



Planning Commission Agenda

Meeting of February 5, 2018 – 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.

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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 January 22, 2018

Approval of Agenda

2. Approval of Agenda for the Meeting on February 5, 2018

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 18.30.220 (Telecommunications Facilities) of the National City Municipal Code. (Case File No. 2018-02A).

OTHER BUSINESS

STAFF REPORTS

Senior Assistant City Attorney

Deputy City Manager

Principal Planners

Commissioners

Chairperson

ADJOURNMENT

Adjournment to the next regularly scheduled meeting on March 5, 2018.



Planning Commission Minutes

Planning Commission
Meeting of January 22, 2018
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 6:02 p.m.

Roll Call

Commissioners Present: Garcia, Yamane, Quintero, Sendt, Dela Paz
(6:13 pm arrival)

Commissioners Absent: Flores, Baca

Staff Also Present: Deputy City Manager Brad Raulston, Senior Assistant City Attorney Nicole Pedone, Principal Planner Martin Reeder, Principal Planner Ray Pe, Planning Technician Chris Stanley

Pledge of Allegiance Presented by Commissioner Garcia

1. Approval of Minutes from the Meeting of December 4, 2017.

Motion by Yamane, second by Sendt to approve the Minutes for the Meeting of December 4, 2017.

Motion carried by the following vote:

Ayes: Garcia, Yamane, Quintero, Sendt

Abstain: None.

Noes: None.

Absent: Flores, Baca, Dela Paz

2. Approval of the Agenda for the Meeting of January 22, 2018.

Motion by Yamane, second by Sendt to approve the Agenda for the Meeting of January 22, 2018.

Ayes: Garcia, Yamane, Quintero, Sendt

Abstain: None.

Noes: None.

Absent: Flores, Baca, Dela Paz

ORAL COMMUNICATION: None.

PRESENTATIONS: None.

CONTINUED 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 Boulevard (Case File No. 2017-14 Z).

Commissioner Dela Paz arrived at the dais (6:13 p.m.).

Presented by Principal Planner Martin Reeder. Applicant Joseph Wong addressed the Commissioners.

Applicant: Joseph Wong has read, understands, and accepts the conditions of the Zone Variance.

Motion by Yamane, second by Sendt to close the Public Hearing and approve the Resolution taking action on a Zone Variance to allow conversion of an office building to an apartment building located at 2530 East Plaza Boulevard (Case File No. 2017-14 Z) with the caveat that Condition No. 29 be removed from the Conditions of Approval.

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

Abstain: None.

Noes: None.

Absent: Flores, Baca

PUBLIC HEARINGS: None.

OTHER BUSINESS:

4. Adoption of 2018 Planning Commission Meeting Dates

Motion by Yamane, second by Sendt to approve the 2018 Planning Commission Meeting Dates.

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

Abstain: None.

Noes: None.

Absent: Flores, Baca

5. Election of Officers for 2018

Motion by Dela Paz, second by Sendt to nominate Vice Chair Yamane as Chair for 2018.

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

Abstain: None.

Noes: None.

Absent: Flores, Baca

Motion by Garcia, second by Yamane to nominate Commissioner Sendt as Vice Chair for 2018.

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

Abstain: None.

Noes: None.

Absent: Flores, Baca

STAFF REPORTS:

Senior Assistant City Attorney: Congratulated the new officers.

Brad Raulston, Deputy City Manager: Congratulated the new officers and thanked Chair Garcia for his service.

Principal Planners: Principal Planner Martin Reeder informed the Commissioners that Assistant Planner Mike Fellows had resigned and that a new Assistant Planner would be recruited soon. In addition, he introduced new Planning Technician Chris Stanley.

COMMISSIONER REPORTS:

Dela Paz: Welcomed new Planning Technician Chris Stanley.

Quintero: Wished everyone a Happy New Year.

Flores: Absent.

Yamane: Wished everyone a Happy New Year and thanked Chair Garcia for his service.

Sendt: Inquired about the opportunity for Commissioners to attend the League of California Cities Planning Commission Academy. In response, Deputy City Manager Brad Raulston advised that funds were available for two Commissioners to attend. He advised that staff would inform Commissioners of the location of the next meeting via email in preparation for discussion at the next meeting. Chair Garcia requested that those interested in attending any training opportunities forward an email to Executive Secretary Tonya Hussain.

Baca: Absent.

Garcia: Thanked everyone and expressed well wishes for a great 2018.

ADJOURNMENT by Chair Garcia at 6:35 p.m. to the next meeting scheduled for February 5, 2018 at 6:00 pm.

CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of February 5, 2018.



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 18.30.220 (TELECOMMUNICATIONS FACILITIES) OF THE NATIONAL CITY MUNICIPAL CODE.

Case File No.: 2018-02 A

Staff report by: Martin Reeder, AICP – Principal Planner
Roberto Contreras – Deputy City Attorney

Project location: Citywide

Applicant: City-initiated Land Use Amendment

Environmental review: Not a project per CEQA

Staff recommendation: Approve as amended

BACKGROUND

Staff Recommendation

Staff recommends that the Planning Commission recommend approval of the amendment to the City Council.

History

The City Council initiated an amendment on January 16, 2018 related to wireless communication facilities located in the City of National City's ("City") right-of-way. The amendment intends to exempt City-licensed facilities from the Conditional Use Permit (CUP) process.

Overview

Section 18.30.220 ("Telecommunications facilities") of the City's Municipal Code regulates the placement and use of wireless telecommunications facilities and antenna installation within the City. This section requires a CUP for all such facilities.

