



Agenda of the Planning Commission

Meeting of September 20, 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 <https://www.nationalcityca.gov/webcast>

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

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

If the comment is not related to a specific agenda item, AGENDA OF A REGULAR MEETING - NATIONAL CITY PLANNING COMMISSION ONLINE ONLY MEETING <https://www.nationalcityca.gov/webcast> LIVE WEBCAST COUNCIL CHAMBERS CIVIC CENTER 1243 NATIONAL CITY BOULEVARD NATIONAL CITY, CALIFORNIA indicate General Public Comment in the subject line. All email comments received by 4:00 p.m. on the day of the meeting will be read into the record at the Planning Commission meeting and retained as part of the official record. All comments will be available on the City website within 48 hours following the meeting.

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

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

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

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

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the Planning Department at (619) 336-4310 to request a disability-related modification or accommodation. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Welcome to the National City 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 Yamane

Approval of Minutes

1. Approval of Minutes from the Meeting of August 16, 2021

Approval of Agenda

2. Approval of the Agenda for the Meeting of September 20, 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 Conditional Use Permit for the Addition of Off-Site Distilled Spirits Sales (Type 21) and Modification of Alcohol Display Area at an Existing Beer and Wine-Licensed Convenience Store (Kegs & Beer) located at 1811 'L' Avenue (Case File No. 2021-06 CUP)
4. Resolution Taking Action on a Conditional Use Permit for Beer and Wine Sales at a New Restaurant (Hero's) located at 801 National City Boulevard, Suite 105 (Case File No. 2021-20 CUP)

OTHER BUSINESS

STAFF REPORTS

Deputy City Attorney

Director of Community Development

Principal Planner

Commissioners

Chairperson

ADJOURNMENT

Adjournment to the regularly scheduled meeting on October 4, 2021 at 6:00 p.m.



Planning Commission Minutes

Planning Commission Meeting
Meeting of August 16, 2021
ONLINE ONLY MEETING - LIVE WEBCAST
<https://www.nationalcityca.gov/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 6:00 p.m.

Roll Call

Pledge of Allegiance by Commissioner Sendt

Commissioners Present: Dela Paz, Yamane, Valenzuela, Roman, Sendt

Commissioners Absent: Natividad, Sanchez

Staff Also Present: Deputy City Attorney Jennifer Gilman, Principal Planner Martin Reeder, Associate Planner David Welch, City Attorney Charles E. Bell, Jr., Deputy City Attorney Gabriela Torres

1. Approval of Minutes from the Meeting of July 19, 2021

Motion by Yamane, second by Sendt to approve the Minutes for the Meeting of July 19, 2021.

Motion carried by the following vote:

Ayes: Dela Paz, Yamane, Valenzuela, Roman, Sendt

Abstain: None.

Noes: None.

Absent: Natividad, Sanchez

Motion approved.

2. Approval of the Agenda for the Meeting on August 16, 2021.

Motion by Yamane, second by Sendt to approve the Agenda for the Meeting on August 16, 2021.

Ayes: Dela Paz, Yamane, Valenzuela, Roman, Sendt

Abstain: None.

Noes: None.

Absent: Natividad, Sanchez

Motion approved.

ORAL COMMUNICATION: None.

PRESENTATIONS:

3. Welcome and Introductions – City Attorney’s Office

City Attorney Charles E. Bell, Jr. introduced himself and his team and encouraged the Commissioners to contact anyone on his team for assistance as needed. Deputy City Attorney Gabriela Torres introduced herself and spoke to her background. Deputy City Attorney Jennifer Gilman thanked the team and the Commissioners for the opportunity to advise them during Planning Commission meetings.

CONTINUED PUBLIC HEARINGS: None.

PUBLIC HEARINGS:

4. Resolution Taking Action on a Conditional Use Permit for the Addition of Live Entertainment and Expansion of Approved Operating Hours for Alcohol Sales at an Existing Restaurant (Gerry’s Grill) located at 3030 Plaza Bonita Road, Suite 2510 (Case File No. 2021-12 CUP)

Presented by Principal Planner Martin Reeder utilizing a PowerPoint presentation.

