



Item no.  
January 9, 2012

CITY OF NATIONAL CITY - DEVELOPMENT SERVICES DEPARTMENT  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

**PLANNING COMMISSION STAFF REPORT**

- TITLE:
- (1) PUBLIC HEARING TO CONSIDER RESCINDING PLANNING COMMISSION'S RESOLUTION 14-2011, WHICH CONTAINED PLANNING COMMISSION'S RECOMMENDATIONS TO CITY COUNCIL TO: CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM, AND ADOPT THE NATIONAL CITY COMPREHENSIVE LAND USE UPDATE, WHICH INCLUDED (1) AN UPDATE OF THE GENERAL PLAN AND LAND USE MAP, (2) AN AMENDMENT OF THE LAND USE CODE (ZONING), (3) AN AMENDMENT OF THE DOWNTOWN SPECIFIC PLAN AND SPECIFIC PLAN MAP, (4) A CLIMATE ACTION PLAN, (5) AND FIVE DEVELOPMENT PROPOSALS IN CONCEPT ONLY (STREET CONVERSIONS/ COMMUNITY CORRIDORS, SENIOR VILLAGE EXPANSION, LAS PALMAS PARK AND FACILITIES VISION CONCEPT PLAN, KIMBALL PARK MASTER PLAN, AND EL TOYON PARK MASTER PLAN)
  - (2) PROPOSED CHANGE OF ZONE BOUNDARIES OR CLASSIFICATIONS. THE LAND USE CODE (ZONING) AMENDMENT WILL AMEND THE OFFICIAL ZONING MAP, WHICH IS A ZONING REGULATION WITHIN THE CONTEXT OF AND ADOPTED PURSUANT TO THE LAND USE CODE (TITLE 18 ZONING) OF THE NATIONAL CITY MUNICIPAL CODE. THE OFFICIAL ZONING MAP IMPLEMENTS THE LAND USE DESIGNATIONS OF THE GENERAL PLAN LAND USE MAP.
  - (3) PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL: CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM, ADOPT A GENERAL PLAN UPDATE INCLUDING A GENERAL PLAN LAND USE MAP AMENDMENT, ADOPT A LAND USE CODE (ZONING) AMENDMENT, ADOPT A DOWNTOWN SPECIFIC PLAN AMENDMENT AND SPECIFIC PLAN MAP AMENDMENT, ADOPT A CLIMATE ACTION PLAN, AND APPROVE, IN CONCEPT ONLY, FIVE DEVELOPMENT PROPOSALS, INCLUDING STREET CONVERSIONS/COMMUNITY CORRIDORS, SENIOR VILLAGE EXPANSION, LAS PALMAS PARK AND FACILITIES VISION CONCEPT PLAN, KIMBALL PARK MASTER PLAN, AND EL TOYON PARK MASTER PLAN. THESE RECOMMENDATIONS WILL BE BASED, IN PART, ON

FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS SET FORTH IN THE NEW PROPOSED RESOLUTION.

Case File No.: 2011-17 GPA, ZC, SPA, IS  
Staff report by: Raymond Pe, Principal Planner  
Applicant: City Initiated  
Location: Citywide  
Environmental: A Final Environmental Impact Report was certified pursuant to the California Environmental Quality Act.

### Introduction

On May 16, 2011, the Planning Commission adopted Resolution 14-2011, which recommended that the City Council certify the Final Environmental Impact Report, adopt a Statement of Overriding Considerations, adopt a Mitigation Monitoring and Reporting Program, and adopt the Comprehensive Land Use Update, which included a General Plan update, a Land Use Code amendment, a Downtown Specific Plan amendment, a Climate Action Plan, and five conceptual development proposals. The City Council subsequently certified the EIR, adopted a Statement of Overriding Considerations, adopted a Mitigation Monitoring and Reporting Program, and adopted the General Plan Update, Downtown Specific Plan Amendment, Climate Action Plan, and five conceptual development proposals on June 7, 2011, and adopted an ordinance adopting the Land Use Code Amendment on June 21, 2011.