Several wireless providers have recently expressed interest in locating “small cell” wireless facilities on City-owned utility poles. In order to preserve the City’s maximum regulatory authority, the City Manager is seeking authorization and direction from the City Council to negotiate the terms of a Master License to locate “small cell” wireless facilities on City-owned utility poles with wireless providers.

Changes in federal and state law have significantly affected the City’s authority to regulate such wireless facilities. These changes include stricter timeframes and limitations on application reviews, new regulatory classifications for collocations and modifications to existing facilities, and even automatic approvals under certain circumstances.

More preemptive changes are on the horizon. Rulemaking proceedings at the Federal Communications Commission (FCC) have proposed to revisit essentially all the existing federal rules with an eye to streamline and accelerate wireless deployments. Closer to home, SB 649 (Hueso) was recently vetoed by Governor Brown. Had it been enacted, Cities would have been required to process specified “small cells” through a ministerial process and to make space on municipal property available to site operators on regulated rates, terms, and conditions.

Staff is supports a more streamlined process for “small cell” facilities that does not require a CUP. As a substitute to the formal CUP process, the Master License Agreement (MLA) will include standard design and placement guidelines. Streamlining the process for facilities on City-owned utility poles would preserve the City’s discretionary authority to the maximum extent permitted by law and allow the City to respond more quickly to future state or federal preemption.

Proposed Change

Section 18.30.220 subsection “B” of the Municipal Code (Commercial Telecommunications Facilities) currently reads as follows:

18.30.220 - Telecommunications facilities.

B. Commercial Telecommunications Facilities.

1. Telecommunication facilities are subject to a conditional use permit and design review and shall comply with all applicable provisions of this section.

Staff proposes the following language (changes in **bold**):

18.30.220 - Telecommunications facilities.

B. Commercial Telecommunications Facilities.

1. Telecommunication facilities, **except those located in the City right-of-way that are permitted through a City Master License Agreement,** are subject to a conditional use permit and design review and shall comply with all applicable provisions of this section.

This change would allow for “small cell” facilities to be located on City-owned utility poles through the associated MLA, but with added expediency.

Findings

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 amendment is consistent with the General Plan, as Policy E-3.3 encourages access to wireless internet connections, computers, and other forms of communication technology. The “small cell” facilities would provide the same internet/cellular data and standard cellphone service capability as major facilities.

CEQA Compliance

This amendment is not considered to be a project under CEQA as each "small cell" facility would be considered a ministerial application, which is exempt from the application of CEQA per Section 21080 of the Public Resources Code, or be individually reviewed under the MLA to determine if additional environmental review would be needed.

Summary

Staff believes that negotiation of a Master License to locate "small cell" wireless facilities on City-owned utility poles would preserve the City's discretionary authority to the maximum extent permitted by law and allow the City to respond more quickly to future state or federal preemption. Accordingly, staff recommends that the proposed change to the Land Use Code (LUC) be approved in order to achieve this goal.

OPTIONS

1. Recommend approval of the amendment to the LUC based on the attached findings or findings to be determined by the Planning Commission; or
2. Recommend denial of the amendment to the LUC based on findings to be determined by the Planning Commission; or,
3. Continue the item to a specific date.

ATTACHMENTS

1. Findings
2. Proposed Code change
3. Resolution



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Deputy City Manager

RECOMMENDED FINDINGS FOR APPROVAL

1. That the requested amendment is consistent with the General Plan, as Policy E-3.3 encourages access to wireless internet connections, computers, and other forms of communication technology. The “small cell” facilities would provide the same internet/cellular data and standard cellphone service capability as major facilities.
2. That the proposed amendment has been reviewed to comply with the California Environmental Quality Act (CEQA); the amendment is not considered to be a project under CEQA as each “small cell” facility would be considered a ministerial application, which is exempt from the application of CEQA per Section 21080 of the Public Resources Code, or be individually reviewed under the MLA to determine if additional environmental review would be needed.

Proposed amendments noted as **underlined bold** font

18.30.220 - Telecommunications facilities.

B. Commercial Telecommunications Facilities.

1. Telecommunication facilities, **except those located in the City right-of-way that are permitted through a City Master License Agreement,** are subject to a conditional use permit and design review and shall comply with all applicable provisions of this section.

RESOLUTION NO. 2018-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF NATIONAL CITY, CALIFORNIA, RECOMMENDING ADOPTION
TO THE CITY COUNCIL OF A MUNICIPAL CODE AMENDMENT
AMENDING SECTION 18.30.220 (TELECOMMUNICATIONS FACILITIES)
OF THE NATIONAL CITY MUNICIPAL CODE.

APPLICANT: CITY-INITIATED.

CASE FILE NO. 2018-02 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, per 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 February 5, 2018, 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. 2018-02 A, which is maintained by the City and incorporated herein by reference; along with any other evidence presented at said hearing; and,

WHEREAS, the Planning Commission recommends adoption to the City Council of the City of National City of a Municipal Code Amendment amending Section 18.30.220 (Telecommunications Facilities) of the National City Municipal Code; 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 comply 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 February 5, 2018, support the following findings:

1. That the requested amendment is consistent with the General Plan, as Policy E-3.3 encourages access to wireless internet connections, computers, and other forms of communication technology. The “small cell” facilities would provide the same internet/cellular data and standard cellphone service capability as major facilities.
2. That the proposed amendment has been reviewed to comply with the California Environmental Quality Act (CEQA); the amendment is not considered to be a project under CEQA as each “small cell” facility would be considered a ministerial application, which is exempt from the application of CEQA per Section 21080 of the Public Resources Code, or be individually reviewed under the MLA to determine if additional environmental review would be needed.

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 February 5, 2018, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON