



# Planning Commission Agenda

Meeting of July 2, 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.

*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 Garcia**

## **Approval of Minutes**

1. Approval of Minutes from the Meeting of June 18, 2018

## **Approval of Agenda**

2. Approval of Agenda for the Meeting on July 2, 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**

3. Public Records Act and Brown Act presentation.

## **CONTINUED PUBLIC HEARINGS**

## **PUBLIC HEARINGS**

4. Resolution taking action on a Zone Variance for a reduced rear yard setback for a proposed single-family house to be located at “D” Avenue & East 29<sup>th</sup> Street (Case File No. 2017-17 Z).

## **OTHER BUSINESS**

## **STAFF REPORTS**

Senior Assistant City Attorney

Deputy City Manager

Acting Planning Director

Principal Planner

Commissioners

Chairperson

## **ADJOURNMENT**

Adjournment to the next regularly scheduled meeting on August 20, 2018.



## Planning Commission Minutes

Planning Commission  
Meeting of June 18, 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 Yamane at 6:04 p.m.

### **Roll Call**

Commissioners Present: Quintero, Baca, Sendt, Yamane, Garcia, Flores

Commissioners Absent: Dela Paz

Staff Also Present: Acting Planning Director Martin Reeder, Senior Assistant City Attorney Nicole Pedone, Acting Assistant Planner Chris Stanley

**Pledge of Allegiance** Presented by Commissioner Sendt.

1. Approval of Minutes from the Meeting of May 7, 2018.

Motion by Baca, second by Sendt to approve the Minutes for the Meeting of May 7, 2018.

### **Motion carried by the following vote:**

**Ayes:** Quintero, Baca, Sendt, Yamane, Flores

**Abstain:** Garcia

**Noes:** None.

**Absent:** Dela Paz

Commissioner Garcia abstained due to his absence at the meeting of May 7, 2018.

2. Approval of the Agenda for the Meeting of June 18, 2018.

Motion by Garcia, second by Flores to approve the Agenda for the Meeting of June 18, 2018.

**Ayes:** Quintero, Baca, Sendt, Yamane, Garcia, Flores

**Abstain:** None.

**Noes:** None.

**Absent:** Dela Paz

**ORAL COMMUNICATION:** None.

**PRESENTATIONS:** None.

**CONTINUED PUBLIC HEARINGS:** None.

**PUBLIC HEARINGS:**

3. Resolution taking action on a Conditional Use Permit to operate a church at an existing building located at 1624 East 18<sup>th</sup> Street. (Case File No. 2018-07 CUP)

Due to a conflict of interest, Commissioner Baca recused himself from the item and left the dais at 6:08 pm.

Presented by Acting Assistant Planner Chris Stanley.

Applicant George Brambila and Pastor Anne Ramirez were present and answered questions posed by the Commissioners.

Motion by Sendt, second by Flores to close the Public Hearing and approve the Resolution taking action on a Conditional Use Permit to operate a church at an existing building located at 1624 East 18<sup>th</sup> Street. (Case File No. 2018-07 CUP)

**Ayes:** Quintero, Sendt, Yamane, Garcia, Flores

**Abstain:** Baca

**Noes:** None.

**Absent:** Dela Paz

Commissioner Baca returned to the dais at 6:24 pm.

4. Resolution taking action on a Code Amendment amending Sections 18.24 (Mixed-Use Corridor and District zones), 18.25 (Industrial zones), 18.30.050 (Sale of alcoholic beverages and live entertainment), and 18.50 (Glossary) of the National City Municipal Code. (Case File No. 2018-09 A)

Presented by Acting Planning Director Martin Reeder.

Motion by Garcia, second by Sendt to close the Public Hearing and approve the Resolution taking action on a Code Amendment amending Sections 18.24 (Mixed-Use Corridor and District zones), 18.25 (Industrial zones), 18.30.050 (Sale of alcoholic beverages and live entertainment), and 18.50 (Glossary) of the National City Municipal Code. (Case File No. 2018-09 A)

**Ayes:** Quintero, Baca, Sendt, Yamane, Garcia, Flores

**Abstain:** None.

**Noes:** None.

**Absent:** Dela Paz

**OTHER BUSINESS:** Commissioner Yamane advised that she attended the Accessory Dwelling Unit Forum held by the South County Economic Development Council (SCEDC) on June 14<sup>th</sup> and spoke to the great information received. In addition, she stated that she had received an invitation to the SCEDC 28<sup>th</sup> Annual Economic Summit occurring on September 14, 2018. In response to a question posed by Commissioner Yamane, Acting Planning Director Martin Reeder advised that he also attended the Accessory Dwelling Unit Forum and stated that staff would work to ensure National City's codes and policies are up to date with local and state housing policies. He advised that within the coming months an amendment would come before the Planning Commission for a recommendation to City Council.

**STAFF REPORTS:**

**Senior Assistant City Attorney:** None.

**Brad Raulston, Deputy City Manager:** Absent.

**Acting Planning Director:** Introduced the Planning Department's new intern Edward Lincoln.

**Principal Planner:** Absent.

**COMMISSIONER REPORTS:**

**Dela Paz:** Absent.

**Quintero:** None.

**Flores:** Spoke to her appreciation of City Animal Control staff after requesting their services recently.

**Yamane:** None.

**Sendt:** None.

**Baca:** None.

**Garcia:** Expressed his appreciation of City staff's hard work.

**ADJOURNMENT** by Chair Yamane at 6:45 p.m. to the meeting of July 2, 2018 at 6:00 pm.

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CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of July 2, 2018.



Item no. **3**  
July 2, 2018

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

PLANNING COMMISSION STAFF REPORT

Title: Public Records Act and Brown Act Presentation

Attachment: PowerPoint Presentation



# The Brown Act, Transparency, and Technology

COUNCIL, COMMISSIONS, COMMITTEES  
AND BOARDS

PRESENTATION

2018



# The Brown Act

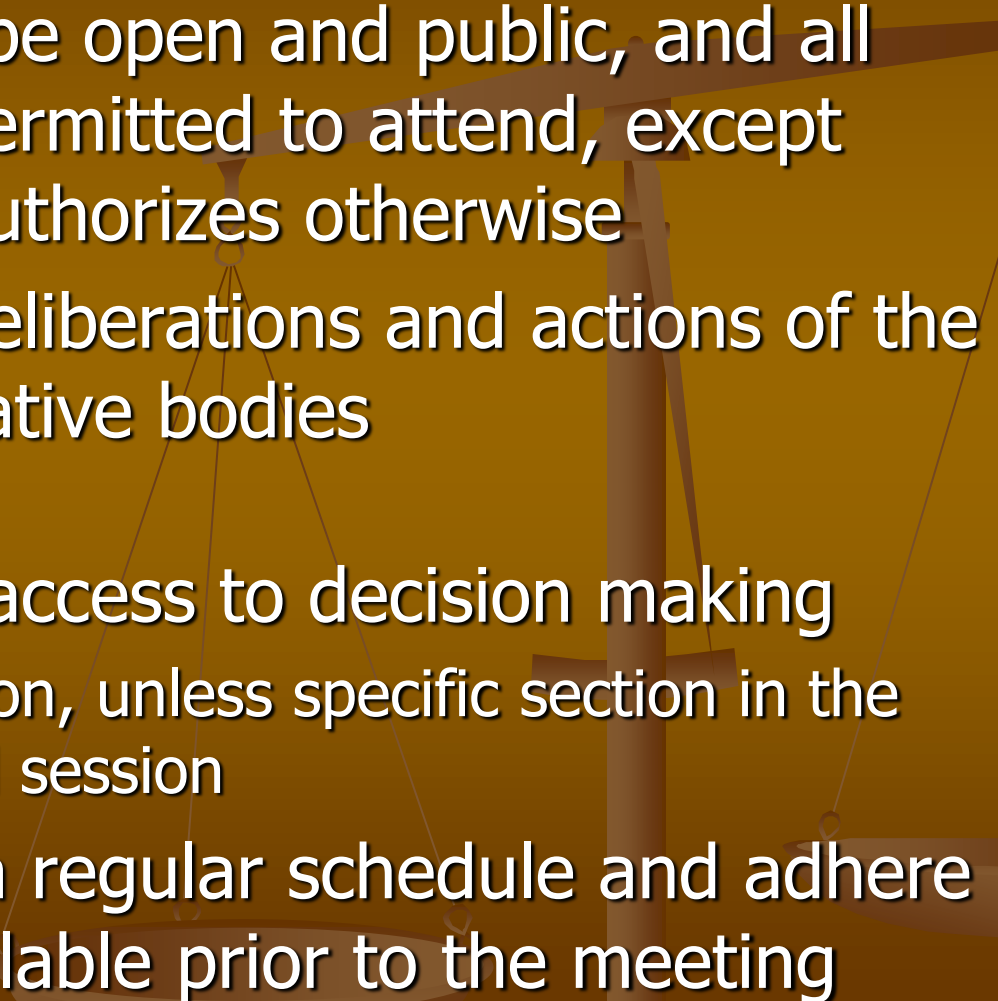


- Purpose: facilitate public participation in local government decisions and curb misuse of the democratic process by secret legislation by public bodies.

*Cohan v. City of Thousand Oaks* (1994)

30 Cal.App.4<sup>th</sup> 547,555.

# How to Meet the Purpose of the Act

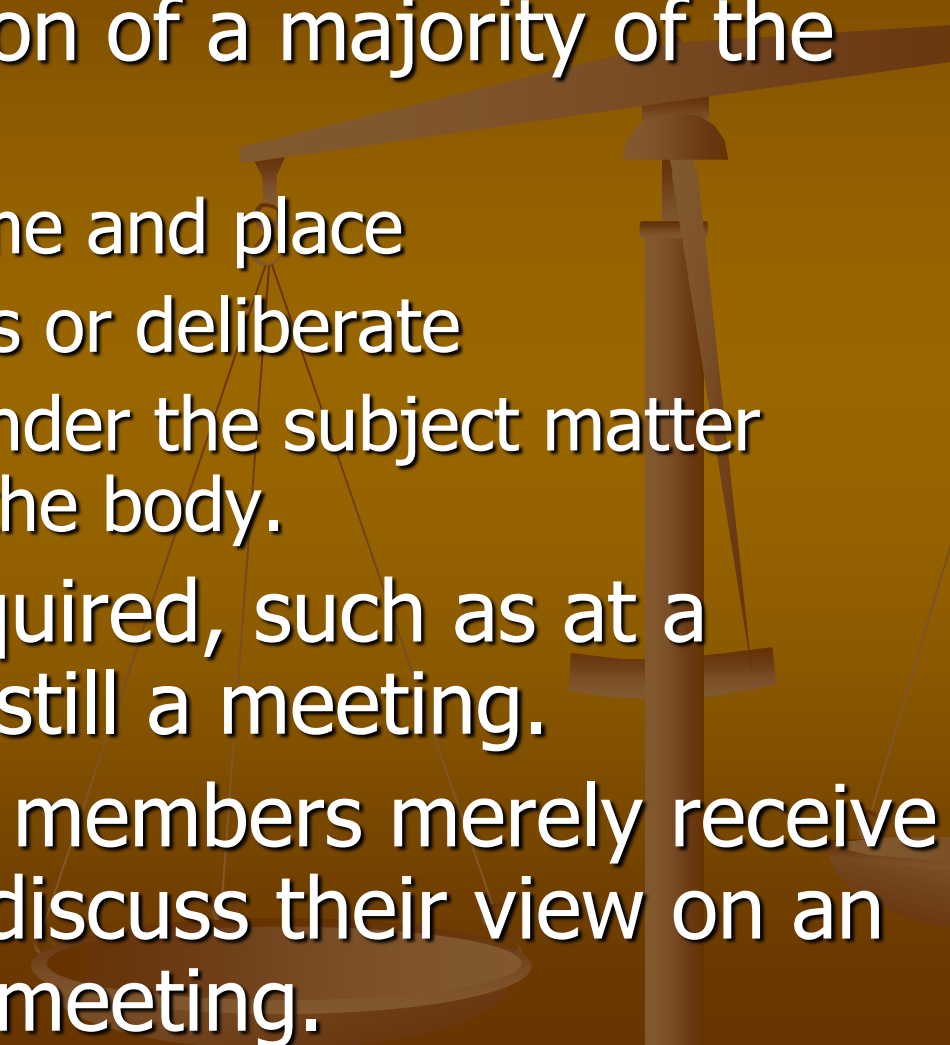
- All meetings shall be open and public, and all persons shall be permitted to attend, except when Brown Act authorizes otherwise
  - Open and public deliberations and actions of the local agency legislative bodies
    - no secret ballots
  - Meaningful public access to decision making
    - no private discussion, unless specific section in the Act allows a closed session
  - Meetings held on a regular schedule and adhere to the agenda available prior to the meeting
- 

# Who is subject to the Brown Act?

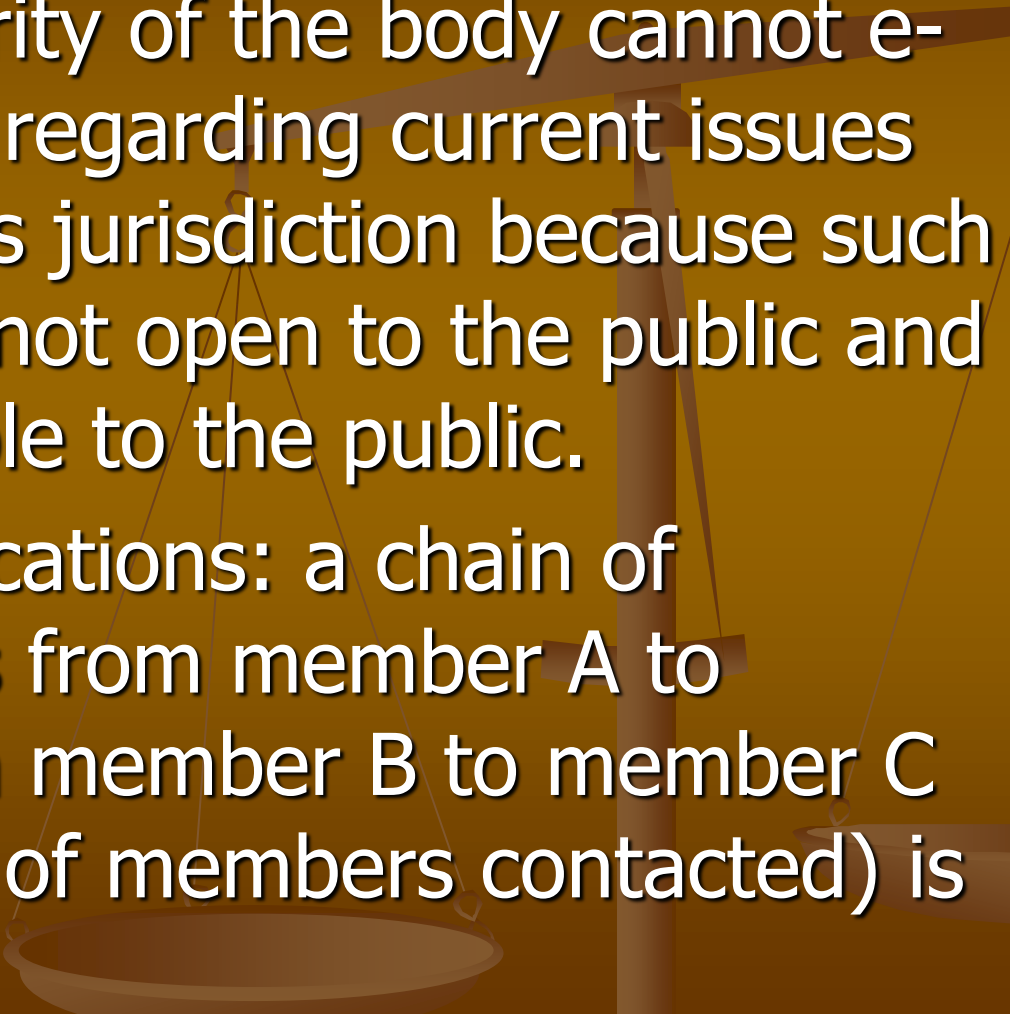
- Applies to all “legislative bodies” of all local agencies
- City Council
- Boards, commissions, and committees
  - Created by ordinance, resolution or formal action of a legislative body



# What Qualifies as a Meeting?

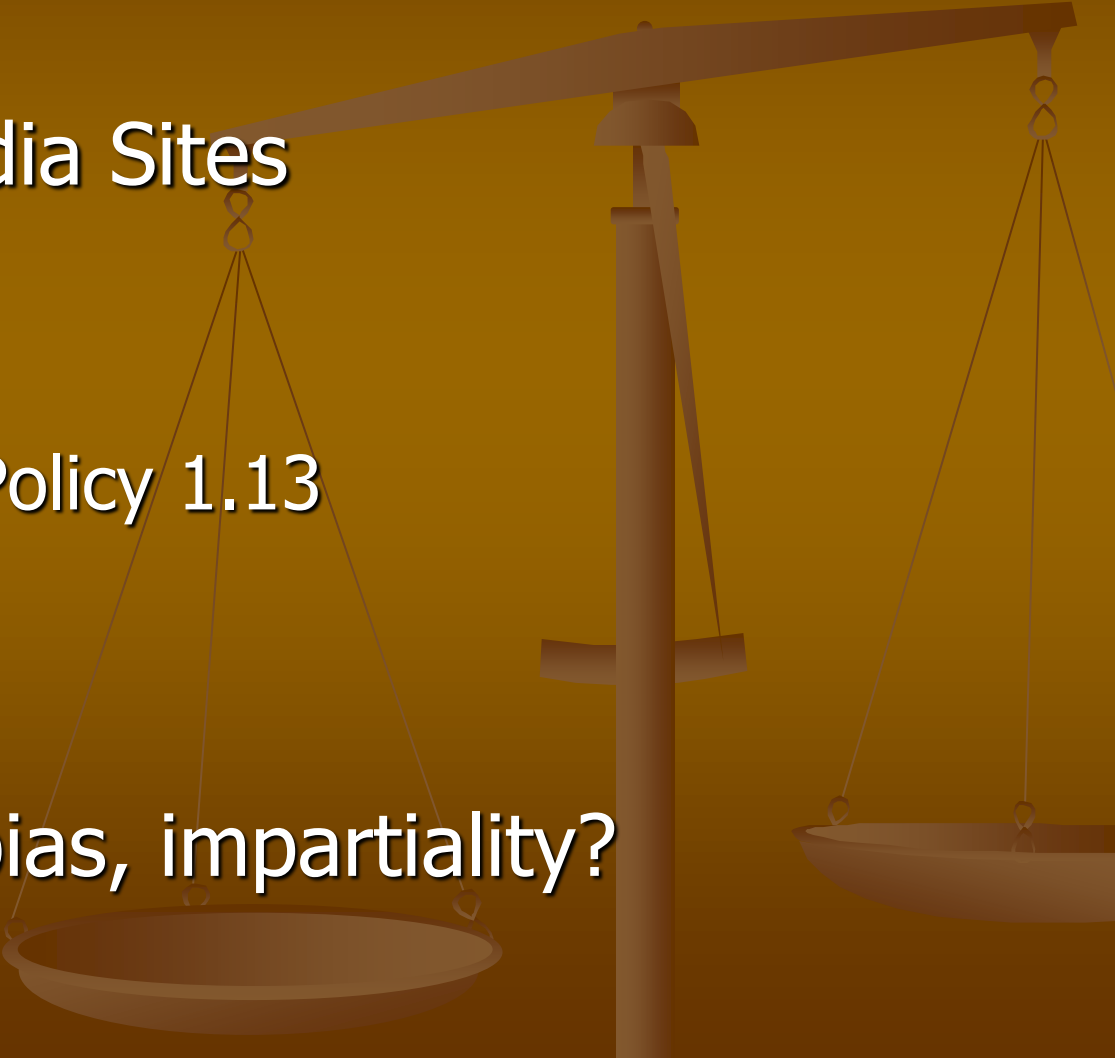
- Any congregation of a majority of the members
    - at the same time and place
    - to hear, discuss or deliberate
    - on any issue under the subject matter jurisdiction of the body.
  - No action is required, such as at a workshop, it is still a meeting.
  - If a majority of members merely receive information or discuss their view on an issue, that is a meeting.
- 

# What Else Is a Meeting?


- E-mails: a majority of the body cannot e-mail each other regarding current issues under the body's jurisdiction because such discussions are not open to the public and are not accessible to the public.
  - Serial Communications: a chain of communications from member A to member B, then member B to member C (until a quorum of members contacted) is prohibited.
- 

# Social Media

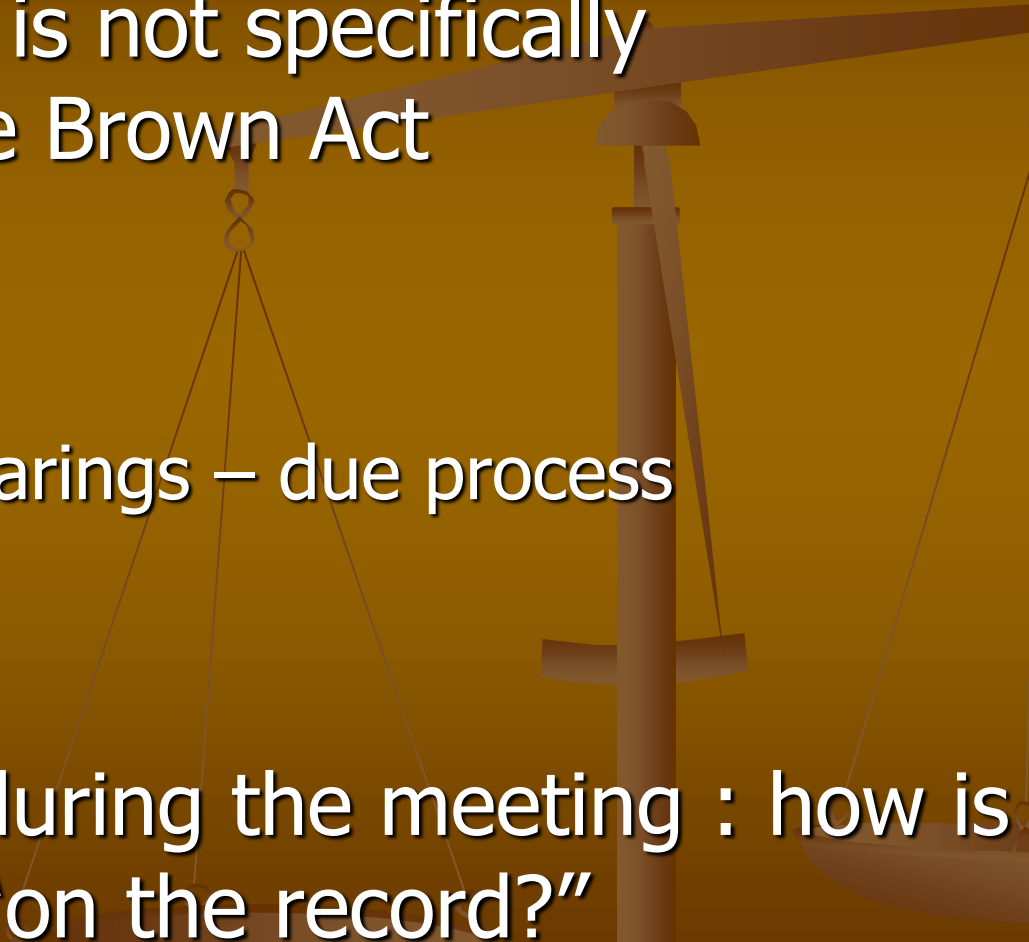
## Can that become a Meeting?

- City's Social Media Sites
    - City's Facebook
    - City's Twitter
    - Administrative Policy 1.13
  - Tweeting
  - Facebook
  - Other issues – bias, impartiality?
- 

# Managing Social Media

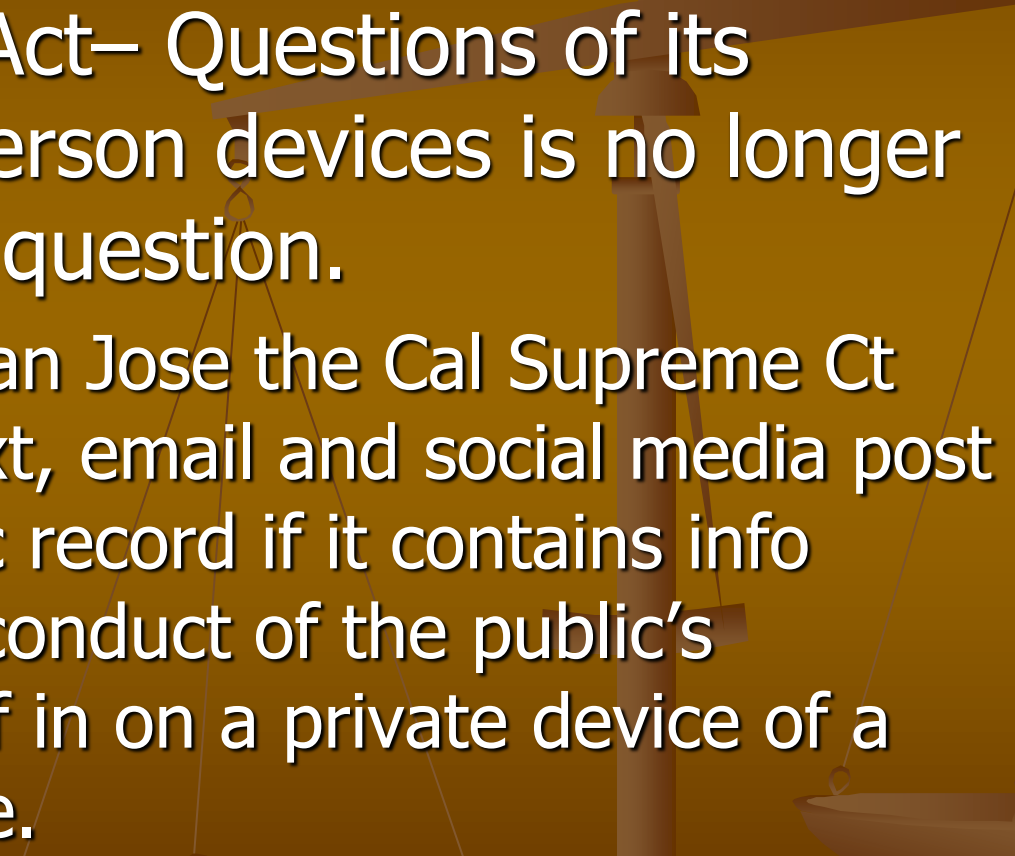
- Brown Act applies to social media.
  - Best Practices: conduct City business in public and on City systems.
- 

# Texting and E-communication: When is it a Meeting?

- Text messaging is not specifically addressed in the Brown Act
  - Caution:
    - Serial meetings
    - Adjudicatory hearings – due process
    - Transparency
    - Inattentiveness
  - Texts received during the meeting : how is decision based “on the record?”
- 



# Managing Texting, E-mails and Social Media Posts

- Public Records Act– Questions of its application to person devices is no longer an unanswered question.
    - In the City of San Jose the Cal Supreme Ct held: That a text, email and social media post may be a public record if it contains info relating to the conduct of the public's business even if in on a private device of a public employee.
- 

# iPads, Tablets & Smartphones



- Modern technology provides a means of communications with others
- Provides a means to quickly access information via the internet
- Technology gives individuals greater access to information, but that access can be outside of the public process
  - Result: denying the public access to what is being considered by decision makers

# Ensuring Meaningful Public Participation

- Access to information considered by the Council, Commission, Committee or Board
  - What about:
    - Information received via text, e-mail, social media
    - Information from the internet
    - How do we ensure meaningful public participation
    - Due process and quasi-judicial matters
  - Disclosure of information is key

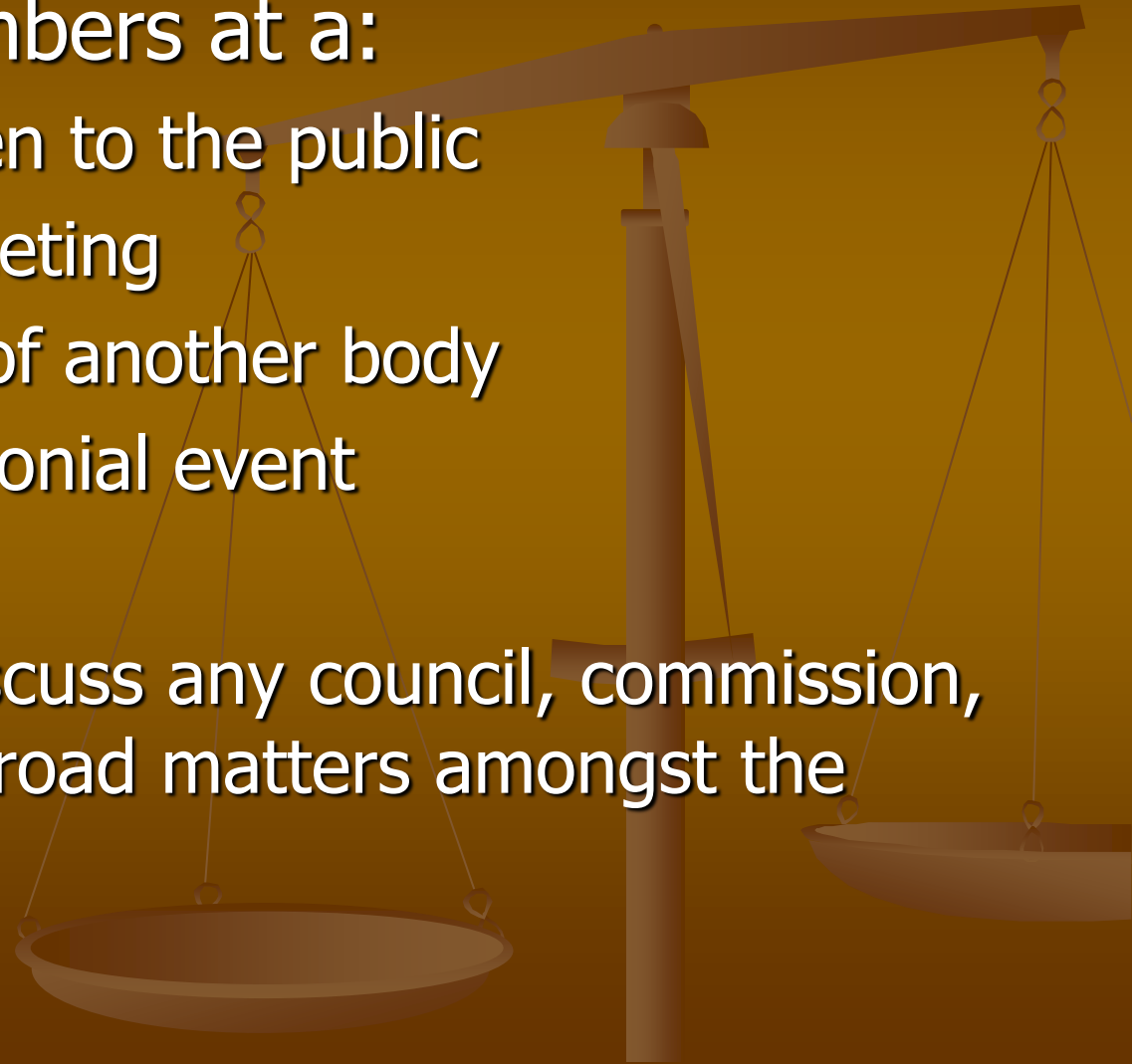
# What about meeting with a member of the public?

- Individual contacts between a member of the legislative body and a member of the public is exempt from the act (*ex parte* contacts).
- Council Policy 116 requires keeping a written record of *ex parte* contacts, and disclosure of any *ex parte* contacts either prior to or when the agenda item is called.
- Due process concerns: quasi-judicial matters – *ex parte* contacts raise fairness, bias, and impartiality concerns and should be avoided

# What is not a meeting?

- Majority of members at a:
  - Conference open to the public
  - Local public meeting
  - Open meeting of another body
  - Social or ceremonial event

**But**, cannot discuss any council, commission, committee or broad matters amongst the members.



# Holding Meetings

## ■ When

- Regular Meetings: agenda posted 72 hours prior (time set by ordinance, reso, or by-laws)
- Special Meetings: called by chair or majority, agenda posted 24 hours prior
- Emergency Meetings: immediately – “work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members” (real emergency – one hour notice to media outlets that have requested notice)

# Location of Meetings



- Where can a meeting be held?
  - In the City (within jurisdictional boundaries), unless a specific exemption applies
  - Specific exemptions:
    - Comply with a law or court order
    - Inspect property outside of city
    - Multiagency meeting
    - No meeting facility within the jurisdiction
    - Meeting with federal or state officials on a legislative or regulatory issue
    - At a facility outside of the jurisdiction, which is the topic of discussion
    - Closed session at legal counsel's office regarding pending litigation when it would reduce legal fees or costs
  - Must be ADA accessible

# Agenda Requirements



- Brief description of each item (20 words or less ok)
- Reference what is sought regarding the item (approval, direction, information, etc)
- Date, time & location of meeting
- Post agenda 72 hours prior (or 24 hours for special meeting), accessible by public 24 hours a day



# Closed Session



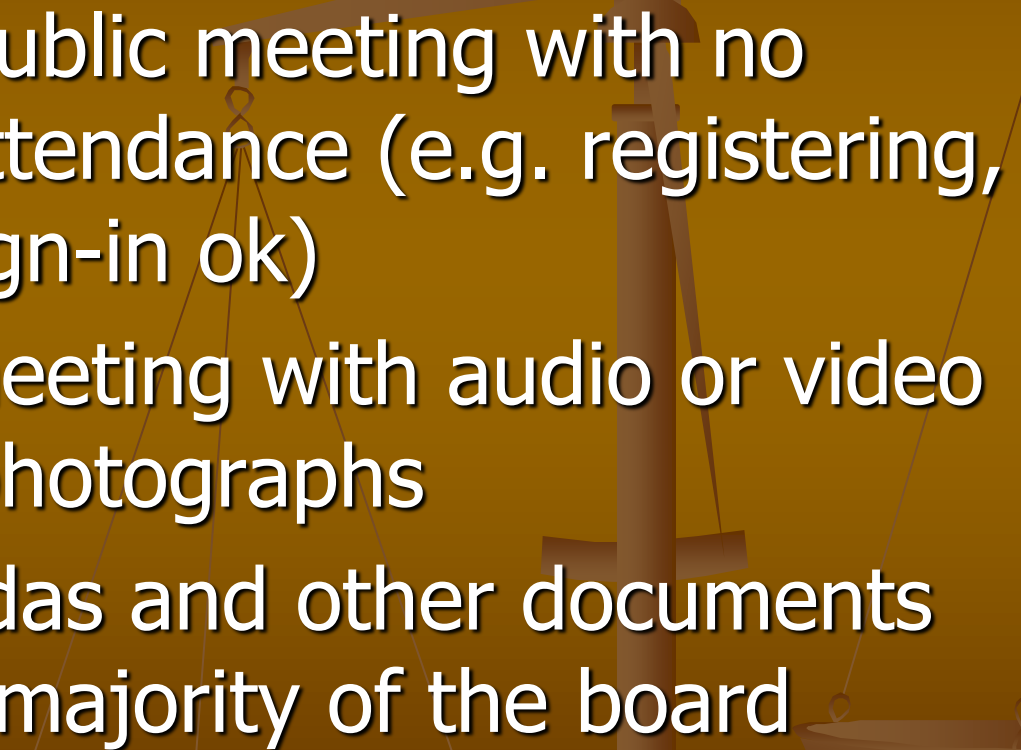
- Brown Act limits closed session
- Behind closed doors - - a confidential meeting
- Must be noticed on the agenda
- Oral announcement of items to be discussed in closed session
- Reconvene in open session upon completion of closed session and may require reporting out (in certain instances)

# Closed Session & Lawyers



- Discussions in closed sessions will typically involve legal counsel
- Who provides the legal advice?
  - Regular Meeting: staffed by City Attorney or Deputy City Attorney
  - Hearings: City Attorney's Office will either advise the legislative body or represent the department in the proceedings.

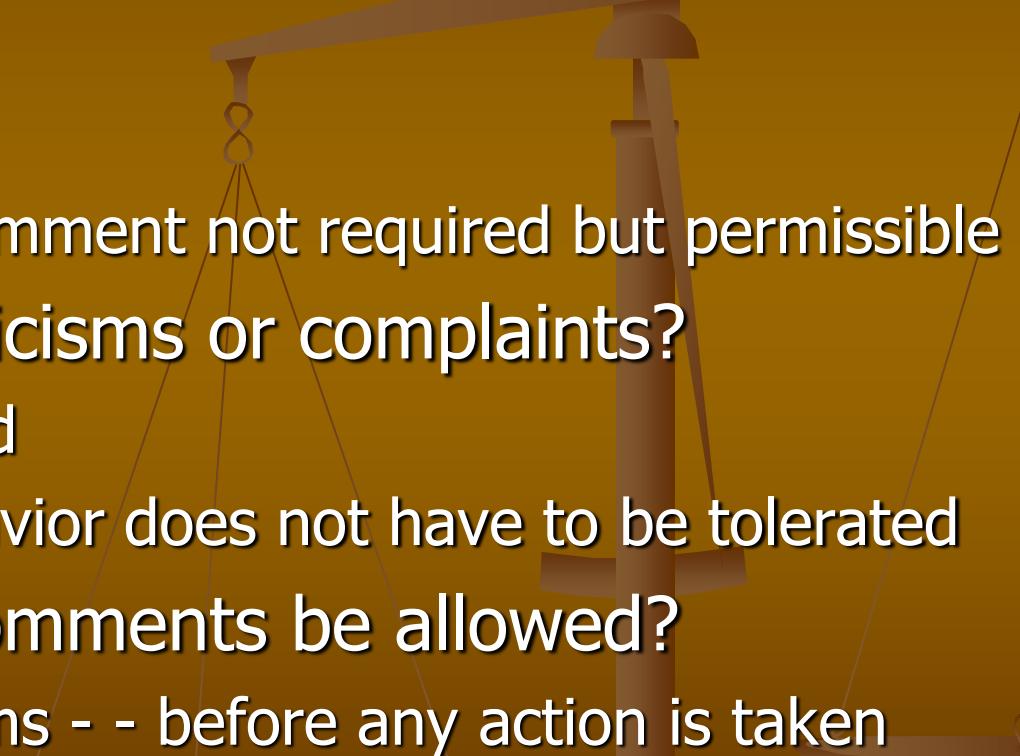
# Rights of the Public Attendance

- To attend any public meeting with no conditions for attendance (e.g. registering, but voluntary sign-in ok)
  - To record the meeting with audio or video recorder; take photographs
  - To review agendas and other documents distributed to a majority of the board
- 

# Rights of the Public Commenting

- To comment on any matters
  - Regular Meeting
    - Agenda Item: reasonable time limits can be adopted (e.g. 3 minutes)
    - Non-agenda items may be commented upon (non-agenda public comment), but no action or discussion can occur
      - Can refer to staff for information; request a report back; request item be placed on future agenda

# Public Comment - continued

- Special Meeting
    - Agenda Item
    - Non-agenda comment not required but permissible
  - What about criticisms or complaints?
    - Must be allowed
    - Disruptive behavior does not have to be tolerated
  - When should comments be allowed?
    - For agenda items - - before any action is taken
- 

# Matters Not On the Agenda



- Cannot consider, discuss, deliberate or take action on matters not on the agenda, unless:
  - Majority vote determines an “emergency” exists (very narrow exception)
  - Two-thirds (4 of 5) vote determines the need to take immediate action arose after the agenda was posted

# Violations of the Brown Act



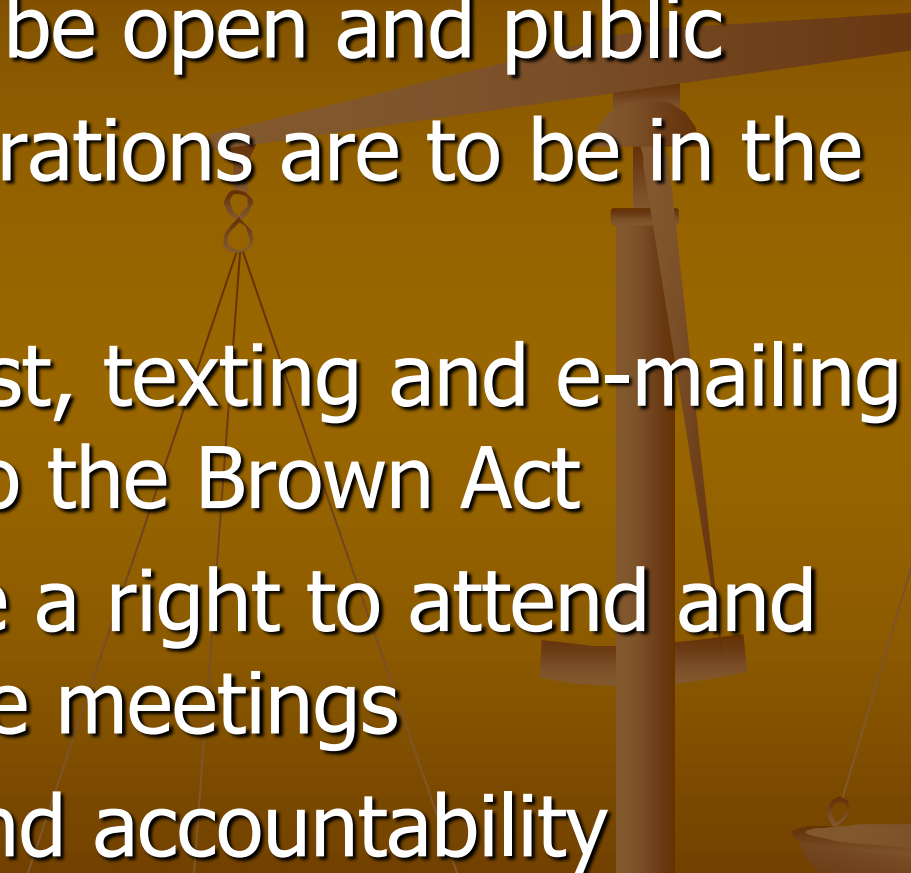
## ■ Civil Remedies

- Any interested party may sue (incl'g DA)
- Opportunity to cure and correct action(s)
- Action void if violation occurred
- Costs & attorney fees may be awarded

## ■ Criminal Penalties - Misdemeanor

- Intent to deprive public of information and take action in violation of Act
- Disclosure of closed session discussion

# Conclusion

- Meetings are to be open and public
  - Actions & deliberations are to be in the open
  - Social media post, texting and e-mailing are all subject to the Brown Act
  - All persons have a right to attend and participate in the meetings
  - Transparency and accountability
- 



# Questions?





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

**PLANNING COMMISSION STAFF REPORT**

Title: PUBLIC HEARING – ZONE VARIANCE FOR A REDUCED REAR YARD SETBACK FOR A PROPOSED SINGLE-FAMILY HOUSE TO BE LOCATED AT “D” AVENUE

Case File No.: 2017-17 Z

Location: “D” Avenue

Assessor’s Parcel Nos.: 562-122-31

Staff report by: Chris Stanley, Acting Assistant Planner

Applicant: Jeffrey Silva

Zoning designation: Small Lot Residential (RS-2)

Adjacent land use / zoning:

North: Single Family Residential / RS-2

East: Institutional / I

South: Single Family Residential / RS-2

West: Single Family Residential / RS-2

Environmental review: Categorical Exemption – Class 32, Section 15332 (In-Fill Development Projects)

Staff recommendation: Approve

## **BACKGROUND**

### **Staff Recommendation**

Staff recommends approval of a reduced rear yard setback for a proposed single-family house. The request is because of a sewer easement that restricts the buildable area of the property.

### **Executive Summary**

The applicant is proposing to construct a single family house in the rear yard setback due to a sewer easement that prevents the use of the eastern (front) portion of the lot. In order to do so a Zone Variance must be approved.

### **Site characteristics**

The 6,344 square-foot lot is located on the western side of "D" Avenue in the Small Lot Residential (RS-2) zone. The property is a roughly 50 foot wide by 125 foot deep vacant lot. A sewer easement splits the property in half diagonally from the northeast corner to the southwest corner.

### **Proposed use**

The applicant is proposing to build a 1,190 square-foot two story house and a 500 square-foot two-car garage. The house would have a 15-foot rear yard setback, where 25 feet is normally required in the RS-2 zone. The house would consist of five bedrooms, five baths, a laundry room, a living room, a family room, a dining room, and a kitchen. Construction of the residence and garage would otherwise be permitted by right if not for the variance request.

### **Analysis**

The Land Use Code (LUC) prohibits the building of a house in the rear yard setback. Although the required rear yard setback in the RS-2 zone is 25 feet, the proposed house would only have a rear yard setback of 15 feet because of the sewer easement, which limits the area that can be used on the property. The sewer easement is for an existing pipe residing under the lot. The pipe travels across the lot diagonally from the northeast corner to the southwest corner of the property.

Houses in the RS-2 zone require two parking spaces, one covered and one uncovered, which the project meets with the proposed two car garage, but any additional bedrooms over four require an additional parking space. The applicant's options are to provide an additional space for the fifth bedroom, or change the room type to something other than a bedroom. The definition of a

bedroom in the municipal code is a private room intended for or capable of being used for sleeping, separated from other rooms by a door, having a window and closet/storage nook, and accessible to a bathroom without crossing another bedroom. If the applicant chooses to provide the additional parking space, it must be outside of the 20-foot front yard setback and both the parking space and the path of travel to the parking space must be paved.

#### Findings for Approval

Three specific findings must be made in order to approve a Zone Variance request. The first is that the lot is affected by special circumstances, including size, shape, or topography, that deprive the lot of the ability to develop per the LUC as others in the area have. In this case the property has an existing sewer easement running through the site diagonally restricting the normal buildable area afforded standard-sized lots. In order to build the house as proposed, the building would encroach into the required property rear yard setback.

The second finding is that granting of the Variance does 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. In this case, there are other properties in the same neighborhood in the same zone that are affected by the sewer easement.

The third finding is that the Variance does not authorize a use that is not otherwise allowed in the zone. In this case, the proposal is for a single-family home, which is a permitted use in the RS-2 zone.

#### Findings for Denial

A finding for denial is that the lot is not affected by special circumstances, including size, shape, or topography, that deprive the lot of the ability to develop per the Land Use Code as others in the area have, because the lot exceeds the minimum lot size, is standard in shape, and is flat with no significant change in topography. There is still the possibility of building the house within the prescribed setbacks, although the size would be limited.

Mailing – All property owners and occupants within a distance of 300 feet are required to be notified of a public hearing for Zone Variance applications. Seventy people were notified by mail of this public hearing, which is consistent with this requirement.

Conditions of Approval

No comments were received from the City's Engineering Department. Standard conditions were included for both the Building Department and Fire Department regarding building the project to their respective codes. In addition, the Fire Department will require fire sprinklers for the project. The comments are included as Conditions of Approval.

Summary

Because of special circumstances applicable to the property, including the physical hardship of a sewer easement, in order for the house to be the proposed size, it would encroach into the required rear yard setback. The proposal is consistent with all required findings of approval and would be consistent with all other regulations.

OPTIONS

1. Approve 2017-17 Z subject to the conditions attached, based on attached findings and/or findings to be determined by the Planning Commission; or
2. Deny 2017-17 Z based on findings to be determined by the Planning Commission; or,
3. Continue the item in order to obtain additional information.

ATTACHMENTS

1. Recommended Findings of Approval
2. Recommended Conditions of Approval
3. Overhead
4. Applicant's Plans (Exhibit A, case file no. 2017-17 Z, dated 8/1/2017)
5. Public Hearing Notice (Sent to 70 property owners and occupants)
6. CEQA Notice of Exemption
7. Resolutions



CHRIS STANLEY  
Acting Assistant Planner



MARTIN REEDER, AICP  
Acting Planning Director

**RECOMMENDED FINDINGS FOR APPROVAL**

**2017-17 Z – “D” Avenue**

1. That the lot is affected by special circumstances, including size, shape, or topography, that deprive the lot of the ability to develop per the Land Use Code as others in the area have, because the property has an existing sewer easement running through the site diagonally restricting the normal buildable area afforded standard-sized lots. In order to build the house as proposed, the building would encroach into the required property rear yard setback.
2. That granting of the Variance does 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, because there are multiple properties in the same block in the same zone that are affected by the sewer easement.
3. That the Variance does not authorize a use that is not otherwise allowed in the zone, the proposal is for a single-family home, which is a permitted use in the RS-2 zone.
4. That the proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA); staff has determined that the proposed use is categorically exempt from environmental review pursuant to Class 32 Section 15332. This section allows for in-fill development that is consistent with the general plan and zoning designation; occurs within city limits; is no more than five acres and substantially surrounded by urban uses; the site has no value as habitat for endangered, rare or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and can be adequately served by all required utilities and public services. The development in question is consistent with this exemption.

**RECOMMENDED FINDING FOR DENIAL**

**2017-17 Z – “D” Avenue**

1. That the lot is not affected by special circumstances, including size, shape, or topography, that deprive the lot of the ability to develop per the Land Use Code as others in the area have, because the lot exceeds the minimum lot size, is standard in shape, and is flat with no significant change in topography. There is still the possibility of building the house within the prescribed setbacks, although the size would be limited.

## RECOMMENDED CONDITIONS OF APPROVAL

### 2017-17.Z – “D” Avenue

#### General

1. This *Zone Variance* authorizes a house to be located in the rear yard setback of the property located at “D” Avenue. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2017-17 Z, dated 8/1/2017).
2. Before this *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 *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 *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 Deputy City Manager 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 18.12.040 of the Municipal Code.

#### Building

4. Plans submitted for demolition or improvements must comply with the 2016 edition of the California Building, Electrical, Fire, Plumbing, and Mechanical Codes.

#### Fire

5. Project to be in compliance with the current editions of the California Fire Code, National Fire Protection Association, California Code of Regulations and local City of National City Municipal Codes.
6. Fire sprinklers shall be installed for the intended use per Chapter 9 section 903.2.5 - 903.2.5.2 (table) of the California Fire Code.

#### Planning

7. The proposed five bedrooms will require that the property provide a third space in addition to the two already provided. The additional space does not have to be covered,

but shall not be in the front yard setback. In addition both the path leading to the space and the space itself must be paved.

8. Landscaping, including trees and groundcover, shall be provided and maintained for the life of the building and shall be irrigated per City standards.



2017-17 Z – “D” Avenue – Overhead



# NEW RESIDENCE

## JEFFERET E. SILVA

D AVE, (VACANT LOT)  
 APN #562-122-31-00  
 NATIONAL CITY, CA. 91950

**BUILDING DATA**  
 CONSTRUCTION TYPE: VB  
 NON-RATED STRUCTURE:  
 OCCUPANCY GROUP: R-3/U

**SHEET INDEX**  
 SHEET SHEET NAME  
 A-1 SITE PLAN.

**BUILDING CODE:**  
 2016 CALIFORNIA RESIDENTIAL CODE (CRC)  
 2016 CALIFORNIA ELECTRICAL CODE (CEC)  
 2016 CALIFORNIA MECHANICAL CODE (CMC)  
 2016 CALIFORNIA PLUMBING CODE (CPC)  
 2016 CALIFORNIA ENERGY CODE (TITLE 24)  
 2016 CALIF. GREEN BUILDING (CALGREEN)

**PROJECT DATA**  
 ZONING: A-1  
 NEW HOUSE: 1,190.0 SF  
 NEW TWO CAR GARAGE: 500.0 SF  
 TOTAL AREA: TOTAL 1,690.0 SF  
 PROPOSED LOT COVERAGE: 27%  
 LOT SIZE: 6,344.3 SF



