



Agenda of the Planning Commission

Meeting of March 15, 2021 – 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 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 www.nationalcityca.gov.

PUBLIC COMMENTS: The National City Planning Commission will receive public comments via e-mail at planning@nationalcityca.gov regarding any matters within the jurisdiction of the National City Planning Commission. **Written comments or testimony from the public (limited to three minutes) must be submitted via e-mail by 4:00 p.m. on the day of the National City Planning Commission Meeting. All comments received from the public will be made a part of the record of 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 National City 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 Natividad

Approval of Minutes

1. Approval of Minutes from the Meeting of March 1, 2021

Approval of Agenda

2. Approval of the Agenda for the Meeting of March 15, 2021

ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).

NOTE: Under State law, items requiring Commission action must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature.

PRESENTATIONS

CONTINUED PUBLIC HEARINGS

PUBLIC HEARINGS

3. Resolution Taking Action on a Code Amendment amending Sections 18.30.340 (Medical Marijuana Dispensaries) and 18.30.345 (Medical Marijuana Cultivation) of Title 18 (Zoning) of the National City Municipal Code (Case File No. 2019-29A)

OTHER BUSINESS

STAFF REPORTS

Deputy City Attorney

Director of Community Development

Principal Planner

Commissioners

Chairperson

ADJOURNMENT

Adjournment to the regularly scheduled meeting on April 19, 2021 at 6:00 p.m.



Planning Commission Minutes

Planning Commission Meeting
Meeting of March 1, 2021

ONLINE ONLY MEETING

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

LIVE WEBCAST

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 Dela Paz at 6:03 p.m.

Roll Call

Commissioners Present: Flores, Dela Paz, Sendt, Yamane, Natividad, Roman

Commissioners Absent: Sanchez

Staff Also Present: Director of Community Development Armando Vergara, Deputy City Attorney Jennifer Gilman, Principal Planner Martin Reeder, Assistant Planner Chris Stanley, Associate Planner David Welch

1. Approval of Minutes from the Meeting of December 7, 2020

Motion by Natividad, second by Yamane to approve the Minutes for the Meeting of December 7, 2020.

Motion carried by the following vote:

Ayes: Flores, Dela Paz, Sendt, Yamane, Natividad, Roman

Abstain: None.

Noes: None.

Absent: Sanchez

Executive Secretary Tonya Hussain corrected a typographical error in the staff report portion of the minutes under the section for Commissioner Dela Paz. She noted that the sentence should read as follows, “Encouraged ~~staff~~ Commissioners to email project-related questions to staff prior to the meeting.”

Minutes were approved as corrected.

2. Approval of the Agenda for the Meeting on March 1, 2021.

Motion by Flores, second by Yamane to approve the Agenda for the Meeting on March 1, 2021.

Motion carried by the following vote:

Ayes: Flores, Dela Paz, Sendt, Yamane, Natividad, Roman

Abstain: None.

Noes: None.

Absent: Sanchez

Motion approved.

ORAL COMMUNICATION: None.

PRESENTATIONS:

3. Welcome and Introduction of New Planning Commissioner

Principal Planner Martin Reeder introduced Commissioner Damion Roman to the group.

CONTINUED PUBLIC HEARINGS: None.

PUBLIC HEARINGS

4. Resolution Taking Action on a Tentative Parcel Map for the Subdivision of One Lot into Two at 817 Eta Street (Case File No. 2020-12 LS)

Presented by Assistant Planner Chris Stanley.

Applicant Shannyn Henkel, representing the owner, confirmed that she has read, understands, and accepts the conditions.

Applicant Ed McCoy was also present.

Motion by Yamane, second by Natividad to close the Public Hearing and approve a Resolution taking action on a Tentative Parcel Map for the Subdivision of One Lot into Two at 817 Eta Street (Case File No. 2020-12 LS)

Ayes: Flores, Dela Paz, Sendt, Yamane, Natividad, Roman

Abstain: None.

Noes: None.

Absent: Sanchez

Motion approved.

OTHER BUSINESS: None.

STAFF REPORTS:

Deputy City Attorney: Ms. Jennifer Gilman introduced herself to the group.

Armando Vergara, Director of Community Development: None.

Principal Planner: Mr. Martin Reeder announced that the League of California Cities Planning Commissioners Academy was occurring virtually on March 25th, 26th, 31st, and April 1st. He asked that interested Commissioners contact him or Executive Secretary Tonya Hussain to be registered.

COMMISSIONER REPORTS:

Natividad: Welcomed Commissioner Roman and expressed interest in attending the Planning Commissioners Academy.

Roman: None.

Flores: Welcomed Commissioner Roman and Deputy City Attorney Jennifer Gilman and inquired about the Planning Commission's budget. Staff advised that the entire budget for the fiscal year was \$2,000.

Yamane: Welcomed Commissioner Roman and Deputy City Attorney Jennifer Gilman.

Sendt: Welcomed Commissioner Roman and Deputy City Attorney Jennifer Gilman. Asked Principal Planner Martin Reeder if the City would be reducing fees for Accessory Dwelling Units (ADU).

Mr. Reeder responded that an ordinance regarding ADUs would come forward for their consideration soon and at that time lowering of fees could be discussed in open session.

Sanchez: Absent.

Dela Paz: None.

ADJOURNMENT by Chair Dela Paz at 6:37 p.m. to the meeting of March 15, 2021.

CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of March 15, 2021.



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – CODE AMENDMENT AMENDING SECTIONS 18.30.340 (MEDICAL MARIJUANA DISPENSARIES) AND 18.30.345 (MEDICAL MARIJUANA CULTIVATION) OF TITLE 18 (ZONING) OF THE NATIONAL CITY MUNICIPAL CODE.

Case File No.: 2019-29 A

Staff report by: Martin Reeder, AICP – Principal Planner

Project location: Citywide

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 amendments to sections 18.30.340 and 18.30.345 to the City Council.

Overview

The City is in the process of amending Title 9 (Health and Sanitation) of the National City Municipal Code (NCMC) in order to add a new chapter (9.60) related to the regulation of commercial cannabis activity. The new regulations will allow for certain commercial cannabis uses, under agreement with the City, in the industrial zones and in the Tourist Commercial areas west of Interstate 5. These uses may include retail sales, distribution, cultivation, and/or manufacturing. The number of business locations will be limited to a maximum of six and will only be permitted subject to a development

agreement with the City. All activity will be subject to appropriate state permits. Generally, applicants will be required to have a Cannabis Microbusiness License, which is issued by the California Department of Consumer Affairs – Bureau of Cannabis Control. In order to hold a microbusiness license, a licensee must engage in at least three of the four commercial cannabis activities listed above. Licensees will be required to comply with all rules and regulations, including applicable regulations adopted by the California Department of Food and Agriculture and the California Department of Public Health, governing the activities in which they are engaged.

The NCMC currently includes two sections related to cannabis/marijuana: 18.30.340 (Medical marijuana dispensaries) and 18.30.345 (Medical marijuana cultivation). Both are inconsistent with the proposed NCMC Chapter 9.60 and will both require modification in order to comply and be consistent with the new chapter.

Proposed Changes

Chapter 18.30.340 (Medical marijuana dispensaries) currently reads as follows:

18.30.340 - Medical marijuana dispensaries.

A. Prohibition.

1. Medical marijuana dispensaries are prohibited.

B. Definitions.

1. For purposes of this section, "medical marijuana dispensary" shall mean a facility where marijuana is made available for medical purposes in accordance with Section 11362.5 of the California Health and Safety Code.
2. For purposes of this section, "marijuana" shall have the same meaning as the definition of that word in Section 11018 of the California Health and Safety Code.

This section is proposed to be struck in its entirety.

Chapter 18.30.345 (Medical marijuana cultivation) currently reads as follows:

18.30.345 - Medical marijuana cultivation.

A. Prohibition.

1. Cultivation of marijuana for medicinal purposes is prohibited.
2. Cultivation of marijuana is prohibited regardless of purpose.

B. Definitions. For the purpose of this section the following definitions shall apply:

1. "Cultivation of marijuana" shall mean the planting, growing, cultivating, harvesting, drying, or processing of marijuana.
2. For purposes of this section, "marijuana" shall have the same meaning as the definition of that word in Section 11018 of the California Health and Safety Code.

This section is also proposed to be struck in its entirety.

A new Chapter 18.30.340 is proposed to replace the existing sections as follows:

18.30.340 - Commercial marijuana activity.

A. Prohibition.

1. Commercial marijuana activity is prohibited except as provided for in Chapter 9.60 of the National City Municipal Code.

B. Definitions.

1. "Commercial marijuana activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery, or sale of marijuana and marijuana products.
2. For purposes of this section, "marijuana" shall have the same meaning as the definition of that word in Section 11018 of the California Health and Safety Code.

A strikethrough/underline version of the changes are attached to this staff report.

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 amendments to this section will make Title 18 consistent with the proposed Chapter 9.60. As well as consistency between documents (e.g. specific plans, community, plans, municipal codes, etc.), the General Plan requires that these documents also be internally consistent. This amendment will implement that requirement.

CEQA Compliance

These amendments are not considered to be a project under CEQA as there would be no physical impact as a result of the change. The changes would continue to prohibit commercial marijuana activity, except as permitted by law and by NCMC Chapter 9.60, approval of which was subject to CEQA compliance.

Summary and next steps

Staff is recommending changes to the City's Municipal Code related to the regulation of commercial cannabis activity and recommends that the Planning Commission support the amendments. The Commission's recommendation will be provided to the City Council at a subsequent public hearing at the City Council.

OPTIONS

1. Recommend approval of the amendments to Sections 18.30.340 and 18.30.345 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 18.30.340 and 18.30.345 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. Public Hearing Notice (published in the Star News)
4. Resolution



MARTIN REEDER, AICP
Principal Planner



ARMANDO VERGARA
Director of Community Development

RECOMMENDED FINDINGS FOR APPROVAL

1. That the requested amendments to this section are consistent with the General Plan, because they will make Title 18 consistent with the proposed Chapter 9.60; as well as consistency between documents (e.g. specific plans, community, plans, municipal codes, etc.), the General Plan requires that these documents also be internally consistent.

2. That the proposed amendments have been reviewed and been found to comply with the California Environmental Quality Act (CEQA); the amendments are not considered to be a project under CEQA as there would be no physical impact as a result of the change. The changes would continue to prohibit commercial marijuana activity, except as permitted by law and by NCMC Chapter 9.60, approval of which was subject to CEQA compliance.

Deletions shown as ~~Strikethrough~~

Additions shown as Underline

~~18.30.340 - Medical marijuana dispensaries.~~

~~A. Prohibition.~~

- ~~1. Medical marijuana dispensaries are prohibited.~~

~~B. Definitions.~~

- ~~1. For purposes of this section, "medical marijuana dispensary" shall mean a facility where marijuana is made available for medical purposes in accordance with Section 11362.5 of the California Health and Safety Code.~~
- ~~2. For purposes of this section, "marijuana" shall have the same meaning as the definition of that word in Section 11018 of the California Health and Safety Code.~~

Commercial marijuana activity.

A. Prohibition.

1. Commercial marijuana activity is prohibited except as provided for in Chapter 9.60 of the National City Municipal Code.

B. Definitions.

1. "Commercial marijuana activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery, or sale of marijuana and marijuana products.
2. For purposes of this section, "marijuana" shall have the same meaning as the definition of that word in Section 11018 of the California Health and Safety Code.

~~18.30.345 - Medical marijuana cultivation.~~

~~A. Prohibition.~~

- ~~1. Cultivation of marijuana for medicinal purposes is prohibited.~~
- ~~2. Cultivation of marijuana is prohibited regardless of purpose.~~

~~B. Definitions. For the purpose of this section the following definitions shall apply:~~

- ~~1. "Cultivation of marijuana" shall mean the planting, growing, cultivating, harvesting, drying, or processing of marijuana.~~
- ~~2. For purposes of this section, "marijuana" shall have the same meaning as the definition of that word in Section 11018 of the California Health and Safety Code.~~

NOTICE OF PUBLIC HEARING
CODE AMENDMENT AMENDING SECTIONS 18.30.340 (MEDICAL MARIJUANA
DISPENSARIES) AND 18.30.345 (MEDICAL MARIJUANA CULTIVATION) OF TITLE 18
(ZONING) OF THE NATIONAL CITY MUNICIPAL CODE.

CASE FILE NO.: 2019-29 A

The National City Planning Commission will hold a public hearing at their regular online meeting after the hour of 6:00 p.m. **Monday, March 15, 2021** on the proposed request. The meeting will be LIVE WEBCAST from the City Council Chamber, 1243 National City Boulevard, National City, California. (Applicant: City-initiated)

Due to the precautions taken to combat the spread of coronavirus (COVID-19), City Hall, including the City Council Chambers, are closed to the public. Anyone interested in this public hearing may observe it on the City's website at <http://www.nationalcityca.gov/government/city-clerk/council-webcast>.

The amendment intends to modify existing Municipal Code language related to commercial marijuana activity in the City.

Members of the public are invited to comment. Written comments should be received on or before 4:00 p.m., **March 15, 2021** by the Planning Division, who can be contacted at 619-336-4310 or 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.

RESOLUTION NO. 2021-

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF NATIONAL CITY, CALIFORNIA, RECOMMENDING ADOPTION
TO THE CITY COUNCIL OF A CODE AMENDMENT AMENDING SECTIONS 18.30.340
(MEDICAL MARIJUANA DISPENSARIES) AND 18.30.345 (MEDICAL MARIJUANA
CULTIVATION) OF TITLE 18 (ZONING)
OF THE NATIONAL CITY MUNICIPAL CODE.
APPLICANT: CITY-INITIATED.
CASE FILE NO. 2019-29 A

WHEREAS, pursuant to the terms and provisions of the Government Code of the State of California, proceedings were duly initiated for the amendment of the National City Municipal Code, per Chapter 18.12.140; and,

WHEREAS, the Planning Commission of the City of National City, California, considered said proposed amendment at a duly advertised public hearing held on July 20, 2020 at which time the Planning Commission considered evidence; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report provided for Case File No. 2019-29 A, which is maintained by the City and incorporated herein by reference; along with any other evidence presented at said hearing; and,

WHEREAS, the Planning Commission recommends adoption to the City Council of the City of National City amendment to Sections 18.30.340 (Medical marijuana dispensaries) and 18.30.345 (Medical marijuana cultivation) of Title 18 (Zoning) of the National City Municipal Code; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, this action is taken in an effort to comply with applicable State and Federal law; and,

WHEREAS, the action hereby taken is found to be essential for the preservation of the public health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Planning Commission of the City of National City, California, that the evidence presented to the Planning Commission at the public hearing held on July 20, 2020, support the following findings:

1. That the requested amendments to this section are consistent with the General Plan, because they will make Title 18 consistent with the proposed Chapter 9.60; as well as consistency between documents (e.g. specific plans, community, plans, municipal codes, etc.), the General Plan requires that these documents also be internally consistent.
2. That the proposed amendments have been reviewed and been found to comply with the California Environmental Quality Act (CEQA); the amendments are not considered to be a project under CEQA as there would be no physical impact as a result of the change. The changes would continue to prohibit commercial marijuana activity, except as permitted by law and by NCMC Chapter 9.60, approval of which was subject to CEQA compliance.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of March 15, 2021, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON