve the Agenda for the Meeting of August 21, 2017.

Motion carried by the following vote:

Ayes: Flores, Dela Paz, Garcia, Sendt, Quintero, Yamane

Abstain: None.

Noes: None.

Absent: Baca

ORAL COMMUNICATION: None.

PRESENTATIONS: None.

CONTINUED PUBLIC HEARINGS: None.

PUBLIC HEARINGS:

3. Resolution taking action on a Zone Variance to allow conversion of an office building to an apartment building located at 2530 East Plaza Blvd. (Case File No.: 2017-14 Z)

Item was not heard. The applicant requested a continuance to a future meeting in order to work with staff further on the Zone Variance request.

Motion by Dela Paz, second by Flores to continue the item to a future meeting, date uncertain.

Motion carried by the following vote:

Ayes: Flores, Dela Paz, Garcia, Sendt, Quintero, Yamane

Abstain: None.

Noes: None.

Absent: Baca

4. Resolution taking action on a Conditional Use Permit for the sale and trade of jewelry, gold, and other precious metals at a retail store (Kevin Jewelers) located at 3030 Plaza Bonita Road Suite 1110. (Case File No.: 2017-16 CUP)

Presented by Principal Planner Martin Reeder

The Applicant was not present.

Motion by Yamane, second by Sendt to close the Public Hearing and approve a Conditional Use Permit for the sale and trade of jewelry, gold, and other precious metals at a retail store (Kevin Jewelers) located at 3030 Plaza Bonita Road Suite 1110. (Case File No.: 2017-16 CUP)

Motion carried by the following vote:

Ayes: Flores, Garcia, Sendt, Quintero, Yamane

Abstain: None.

Noes: Dela Paz

Absent: Baca

OTHER BUSINESS:

5. Resolutions for approval and denial of a Conditional Use Permit modification for distilled spirits at an existing beer and wine-licensed restaurant (Tita's II) located at 3421 East Plaza Boulevard. (Case File No.: 2017-09 CUP)

Presented by Principal Planner Martin Reeder

Applicant, Roger Speir, was present and spoke to the hours and operation of Tita's II.

Motion by Sendt second by Yamane to approve Resolution #2017-21A for a Conditional Use Permit modification for distilled spirits at an existing beer and wine-licensed restaurant (Tita's II) located at 3421 East Plaza Boulevard. (Case File No.: 2017-09 CUP)

Motion carried by the following vote:

Ayes: Flores, Garcia, Sendt, Quintero, Yamane

Abstain: Dela Paz

Noes: None.

Absent: Baca

Commissioner Dela Paz abstained due to her absence when the item was originally heard.

STAFF REPORTS:

Senior Assistant City Attorney: None.

Brad Raulston, Deputy City Manager: Advised of a possible Joint Workshop with the Commissioners and City Council for consideration of the final draft of the Downtown Specific Plan Update. He noted that the Commissioners would receive approximately two weeks to review the document prior to the Workshop.

Mr. Raulston informed the Commissioners that a \$2,000 budget was approved by the City Council to allow Commissioners to participate in training workshops and advised that the League of California Cities Planning Commissioner training was scheduled to occur in April 2018. He suggested that the Commissioners individually contact Chair Garcia regarding training opportunities they would like to attend.

Principal Planners: None.

COMMISSIONER REPORTS:

Dela Paz: Stated that she would forego attending the upcoming League of California Cities training.

Quintero: At Chair Garcia's request, Commissioner Quintero spoke to the recent increase in craft breweries and restaurants in the City of Chula Vista and stated that new investments in these types of businesses haven't been seen recently in National City. He suggested that the Commissioners work with the Chula Vista Planning Commission to institute some of their best practices to encourage growth in National City.

Flores: None.

Yamane: Encouraged the Commissioners to attend the Chula Vista Bayfront Development event occurring on August 30th from 2:00-5:00 p.m.

Sendt: None.

Baca: Absent.

Garcia: Thanked staff for providing various planning documents and reminded the Commissioners about the upcoming Volunteer Appreciation Dinner occurring on September 15, 2017.

ADJOURNMENT by Chair Garcia at 6:47 p.m. to the next meeting scheduled for September 18, 2017 at 6:00 pm.

CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of September 18, 2017.



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – CODE AMENDMENT AMENDING SECTION 18.21.040 RELATED TO MAXIMUM AREA OF ACCESSORY STRUCTURES

Case File No.: 2017-21 A

Assessor's Parcel No.: 669-390-20

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Frederick Puhn

Land use designation: Low-Medium Density Residential

Zoning designation: Small Lot Residential (RS-2)

Project size: 1.38 acres

Adjacent land use/zoning:

North: Single-family residential across East 4th Street / City of San Diego

East: Single-family residential / RS-2

South: Single-family residential / RS-2

West: Single-family residential across Shell Avenue / RS-2

Environmental review: Not a project per CEQA

Staff recommendation: Approve

BACKGROUND

The applicant owns a very large lot that is developed with a historic home and several accessory structures. The applicant wishes to construct additional accessory structures; however, the existing number and cumulative square-footage of accessory structures exceeds the maximum allowed by the Land Use Code. The applicant wishes to modify the maximum allowed accessory structure amount in order to construct a new carport, deck, and porch. The current property condition is considered legal nonconforming with regard to accessory structures.

Site Characteristics

The applicant owns an approximately 60,000 square-foot residential property developed with a single-family residence and approximately 2,404 square feet of accessory structures, including a tool shed, oversized garage, washroom, ramada/patio cover, and a porch. The property is on the east side of Shell Avenue and south of East 4th Street in the Small Lot Residential (RS-2) Zone. The existing residence is a historic home that is on a list of locally-designated historic structures.

History

The applicant originally approached the City Council in 2012 and asked for an amendment to the Code related to accessory structures. The City Council initiated the Code Amendment by minute action at their meeting of May 15, 2012. Amendments may be initiated either by minute action (Planning Commission or City Council), which does not require a fee, or by application, which requires a processing fee.

The next step would be the public hearing (which is happening tonight), which requires a separate fee. In an effort to save the applicant money, staff suggested that the amendment be tied in with other code amendments pending at that time. Due to staffing and changes in priorities, the application has remained unprocessed until now.

Proposal

The applicant wishes to amend Table 18.21.040 the Land Use Code, which currently reads as follows:

Development	Requirement By Zoning District		
	RS-1	RS-2	RS-3
Maximum area (total), accessory structures - Excluding up to 400 SF of covered parking	Greater of 300 SF or 30% of floor area of primary structures	Greater of 300 SF or 30% of floor area of primary structures	Greater of 300 SF or 30% of floor area of primary structures
Number of detached buildings	3	3	3

The applicant's property is currently developed with a 3,316 square-foot home and 2,004 square feet of accessory structures (after discounting 400 square feet of covered parking). This equates to 60% of the area of the primary structure, which is double the allowable amount in the current Code. In addition, there are already three separate detached structures on the site, the maximum allowed under the current Code. Because the existing structures were permitted at the time they were constructed (before the current maximum area was established), the property is considered to be legal nonconforming.

The applicant is requesting that the maximum cumulative square-footage of accessory structures be limited to no more than 10% of the lot. In addition, the limitation on the number of detached structures would have to be increased or removed. The applicant has justified the request based on the fact that the lot is very large and that the current minimums penalize large properties due to homes not being commensurately larger on such lots.

Analysis

The current limit of 300 square feet or 30% of the primary structure area is generally based on an average home size of 1,000 to 1,200 square feet (30% of 1,000 square feet is 300 square feet).

The average lot size in the City is approximately 5,000 square feet, which is also the minimum lot size in most of the City. The applicant's property is 12 times larger than this size. Although the existing residence is significantly larger (3,316 square feet) than what's typically located on an average-sized lot (typically around 1,000 to 1,200 square feet), the house would need to be over 14,000 square feet in size to accommodate the requested amount of accessory structures, which is untenable.

The applicant has suggested that the Code be amended to provide a maximum percentage of accessory structures based on the size of the lot. This would allow a property to have more accessory structures the larger it is. The intent of limiting the total size and amount of accessory structures is to avoid having the accessory structures appear as the primary use. Therefore, it is important that any changes take this into account. The change would need to allow the applicant to accomplish his goal (an additional 2,248 square feet of accessory structures) as well as to ensure that changes do not affect existing neighborhoods by increasing the percentage of accessory structures on existing properties such that the character of the areas is impacted.

In order to address the request, staff is suggesting that a cumulative maximum of 10% of the size of the lot be established rather than 30% of the primary structure. In addition, the caveat that no single accessory structure have a footprint greater than 30% of the primary structure would be added. This would ensure that smaller lots would not be overrun with accessory structures (this would not be an issue on a very large lot). In order to accommodate the additional detached structures, the maximum number would need to be raised to at least five to accommodate the request.

To put this proposed change into perspective, a 5,000 square-foot lot with a 1,000 square-foot house would now be able to have up to 500 square feet of accessory structures as follows:

10% of lot	500 square feet
Max. structure size - 30% of primary structure	300 square feet

Under current standards, the example lot would be allowed 300 square feet of accessory structure. With the change, up to 500 square feet would be allowed. Therefore, the potential increase in accessory structures on existing smaller residential lots would be minimal (up to 40% more, but no more than 200 square feet overall). The larger the home, the less this percentage becomes.

Although the applicant needs the maximum number of detached structures increased in order to accommodate his project, staff has reservations about the increase. While it would likely not be an issue with the subject lot or other large lots, smaller lots may be overrun with multiple smaller structures. To avoid this issue, the number of separate detached structures will change depending on the size of the lot. For lots up to 10,000 square feet in size, the number would remain at three. For lots greater than 10,000 square feet, three additional structures would be permitted for every 5,000 square feet of lot area. This would apply to both the RS-2 and RS-3 zones, where the minimum lot size is 5,000 square feet. No changes to the number of detached structures is proposed in the RS-1 zone. This is because this zone is the lowest density in the City with a minimum lot size of 10,000 square feet. Changes to the number of detached structures may result in neighborhood character changes in the RS-1 zone that have not been analyzed in this staff report.

In order to accommodate the requested development, staff is recommending that Table 18.21.040 be modified as follows (changes are underlined):

18.21.040 - General Development Standards.

Development	Requirement By Zoning District		
	RS-1	RS-2	RS-3
Maximum area (total), accessory structures - Excluding up to 400 SF of covered parking	<u>10% of lot size (d)</u>	<u>10% of lot size (d)</u>	<u>10% of lot size (d)</u>
Number of detached buildings	3	<u>3 per full 5,000 ft² of lot area</u>	<u>3 per full 5,000 ft² of lot area</u>

(d) No single accessory structure shall have a footprint greater than 30% of the primary structure.

Findings for Approval

There are two findings for approval, one related to General Plan consistency and one related to compliance with the California Environmental Quality Act (CEQA).

General Plan conformance

The requested Code Amendment is consistent with the General Plan, as accessory structures are already a permitted use in residential zones. The amendment would only serve to increase the size and amount of accessory structures permitted on residential properties by a relatively small amount. No increase in the number of units or in allowable densities would result from the change. In addition, there is already a maximum lot coverage of 75% in the RS-1, RS-2, and RS-3 zones, which would not change.

CEQA compliance

This application is not considered to be a project under CEQA as any changes would be in relation to ministerial projects, which are exempt from the application of CEQA per Section 21080 of the Public Resources Code; ministerial projects are already exempt.

Findings for Denial

While staff is in support of the proposed amendment, the change may have some significant effects, particularly on smaller lots. The main issue would be the potential for cluttering on properties with very small houses, which could lend the appearance of more accessory use of a property than the primary residential use (e.g. an 800 square-foot house on a 6,000 square-foot lot, which would allow up to 600 square feet of accessory structures under this change – close to the size of the home).

While these issues would be limited to smaller lots, particularly in heavily-developed areas, the issues are not expected to be present at the subject property. There are very few, if any, lots that are this large (60,000+ square feet), but that are only developed with a single-family residence.

Summary

The applicant has a unique property in that it is approximately twelve times the size as the minimum lot size in the RS-2 zone, but is only developed with a comparatively small single-family residence. As a result, the strict application of the Land Use Code with regard to accessory structures proves to be a disadvantage for the owner. The property is large enough to accommodate additional accessory structures without detracting from the

low density character of the area. In addition, the changes would be limited so that the same could be applied appropriately in the RS-1, RS-2, and RS-3 zones.

The recommendation of the Planning Commission will be forwarded to the City Council. The next step would be a public hearing at the City Council level. If ultimately approved, the amendment would affect RS-1, RS-2, and RS-3 zones. Staff is recommending approval of the requested Code Amendment.

OPTIONS

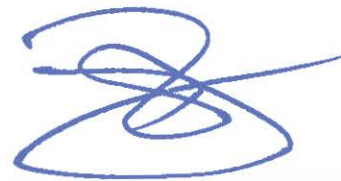
1. Recommend approval of the amendment to Table 18.21.040 of the Land Use Code based on the attached findings; or
2. Recommend denial of the amendment to Table 18.21.040 of the Land Use Code based on attached findings/findings to be determined by the Planning Commission; or
3. Continue the item to a specific date.

ATTACHMENTS

1. Findings
2. Overhead
3. Proposed Code changes
4. Site plan
5. Resolutions



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Deputy City Manager

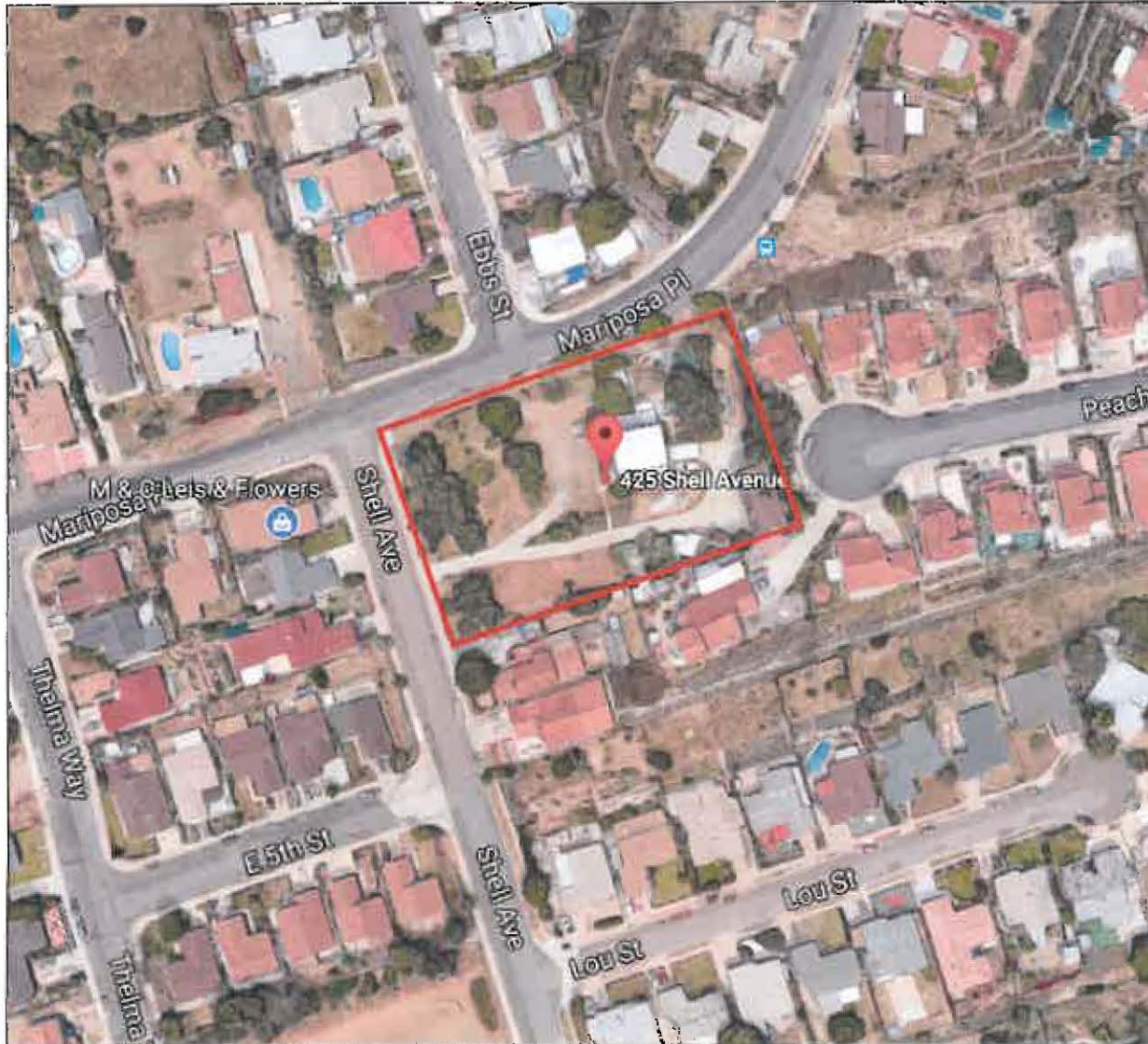
RECOMMENDED FINDINGS FOR APPROVAL

1. That the proposed amendment is consistent with General Plan policy, because accessory structures are already a permitted use in residential zones and the amendment would only serve to increase the amount of accessory structures permitted on residential properties by a relatively small amount; no increase in the number of units or in allowable densities would result from the change. In addition, the maximum lot coverage of 75% will remain.
2. That the proposed amendment has been reviewed to be in compliance with the California Environmental Quality Act (CEQA); the project is not considered a project under CEQA, as any changes would be in relation to ministerial projects, which are exempt from the application of CEQA per Section 21080 of the Public Resources Code.

RECOMMENDED FINDINGS FOR DENIAL

1. That increasing the amount of accessory structures to ten percent of the size of the lot in the RS-1, RS-2, and RS-3 zones would cause water quality issues due to the increase in impervious surface on smaller lots in heavily-developed areas.
2. That increasing the amount of accessory structures allowable in the RS-1, RS-2, and RS-3 zones could cause the appearance of more of an accessory use than the primary use, thus resulting in a cluttered appearance.

