



Agenda of the National City Housing Advisory Committee / Planning Commission

Meeting of October 17, 2022 – 6:00 p.m.

ONLINE ONLY MEETING

<https://www.nationalcityca.gov/webcast>

LIVE WEBCAST

Council Chambers, Civic Center

1243 National City Boulevard

National City, CA 91950

NOTICE: The health and well-being of National City residents, visitors, and employees during the COVID-19 outbreak remains our top priority. The City of National City is coordinating with the County of San Diego Health Human Services Agency, and other agencies to take measures to monitor and reduce the spread of the novel coronavirus (COVID-19). **The World Health Organization has declared the outbreak a global pandemic and local and state emergencies have been declared providing reprieve from certain public meeting laws such as the Brown Act.**

As a result, the National City Housing Advisory Committee and Planning Commission Meeting will occur only online to ensure the safety of City residents, employees and the communities we serve. A live webcast of the meeting may be viewed on the city's website at <https://www.nationalcityca.gov/webcast>.

PUBLIC COMMENTS: There are multiple ways you can make sure your opinions are heard and considered by our Housing Advisory Committee and Planning Commission as outlined below:

Submit your public comment prior to the meeting: To submit a comment in writing, email PlcPubComment@nationalcityca.gov and provide the agenda item number and title of the item in the subject line of your email. **Public comments or testimony is limited to up to three (3) minutes.**

If the comment is not related to a specific agenda item, indicate General Public Comment in the subject line. All email comments received by 4:00 p.m. on the day of the meeting will be posted on the City website and retained as part of the official record.

Register online and participate in live public comment during the meeting: To provide live public comment during the meeting, you must pre-register on the City's website at <https://www.nationalcityca.gov/government/community-development/planning/public-comment> by 4:00 p.m. on the day of the meeting to join the National City Housing Advisory Committee and Planning Commission Meeting.

*****Please note that you do not need to pre-register to watch the meeting online, but you must pre-register if you wish to speak.**

Once registered, you will receive an email with a link from Zoom to join the live meeting. You can participate by phone or by computer. Please allow yourself time to log into Zoom before the start of the meeting to ensure you do not encounter any last-minute technical difficulties. *****Please note that members of the public will not be shown on video; they will be able to watch and listen and speak when called upon.**

Public microphones will be muted until it is your turn to comment. Each speaker is allowed up to three (3) minutes to address the Housing Advisory Committee and Planning Commission. Please be aware that the Chair may limit the comments' length due to the number of persons wishing to speak or if comments become repetitious or unrelated. All comments are subject to the same rules as would otherwise govern speaker comments at the meeting. Speakers are asked to be respectful and courteous. Please address your comments to the Housing Advisory Committee and Planning Commission as a whole and avoid personal attacks against members of the public, Housing Advisory Committee members and Planning Commissioners, and City staff.

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

A. HOUSING ADVISORY COMMITTEE MEETING

The Housing Advisory Committee Meeting has been cancelled due to a lack of agenda items.

B. PLANNING COMMISSION MEETING

Roll Call

Pledge of Allegiance by Chair Ditas Yamane

Approval of Minutes

1. Approval of Minutes from the Meeting of August 15, 2022

Approval of Agenda

2. Approval of the Agenda for the Meeting on October 17, 2022

ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).

NOTE: Under State law, items requiring Planning 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 18.30.310 (Tattoo Parlors and Body-Piercing Establishments) of Title 18 (Zoning) of the National City Municipal Code related to the location of Tattoo and Body-Piercing Establishments. (Case File No. 2022-31A)

OTHER BUSINESS

4. Protocols for Public Meetings for Planning Commission – Use of Teleconferencing or In-person meetings.

STAFF REPORTS

Consulting Legal Counsel

Director of Community Development

Planning Manager

Commissioners

Chairperson

ADJOURNMENT

Adjournment to the regularly scheduled meeting on November 7, 2022 at 6:00 p.m.



Planning Commission Minutes

Planning Commission Meeting
Meeting of August 15, 2022
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 6:02 p.m.

Roll Call

Pledge of Allegiance by Commissioner Sendt

Commissioners Present: Miller, Castle, Sendt, Valenzuela, Natividad, Yamane

Commissioners Absent: Sanchez

Staff Also Present: Director of Community Development Armando Vergara, Legal Counsel Elizabeth Mitchell, Planning Manager Martin Reeder, Associate Planner David Welch

1. Approval of Minutes from the Meeting of August 1, 2022

Motion by Sendt second by Castle to approve the Minutes for the Meeting of August 1, 2022.

Motion carried by the following vote:

Ayes: Castle, Sendt, Valenzuela, Natividad, Yamane

Abstain: Miller

Noes:

Absent: Sanchez

Motion approved.

2. Approval of the Agenda for the Meeting on August 15, 2022.

Motion by Sendt, second by Castle to approve the Agenda for the Meeting on August 15, 2022.

Motion carried by the following vote:

Ayes: Miller, Castle, Sendt, Valenzuela, Natividad, Yamane

Noes:

Absent: Sanchez

Motion approved.

ORAL COMMUNICATION: None

PRESENTATIONS: None

CONTINUED PUBLIC HEARINGS: None.

PUBLIC HEARINGS:

3. Resolution taking action on a Conditional Use Permit for the expansion of a self storage facility with accessory truck rental and a Zone Variance to allow trucks to back in from a public street located at 1300 Wilson Avenue (U-Haul). (Case File No.: 2021-10 CUP, Z)

Presented by Associate Planner David Welch.

The applicant, Miguel Sanchez and representatives Don Chae and Thomas Kim were present to answer questions. Miguel Sanchez confirmed that he had read, understood, and accepted the conditions.

Public Comments were received from: John Whelan

Motion by Natividad, second by Sendt to close the Public Hearing

Motion carried by the following vote:

Ayes: Miller, Castle, Sendt, Valenzuela, Natividad, Yamane

Abstain:
Noes:
Absent: Sanchez

Motion approved.

Motion by Natividad, second by Sendt to approve the Conditional Use Permit and Zone Variance request with modifications to conditions 58 to correct a typographical error and 59 related to maintenance of landscaping.

Motion carried by the following vote:

Ayes: Miller, Castle, Sendt, Valenzuela, Natividad, Yamane
Abstain:
Noes:
Absent: Sanchez

Motion approved.

4. Resolution taking action on a Conditional Use Permit for a Tobacco Specialty Business to be located at 1635 Sweetwater Road. (Case File No.: 2022-17 CUP)

Presented by Associate Planner David Welch.

The applicant, Jessy Tooma and representative Zinda Lozano were present to answer questions. The applicant, Jessy Tooma confirmed that he had read, understood, and accepted the conditions.

Motion by Natividad, second by Castle to close the Public Hearing

Motion carried by the following vote:

Ayes: Miller, Castle, Sendt, Valenzuela, Yamane
Abstain:
Noes: Natividad
Absent: Sanchez

Motion approved.

Motion by Miller, second by Sendt to approve the Conditional Use Permit.

Motion carried by the following vote:

Ayes: Miller, Castle, Sendt, Valenzuela, Natividad, Yamane
Abstain:
Noes:
Absent: Sanchez

Motion approved.

OTHER BUSINESS:

5. Request to Initiate a Code Amendment to Title 18 (Zoning) of the National City Municipal Code to create an Interim Use Ordinance related to the use of nonconforming buildings within the City. (Case File No.: 2022-28 A)

Presented by Planning Manager Martin Reeder.

Public Comments were received from:

Written comment read into the record in support
Nathan Guerrero

Motion by Miller, second by Castle to initiate the Code Amendment.

Motion carried by the following vote:

Ayes: Miller, Castle, Sendt, Valenzuela, Natividad, Yamane
Abstain:
Noes:
Absent: Sanchez

Motion approved.

STAFF REPORTS:

Legal Counsel: None.

Director of Community Development: Welcomed the Commission back and thanked I.T. staff for help with meeting.

Planning Manager: Thanked I.T. staff for help with meeting.

Associate Planner: None.

COMMISSIONER REPORTS:

Sendt: Commissioner Sendt thanked staff for addressing homeless issues on Harbison Avenue and informed the Commissioners that he will not be attending the next meeting.

Miller: Commissioner Miller stated that he will be attending Planning Commissioner training this Friday.

ADJOURNMENT by Chair Yamane at 7:45 p.m. to the meeting of September 19, 2022.

CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of September 19, 2022.



COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

TITLE: PUBLIC HEARING – CODE AMENDMENT AMENDING SECTION 18.30.310 (TATTOO PARLORS AND BODY-PIERCING ESTABLISHMENTS) OF TITLE 18 (ZONING) OF THE NATIONAL CITY MUNICIPAL CODE RELATED TO THE LOCATION OF TATTOO AND BODY-PIERCING ESTABLISHMENTS.

Case File No.: 2022-31 A

Staff report by: Martin Reeder, AICP –Planning Manager

Project location: Area of City located east of Interstate 805

Applicant: City-initiated Land Use Amendment

Environmental review: Not a project per CEQA

Staff recommendation: Recommend approval of the amendment to the City Council

BACKGROUND

Staff Recommendation

Staff recommends that the Planning Commission recommend approval of the amendment to section 18.30.310 to the City Council.

Overview

Section 18.30.310 (Tattoo parlors and body-piercing establishments) of Title 18 (Zoning) of the National City Municipal Code, states as follows:

A. Restrictions.

1. No tattoo or body piercing establishment shall be located within one-mile of another such establishment.
2. Tattoo parlors and body-piercing establishments shall be located no less than 1,000 feet from a church, school, or playground.
3. Tattoo parlors and body-piercing establishments shall be no closer than two hundred fifty feet from a residential zone.
4. No tattoo and body-piercing establishments shall be located east of Interstate 805.
5. A Conditional Use Permit is required.

After a business owner-initiated discussion at a City Council meeting, the Council initiated a Code Amendment related to the prohibition of tattoo shops east of Interstate 805. The business owner in question is interested in leasing a commercial suite in Westfield Plaza Bonita, but was prevented from applying for a Conditional Use Permit (CUP) due to Section 18.30.310 A. 4.

Proposed Changes

Staff is recommending amending Section 18.30.310 A. 4. To read as follows:

4. No tattoo and body-piercing establishments shall be located east of Interstate 805 except within the MXD-2 zone.

Analysis

The areas of the City east of I-805 that are zoned MXD-2 (Major Mixed-Use District) are as follows:

- Westfield Plaza Bonita
- North side of Sweetwater Road at Cypress Street (Super 8 Hotel, 7-Eleven)
- Both sides of Plaza Blvd. between I-805 and Euclid Avenue
- Approximate 3 by 4 block area east of Paradise Valley Hospital between East 4th and 8th Streets¹

¹ This area is indicated as MXD-2 zoning, although it was intended to be zoned Very High-Density Residential (RM-3) as part of the 2011 Land Use Update. The MXD-2 zoning is a mapping error.

Due to the other distance requirements (i.e. 250 feet from residential zones, 1,000 feet from a school), the only MXD-2 zoned area east of I-805 that would allow for a tattoo shop would be Westfield Plaza Bonita (see Attachment 3).

A strikethrough/underline version of the changes are attached to this staff report (Attachment 2).

Findings

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

General Plan Conformance

The requested amendment to this section is consistent with the General Plan, in that tattoo and body-piercing establishments are already permitted in the MXD-2 zones elsewhere in the City. There is no regulation at the local, state, or federal level that prohibits tattoo and body-piercing establishments from a specific geographic area (i.e. east of I-805). It is also unknown why such a restriction was applied in the first place. A tattoo and body-piercing establishment is a commercial use in a commercial zone, which would be consistent with land use policies in the General Plan.

CEQA Compliance

This application is not considered to be a project under CEQA as any changes would either be in relation to discretionary projects that have their own CEQA review. Being that a tattoo or body-piercing establishment is a commercial use that would function within an existing commercial suite, it would most likely qualify for a CEQA exemption under the CUP process application process.

Summary and next steps

Staff is recommending the change to the City's Municipal Code related to tattoo parlors and body-piercing establishments. Section 18.30.310 still requires a CUP for such an establishment. Therefore, approval of this Code Amendment in and of itself would not authorize any new businesses. Staff recommends that the Planning Commission support the amendment. The recommendation of the Planning Commission will be provided to the City Council at a subsequent public hearing at the City Council.

OPTIONS

1. Recommend approval of the amendment to Sections 18.30.310 of the Land Use Code based on the attached findings or findings to be determined by the Planning Commission; or
2. Recommend denial of the amendments to Sections 18.30.310 of the Land Use Code 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 changes
3. Maps showing potential new locations



MARTIN REEDER, AICP
Planning Manager



ARMANDO VERGARA
Director of Community Development

RECOMMENDED FINDINGS FOR APPROVAL

1. That the requested amendment to this section is consistent with the General Plan, in that tattoo and body-piercing establishments are already permitted in the MXD-2 zones elsewhere in the City. There is no regulation at the local, state, or federal level that prohibits tattoo and body-piercing establishments from a specific geographic area (i.e. east of I-805). A tattoo and body-piercing establishment is a commercial use in a commercial zone, which would be consistent with land use policies in the General Plan.
2. That the proposed amendment has been reviewed and been found to comply with the California Environmental Quality Act (CEQA); the amendment is not considered to be a project under CEQA as no approvals are granted as a result of the change. Any establishment proposed east of I-805 would need to apply for a CUP, which would require CEQA review.

18.30.310 – Tattoo parlors and body-piercing establishments

A. Restrictions.

1. No tattoo or body piercing establishment shall be located within one-mile of another such establishment.
2. Tattoo parlors and body-piercing establishments shall be located no less than 1,000 feet from a church, school, or playground.
3. Tattoo parlors and body-piercing establishments shall be no closer than two hundred fifty feet from a residential zone.
4. No tattoo and body-piercing establishments shall be located east of Interstate 805 [except within the MXD-2 zone](#).
5. A Conditional Use Permit is required.

2022-31 A – Tattoo Parlors & Body-Piercing Establishments