VICINITY MAP/SITE LOCATION  
 NOT TO SCALE

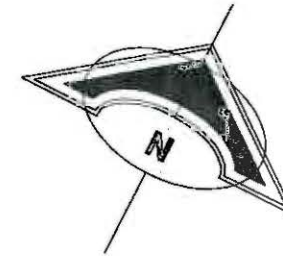
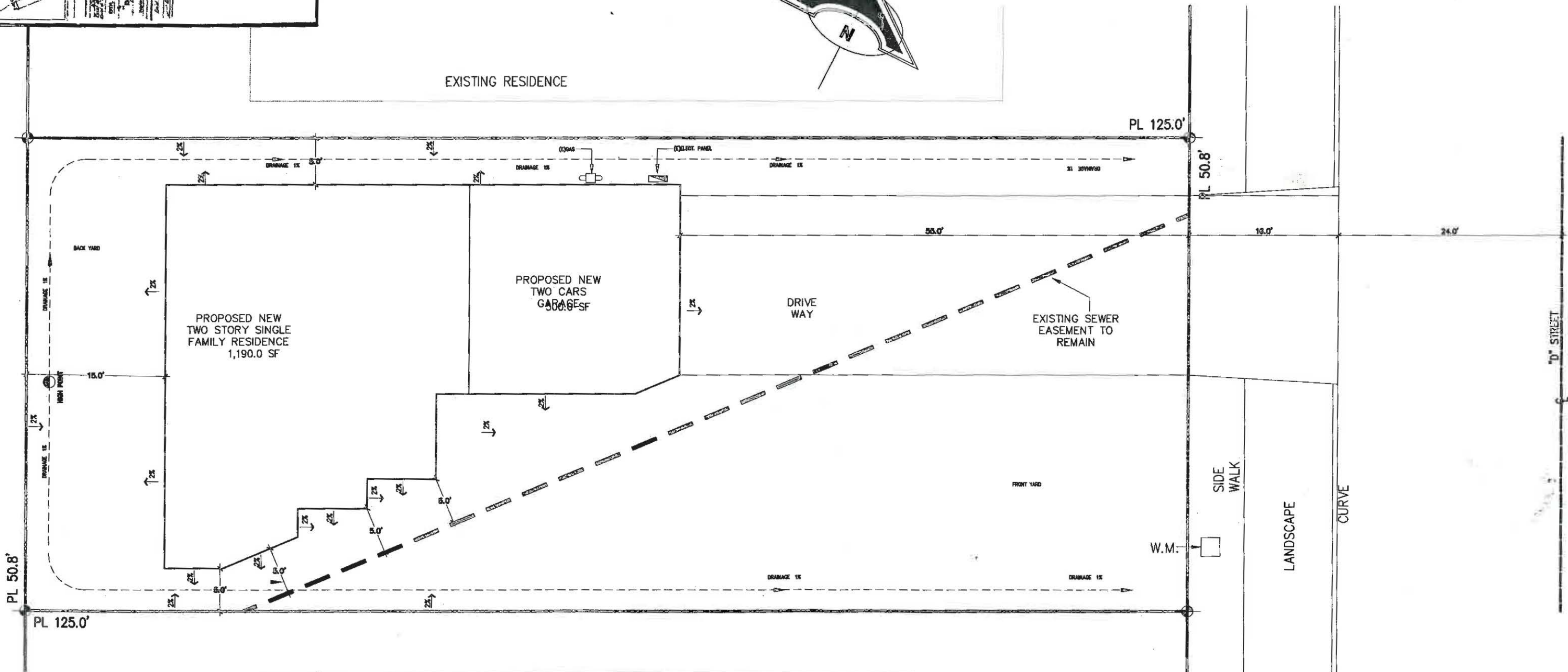


EXHIBIT A  
 CASE FILE NO: 2017-172  
 DATE: 8/1/2017



PRISMA PLANS

NO.	REVISION	SUBMISSION	DATE

OWNER: JEFFE  
 PROJECT: D AVE LOT / #562-NATK  
 DRAWN BY: NEW  
 SHEET: SITE

DRAY  
 SCAL  
 JOB  
 DATE

(N) CLASS "A" OWENS CORNING COMPOSITION SHINGLE ICBO ES ER-5443 W/5 NAILS PER SHINGLE ON HIGH WIND AREA & 3 NAILS PER SHINGLE ON NON WINDY AREAS UNDERLAYMENT SHALL BE ONE LAYER NON PERFORATED TYPE 30 FELT LAPPED 2 IN. HORIZONTALLY AND 4 IN. VERTICALLY TO SHED WATER.

(N) EXTERIOR  $\frac{7}{8}$ " STUCCO PLASTER (3-COATS) OVER BACKED PAPER



FRONT ELEVATION

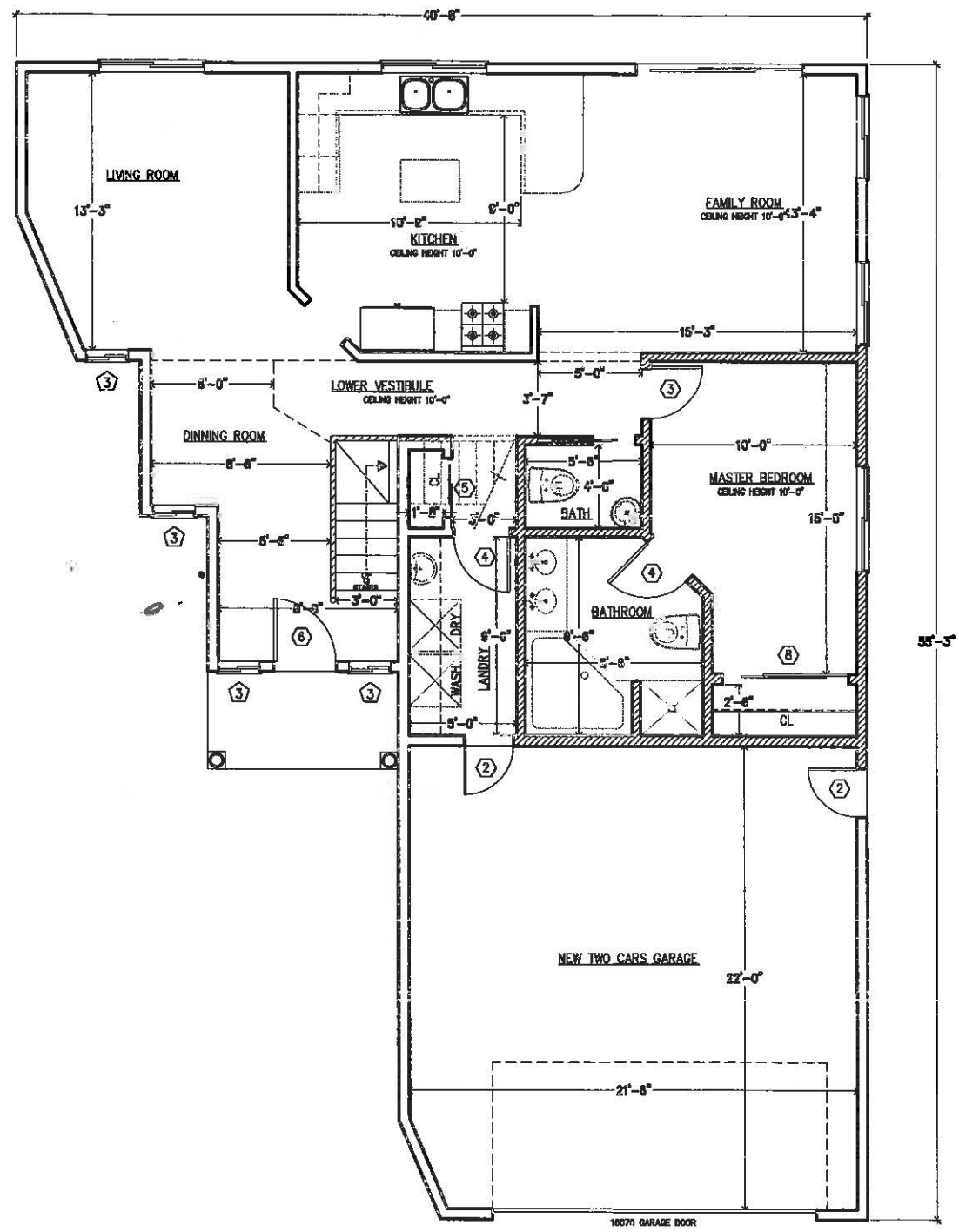
SCALE:  $\frac{1}{4}$ " = 1'-0"