2017-21 A – 425 Shell Avenue – Overhead



Proposed Code changes

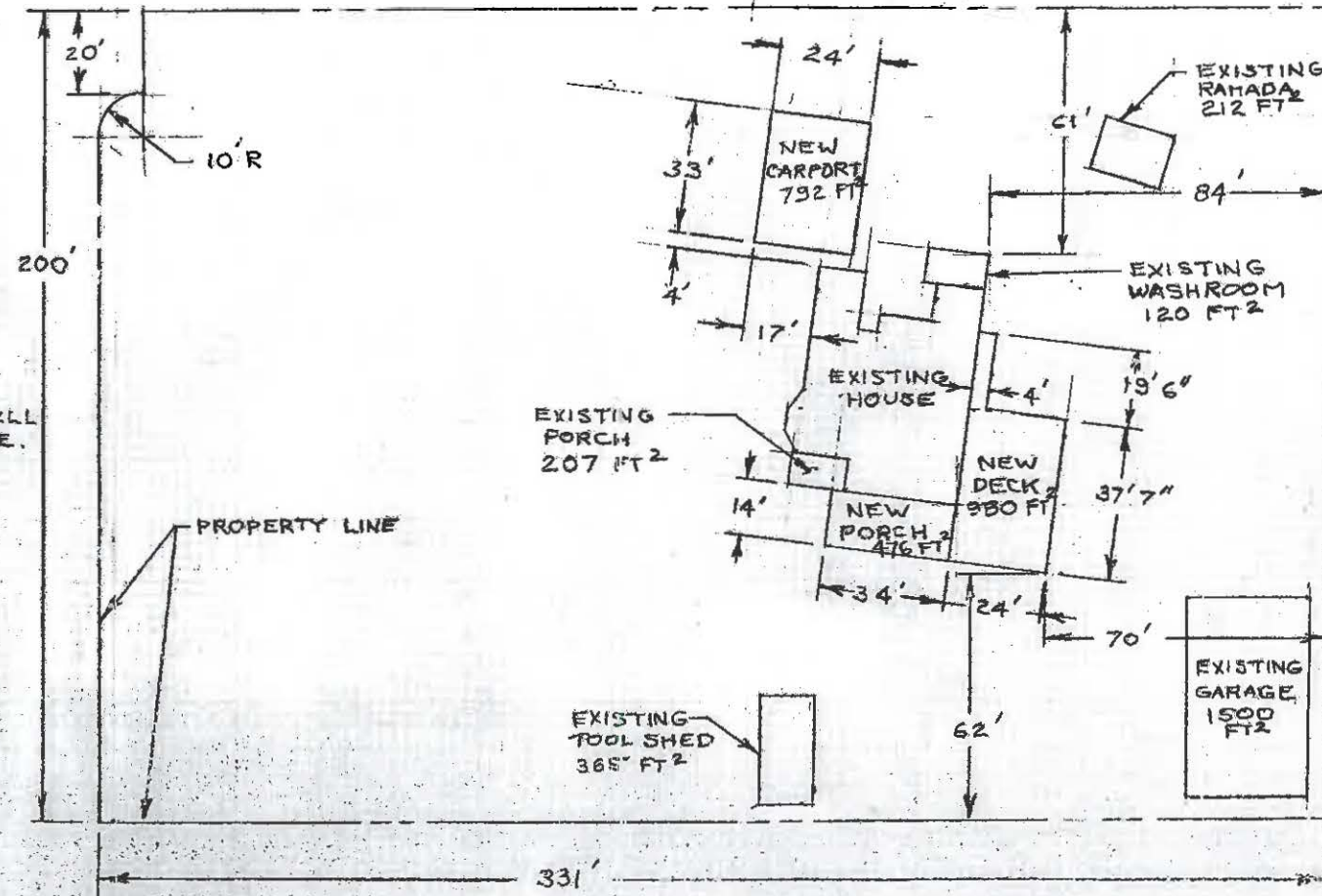
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Proposed language

Development	Requirement By Zoning District		
	RS-1	RS-2	RS-3
Maximum area (total), accessory structures - Excluding up to 400 SF of covered parking	Greater of 300 SF or 30% of floor area of primary structures or 10% of lot size (d)	Greater of 300 SF or 30% of floor area of primary structures or 10% of lot size (d)	Greater of 300 SF or 30% of floor area of primary structures or 10% of lot size (d)
Number of detached buildings	3	3 3 per full 5,000 ft ² of lot area	3 3 per full 5,000 ft ² of lot area

(d) No single accessory structure shall have a footprint greater than that of half of the primary structure.

NORTH

MARIPOSA PL.



