



# Agenda of the National City Housing Advisory Committee/ Planning Commission

Meeting of October 19, 2020 – 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/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](http://www.nationalcityca.gov).

**PUBLIC COMMENTS:** The National City Housing Advisory Committee/Planning Commission will receive public comments via e-mail at [planning@nationalcityca.gov](mailto:planning@nationalcityca.gov) regarding any matters within the jurisdiction of the National City Housing Advisory Committee/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 Housing Advisory Committee/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 Housing Advisory Committee/Planning Commission meeting. The National City Housing Advisory Committee/Planning Commission conducts its meeting in the interest of community benefit. Your participation is helpful. These proceedings are video recorded.

**A. HOUSING ADVISORY COMMITTEE**

**Roll Call**

**Pledge of Allegiance by Committee Member Yamane**

**Approval of Minutes**

1. Approval of Minutes from the Meeting of August 17, 2020

**Approval of Agenda**

2. Approval of the Agenda for the Meeting on October 19, 2020

**ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).**

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

**PRESENTATIONS**

3. Update on the Draft Sixth Cycle Housing Element for 2021-2029

**OTHER BUSINESS**

**STAFF REPORTS**

Senior Assistant City Attorney

Director of Community Development

Director of Housing

Committee Members

Chairperson

**ADJOURNMENT**

Adjournment to the regularly scheduled meeting on November 16, 2020 at 6:00 p.m.

**B. PLANNING COMMISSION**

**Roll Call**

**Approval of Minutes**

4. Approval of Minutes from the Meeting of July 20, 2020

**Approval of Agenda**

5. Approval of the Agenda for the Meeting on October 19, 2020

**ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).**

NOTE: Under State law, items requiring Housing Advisory Committee 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**

6. Resolution taking action on a Coastal Development Permit for the Proposed Vacation of a Portion of Harrison Avenue Between West 18<sup>th</sup> and 19<sup>th</sup> Streets, and the Westerly 40 feet of West 18<sup>th</sup> Street North of Harrison Avenue in the Coastal Zone

**OTHER BUSINESS**

7. Resolution taking action on the Proposed Vacation of a Portion of Harrison Avenue between West 18<sup>th</sup> and 19<sup>th</sup> Streets, and the Westerly 40 Feet of West 18<sup>th</sup> Street North of Harrison Avenue for Conformance with the General Plan

**STAFF REPORTS**

Senior Assistant City Attorney

Director of Community Development

Principal Planners

Commissioners

Chairperson

**ADJOURNMENT**

Adjournment to the regularly scheduled meeting on November 2, 2020 at 6:00  
p.m.



## Housing Advisory Committee Minutes

Housing Advisory Committee portion of the Housing  
Advisory Committee/Planning Commission Meeting  
Meeting of August 17, 2020

### **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 Flores at 6:04 p.m.

### **Roll Call**

Committee Members Present: Flores, Dela Paz, Sendt, Sanchez, Newell, Bush, Yamane (*joined at 6:09 pm*)

Committee Members Absent: Garcia, Natividad

Staff Also Present: Director of Community Development Armando Vergara, Director of Housing Carlos Aguirre, Senior Assistant City Attorney Nicole Pedone, Principal Planner Martin Reeder

Chair Flores welcomed new member Ricardo Sanchez.

**Pledge of Allegiance** Presented by Committee Member Flores.

1. Approval of Minutes from the Meeting of June 1, 2020.

Motion by Sendt, second by Dela Paz to approve the Minutes from the Meeting of June 1, 2020.

**Motion carried by the following vote:**

**Ayes:** Flores, Dela Paz, Sendt, Newell, Bush, Yamane

**Abstain:** Sanchez

**Noes:** None.

**Absent:** Garcia, Natividad

Committee Member Sanchez abstained since he was not on the Committee when the meeting occurred.

2. Approval of the Agenda for the Meeting on August 17, 2020

Motion by Bush, second by Sendt to approve the Agenda for the Meeting on August 17, 2020.

**Motion carried by the following vote:**

**Ayes:** Flores, Dela Paz, Sendt, Newell, Bush, Yamane, Sanchez

**Abstain:** None.

**Noes:** None.

**Absent:** Natividad, Bush

**ORAL COMMUNICATION:** None.

**PRESENTATIONS:**

3. Focused General Plan Update Community Engagement – Webinars and Online Survey

Presented by WSP San Diego Planning Lead Tara Lake utilizing a PowerPoint presentation.

Ms. Lake answered questions posed by the Committee.

4. Sixth Cycle Housing Element

Presented by WSP San Diego Planning Lead Tara Lake.

Committee Member Yamane suggested that the City of San Diego Accessory Dwelling Unit (ADU) Handbook be provided to Ms. Lake.

In response to a question posed by Member Yamane, Principal Planner Martin Reeder stated that he would provide the Committee with the number of ADU applications received by the City.

Committee Member Bush inquired about whether the City is providing any incentives for those wishing to build ADUs; he advised that the City of San Diego was currently waiving sewer and water fees.

In response, Mr. Reeder advised that a deeper conversation would be needed at the Council level regarding the waiving of sewage fees for ADUs.

5. *National City Housing Strategic Plan*

Presented by WSP San Diego Planning Lead Tara Lake.

No comments or questions posed to the Committee.

6. *24<sup>th</sup> Street Transit-Oriented Development Overlay*

Presented by Principal Planner Martin Reeder.

No comments or questions posed to the Committee.

**OTHER BUSINESS:** None.

**STAFF REPORTS:**

**Nicole Pedone, Senior Assistant City Attorney** and **Armando Vergara, Director of Community Development** welcomed new Committee Member Ricardo Sanchez.

**Carlos Aguirre, Director of Housing:** Advised that he would forward the presentations to the Committee members via email.

**COMMITTEE MEMBER REPORTS:**

Committee Member Bush announced the recent passing of previous Planning Commissioner George Baca. Committee members expressed their condolences to his family.

**ADJOURNMENT** by Committee Member Bush in memory of previous Commissioner and Chair George Baca at 7:30 p.m. to the meeting of September 21, 2020.

\_\_\_\_\_  
CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of October 19, 2020.



## Planning Commission Minutes

Planning Commission Meeting  
Meeting of July 20, 2020

**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 Flores at 6:00 p.m.

### **Roll Call**

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

Commissioners Absent: None.

Staff Also Present: Director of Community Development Armando Vergara, Senior Assistant City Attorney Nicole Pedone, Principal Planner Martin Reeder, Associate Planner Chris Stanley

1. Approval of Minutes from the Meeting of June 1, 2020.

Motion by Garcia, second by Sendt to approve the Minutes for the Meeting of June 1, 2020.

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

**Ayes:** Flores, Dela Paz, Yamane, Sendt, Garcia, Natividad

**Abstain:** None.

**Noes:** None.

**Absent:** None.

2. Approval of the Agenda for the Meeting of July 20, 2020.

Motion by Yamane, second by Sendt to approve the Agenda for the Meeting of July 20, 2020.

**Motion carried by the following vote:**

**Ayes:** Flores, Dela Paz, Yamane, Sendt, Garcia, Natividad

**Abstain:** None.

**Noes:** None.

**Absent:** None.

**ORAL COMMUNICATION:** Principal Planner Martin Reeder read into the record public comment received via email from David Garcia regarding the business El Cubilete Tires located at 2315 Highland Avenue.

**PRESENTATIONS:** None.

**CONTINUED PUBLIC HEARINGS:** None.

**PUBLIC HEARINGS**

3. Resolution Taking Action on a Conditional Use Permit for Commercial Recreation Indoor (Basketball Gym) to be Located at 1840 Wilson Avenue (Case File No. 2020-08 CUP)

Presented by Assistant Planner Chris Stanley.

Public comment received via email in opposition from Rolando Perez.

Commissioners encouraged the applicant to prioritize good air quality and air conditioning inside the building.

Applicant Justine Tate confirmed that he has read, understands, and accepts the conditions.

Motion by Dela Paz, second by Natividad to close the Public Hearing and approve a Resolution Taking Action on a Conditional Use Permit for Commercial Recreation Indoor (Basketball Gym) to be located at 1840 Wilson Avenue (Case File No. 2020-08 CUP) with the caveat that condition no. 9 be removed and the hours noted in condition no. 7 change to 7:00 a.m. to 9:00 p.m. daily.

**Motion carried by the following vote:**

**Ayes:** Flores, Dela Paz, Yamane, Sendt, Garcia, Natividad

**Abstain:** None.

**Noes:** None.

**Absent:** None.

**OTHER BUSINESS:** None.

**STAFF REPORTS:**

**Principal Planner:** Martin Reeder stated that a Transit Oriented Development Overlay virtual public workshop would occur on Tuesday, July 28<sup>th</sup> at 6:00 pm. Advised that staff was working with other departments to determine how to assist local businesses during the COVID-19 pandemic. Also, stated that a series of public workshops would soon occur for the Focus General Plan update, which focuses on mobility and housing.

**Nicole Pedone, Senior Assistant City Attorney:** None.

**COMMISSIONER REPORTS:**

**Sendt:** Reminded everyone to remain vigilant about wearing a face mask and washing their hands during this pandemic.

**Natividad:** Encouraged everyone to stay safe.

**Yamane:** Wished everyone well and to remain safe.

**Garcia:** Encouraged the public to participate in Census 2020.

**Dela Paz:** Inquired about local air quality due to the recent Navy ship fire and stated that Environmental Services was observed collecting debris from the water at Pepper Park. Commissioner Dela Paz asked if there was any concern for those using the park, fishing, or the boat launching facility as it relates to water quality. Principal Planner Martin Reeder stated that appropriate signage has been put in place and that the Port of San Diego would be responsible for these issues; he advised that he would inquire and report back.

Commissioner Dela Paz also asked if there were any plans to allow the public to participate in the live public meetings. In response, Principal Planner Martin Reeder stated that he would inquire with the City Manager's office and report back.

**Flores:** Reminded everyone to stay well and be safe. Also spoke to recent pets being killed by coyotes in the area and encouraged everyone to keep their pets indoors.

**ADJOURNMENT** by Chair Flores at 7:10 p.m. to the meeting of August 17, 2020.

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CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of October 19, 2020.



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

**PLANNING COMMISSION STAFF REPORT**

Title: PUBLIC HEARING - COASTAL DEVELOPMENT PERMIT FOR THE PROPOSED VACATION OF A PORTION OF HARRISON AVENUE BETWEEN WEST 18<sup>TH</sup> AND 19<sup>TH</sup> STREETS, AND THE WESTERLY 40 FEET OF WEST 18<sup>TH</sup> STREET NORTH OF HARRISON AVENUE IN THE COASTAL ZONE.

Case File No.: 2020-09 CDP

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Charles Keltner for Burlington Northern and Santa Fe (BNSF) Railway Company

Zoning designation: Medium Manufacturing – Coastal Zone (MM-CZ)

Adjacent land use/zoning:

North: Railroad right-of-way and heavy industrial use / MM-CZ

East: Vacant lot & outside storage / MM-CZ

South: Industrial across West 19<sup>th</sup> Street / MM-CZ

West: Industrial use across railroad right-of-way / MM-CZ

Environmental review: Exempt pursuant to CEQA, Section 15305 Minor Alterations in Land Use Limitations, Class 5. The right-of-way vacation will not result in any changes in land use.

Staff recommendation: Approve

## **BACKGROUND**

### Staff Recommendation

Staff recommends that the Planning Commission recommend approval of the Coastal Development Permit (CDP) to the City Council.

### Executive Summary

The applicant has proposed to vacate Harrison Avenue between West 18<sup>th</sup> and 19<sup>th</sup> streets, including a small portion of West 18<sup>th</sup> Street north of Harrison Avenue. These areas are paper streets (not improved). BNSF Railway Company owns the properties on either side of the street, both of which are vacant dirt areas. The portion of Harrison Avenue in question is 250 feet long by 40 feet wide. The area portion of West 18<sup>th</sup> Street is 80 feet by 40 feet. The total vacation area is 13,200 square feet.

### Site Characteristics

This section of Harrison Avenue and West 18<sup>th</sup> Streets are located west of Interstate 5 in the Medium Manufacturing (MM) zone. This area is within the Coastal Zone.

### Proposal

The applicant is requesting the vacation of a portion of Harrison Avenue (north to south), that is 250 feet long by 40 feet wide, and a portion of West 18<sup>th</sup> Street, which is 80 feet wide by 40 feet long. The total area proposed to be vacated is 13,200 square feet in size. No development is proposed. Due to security issues with unauthorized activities occurring on the properties, the applicant wishes to vacate the adjacent street in order to control access to the area.

### General Plan

A separate Street Vacation Permit is being processed as part of the proposal, as part of which the Planning Commission will be determining General Plan Consistency.

### Coastal Development Permit

The associated CDP is required per the California Coastal Commission, as a street or alley vacation is considered to be "development" as defined in the Coastal Act.

The existing right-of-way easement does not provide either (1) direct public access to the sandy beach or (2) ingress for members of the public to access a recorded easement for beach access that has been previously required by the Commission across private property as per section 30609.5 of the Coastal Act.

In addition, the easement has not been historically utilized by members of the public to access the shoreline. This is germane as the public may have acquired the prescriptive right for use of such land pursuant to the doctrine of implied dedication based on continuous public use over a five-year period. In this case, the area is far removed from any coastal access. Furthermore, the only public access to San Diego Bay is the Pepper Park area, which is over a mile away, and accessible from several other streets.

The project area is located in Subarea I of the Local Coastal Plan (LCP), roughly comprised of the area between Tidelands Avenue and Interstate 5, and between 8<sup>th</sup> and 30<sup>th</sup> Streets.

There are no LCP policies that the proposed street vacation conflicts with. Furthermore, there is only one policy related to industrial development:

*In the event that different industrial land uses are competing for available industrial land, priority shall be given to marine related industrial uses.*

There is no development proposed at this time. However, future development would require a CDP and would thus be subject to this LCP policy. Furthermore, staff has found the vacation to be consistent with several policies contained in the City's General Plan. General Plan consistency is being conducted as a separate process. Final City approval of this CDP is contingent upon completion of the associated Street Vacation application.

### Summary

The General Plan and LCP both identify the project area as suitable for industrial use, which railroad operations are considered as. The proposed vacation is consistent with two General Plan policies and does not conflict with the policies and goals of the General Plan or the LCP. Eventual approval of the vacation will allow for better security of the area and provide greater future development potential.

Options

1. Approve 2020-09 CDP subject to the conditions listed within, based on the attached findings, or findings to be determined by the Planning Commission; or
2. Deny 2020-09 CDP based on the attached finding or findings to be determined by the Planning Commission; or,
3. Continue the item to a specific date in order to obtain additional information.

**ATTACHMENTS**

1. Recommended Findings
2. Recommended Conditions of Approval
3. Site Plan
4. Notice of Exemption
5. Public Hearing Notice (sent to 3 property owners & 1 occupant)
6. Resolution



MARTIN REEDER, AICP  
Principal Planner



ARMANDO VERGARA  
Director of Community Development

**RECOMMENDED FINDINGS FOR APPROVAL**

**2020-09 CDP – Harrison Avenue vacation north of West 19<sup>th</sup> Street**

1. That granting of this Coastal Development Permit is consistent with all other City plans and ordinances, since the project complies with applicable Land Use Code requirements, and since the industrial use involved in the project is identified by the General Plan as an appropriate use in the project area. Furthermore, the vacation conforms to two General Plan policies as considered and adopted by the Planning Commission under File No. 2020-09 SC.
  
2. That the granting of this Coastal Development Permit is consistent with and implements the Certified Local Coastal Program, since the Local Coastal Plan identifies industrial businesses as permitted uses within Subarea I of the Local Coastal Plan, since the proposed street vacation does not conflict with any policies or goals of the Local Coastal Plan, and since no existing or proposed coastal access will be affected.

## RECOMMENDED CONDITIONS OF APPROVAL

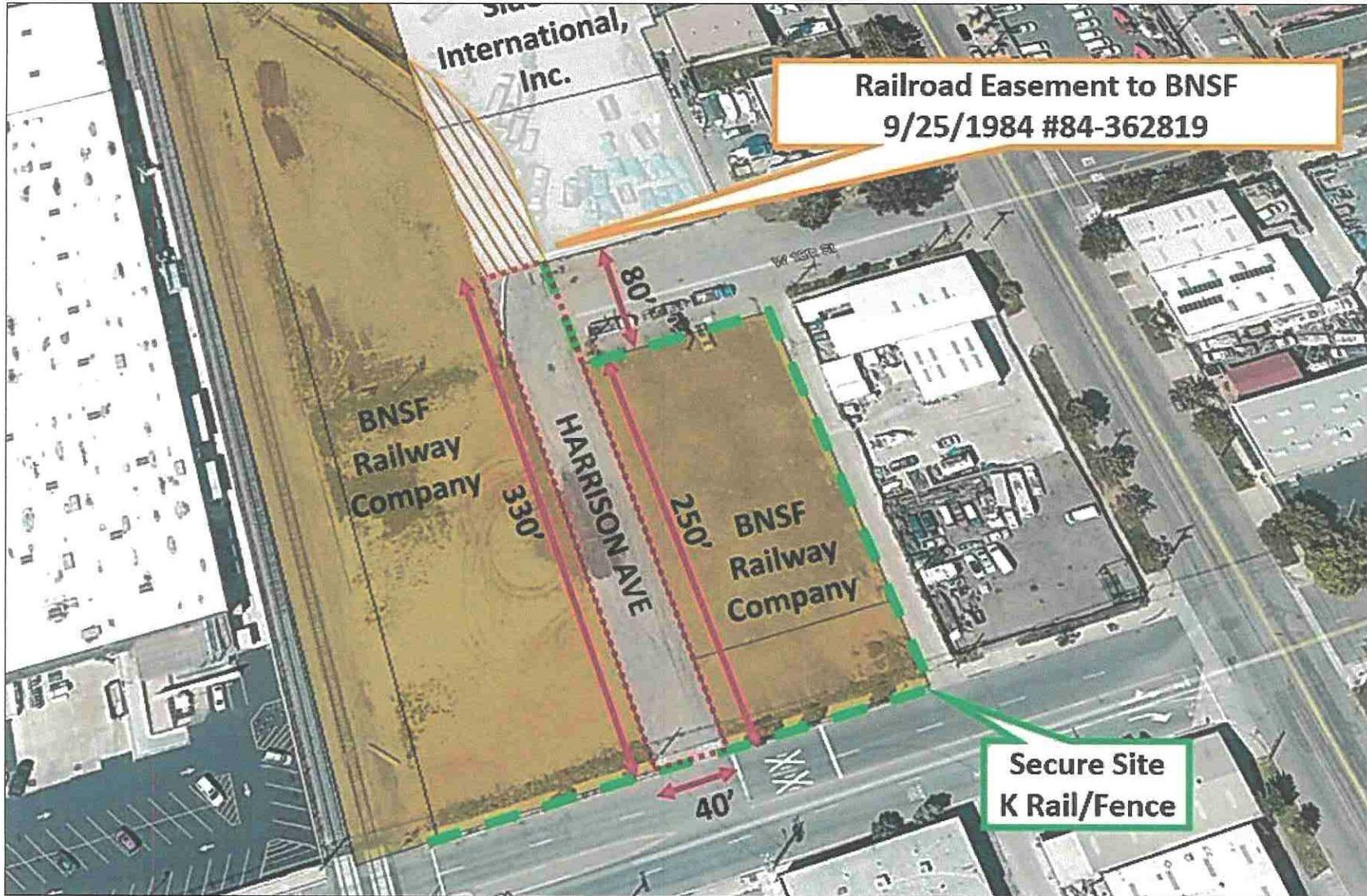
### 2020-09 CDP – Harrison Avenue vacation north of West 19<sup>th</sup> Street

1. This *Street Closure* authorizes the vacation of 40 feet by 250 feet of Harrison Avenue north of West 19<sup>th</sup> Street and the westerly 40 feet of West 18<sup>th</sup> Street directly abutting the subject segment of Harrison Avenue being vacated. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2020-09 SC dated 9/16/2020.
2. This Coastal Development Permit shall not become effective without approval of the associated Street Closure permit (2020-09 CDP).
3. *Within four (4) days* of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. The City shall reserve easements for all existing and proposed utilities located in the alley area prior to the vacation of the alley.
5. The City shall reserve easement and right-of-way for SDG&E to erect, construct, change the size of, improve, reconstruct, relocate, repair, remove, maintain and use facilities consisting of underground electric facilities, communication facilities and all appurtenances for the transmission and distribution of electricity and for pipelines and appurtenances, together with the right of ingress thereto and egress therefrom over said easement and over other practical routes. No building or other structure, including fences, shall be permitted within the easement without SDG&E's prior written consent. SDG&E's prior written consent shall be required before planting any trees or increasing/decreasing the ground elevation within the easement. The easement shall be in place prior to the vacation of the alley.
6. The City shall reserve easement and right-of-way for Pacific Bell Telephone Company dba AT&T California as it may from time to time require to construct, reconstruct and maintain (place, operate, inspect, repair, replace and remove) such aerial communications, facilities (including ingress thereto and egress therefrom) consisting of poles, anchors, guys, wires, cables, crossarms, terminals, terminal equipment cabinets, service boxes, associated electrical conductor, and necessary fixtures and appurtenances.
7. The entire roadway are being vacated and the adjacent lots shall be kept free of tall weeds and debris per National City Municipal Code section 9.12.020 – *Weeds growing or located upon public streets, sidewalks, or private property to be a public*

*nuisance pursuant to National City Municipal Code.* Approval for final sign-off shall be contingent upon final field inspection and compliance with all applicable codes and ordinances. BNSF shall call the National City Fire Department to arrange for inspection.

8. Upon the vacation of Harrison Avenue, the applicant shall be responsible for the open storm drain pipe that is located at the southern terminus of Harrison Avenue north of West 19<sup>th</sup> Street.
9. The Harrison Avenue and West 18<sup>th</sup> reversionary interest shall remain encumbered under the railroad easement granted to BNSF under County of San Diego document number 84-362819, dated 9/25/1984.

2020-09 SC – Harrison Ave. vacation north of W. 19<sup>th</sup> Street – Site Plan





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

**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

**Project Title:** 2020-09 SC, CDP

**Project Location:** Harrison Avenue between W. 18<sup>th</sup> and 19<sup>th</sup> Streets, and the westerly 40 feet of W. 18<sup>th</sup> Street north of Harrison Avenue, National City, CA 91950 in the Coastal Zone.

**Lead Agency:** City of National City

**Contact Person:** Martin Reeder

**Telephone Number:** (619) 336-4313

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

Vacation of 250 feet by 40 feet of Harrison Avenue north of West 19<sup>th</sup> Street and 80 feet by 40 feet of West 18<sup>th</sup> Street immediately abutting Harrison Avenue to the north.

**Applicant:**

Charles Keltner  
2650 Lou Menk Drive  
MOB2-392,  
Fort Worth, TX 76131-2828

**Telephone Number:**

(817) 352-6464

**Exempt Status:**

Categorical Exemption. Class 35, Section 15305 (Minor Alterations in Land Use Limitations)

**Reasons why project is exempt:**

There is no possibility that the proposed vacation will have a significant impact on the environment since the area to be vacated is an undeveloped street right-of-way that is not identified as a major road (arterial or collector) in the Circulation Element of the General Plan, and is not identified for any future street or alley extension in or near the subject area. The property is less than five acres in size and is surrounded by urban development.

Date:

\_\_\_\_\_  
MARTIN REEDER, AICP - Principal Planner



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

NOTICE OF PUBLIC HEARING

COASTAL DEVELOPMENT PERMIT FOR THE VACATION OF HARRISON AVENUE  
BETWEEN WEST 18<sup>TH</sup> AND 19<sup>TH</sup> STREETS, AND THE WESTERLY 40 FEET OF  
WEST 18<sup>TH</sup> STREET NORTH OF HARRISON AVENUE IN THE COASTAL ZONE.  
CASE FILE NO.: 2020-09 SC, CDP

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, October 19, 2020**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Charles Keltner for Burlington Northern and Santa Fe (BNSF) Railway Company)

The applicant is proposing to vacate Harrison Avenue between West 18<sup>th</sup> and 19<sup>th</sup> streets, including a small portion of West 18<sup>th</sup> Street north of Harrison Avenue. The portion of Harrison Avenue in question is 250 feet long by 40 feet wide. The portion of West 18<sup>th</sup> Street is 80 feet by 40 feet. The total vacation area is 13,200 square feet.

The time within which judicial review of the City Council action must be sought on this item is governed by Section 1094.6 of the California Government Code of Civil Procedure (CCP). The right to appeal a decision of the City Council is governed by Section 1094.5 of the CCP and Chapter 1.42 of the City of National City Municipal Code.

Plans are available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 12:00 p.m., **October 19, 2020**, 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 DIVISION

ARMANDO VERGARA  
Director of Community Development

RESOLUTION NO. 2020-08

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA,  
APPROVING A COASTAL DEVELOPMENT PERMIT FOR THE  
PROPOSED VACATION OF A PORTION OF HARRISON AVENUE  
BETWEEN WEST 18<sup>TH</sup> AND 19<sup>TH</sup> STREETS, AND THE WESTERLY 40 FEET  
OF WEST 18<sup>TH</sup> STREET NORTH OF HARRISON AVENUE IN THE COASTAL ZONE.  
APPLICANT: CHARLES KELTNER FOR BURLINGTON NORTHERN AND SANTA FE  
(BNSF) RAILWAY COMPANY  
CASE FILE NO. 2020-09 CDP

WHEREAS, the Planning Commission of the City of National City considered a Coastal Development Permit for the proposed vacation of a portion of Harrison Avenue between West 18<sup>th</sup> and 19<sup>th</sup> streets, and the westerly 40 feet of West 18<sup>th</sup> Street north of Harrison Avenue in the Coastal Zone, at a duly advertised public hearing held on October 19, 2020, 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. 2020-09 CDP 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 October 19, 2020, support the following findings:

1. That granting of this Coastal Development Permit is consistent with all other City plans and ordinances, since the project complies with applicable Land Use Code requirements, and since the industrial use involved in the project is identified by the General Plan as an appropriate use in the project area. Furthermore, the vacation conforms to two General Plan policies as considered and adopted by the Planning Commission under File No. 2020-09 SC.
2. That the granting of this Coastal Development Permit is consistent with and implements the Certified Local Coastal Program, since the Local Coastal Plan identifies industrial businesses as permitted uses within Subarea I of the Local Coastal Plan, since the proposed street vacation does not conflict with any

policies or goals of the Local Coastal Plan, and since no existing or proposed coastal access will be affected.

BE IT FURTHER RESOLVED that the application for Coastal Development Permit is approved subject to the following conditions:

1. This *Street Closure* authorizes the vacation of 40 feet by 250 feet of Harrison Avenue north of West 19<sup>th</sup> Street and the westerly 40 feet of West 18<sup>th</sup> Street directly abutting the subject segment of Harrison Avenue being vacated. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2020-09 SC dated 9/16/2020.
2. This Coastal Development Permit shall not become effective without approval of the associated Street Closure permit (2020-09 CDP).
3. *Within four (4) days* of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. The City shall reserve easements for all existing and proposed utilities located in the alley area prior to the vacation of the alley.
5. The City shall reserve easement and right-of-way for SDG&E to erect, construct, change the size of, improve, reconstruct, relocate, repair, remove, maintain and use facilities consisting of underground electric facilities, communication facilities and all appurtenances for the transmission and distribution of electricity and for pipelines and appurtenances, together with the right of ingress thereto and egress therefrom over said easement and over other practical routes. No building or other structure, including fences, shall be permitted within the easement without SDG&E's prior written consent. SDG&E's prior written consent shall be required before planting any trees or increasing/decreasing the ground elevation within the easement. The easement shall be in place prior to the vacation of the alley.
6. The City shall reserve easement and right-of-way for Pacific Bell Telephone Company dba AT&T California as it may from time to time require to construct, reconstruct and maintain (place, operate, inspect, repair, replace and remove) such aerial communications, facilities (including ingress thereto and egress therefrom) consisting of poles, anchors, guys, wires, cables, crossarms, terminals, terminal equipment cabinets, service boxes, associated electrical conductor, and necessary fixtures and appurtenances.
7. The entire roadway are being vacated and the adjacent lots shall be kept free of tall weeds and debris per National City Municipal Code section 9.12.020 – *Weeds growing or located upon public streets, sidewalks, or private property to be a public nuisance pursuant to National City Municipal Code*. Approval for final sign-off shall be contingent upon final field inspection and compliance with all applicable codes

and ordinances. BNSF shall call the National City Fire Department to arrange for inspection.

8. Storm drain the open storm drain pipe that runs under the street from the property on the south to the property on the north side of 19<sup>TH</sup> Street. The City has been maintaining this as part of Harrison Avenue, however the drain carries storm water from on BNSF property to another BNSF property. With Harrison Avenue being vacated and no public waters being carried by this drain we feel that BNSF should begin maintaining the pipe.
9. The Harrison Avenue and West 18<sup>th</sup> reversionary interest shall remain encumbered under the railroad easement granted to BNSF under County of San Diego document number 84-362819, dated 9/25/1984.

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 October 19, 2020, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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CHAIRPERSON



Item no. **7**  
October 19, 2020

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

**PLANNING COMMISSION STAFF REPORT**

Title: REVIEW OF THE PROPOSED VACATION OF A PORTION OF HARRISON AVENUE BETWEEN WEST 18<sup>TH</sup> AND 19<sup>TH</sup> STREETS, AND THE WESTERLY 40 FEET OF WEST 18<sup>TH</sup> STREET NORTH OF HARRISON AVENUE FOR CONFORMANCE WITH THE GENERAL PLAN.

Case File No.: 2020-09 SC

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Charles Keltner for Burlington Northern and Santa Fe (BNSF) Railway Company

Zoning designation: Medium Manufacturing – Coastal Zone (MM-CZ)

Adjacent land use/zoning:

- North: Railroad right-of-way and heavy industrial use / MM-CZ
- East: Vacant lot & outside storage / MM-CZ
- South: Industrial across West 19<sup>th</sup> Street / MM-CZ
- West: Industrial use across railroad right-of-way / MM-CZ

Environmental review: Exempt pursuant to CEQA, Section 15305 Minor Alterations in Land Use Limitations, Class 5. The right-of-way vacation will not result in any changes in land use.

Staff recommendation: Approve

## **BACKGROUND**

### Staff Recommendation

Staff recommends that the Planning Commission find the proposed street vacation in conformance with the General Plan and make a recommendation to the City Council that the alley be vacated.

### Executive Summary

The applicant has proposed to vacate Harrison Avenue between West 18<sup>th</sup> and 19<sup>th</sup> streets, including a small portion of West 18<sup>th</sup> Street north of Harrison Avenue. These areas are paper streets (not improved). BNSF Railway Company owns the properties on either side of the street, both of which are vacant dirt areas. Due to security issues with unauthorized activities occurring on the properties, the applicant wishes to vacate the adjacent street in order to control access to the area. The portion of Harrison Avenue in question is 250 feet long by 40 feet wide. The area portion of West 18<sup>th</sup> Street is 80 feet by 40 feet. The total vacation area is 13,200 square feet.

Adopted in January 2006, the City's Street Vacation Procedures require the City Council to initiate a request to vacate any public streets. The Council initiated the street vacation request on August 18, 2020. Pursuant to the Streets and Highways Code, Section 8313 and the Street Vacation Procedures, the Planning Commission must determine whether a proposed vacation conforms to the General Plan and forward the recommendation to the City Council.

### Site Characteristics

The segment of street proposed to be vacated is considered a "paper street", which is generally undeveloped land, but shown as street right-of-way on an Assessor's Parcel Map. The subject portion of street bifurcates two vacant and undeveloped properties owned by the BNSF Railway Company. The railroad right-of-way itself is located further to the west.

### Proposal

The applicant is requesting the vacation of a portion of Harrison Avenue (north to south), that is 250 feet long by 40 feet wide, and a portion of West 18<sup>th</sup> Street, which is 80 feet wide by 40 feet long. The total area proposed to be vacated is 13,200 square feet in size. If vacated, Harrison Avenue in this location would revert to the underlying ownership of BNSF, along with the southerly 40 feet of the West 18<sup>th</sup> Street segment.

The northerly 40 feet of West 18<sup>th</sup> Street would revert to the property owner to the north (Sidek International Inc.), although this area would likely be covered under an existing access easement for the benefit of BNSF. No development is proposed. The area would remain in its current condition and be controlled with regard to access. There have been security issues related to unauthorized activities occurring on the properties (dumping, RV parking, etc.), which have created code enforcement issues. The area has generally been used for interim storage of railroad construction/maintenance materials, which is a permitted use for the area.

Because the property is in the Coastal Zone, the application also includes a Coastal Development Permit, which is discussed in a separate staff report. Vacation of the subject rights-of-way will not be approved without approval of the Coastal Development Permit.

#### Analysis

The street segment proposed to be vacated is an undeveloped “paper street” and is not designated as a road or street in the Circulation Element of the General Plan. The “paper street” is not used for any form of motorized or non-motorized access. In addition, there is no connection for Harrison Avenue north or south of the segment and West 18<sup>th</sup> Street is a dead-end in this location. No property access is gained from the area to be vacated.

There are two public utilities that have facilities in or adjacent to the area proposed to be vacated (SDG&E and AT&T). In addition, there is public drainage pipe that is located in the current Harrison Avenue right-of-way at the terminus with West 19<sup>th</sup> Street. However, there is no City maintenance easement. After vacation the pipe would be on private property; therefore, future maintenance would be the responsibility of the property owner. As such, conditions have been included that will:

1. Reserve an easement for SDG&E for access and maintenance to their existing facilities.
2. Reserve an easement for AT&T for access and maintenance to their existing facilities.
3. Reserve a general utility easement for any other potential utilities existing in the area to be vacated.
4. Transfer maintenance responsibility of the drainage pipe to BNSF.

These reservations and responsibilities will be in place before the order to vacate and would thus be guaranteed once the street right-of-way is vacated.

#### General Plan Conformance

The street segment proposed to be vacated is an undeveloped “paper street” and is not designated as a road or street in the Circulation Element of the General Plan.

Vacating the street in this location would resolve an ongoing code enforcement issue and create a more comprehensive area for potential future development. While not proposed at this time, future development would be consistent with General Plan policies related to Goal LU-7: The efficient use of land and infrastructure, specifically, the following policies:

- **Policy LU-7.1:** Establish incentives to promote the use and development of vacant infill parcels and the intensification of land uses on underutilized parcels to realize the greatest benefit to the community.
- **Policy LU-7.6:** Support the strategic conversion of certain sections of streets into developable land only where the conversion positively contributes to the redevelopment and revitalization of the area, improves traffic safety, and does not impede emergency access.

This is important because the City has no additional zoned areas for future industrial development. Vacant parcels, underutilized parcels, and existing vacant buildings are the most logical locations to direct future development.

#### Summary

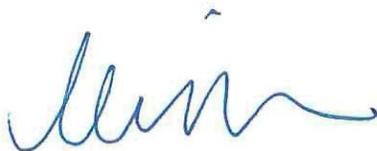
The General Plan Circulation Element does not identify the area as a road or street. The proposed street vacation does not conflict with the policies and goals of the General Plan. Furthermore, the vacation would resolve an ongoing code enforcement issue and provide opportunities for future industrial development.

Options

1. Determine that the street vacation as described on the attached plans is in compliance with the National City General Plan, since the portion of right-of-way to be vacated does not serve to provide any motorized or non-motorized access that will not otherwise be maintained. In addition, this portion of Harrison Avenue and West 18<sup>th</sup> Street is not identified as a road or street in the Circulation Element of the General Plan; or,
2. Determine that the street vacation as described on the attached plans is not in compliance with the National City General Plan, based on Findings to be determined by the Planning Commission.

**ATTACHMENTS**

1. Recommended Findings
2. Recommended Conditions of Approval
3. Site Plan
4. Site photos
5. Notice of Exemption
6. Resolution



MARTIN REEDER, AICP  
Principal Planner



ARMANDO VERGARA  
Director of Community Development

**RECOMMENDED FINDINGS FOR APPROVAL**

**2020-09 SC – Harrison Avenue vacation north of West 19<sup>th</sup> Street**

1. That the street vacation as described on the attached plans is in compliance with the National City General Plan, since the portion of right-of-way to be vacated does not serve to provide any motorized or non-motorized access that will not otherwise be maintained.
2. That this portion of Harrison Avenue and West 18<sup>th</sup> Street is not identified as a road or street in the Circulation Element of the General Plan.

## RECOMMENDED CONDITIONS OF APPROVAL

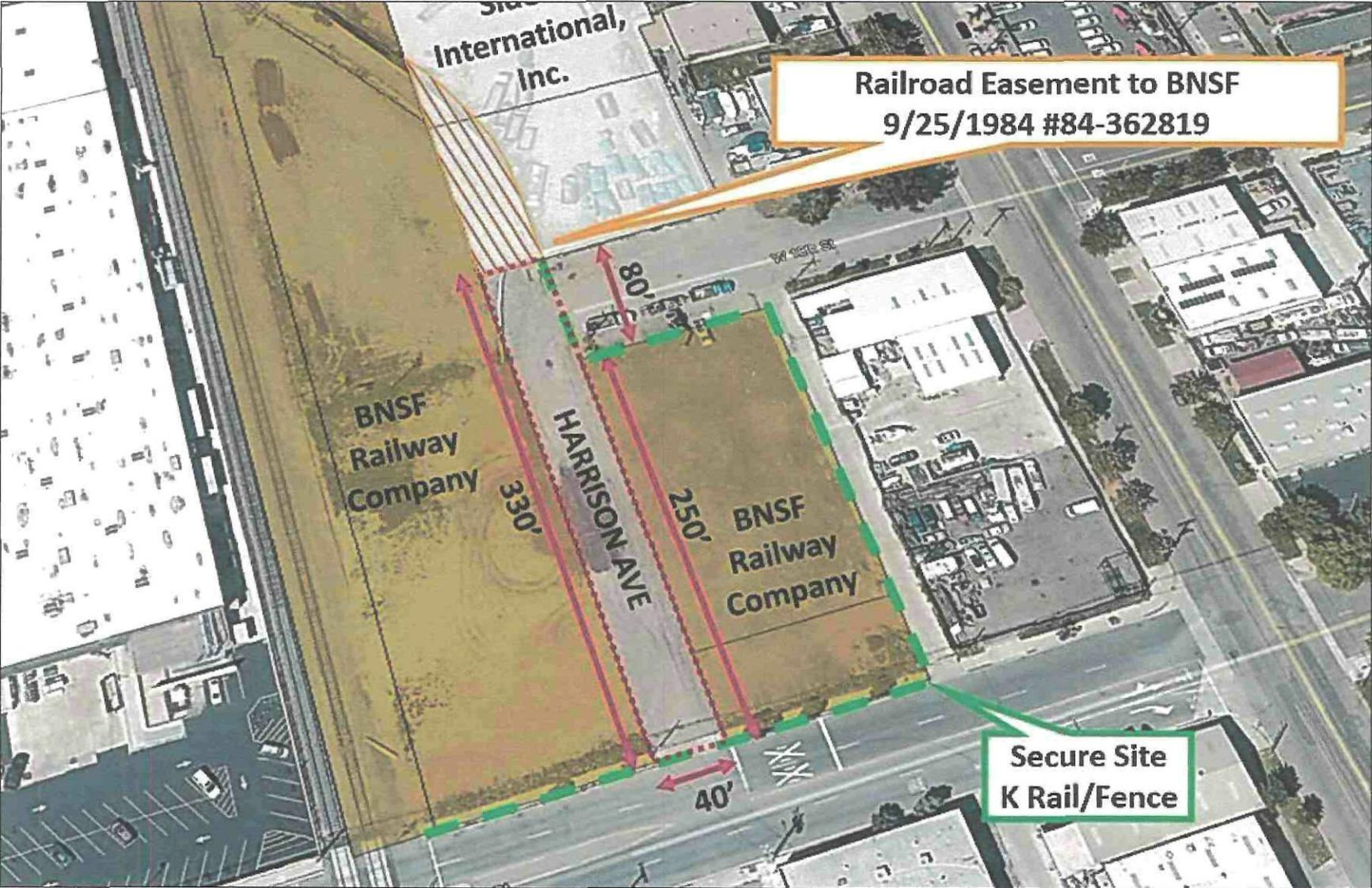
### 2020-09 SC – Harrison Avenue vacation north of West 19<sup>th</sup> Street

1. This *Street Closure* authorizes the vacation of 40 feet by 250 feet of Harrison Avenue north of West 19<sup>th</sup> Street and the westerly 40 feet of West 18<sup>th</sup> Street directly abutting the subject segment of Harrison Avenue being vacated. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2020-09 SC dated 9/16/2020.
2. This Street Closure shall not become effective without approval of Coastal Development Permit 2020-09 CDP.
3. *Within four (4) days* of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. The City shall reserve easements for all existing and proposed utilities located in the alley area prior to the vacation of the alley.
5. The City shall reserve easement and right-of-way for SDG&E to erect, construct, change the size of, improve, reconstruct, relocate, repair, remove, maintain and use facilities consisting of underground electric facilities, communication facilities and all appurtenances for the transmission and distribution of electricity and for pipelines and appurtenances, together with the right of ingress thereto and egress therefrom over said easement and over other practical routes. No building or other structure, including fences, shall be permitted within the easement without SDG&E's prior written consent. SDG&E's prior written consent shall be required before planting any trees or increasing/decreasing the ground elevation within the easement. The easement shall be in place prior to the vacation of the alley.
6. The City shall reserve easement and right-of-way for Pacific Bell Telephone Company dba AT&T California as it may from time to time require to construct, reconstruct and maintain (place, operate, inspect, repair, replace and remove) such aerial communications, facilities (including ingress thereto and egress therefrom) consisting of poles, anchors, guys, wires, cables, crossarms, terminals, terminal equipment cabinets, service boxes, associated electrical conductor, and necessary fixtures and appurtenances.
7. The entire roadway are being vacated and the adjacent lots shall be kept free of tall weeds and debris per National City Municipal Code section 9.12.020 – *Weeds growing or located upon public streets, sidewalks, or private property to be a public*

*nuisance pursuant to National City Municipal Code.* Approval for final sign-off shall be contingent upon final field inspection and compliance with all applicable codes and ordinances. BNSF shall call the National City Fire Department to arrange for inspection.

8. Upon the vacation of Harrison Avenue, the applicant shall be responsible for the open storm drain pipe that is located at the southern terminus of Harrison Avenue north of West 19<sup>th</sup> Street.
9. The Harrison Avenue and West 18<sup>th</sup> reversionary interest shall remain encumbered under the railroad easement granted to BNSF under County of San Diego document number 84-362819, dated 9/25/1984.

2020-09 SC – Harrison Ave. vacation north of W. 19<sup>th</sup> Street – Site Plan



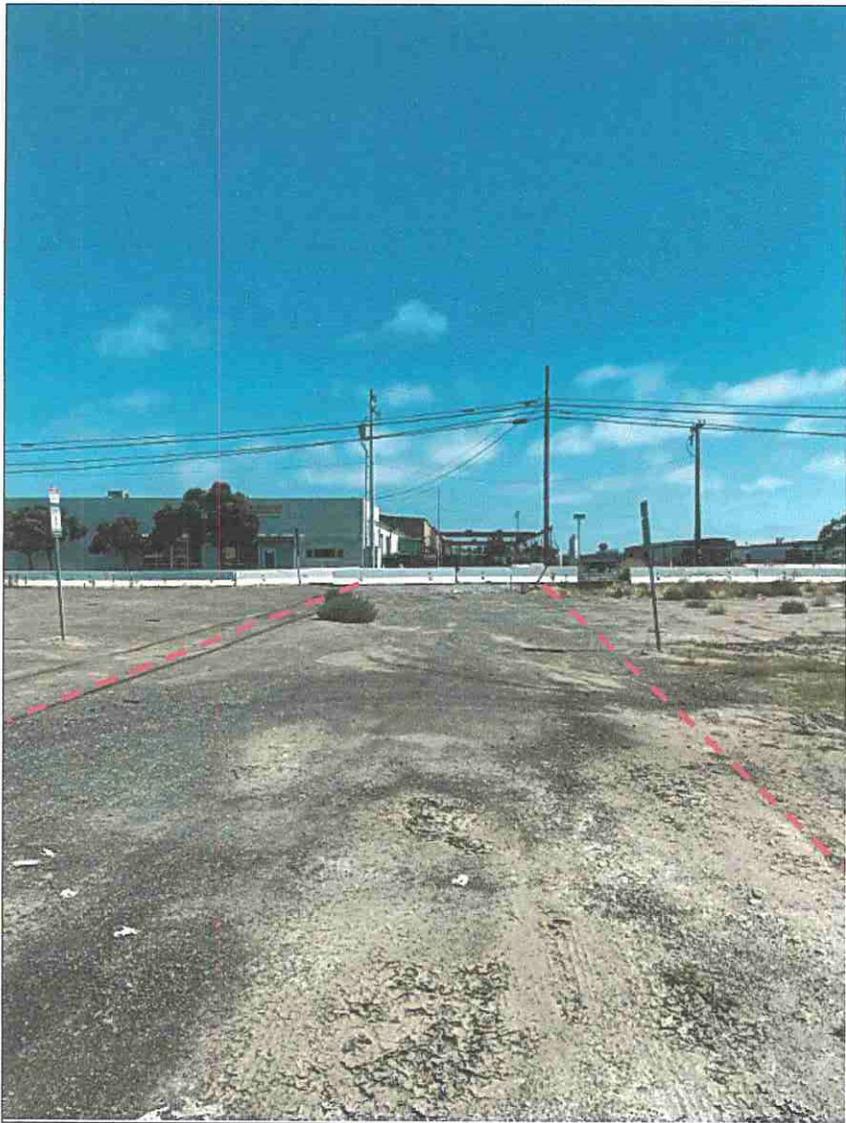
2020-09 SC –Harrison Ave. between West 18<sup>th</sup> and 19<sup>th</sup> Streets /  
and westerly 40 feet of West 18<sup>th</sup> Street north of Harrison Avenue.



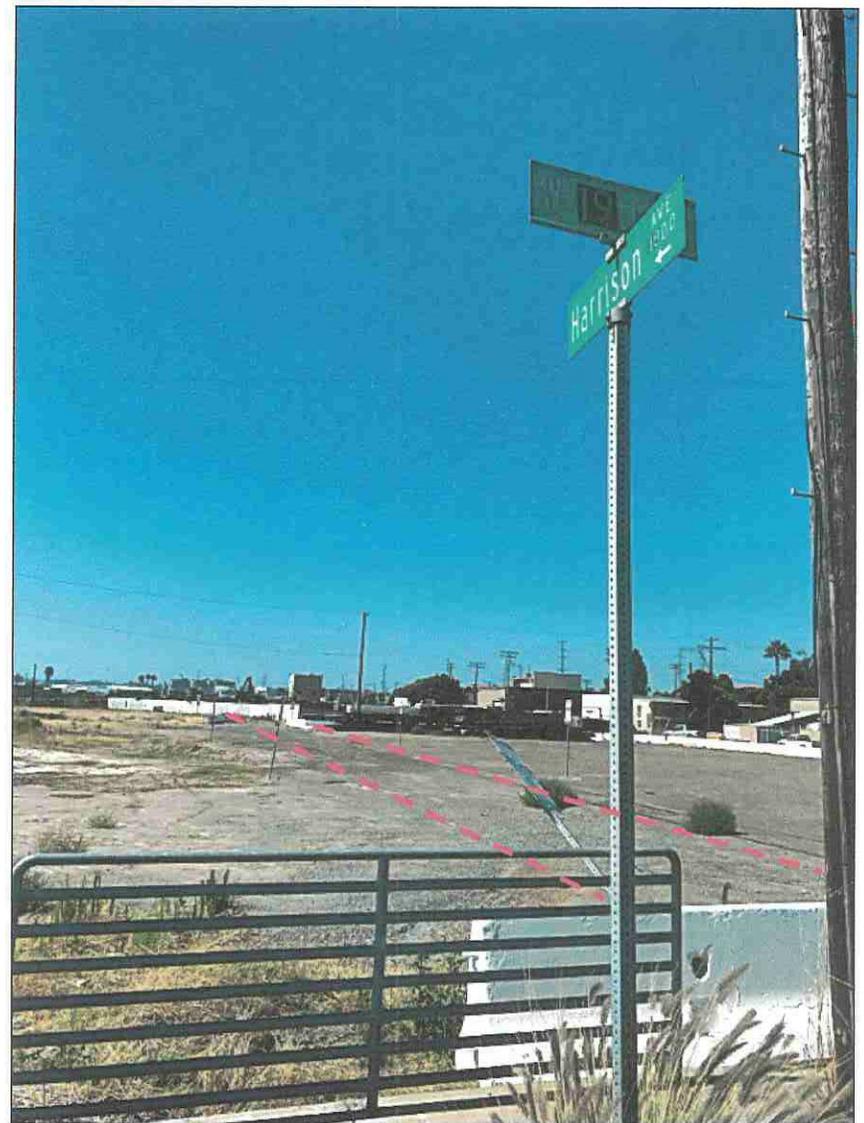
Harrison Ave. looking south from W. 18<sup>th</sup> Street



W. 18<sup>th</sup> Street looking north from Harrison Street



Harrison Avenue looking south



Harrison Avenue looking north from W. 19<sup>th</sup> Street



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

**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

**Project Title:** 2020-09 SC, CDP

**Project Location:** Harrison Avenue between W. 18<sup>th</sup> and 19<sup>th</sup> Streets, and the westerly 40 feet of W. 18<sup>th</sup> Street north of Harrison Avenue, National City, CA 91950 in the Coastal Zone.

**Lead Agency:** City of National City

**Contact Person:** Martin Reeder

**Telephone Number:** (619) 336-4313

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

Vacation of 250 feet by 40 feet of Harrison Avenue north of West 19<sup>th</sup> Street and 80 feet by 40 feet of West 18<sup>th</sup> Street immediately abutting Harrison Avenue to the north.

**Applicant:**

Charles Keltner  
2650 Lou Menk Drive  
MOB2-392,  
Fort Worth, TX 76131-2828

**Telephone Number:**

(817) 352-6464

**Exempt Status:**

Categorical Exemption. Class 35, Section 15305 (Minor Alterations in Land Use Limitations)

**Reasons why project is exempt:**

There is no possibility that the proposed vacation will have a significant impact on the environment since the area to be vacated is an undeveloped street right-of-way that is not identified as a major road (arterial or collector) in the Circulation Element of the General Plan, and is not identified for any future street or alley extension in or near the subject area. The property is less than five acres in size and is surrounded by urban development.

Date:

\_\_\_\_\_  
MARTIN REEDER, AICP - Principal Planner

RESOLUTION NO. 2020-09

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF NATIONAL CITY, CALIFORNIA,  
FINDING THE VACATION OF A PORTION OF HARRISON AVENUE  
BETWEEN WEST 18<sup>TH</sup> AND 19<sup>TH</sup> STREETS, AND THE WESTERLY 40 FEET  
OF WEST 18<sup>TH</sup> STREET NORTH OF HARRISON AVENUE  
FOR CONFORMANCE WITH THE GENERAL PLAN.

APPLICANT: CHARLES KELTNER FOR BURLINGTON NORTHERN AND SANTA FE  
(BNSF) RAILWAY COMPANY  
CASE FILE NO. 2020-09 SC

WHEREAS, the Planning Commission of the City of National City considered the vacation of a portion of Harrison Avenue between West 18<sup>th</sup> and 19<sup>th</sup> streets, and the westerly 40 feet of West 18<sup>th</sup> Street north of Harrison Avenue for conformance with the General Plan at a hearing held on October 19, 2020, at which time oral and documentary evidence was presented; and,

WHEREAS, at said hearing the Planning Commission considered the staff report contained in Case File No. 2020-09 SC 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 October 19, 2020, support the following findings:

1. That the street vacation as described on the attached plans is in compliance with the National City General Plan, since the portion of right-of-way to be vacated does not serve to provide any motorized or non-motorized access that will not otherwise be maintained.
2. That this portion of Harrison Avenue and West 18<sup>th</sup> Street is not identified as a road or street in the Circulation Element of the General Plan.

BE IT FURTHER RESOLVED that the application for Street Vacation, if approved, is subject to the following conditions:

1. This *Street Closure* authorizes the vacation of 40 feet by 250 feet of Harrison Avenue north of West 19<sup>th</sup> Street and the westerly 40 feet of West 18<sup>th</sup> Street directly abutting the subject segment of Harrison Avenue being vacated. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2020-09 SC dated 9/16/2020.
2. This Street Closure shall not become effective without approval of Coastal Development Permit 2020-09 CDP.
3. *Within four (4) days* of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. The City shall reserve easements for all existing and proposed utilities located in the alley area prior to the vacation of the alley.
5. The City shall reserve easement and right-of-way for SDG&E to erect, construct, change the size of, improve, reconstruct, relocate, repair, remove, maintain and use facilities consisting of underground electric facilities, communication facilities and all appurtenances for the transmission and distribution of electricity and for pipelines and appurtenances, together with the right of ingress thereto and egress therefrom over said easement and over other practical routes. No building or other structure, including fences, shall be permitted within the easement without SDG&E's prior written consent. SDG&E's prior written consent shall be required before planting any trees or increasing/decreasing the ground elevation within the easement. The easement shall be in place prior to the vacation of the alley.
6. The City shall reserve easement and right-of-way for Pacific Bell Telephone Company dba AT&T California as it may from time to time require to construct, reconstruct and maintain (place, operate, inspect, repair, replace and remove) such aerial communications, facilities (including ingress thereto and egress therefrom) consisting of poles, anchors, guys, wires, cables, crossarms, terminals, terminal equipment cabinets, service boxes, associated electrical conductor, and necessary fixtures and appurtenances.
7. The entire roadway are being vacated and the adjacent lots shall be kept free of tall weeds and debris per National City Municipal Code section 9.12.020 – *Weeds growing or located upon public streets, sidewalks, or private property to be a public nuisance pursuant to National City Municipal Code*. Approval for final sign-off shall be contingent upon final field inspection and compliance with all applicable codes

and ordinances. BNSF shall call the National City Fire Department to arrange for inspection.

8. Upon the vacation of Harrison Avenue, the applicant shall be responsible for the open storm drain pipe that is located at the southern terminus of Harrison Avenue north of West 19<sup>th</sup> Street.
9. The Harrison Avenue and West 18<sup>th</sup> reversionary interest shall remain encumbered under the railroad easement granted to BNSF under County of San Diego document number 84-362819, dated 9/25/1984.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the Planning Commission finds the proposed Street Vacation in conformance with the National City General Plan.

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 October 19, 2020 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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CHAIRPERSON