Prior to Planning Commission's May 16, 2011 public meeting, the City posted an agenda announcing the Planning Commission's consideration of the Comprehensive Land Use Update, and provided a non-mandatory copy of the agenda on the City's website. The City also posted a Notice of Public Hearing for the Planning Commission's May 16, 2011 meeting, which contained a more detailed listing of the components of the Comprehensive Land Use Update, in four public locations in the City Hall complex, including the same two notice boards in the City Hall complex where the Planning Commission's agenda was posted. This Notice was also published in a newspaper of general circulation in the City ten days prior to the Planning Commission hearing.

On July 28, 2011, Community Youth Athletic Center and Victor Nuñez filed a complaint seeking to invalidate all actions based upon Resolution 14-2011. The complaint alleged that the agenda for the May 16, 2011 Planning Commission agenda violated the Ralph M. Brown Act because it did not separately list all of the individual elements of Comprehensive Land Use Update considered by the Planning Commission. Based on the complaint and a subsequent motion by the plaintiffs, the Superior Court granted a limited preliminary injunction on November 10, 2011. The limited injunction restricted the City only from using the amendments to the General Plan, Land Use Code, and Downtown Specific Plan as a basis for making findings of physical blight within the Redevelopment Project Area. However, the Court's ruling gives a preliminary indication that the Court believes that a violation of the Brown Act may have occurred.

There are substantial questions as to whether the plaintiffs would prevail at trial on their Brown Act claim. However, in the interest of caution and to minimize further expenditure of City funds in litigation and to provide additional opportunities for public participation, the City has elected to re-notice, re-agendize, and hold hearings related to the various components of the Comprehensive Land Use Update. If the Planning Commission elects to rescind its prior resolution and adopt a new resolution concerning the Comprehensive Land Use Update at the hearing, the pending lawsuit will become moot and, depending upon the further action of the City Council, existing uncertainties over the legal status of the Comprehensive Land Use Update would be eliminated. At the hearing, the Planning Commission is free to readopt its previous recommendations without change, or adopt revised recommendations, up to and including recommendations for further changes to the Comprehensive Land Use Update components or rejection of the Comprehensive Land Use Update or portions of it.

With the exception of the Land Use Code, the contents of the proposed Comprehensive Land Use Update are unchanged from the documents reviewed and considered by the Planning Commission on May 16, 2011. The proposed Land Use Code contains several minor revisions to correct and clarify various provisions in the document that were not included in the previous recommendation. These proposed revisions are included in a final version of the LUC (Exhibit B-1) as well as in a strikethrough and underline version (Exhibit B-2) with comments and reasons for the proposed changes. The changes to the LUC are not substantive and would not result in a substantial increase in severity of an environmental impact, identified in the EIR.

The proposed resolution, would rescind the previous Planning Commission Resolution 14-2011, which provided Planning Commission's recommendation on the Comprehensive Land Use Update ("CLUU"), recommendations on certification of the EIR, and recommendations on adoption of a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations. The CLUU was defined in the EIR, and included an update of the General Plan and Land Use Map, an amendment to the Land Use Code (Zoning), an amendment to the Downtown Specific Plan, a Climate Action Plan, and in concept only five development proposals, which include Street Conversions/Community Corridors, Senior Village Expansion, Las Palmas Park and Facilities Vision Concept Plan, Kimball Park Master Plan, and El Toyon Park Master Plan. Additional details and conceptual figures for the various components are described in the Project Description in the Environmental Impact Report (Exhibits E-2 and E-3).

The proposed resolution would also recommend that the City Council: certify the Final Environmental Impact Report, adopt a Statement of Overriding Considerations, adopt a Mitigation Monitoring and Reporting Program, adopt a General Plan Update and Land Use Designation Map in compliance with Government Code § 65354, adopt a Land Use Code amendment (Zoning) in compliance with Government Code § 65854, adopt a Downtown Specific Plan amendment in compliance with Government Code § 65453 and 65354, adopt a Climate Action Plan, and approve, in concept only, five development proposals (including Street Conversions/Community Corridors, Senior Village Expansion, Las Palmas Park and Facilities Vision Concept Plan, Kimball Park Master Plan, and El Toyon Park Master Plan).

It may be noted that Planning Commission actions on the five development proposals, which are conceptual in nature only, are not legally required at this time. Thus, the only actions needed at this time are the recommendations on the General Plan, the Land Use Code, the Downtown Specific Plan, and the Climate Action Plan.

## **Background**

The Comprehensive Land Use Update includes an update of the General Plan and the Land Use Code, an amendment of the Downtown Specific Plan, a Climate Action Plan, and five conceptual development proposals. The General Plan is the City's principal policy document to guide growth, development, and conservation and is the foundation for all planning decisions. The Land Use Code implements the broad policies of the General Plan by specifying the uses permitted on each parcel of land, the intensity of development, and standards for development.

The Downtown Specific Plan regulates the use and development of land within the downtown area of the City. The Climate Action Plan establishes a strategy to reduce greenhouse gas emissions that contribute to climate change. The five conceptual development proposals are: Street Conversions/Community Corridors; Senior Village Expansion; Las Palmas Park and Facilities Vision Concept Plan; Kimball Park Master Plan; and El Toyon Park Master Plan. The Environmental Impact Report assesses the potential environmental consequences of implementation of the Comprehensive Land Use Update.

## **General Plan Update**

State law recommends that the General Plan be updated every ten years or more often if necessary; the last comprehensive update was in 1996. The General Plan is required to address seven elements: land use, circulation, housing, safety, noise, open space, and conservation. The General Plan Update (Exhibit A) does not include an update of the 2007 Housing Element because the Regional Housing Needs Assessment (RHNA) was adopted by SANDAG after the preparation of General Plan Update. The next planning cycle for the Housing Element begins in January 2013. The other required elements and several optional elements are addressed in the update: Land Use and Community Character, Circulation, Safety, Noise and Nuisance, Open Space and Agriculture, Conservation and Sustainability, Health and Environmental Justice, and Education and Community Participation.

## **Land Use and Community Character Element**

The Land Use and Community Character Element identifies where future development and redevelopment should occur. The element balances growth and change with preserving and improving established residential neighborhoods and commercial and industrial districts to improve the quality of life in the community. Three key concepts are reflected in the land use plan: smart growth, mixed-use, and transit-oriented development.

Smart growth describes urban design principles that serve the economic, environmental, and social needs of the community. Characteristics of smart growth include a mix of land uses; compact building design; a range of housing opportunities; walkable neighborhoods; distinctive communities with a strong sense of place; the preservation of open space and critical environmental areas; and a variety of transportation choices.

Mixed-use development is characterized by a variety of compatible uses such as office, commercial, institutional, and residential within the same building, on the same parcel, or on a group of parcels within the same block.

Transit-oriented development is moderate- to higher-density development, located within an easy walk of a major transit stop, generally with a mix of residential, employment, and shopping opportunities designed for pedestrians.

The element generally directs future development and redevelopment along major and minor transit corridors, within urban and community centers, and near transit stations. This is accomplished through an increase in allowable densities in these locations through the creation of mixed-use land use designations, which replace existing commercial designations. Other goals set forth in the element include: the discontinuance of incompatible land uses; the strengthening of neighborhoods; the improvement of business districts; and enhanced aesthetics through public art, the preservation of viewsheds, and the establishment of community gateways.

### **Circulation Element**

The Circulation Element is a transportation plan for the movement of people and goods and identifies the general location and extent of existing and proposed major roadways, transportation routes, terminals, ports, and pedestrian and bikeway facilities. The element addresses the needs of mobility through an integrated circulation network that accommodates local and regional trips and supports public transit, walking, bicycling, and vehicular traffic and parking. The element identifies strategies to meet the future needs generated by the land uses identified in the Land Use and Community Character Element.

A key focus of the element is the development of a multi-modal transportation system that serves pedestrians, bicyclists, transit riders, and drivers. Since the City is almost completely developed, few changes are being proposed to the overall roadway network. The element seeks to enhance the existing system to improve circulation through multi-modal facilities. The element identifies Community Corridors, which are a street type intended to increase the comfort of walking and bicycling through traffic calming measures, streetscape improvements, pedestrian amenities, and bicycle facilities.

### **Safety Element**

The Safety Element establishes goals and policies to protect the community from risks of injury, loss of life, and property and environmental damage associated with hazards such as wildfires, geologic and seismic hazards, flooding, hazardous materials, military installations, and brownfields. The element establishes development policies for areas affected by potential hazard risk and seeks to minimize the risk associated with those hazards. This element also includes policies to reduce crime through environmental design and response objectives related to police and fire operations and emergency services.

### **Noise and Nuisance Element**

Noise can affect the environment and quality of life in the community. This element identifies and assesses noise levels throughout the community and establishes policies to minimize problems from intrusive sound and to ensure that new development does not expose people to unacceptable noise levels. Traffic is the most significant source of noise in the planning area,

and the surrounding freeways and major arterials are the most prevalent sources of traffic noise. Non-transportation-related sources of noise include military operations, industrial manufacturing, commercial, and institutional uses.

The California Building Code applies noise standards to new construction to provide suitable interior noise environments. Noise also is regulated through compatibility guidelines in the Noise Element and the Noise Ordinance of the Municipal Code. The compatibility guidelines are used to evaluate land use noise compatibility when reviewing proposed development projects. The Municipal Code sets forth noise regulations for specific times of days and types of operations.

A nuisance is an unreasonable or unlawful use of property which results in material annoyance, inconvenience, discomfort, or damage to another person or to the public. Types of nuisances include the storage of junk, accumulation of trash, and over-growth of weeds, and are generally regulated by the Municipal Code. This element describes the issues pertaining to nuisances in the community and provides policy direction for their remediation.

### **Open Space and Agriculture Element**

The Open Space and Agriculture Element establishes policies on open-space lands, sensitive resource areas, parks and recreational facilities, trails, urban agriculture, and cultural sites. The element identifies remaining natural, open space areas for preservation due to their ecological value. This element seeks to ensure that adequate park and recreational facilities are available and accessible with policies that expand opportunities through the use of vacant or under used sites and rights-of-way. Urban agriculture includes the cultivation, processing, and distribution of fruits, vegetables, flowers, and herbs in an urban setting. Urban agriculture provides sources of fresh foods and opportunities for neighborhood collaboration through gardens and community farms. The element also identifies cultural and historical resources and sets forth policies for their preservation.

### **Conservation and Sustainability Element**

The Conservation and Sustainability Element addresses the conservation, development, and use of natural resources and their sustainability. Sustainability is the concept of meeting the needs of current generations without compromising the ability of future generations to meet their own needs. This element establishes policies for water and energy conservation, water quality, waste reduction, recycling, and climate change. Major sources of greenhouse gas (GHG) emissions are affected by local policies; land use plans play an important role in reducing emissions by dictating land use patterns and the need for vehicular modes of travel.

### **Health and Environmental Justice Element**

The Health and Environmental Justice Element addresses the built environment's impact on public health and environmental justice. The mix of uses within a community, the accessibility of transit, and the proximity of parks and recreational facilities affect physical activity, eating habits, and stress levels. This element establishes goals and policies to improve access to healthy foods, increase levels of physical activity, and improve overall public health. This

element addresses exposure to poor air quality by separating sensitive receptors from sources of air pollution, reducing emissions, and incorporating design features in new development. The element also emphasizes the need for meaningful public participation in the development and implementation of plans and policies.

### **Education and Public Participation Element**

The Education and Public Participation Element recognizes that improving educational opportunities for people of all ages is critical to enhancing quality of life and contributes to developing an active and informed citizenry. This element sets forth goals and policies that address educational programs, day care, after-school programs, library facilities, cultural arts, access to technology resources, occupational training, and life-long learning programs in addition to public participation. The element encourages collaboration between the City and local school districts to improve opportunities for learning in the community. The element also emphasizes the importance of civic involvement and volunteerism to inform the public decision-making process and to foster pride and a greater sense of community.

### **Implementation Measures**

The General Plan contains an action plan consisting of implementation measures related to policies found in each element. The implementation measures are the specific steps or actions to be taken by the City to implement the goals and policies outlined in the elements. These include revisions of current codes and ordinances, adoption of new ordinances or policies, specific plans, capital improvements, programs, financing, and other measures.

### **Land Use Code**

The proposed Land Use Code (Exhibit B-1) includes the proposed Official Zoning Map (Exhibit B-3) and has been updated to be consistent with and to implement the policies of the proposed General Plan. The proposed LUC includes new mixed use zones that would generally apply to the current major commercial corridors in the City such as Plaza Boulevard and Highland Avenue. These zones allow development floor area ratios (FAR) of up to 2.0 or 3.5 and densities of up to 48 or 75 dwelling units per acre. Other major changes address neighborhood gardens and community farms, neighborhood corner stores, second dwelling units, emergency shelters, transitional and supportive housing, payday lenders, pawn shops and businesses purchasing gold and other precious metals, medical marijuana dispensaries, and auto body uses.

### **Downtown Specific Plan Amendment**

The proposed Downtown Specific Plan Amendment (Exhibit C-1) is a clean up amendment of Chapters IV and V and a proposed amendment of the Downtown Specific Plan Map (Exhibit C-4) that will be consistent with the proposed General Plan. A strikethrough-underline version (Exhibit C-2) of the amended chapters and the existing Downtown Specific Plan Map (Exhibit C-3) are attached. The major changes include establishing minimum floor area ratios (FAR) for development zones to insure an appropriate intensity of development within the downtown area.

The amendment also clarifies permitted uses in each development zone and references development standards in the proposed Land Use Code that would apply to certain development zones in the Downtown Specific Plan.

### **Climate Action Plan**

The proposed Climate Action Plan (Exhibit D)) addresses climate change at the local level by implementing policies of the proposed General Plan. The proposed CAP addresses the major sources of greenhouse gas emissions in the City and establishes a long-term strategy to achieve a reduction target of 15 percent below 2005/2006 emission levels by the year 2020 with additional reductions by 2030. Implementation measures address energy use and efficiency, renewable energy, land use and urban design, waste reduction, water conservation, transportation demand management, alternative transportation modes, financing mechanisms, and other measures.

### **Development Proposals**

The Comprehensive Land Use Update also includes conceptual plans for five future development proposals governing improvements of certain streets and parks within the City and future development of senior housing. The conceptual plans are fully described in the EIR project description. These conceptual plans and proposals consist of:

- Street Conversions/Community Corridors include neighborhood gardens, produce stands, paradise creek greenway improvements, street trees, sitting areas, various other public amenities through the closure of portions of various streets near (1) Hoover Avenue south of 18th Street, (2) West Avenue between 16th Street and 18th Street, (3) Hoover Avenue between 22nd Street and Mile of Cars Way, (4) 12th Street east of Palm Avenue, (5) F Avenue between 18th Street and 19th Street, (6) Kimball Way at F Avenue, and (7) Q Avenue between La Posada Street and Delta Street. The Community Corridors establish roadway design standards intended to calm traffic and increase pedestrian safety. Community Corridors are proposed throughout the City.
- Senior Village Expansion includes an expansion to the existing Senior Village multi-family residential complex, to include 200 additional senior residential units up to 60 feet in height and construction of a medical office structure, and a parking structure. The project site is located between 12th Street and 15th Street east of D Avenue.
- Las Palmas Park and Facilities Vision Concept Plan which includes a soccer field, expanded playground, skate park, trails, dog park/run, community garden plots, open space and lake/irrigation pond, parking spaces, improvements to the community center and pool house, and new commercial space and associated parking in the current location of the driving range.
- Kimball Park Master Plan which includes parking spaces, community garden plots, a trail, vegetation enhancements within paradise creek.



- El Toyon Park Master Plan which includes an expanded playground, a joint use facility to include a fire station and community center, community garden plots, trails, a dog run, picnic area, and demolition of some existing structures.

## **Public Participation**

The City sought out and incorporated public input throughout the two-year preparation of the Comprehensive Land Use Update. As part of the public outreach and participation efforts, the City held a number of public workshops, community meetings, and other public engagement events. During this period, a total of 23 community meetings were held at different locations throughout the City in addition to the public hearings before the Planning Commission and City Council.

## **Environmental Impact Report**

The Environmental Impact Report (Exhibits E-2, E-3, and E-4) identifies potentially significant environmental impacts in the following areas: Air Quality, Biological Resources, Hazards, Hydrology and Water Quality, Land Use, Noise, Transportation and Circulation, and Utilities and Service Systems. The EIR suggests mitigation measures that would reduce most impacts to less-than-significant levels. However, significant unavoidable impacts were identified in the areas of Air Quality, Transportation and Circulation, and Utilities and Service Systems.

The Final EIR (Exhibit E-2) responds to environmental issues raised on the Draft EIR (Exhibits E-3, E-4) and makes revisions to the Draft EIR as necessary in response to these comments. Revisions to the proposed General Plan Update made in response to these comments have been incorporated into the draft General Plan document. Various alternatives to the Comprehensive Land Use Update, including the development proposals, were also evaluated in the EIR.

## **Recommendation**

Adopt Planning Commission Resolution 1-2012, which incorporates the following:

- (1) Rescind Planning Commission Resolution 14-2011 (Exhibit F), which contained Planning Commission's May 16, 2011 recommendation to City Council to adopt the Comprehensive Land Use Update, recommendation to certify the Environmental Impact Report, and recommendation to adopt a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program.
- (2) Recommend that the City Council: certify the Final Environmental Impact Report (Exhibits E-2, E-3, E4), adopt the Statement of Overriding Considerations (Exhibit E-1), adopt the Mitigation Monitoring and Reporting Program (Exhibit G), adopt the General Plan Update (Exhibit A) including the General Plan Land Use Map Amendment (Exhibit A, Figure LU-4-A and Figure LU-4-B), adopt the Land Use Code (Zoning) Amendment (Exhibit B-1) and the Official Zoning Map Amendment (Exhibit B-3), adopt the Downtown Specific Plan Amendment (Exhibit C-1) and the Specific Plan Map Amendment (Exhibit C-4), adopt the Climate Action Plan (Exhibit D), and approve, in concept only, Five

Development Proposals (Described in the Environmental Impact Report), including Street Conversions/Community Corridors, Senior Village Expansion, Las Palmas Park and Facilities Vision Concept Plan, Kimball Park Master Plan, and El Toyon Park Master Plan. Based, in part, on the findings and statement of overriding considerations included therein.



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Executive Director

### **Attachments**

The following exhibits are included in the attached CD.

- A) General Plan Update
- B-1) Land Use Code Amendment (Clean)
- B-2) Land Use Code Amendment (Strikethrough-Underline)
- B-3) Official Zoning Map Amendment
- C-1) Downtown Specific Plan Amendment (Clean)
- C-2) Downtown Specific Plan Amendment (Strikethrough-Underline)
- C-3) Downtown Specific Plan Map (Existing)
- C-4) Downtown Specific Plan Map (Proposed)
- D) Climate Action Plan
- E-1) Statement of Overriding Considerations
- E-2) Final Environmental Impact Report
- E-3) Draft Environmental Impact Report
- E-4) Draft Environmental Impact Report Appendices
- F) Planning Commission Resolution 14-2011
- G) Mitigation Monitoring and Reporting Program

Note: The Five Conceptual Development Proposals are described in the Environmental Impact Report project description.