NO	REVISION	SUBMISSION DATE

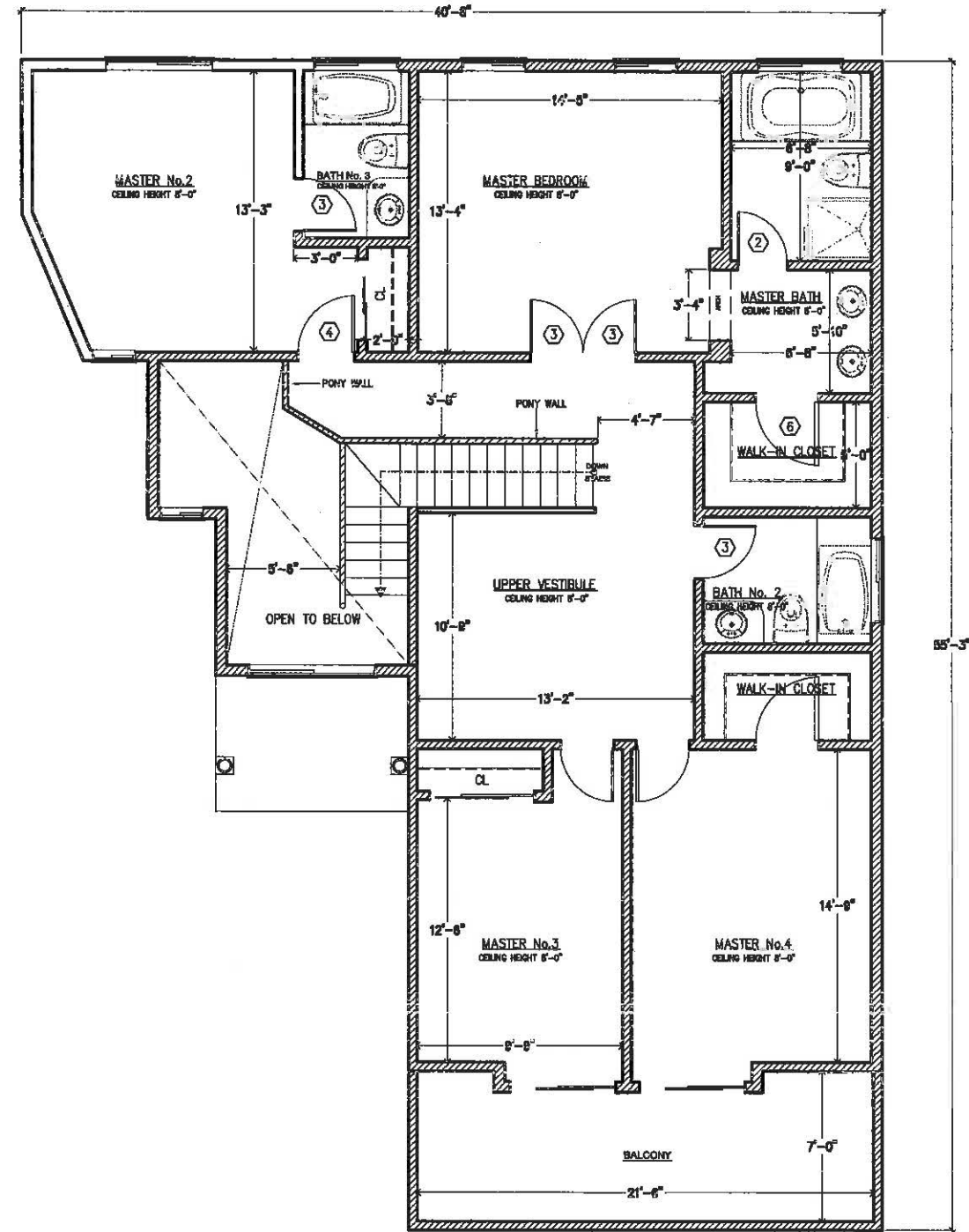
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PROP. 1ST FLOOR PLAN  
NOT TO SCALE



PROP. 2ND FLOOR PLAN  
NOT TO SCALE



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

NOTICE OF PUBLIC HEARING

ZONE VARIANCE FOR A REDUCED REAR YARD SETBACK  
FOR A PROPOSED SINGLE-FAMILY HOUSE TO BE  
LOCATED AT D AVENUE  
CASE FILE NO.: 2017-17 Z  
APN: 562-122-31

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, July 2, 2018**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Jeffrey Silva)

The applicant proposes to construct a new 1,200 square-foot two-story single-family house and 500 square-foot garage on a vacant lot located in the RS-2 zone. The structure would be located within the required twenty five-foot rear yard setback. The variance is to reduce the setback to fifteen feet due to an existing sewer easement on the site limiting possible development.

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 on or before 12:00 p.m., **July 2, 2018** by the Planning Department, who can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto: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

MARTIN REEDER  
Acting Planning Director



**NOTICE OF EXEMPTION**

TO: Assessor/Recorder/County Clerk  
Attn: Fish and Wildlife Notices  
1600 Pacific Highway, Suite 260  
San Diego, CA 92101  
MS: A-33

**Lead Agency:** City of National City

**Project Title:** 2017-17 Z

**Project Location:** "D" Avenue, National City, CA 91950

**Contact Person:** Chris Stanley

**Telephone Number:** (619) 336-4381

**Description of Nature, Purpose and Beneficiaries of Project:**

Zone Variance application for a less than required rear yard setback related to a new single-family house due to a sewer easement bisecting the property.

**Applicant:**

Jeffrey Silva  
12032 Medoc Ln.  
San Diego, CA 92131

**Telephone Number:**

(858) 472-0392

**Exempt Status:**

**Categorical Exemption. Class 32 Section 15332 (In-Fill Development)**

**Reasons why project is exempt:**

It can be seen with certainty that the project will not have a significant effect on the environment, since the project involves development on a vacant lot within a fully urbanized residential area. Other properties in the area are affected by the easement causing the variance requirement. No habitat exists in the setback area in which the development is proposed.

Date:

CHRIS STANLEY  
Acting Assistant Planner

RESOLUTION NO. 2018-12 (a)

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA  
APPROVING A ZONE VARIANCE FOR A REDUCED  
REAR YARD SETBACK FOR A PROPOSED SINGLE-FAMILY HOUSE TO BE  
LOCATED AT "D" AVENUE  
CASE FILE NO. 2017-17 Z  
APN: 562-122-31

WHEREAS, the Planning Commission of the City of National City considered a Zone Variance for a reduced rear yard setback for a proposed single-family house to be located at D Avenue at a duly advertised public hearing held on July 2, 2018, 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. 2017-17 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 hearing held on July 2, 2018, support the following findings:

1. That the lot is affected by special circumstances, including size, shape, or topography, that deprive the lot of the ability to develop per the Land Use Code as others in the area have, because the property has an existing sewer easement running through the site diagonally restricting the normal buildable area afforded standard-sized lots. In order to build the house as proposed, the building would encroach into the required property rear yard setback.
2. That granting of the Variance does 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, because there are multiple properties in the same block in the same zone that are affected by the sewer easement.
3. That the Variance does not authorize a use that is not otherwise allowed in the zone, the proposal is for a single-family home, which is a permitted use in the RS-2 zone.

4. That the proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA); staff has determined that the proposed use is categorically exempt from environmental review pursuant to Class 32 Section 15332. This section allows for in-fill development that is consistent with the general plan and zoning designation; occurs within city limits; is no more than five acres and substantially surrounded by urban uses; the site has no value as habitat for endangered, rare or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and can be adequately served by all required utilities and public services. The development in question is consistent with this exemption.

BE IT FURTHER RESOLVED that the application for a Zone Variance is approved subject to the following conditions:

#### General

1. This *Zone Variance* authorizes a house to be located in the rear yard setback of the property located at D Avenue. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2017-17 Z, dated 8/1/2017).
2. Before this *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 *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 *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 Deputy City Manager 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 18.12.040 of the Municipal Code.

#### Building

4. Plans submitted for demolition or improvements must comply with the 2016 edition of the California Building, Electrical, Fire, Plumbing, and Mechanical Codes.



Fire

5. Project to be in compliance with the current editions of the California Fire Code, National Fire Protection Association, California Code of Regulations and local City of National City Municipal Codes.
6. Fire sprinklers shall be installed for the intended use per Chapter 9 section 903.2.5 - 903.2.5.2 (table) of the California Fire Code.

Planning

7. The proposed five bedrooms will require that the property provide a third space in addition to the two already provided. The additional space does not have to be covered, but shall not be in the front yard setback. In addition both the path leading to the space and the space itself must be paved.
8. Landscaping, including trees and groundcover, shall be provided and maintained for the life of the building and shall be irrigated per City standards.

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 July 2, 2018, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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CHAIRPERSON

RESOLUTION NO. 2018-12 (b)

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA  
DENYING A ZONE VARIANCE FOR A REDUCED  
REAR YARD SETBACK FOR A PROPOSED SINGLE-FAMILY HOUSE TO BE  
LOCATED AT "D" AVENUE  
CASE FILE NO. 2017-17 Z  
APN: 562-122-31

WHEREAS, the Planning Commission of the City of National City considered a Zone Variance for a reduced rear yard setback for a proposed single-family house to be located at D Avenue at a duly advertised public hearing held on July 2, 2018, 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. 2017-17 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 hearing held on July 2, 2018, support the following finding:

1. That the lot is not affected by special circumstances, including size, shape, or topography, that deprive the lot of the ability to develop per the Land Use Code as others in the area have, because the lot exceeds the minimum lot size, is standard in shape, and is flat with no significant change in topography. There is still the possibility of building the house within the prescribed setbacks, although the size would be limited.

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 July 2, 2018, by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
**CHAIRPERSON**