



Planning Commission Minutes

Meeting of October 5, 2009
6:00 P.M. to 7:56 P.M.
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.

The Meeting was Called to Order by Chairman Alvarado at 6:00 p.m.

Commissioners DeLaPaz, Farias, Baca, Alvarado, Pruitt, Reynolds, Flores.

Also Present: Senior Assistant City Attorney Claudia Silva, Principal Planner Peggy Chapin, Assistant Planner Martin Reeder, Assistant Civil Engineer Adam Landa.

Led by Commissioner Baca.

1. Motion by Baca, 2nd by Reynolds, for Approval of the Minutes for the Meeting of September 21, 2009.

Motion carried by the Following Vote:

Ayes: DeLaPaz, Farias, Baca, Alvarado, Pruitt, Reynolds, Flores.

Agenda Items

Roll Call

Pledge of Allegiance

Approval of Minutes

1. Minutes of the Regular Meeting Held on August 17, 2009.

Motion by Pruitt, 2nd by Reynolds, for approval of Agenda.

Approval of Agenda

Motion carried by the Following Vote:

Ayes: DeLaPaz, Farias, Baca, Alvarado, Pruitt, Reynolds, Flores.

None.

Oral Communications

PUBLIC HEARINGS

Motion by DeLaPaz, 2nd by Reynolds, to hear Items No. 4, 5 and 6 at this time.

Motion carried by the following vote:

Ayes: DeLaPaz, Farias, Baca, Alvarado, Pruitt, Reynolds, Flores.

4. Principal Planner Peggy Chapin stated that the applicant is requesting a continuance to address accessibility issues, whether the restroom at the Kimball House across the street should be utilized, or to modify the bathroom inside the house.

4. Conditional Use Permit to allow an Acupuncture Clinic within an Existing Residential Unit located at 910 A Avenue, No. 19. Case File No. 2008-14 CUP.

Motion by DeLaPaz, 2nd by Reynolds, to continue the public hearing to the meeting of November 2, 2009.

Motion carried by the following vote:

Ayes: DeLaPaz, Farias, Baca, Alvarado, Pruitt, Reynolds, Flores.

5. This item was continued to the meeting of November 2, 2009.

5. Resolution No. 24-2009. A Resolution of the Planning Commission of the City of National City, California, approving a Conditional Use Permit to allow an Acupuncture Clinic within an Existing Residential Unit located at 910 A Avenue, No. 19.

6. Principal Planner Peggy Chapin stated that the applicant is requesting a continuance to a meeting date uncertain, in order to continue to work with staff to attain an amenable design and to address concerns of design, adequate parking and circulation for deliveries.
6. Conditional Use Permit for the Expansion of an Existing Market at 2035 Highland Avenue with an Exception for Less than Required Parking. Case File No. 2008-03 CUP.

Motion by DeLaPaz, 2nd by Reynolds, to continue the public hearing to date uncertain.

Motion carried by the following vote:

Ayes: DeLaPaz, Farias, Baca, Alvarado, Pruitt, Reynolds, Flores.

Commissioner DeLaPaz stated that she owns property in close proximity to this site and will rescue herself from Item No. 2.

Commissioner DeLaPaz rescued herself from this item and left her seat at the dais.

2. Staff stated that a letter had been received from Thrifty Oil Co. and it has been distributed as a Handout to the Commission.
2. Tentative Subdivision Map, Planned Development Permit and Proposed Findings of No Significant Environmental Effect for a 72-Unit Condominium Complex located near the Southeast Corner of East Plaza Boulevard and Palm Avenue. Case File No. 2008-46 S, PD, IS.

Gary Watts, Developer, responded to Commissioner Baca that he has read, understands, and can comply with conditions of approval.

Commissioner Flores asked staff if a completion bond can be obtained, as several other projects throughout the City have not been completed.

Staff stated that Engineering Division requires bonds for grading, landscaping and subdivisions, but there is not a bond that can be placed for completion of a project.

Howard Burns, Thrifty Oil, 13116 Imperial Highway, Santa Fe Springs, stated that they may be interested in the available piece of land owned by CDC.

He expressed concern about not receiving notification for this project. He also expressed concern about the wall to hold back the slope, driveway on Plaza Boulevard, and the future widening of Plaza Boulevard. He stated he felt the driveway should be wider and parking be allowed outside the gate.

Juan Pablo Mariscal, Mar Group, stated that he has had numerous (more than 10) meetings with Thrifty Oil. The original project was at a higher density and they have increased the size of the units.

Mike Jariwala, 1710 E. Plaza Boulevard, StarDust Inn, expressed concern over construction noise that affects his customers and flood zoning.

Maria DeLaPaz, 3427 Eleanor Place, and property owner of 1884 E. 12th Street, stated that it may be difficult to develop an "L" shaped lot. She questioned how the street widening of Plaza Boulevard would affect this property and asked if ingress/egress off Palm Avenue had been considered.

Commissioners discussed "L" shaped lot and project obtaining access from Palm Avenue.

Principal Planner Peggy Chapin stated that the project taking access off Palm Avenue would lose open space, create a steep driveway that would not meet fire access standards, and possibly reduce parking.

Motion by Pruitt, 2nd by Farias, to close the public hearing and recommend approval of Tentative Subdivision Map, Planned Development Permit and Finding of No Significant Environmental Effect, based on required findings and subject to conditions of approval.

Motion carried by the following vote:

Ayes: Farias, Baca, Alvarado, Pruitt,

Reynolds, Flores.
Absent: DeLaPaz.

3. Motion by Pruitt, 2nd by Farias, to adopt Resolution No. 23-2009.

Motion carried by the following vote:

Ayes: Farias, Baca, Alvarado, Pruitt, Reynolds, Flores.

Absent: DeLaPaz.

Commissioner DeLaPaz returned to her seat.

7. Marti Ferrer, COPOA current President, stated that they have hired a contractor to correct violations, and approval of this CUP will allow them to move forward in phases to have an office space.

Chairman Alvarado asked if they have read and agree with all conditions of approval.

Ms. Ferrer stated that they are in agreement with all conditions of approval.

Commissioner Reynolds asked for a definition of apartment, based on what is stated in the staff report of conditions of the imots with shared kitchens, bathrooms, and shared heating, it appears that these units are not apartments.

Luis Sainz, Building Official, stated that he has walked the site and has been inside all units. He stated substantial violations exist. In response to question about definition of an apartment, he stated that an apartment is required to have sleeping area and a bathroom. He stated the units on the first floor meet this definition, but the upstairs units are configured more like a boarding house.

Resolution NO. 23-2009. A Resolution of the Planning Commission of the City of National City, California, recommending approval of a Tentative Subdivision Map, Planned Development Permit and Proposed Finding of No Significant Environmental Effect for a 72-Unit condominium Complex located near the southeast corner of East Plaza Boulevard and Palm Avenue. Case File No. 2008-46 S, PD, IS.

7. Conditional Use Permit to allow a Mixed Residential/Commercial Use to Add an Office Use at a Site Containing an Existing Residential Use and to allow an Exception to the Parking Requirements located at 832 E Avenue. Case File No. 2009-15 CUP.

Principal Planner Peggy Chapin stated that the CUP is requesting to allow a mixed residential/commercial use, but the entire property must be looked at and the conditions related to health and safety of the residential units must be addressed.

Commissioner discussed the office use; the number of board members and number of meetings to be held.

Ms. Ferrer stated that the Board of Directors has 27 members, representing a group of 60 people, with a quorum of 11 needed to conduct business. She stated that when general membership meetings are held, off-site space is rented.

Commissioner Pruitt asked a business license has been obtained.

Ms. Ferrer stated that they have applied and paid for a license. COPOA has been in existence for 30 years and error has been made in the past, which they are now addressing.

Commissioner Pruitt stated that she recommends a continuance of this item, so that COPOA can demonstrate they can follow procedures, obtain a business license and correct the conditions that exist at their rental units.

Ms. Ferrer stated that they wish to renovate the property in phases, with the office use being the first phase, with electrical upgrades. The rental units would be a later phase, and they are working with the Building Division.

Commissioner Pruitt stated this is the first she has heard of phases, this was not presented in the CUP application.

Commissioner DeLaPaz stated that the phases need to be rearranged, and the residential units fixed first.

She asked about occupancy permits, and residential units. When is this property listed to be inspected, and have the residential rental fees been paid.

Further concern was expressed about the liveability of the units. Commissioners also discussed the parking and access to the office use from the alley.

Ditas Yamane, 3885 Hollyhock, member of COPOA stated that past oversights will be corrected; they have come forward to correct. The residential property has been owned since 1983 and they are working to bring it into compliance.

Commissioner Pruitt stated that she is not comfortable with the presentation and would like more explicit explanation as to what is occurring.

Building Official Luis Sainz stated that this property will be referred to the Housing & Grants Department, with the Housing Inspector visiting the property and noting violations and corrections that must be made due to health and safety issues. The tenants may need to be moved out of the units, due to unsafe conditions and infestations.

Motion by DeLaPaz, 2nd by Pruitt, to continue the public hearing to the meeting of November 16, 2009, with an update to be provided on violations found and status on compliance by COPOA.

Commissioner DeLaPaz also requested a report on the Rental Housing Inspection Program.

Motion carried by the following vote:

Ayes: DeLaPaz, Farias, Baca, Alvarado, Pruitt, Reynolds, Flores.

8. This item was continued to the meeting of November 16, 2009.

Motion carried by the following vote:

Ayes: DeLaPaz, Farias, Baca, Alvarado, Pruitt, Reynolds, Flores.

Senior Assistant City Attorney Claudia Silva stated that the regular meeting of the Planning Commission on October 19, 2009 should be dispensed and tonight's meeting should be adjourned to the Special Joint Meeting of the Planning Commission and City Council on October 20, 2009 at 6:00 p.m., in the Martin Luther King Building.

The General Plan Background Report for the joint meeting of the Planning Commission and City Council will be provided as soon as it is available.

Commissioner Flores stated that she would be unable to attend the November 2, 2009 Planning Commission meeting. She will be out of town on business.

Commissioner Reynolds expressed concern about the use of the parking structure by Integrity Charter School, rather than Kimball Park. Traffic cones are set up in the parking structure and it is utilized for recess. Principal Planner Peggy Chapin stated that the Fire Marshal is addressing this issue.

Commissioner Baca stated that is will be out of town and unable to attend the Joint Planning Commission/City Council Meeting on October 20, 2009.

No Report.

8. Resolution No. 25-2009. A Resolution of the Planning Commission of the City of National City, California, approving a Conditional Use Permit to allow a Mixed Residential/Commercial Use to Add an Office Use at a Site containing an Existing Residential Use and to allow an Exception to the Parking Requirements located at 832 E. Avenue. Case File No. 2009-15 CUP.

Senior Assistant City Attorney

Principal Planner

Commissioners

Chairman

Motion by DeLaPaz, 2nd by Pruitt, to dispense with the regular meeting scheduled for October 19, 2009 and adjourn to the Special Joint Meeting of the Planning Commission and City Council on Tuesday, October 20, 2009, at 6:00 p.m. at the Martin Luther King Building, 140 E. 12th Street.

7:56 P.M.

ADJOURNMENT

A handwritten signature in black ink, appearing to read "Al Shvarado", written over a horizontal line.

CHAIRMAN