NOTES:

1. SITE LEGAL DESCRIPTION: "THE NORTHERLY 200 FEET OF LOT 16 OF B.F. PRITCHARD'S PARADISE VILLA ADDITION TO NATIONAL CITY, IN THE CITY OF NATIONAL CITY, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 155 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY JULY 7, 1987."
2. OWNERS: FREDERICK & MARGARET PUHN, 425 SHELL AVE, NATIONAL CITY, CA 91950. (619)475-1155
3. PLANS PREPARED BY FREDERICK PUHN, P.E. (STATE OF CALIFORNIA LICENSE NO. M 18266)
4. HOUSE HABITABLE AREA = 3316 FT²
5. EXISTING AC. STRUCTURES = 2404 FT²
6. LOT AREA = 1.38 ACRES = 60,113 FT²
7. NEW PORCH & DECK = 2246 FT²

PORCH & DECK PLOT PLAN

6/1/17 REV. B - SHOW AREAS
5/11/17 REV. A - ADD CARPORT

BY: F PUHN	DWG: PD-001
DATE: 9/2/03	SCALE 1/30"

RESOLUTION NO. 2017-22 (a)

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA,
APPROVING A MUNICIPAL CODE AMENDMENT
AMENDING SECTION 18.21.040 RELATED TO
MAXIMUM AREA OF ACCESSORY STRUCTURES.
APPLICANT: FRED PUHN.
CASE FILE NO. 2017-21 A**

WHEREAS, pursuant to the terms and provisions of the Government Code of the State of California, proceedings were duly initiated for the amendment of the National City Municipal Code, Chapter 18.12.140 (B); and,

WHEREAS, the Planning Commission of the City of National City, California, considered said proposed amendment at a duly advertised public hearing held on September 18, 2017, at which time the Planning Commission considered evidence; and,

WHEREAS, at said public hearing the Planning Commission considered the staff report provided for Case File No. 2017-21 A, which is maintained by the City and incorporated herein by reference; along with any other evidence presented at said hearing; and,

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

WHEREAS, this action is taken in an effort to be compliant with applicable State and Federal law; and,

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

NOW, THEREFORE, BE IT RESOLVED by the City Planning Commission of the City of National City, California, that the evidence presented to the Planning Commission at the public hearing held on September 18, 2017, support the following findings:

1. That the proposed amendment is consistent with General Plan policy, because accessory structures are already a permitted use in residential zones and the amendment would only serve to increase the amount of accessory structures permitted on residential properties by a relatively small amount; no increase in the number of units or in allowable densities would result from the change. In addition, the maximum lot coverage of 75% will remain.

2. That the proposed amendment has been reviewed to be in compliance with the California Environmental Quality Act (CEQA); the project is not considered a project under CEQA, as any changes would be in relation to ministerial projects, which are exempt from the application of CEQA per Section 21080 of the Public Resources Code.

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of September 18, 2017, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2017-22 (b)

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA,
DENYING A MUNICIPAL CODE AMENDMENT
AMENDING SECTION 18.21.040 RELATED TO
MAXIMUM AREA OF ACCESSORY STRUCTURES.
APPLICANT: FRED PUHN.
CASE FILE NO. 2017-21 A**

WHEREAS, pursuant to the terms and provisions of the Government Code of the State of California, proceedings were duly initiated for the amendment of the National City Municipal Code, Chapter 18.12.140 (B); and,

WHEREAS, the Planning Commission of the City of National City, California, considered said proposed amendment at a duly advertised public hearing held on September 18, 2017, at which time the Planning Commission considered evidence; and,

WHEREAS, at said public hearing the Planning Commission considered the staff report provided for Case File No. 2017-21 A, which is maintained by the City and incorporated herein by reference; along with any other evidence presented at said hearing; and,

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

WHEREAS, this action is taken in an effort to be compliant with applicable State and Federal law; and,

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

NOW, THEREFORE, BE IT RESOLVED by the City Planning Commission of the City of National City, California, that the evidence presented to the Planning Commission at the public hearing held on September 18, 2017, support the following findings:

1. That increasing the amount of accessory structures to ten percent of the size of the lot in the RS-1, RS-2, and RS-3 zones would cause water quality issues due to the increase in impervious surface on smaller lots in heavily-developed areas.
2. That increasing the amount of accessory structures allowable in the RS-1, RS-2, and RS-3 zones could cause the appearance of more of an accessory use than the primary use, thus resulting in a cluttered appearance.

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of September 18, 2017, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON