



AGENDA REPORT

Department: Planning
Prepared by: Martin Reeder, AICP – Planning Manager
Meeting Date: Tuesday, January 16, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Introduction and First Reading of an Ordinance Amending Section 18.060.10 of Title 18 (Zoning) of the National City Municipal Code Related to the Measurement of Height for New Structures.

RECOMMENDATION:

Introduce the Ordinance by First Reading, entitled, “Ordinance of the City Council of the City of National City, California, Amending Section 18.10.060 of Title 18 (Zoning) of the National City Municipal Code Related to the Measurement of Height for New Structures.”

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

The Planning Commission recommended adoption of the Ordinance.

Background

Section 18.10.060 of the Land Use Code (Zoning Ordinance) regulates “Rules of Measurement.” This includes how to calculate fractions (e.g. for parking spaces), distance, height, lot width and depth, and floor area (among others). Subsection (E) deals specifically with measuring height.

Generally, height is defined as “the vertical distance from the highest point of any structure to the ground level directly below.” For sloped lots, this measurement is taken from any point along the perimeter walls. On lots with significant slopes, this definition results in the need to “step” buildings. This form of construction is significantly more expensive to produce and prevents medium-sized lots with an irregular shape or significant topography from developing to a reasonable potential, thus stymying mixed-use or residential development in certain cases. While the Zone Variance process would traditionally cover this scenario (hardship based on the size, shape, or topography of the lot), using the average grade definition would allow more projects without the need for this extra discretionary step, thus allowing for more affordable housing units to be constructed.

Proposal

Rather than a strict measurement from the highest portion of a building at any point along its perimeter, staff is suggesting using an “average grade” measurement, which allows the measurement to be taken from the average grade, rather than the point opposite the tallest point of the building, as is the case currently.

In the case of a regularly shaped lot with little topography, there will likely be no change to the current standards. However, with the incentives now granted by the state, including limitations on minimum parking requirements, lots previously not economically feasible to develop can now be developed, such as those of irregular shape and/or those with significant slopes.

The pertinent portions of Section 18.10.060 (E) currently read as follows:

E. Measuring Height.

1. General. Height shall be considered the vertical distance from the highest point of any structure to the ground level directly below, except as otherwise provided in this section.
2. Measuring Building Height on Sloped Lots. Height shall be measured from any point on top of the building to a line directly below which connects to opposite perimeter walls, or other perimeter support systems, at the lower of natural or finished grade. All parts of a building, except for allowed projections specifically listed in this Land Use Code, shall comply with maximum height limits.

Staff is suggesting the following changes:

E. Measuring Height.

1. General. Height shall be considered the vertical distance from the highest point of any structure to the ground level directly below, except as otherwise provided in this section. **On sloped lots, the height shall be measured from the average grade to the tallest point of the structure.**
2. ~~Measuring Building Height on Sloped Lots. Height shall be measured from any point on top of the building to a line directly below which connects to opposite perimeter walls, or other perimeter support systems, at the lower of natural or finished grade. All parts of a building, except for allowed projections specifically listed in this Land Use Code, shall comply with maximum height limits.~~

Analysis

At the time this Land Use Code section was written, no mixed-use zoning was in place and larger developments were less of an occurrence. With the advent of the City's mixed-use zones and the increase in higher-density and affordable housing projects, this code section has proved more challenging in the current development climate and has, at times, been onerous and inflexible. In addition to development pressures resulting from increased flexibility at the state level, the forthcoming Focused General Plan Update and House National City program will likely exacerbate this condition in the coming years.

Planning Commission

The Planning Commission held a public hearing on the proposed Code Amendment and recommended approval of the Ordinance to the City Council.

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 proposal to amend Section 18.10.060 (E) is consistent with the General Plan in that it increases the likelihood of development of in-fill lots with topographical challenges, which will increase the City's housing stock and potentially reduce living/ownership costs for the residents of the units. Access to quality and/or affordable housing is a goal of the Housing Element, which is part of the General Plan.

California Environmental Quality Act (CEQA) Compliance

The ordinance being proposed is considered exempt from CEQA because it is not a project as defined in Section 15378. No increase in density or additional permissions will be granted and there would therefore be no potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Summary and next steps

Staff is recommending an addition to the City's Municipal Code related to measuring height and recommends that the City Council approve the amendment. The Planning Commission voted unanimously to recommend approval of the amendment to the City Council. Notice of this public hearing was published in the Star News.

FINANCIAL STATEMENT:

Not Applicable

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Housing and Community Development

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review. CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

First Reading

EXHIBITS:

Exhibit A – Strikethrough/underline version

Exhibit B – Ordinance