Applicant Michael Avancena and Steve Rawlings, representing the applicant, were present.

Steve Rawlings confirmed that he had read, understands, and accepts the conditions.

Principal Planner Martin Reeder advised that the Conditions of Approval listed as an attachment within the agenda packet were incorrect. He clarified that

the correct recommended Conditions of Approval were those included on the Resolution included in the agenda packet.

Chair Dela Paz inquired if a representative from the Police Dept. was invited to attend the meeting to answer possible questions from the Commissioners. In response, Mr. Reeder stated that he would recommend attendance for the next meeting.

No public comment was received.

Motion by Roman, second by Yamane to **approve** the Resolution Taking Action on a Conditional Use Permit for the Addition of Live Entertainment and Expansion of Approved Operating Hours for Alcohol Sales at an Existing Restaurant (Gerry's Grill) located at 3030 Plaza Bonita Road, Suite 2510 with the revised condition that the hours of operation on Fridays and Saturdays be extended to 12:00 a.m. and the additional condition that licensed Security Guards are on-site when live entertainment is provided. (Case File No. 2021-12 CUP)

Motion carried by the following vote:

Ayes: Dela Paz, Yamane, Valenzuela, Roman, Sendt

Abstain: None.

Noes: None.

Absent: Natividad, Sanchez

Motion approved.

5. Resolution Taking Action on a Code Amendment Amending Sections 18.20.020 (Zone Classifications), 18.21.040 (Development Standards Residential Zones), 18.21.050 (Second Units), 18.45 (Off-Street Parking And Loading), and 18.50 (Glossary), and Addition of Sections 18.30.380 and 18.30.390 of Title 18 (Zoning) of the National City Municipal Code Related to Accessory Dwelling Units and Junior Accessory Dwelling Units (Case File No. 2021-18A)

Presented by Associate Planner David Welch utilizing a PowerPoint presentation.

No public comment was received.

Motion by Yamane, second by Roman to close the Public Hearing and **approve** a Resolution Taking Action on a Code Amendment Amending Sections 18.20.020 (Zone Classifications), 18.21.040 (Development Standards Residential Zones), 18.21.050 (Second Units), 18.45 (Off-Street Parking And Loading), and 18.50 (Glossary), and Addition of Sections 18.30.380 and 18.30.390 of Title 18 (Zoning) of the National City Municipal Code Related to Accessory Dwelling Units and Junior Accessory Dwelling Units (Case File No. 2021-18A)

Motion carried by the following vote:

Ayes: Dela Paz, Yamane, Valenzuela, Roman, Sendt

Abstain: None.

Noes: None.

Absent: Natividad, Sanchez

Motion approved.

Correction to Agenda Item No. 4:

As it related to Agenda Item #4 – It was noted that the Public Hearing was not closed during the making of the motion. At the direction of Deputy City Attorney Jennifer Gilman, the vote was taken once again to include the closing of the Public Hearing.

Motion by Roman, second by Yamane to close the Public Hearing and **approve** the Resolution Taking Action on a Conditional Use Permit for the Addition of Live Entertainment and Expansion of Approved Operating Hours for Alcohol Sales at an Existing Restaurant (Gerry's Grill) located at 3030 Plaza Bonita Road, Suite 2510 with the revised condition that the hours of operation on Fridays and Saturdays be extended to 12:00 a.m. and the additional condition that licensed Security Guards are on-site when live entertainment is provided. (Case File No. 2021-12 CUP)

Motion carried by the following vote:

Ayes: Dela Paz, Yamane, Valenzuela, Roman, Sendt

Abstain: None.

Noes: None.

Absent: Natividad, Sanchez

Motion approved.

OTHER BUSINESS: None.

STAFF REPORTS:

Deputy City Attorney: None.

Director of Community Development: Absent.

Principal Planner: None.

COMMISSIONER REPORTS:

Chair Dela Paz expressed her gratitude that the Planning Commission meetings would still occur remotely via Zoom.

There were no other reports.

ADJOURNMENT by Chair Dela Paz at 7:13 p.m. to the meeting of September 20, 2021.

CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of September 20, 2021.



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR THE ADDITION OF OFF-SITE DISTILLED SPIRITS SALES (TYPE 21) AND MODIFICATION OF ALCOHOL DISPLAY AREA AT AN EXISTING BEER AND WINE-LICENSED CONVENIENCE STORE (KEGS & BEER) LOCATED AT 1811 'L' AVENUE.

Case File No.: 2021-06 CUP

Location: Southeast corner of East 18th Street and 'L' Avenue

Assessor's Parcel Nos.: 561-210-32

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Jose A. Perez

Zoning designation: MXC-1 (Minor Mixed-Use Corridor)

Adjacent use and zoning:

- North: Residential across East 18th Street / MXC-1
- East: Multi-Family Residential/ MXC-1
- South: Single-Family Residential / RM-2 (Multi-Unit Res.)
- West: Church across 'L' Avenue / MXC-1

Environmental review: Not a project per California Environmental Quality Act (CEQA) as defined in Section 15378

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of the request for the addition of distilled spirits, subject to the attached recommended conditions. The sale of alcohol is a conditionally-allowed use in the Minor Mixed-Use Corridor zone and would be accessory to the primary market use.

Executive Summary

The operator of the existing convenience store (Kegs & Beer) is requesting an amendment to their Conditional Use Permit (CUP) for beer and wine sales that would allow the sale of distilled spirits for off-site consumption. No change to the operating hours of the store are proposed.

Site Characteristics

The project location is Kegs & Beer, a neighborhood market in a small shopping center at the southeast corner of East 18th Street and 'L' Avenue in the Minor Mixed-Use Corridor (MXC-1) zone. The existing market is approximately 1,200 square feet in size. Other businesses in the center include a Laundromat and a vacant suite. The area is mostly adjacent to residential uses, with a church across 'L' Avenue.

Kegs & Beer has been in business since 2018. The previous business was El Super, also a neighborhood market, which was approved for a CUP in 2013 to sell beer and wine. The current business is operating under the same CUP.

Proposed Use

The applicant obtained the right to a California Liquor License via the Annual Lottery conducted by the Department of Alcoholic Beverage Control (ABC). However, a CUP is still required prior to the license being issued by ABC. The applicant wishes to sell distilled spirits, which would be stored in a display cabinet behind the front sales counter. Existing alcohol sales hours are 9:00 a.m. to 10:00 p.m. daily. No changes to sales hours are being proposed. The distilled spirits would be added to the existing beer and wine license.

Analysis

Section 18.30.050 of the Land Use Code allows for on-site alcohol sales with an approved CUP. Additional requirements for alcohol CUPs include expanded notification, a community meeting, and distance requirements. The same is required for modification of an existing CUP.

Mailing – All property owners and occupants within a distance of 660 feet are required to be notified of a public hearing for alcohol-related CUP applications. Notice of this public hearing was sent to 589 occupants and owners.

Community Meeting - Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held Wednesday, July 28, 2021 at 5:00 p.m. at the subject market. The meeting advertisement is attached (Attachment 8); two residents were in attendance and had general questions about the request. The applicant stated that the same 589 occupants and owners that were notified of the Planning Commission meeting were notified of the community meeting.

Distance Requirements - Chapter 18.030.050 (D) requires that businesses that sell alcohol as a principal use maintain a 660-foot distance from schools. However, sales of alcohol in this case would be accessory to a market, and would thus not be subject to this requirement. Although there is a church across the street, the Land Use Code does not mention churches with regard to distance requirements. The nearest school is Las Palmas Elementary School, located approximately 1,900 feet away.

Alcohol Sales Concentration/Location

Per ABC, there are currently two off-sale permits issued in this census tract (121.01); one is the existing market and the other is El Super (supermarket) located at 3007 Highland Avenue almost a mile away. The nearest off-sale outlet is 7-Eleven, located at 1601 East 18th Street (in Census Tract 220), approximately a ¼-mile away.

Census tract 121.01 includes the area of the City between East 18th Street and East 32nd Street. The eastern boundary of the tract is the golf course. The western boundary is 'L' Avenue, extending to "J" Avenue south of East 24th Street, extending to Highland Avenue south of East 30th Street. The attached census tract map shows the location of the subject tract. ABC recommends that a total of one off-sale alcohol permit be issued in this census tract, where two exists. Approval of this CUP would not result in an increase of ABC licenses.

Police Department (PD)

PD provided a Risk Assessment report, which assigns points based on the type of business, license concentration, and calls for service (among others) and ranks the business according to potential risk (low, medium, or high).

In this case, Kegs & Beer received a score of 15, which would indicate a medium risk. Medium risk is considered 13 to 18 points.

Institute for Public Strategies (IPS)

No comments were received from IPS as of the writing of this report, although they usually recommend at least the need for Responsible Beverage Sales and Service (RBSS) training for all staff. This is a condition of the previous approval and will remain for the current request, if approved.

Public Comment

No public comment was received as part of the public hearing notice.

Findings for Approval

The Municipal Code contains six required findings for CUPs as follows:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code.

The use is allowable within the MXC-1 zone pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

Alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. A market use is consistent with the MXC-1 land use designation contained in the Land Use and Community Character element of the General Plan.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

No expansion of the building is proposed. The proposal involves an existing commercial use, which was previously analyzed for traffic impacts when it was constructed.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The proposed alcohol sales would be accessory to the primary use of a market.

5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located.

The proposed use would be subject to conditions that limit the hours and manner in which alcohol is sold. All previous conditions of approval would continue to be in effect, except as modified by this request.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

The project is not considered a project under CEQA, as no development is proposed. In addition, the proposed use is similar to other commercial uses in the area, which are permitted by right in the MXC-1 zone.

The following two findings are also included with alcohol CUPs:

7. The proposed use is deemed essential and desirable to the public convenience or necessity.

In this case, the addition of distilled spirits sales will contribute to the viability of the market, an allowed use in the MXC-1 zone.

8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the on-site sales of alcoholic beverages pursuant to law.

Findings for Denial

There are three findings for denial as follows:

1. The proposed use is not deemed essential and desirable to the public convenience and welfare, because there are three other Type 21-license outlets within a half-mile of the site:

Outlet Name	Address	ABC license type
Bottles & More	1535 East 18 th Street	21
High-Bev Liquor	2111 Highland Avenue	21
Red Bird Market	2035 Highland Avenue	21

2. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the area has a high crime rate, which may be exacerbated by the addition of distilled spirits.
3. Based on findings 1 and 2 above, public convenience and necessity will not be served by adding distilled spirits sales to the existing alcohol license pursuant to law.

Conditions of Approval

Previous conditions of approval not modified by this request will remain in place. Conditions of Approval include those specific to off-site alcohol sales per Council Policy 707 (alcohol container volume, size, and number; RBSS training, hours, accessory sales, etc.). All previous conditions have been included with this report for ease reference.

Summary

The proposed use is consistent with the General Plan due to alcohol sales for on-site consumption being a conditionally-allowed use in the MXC-1 zone. Distilled spirits sales would contribute to the viability of the market. However, the area is considered to be a high crime area and there are already three other outlets in close proximity that offer distilled spirits. Conditions requiring that alcohol sales not exceed other products sales and that operations comply with City Council Policy 707 are intended to alleviate concerns related to area impacts should the CUP be

approved. The decision of the Planning Commission will be relayed to the City Council for filing or potentially another public hearing if necessary.

Options

1. Approve 2021-06 CUP subject to the conditions listed within, based on the attached findings, or findings to be determined by the Planning Commission; or
2. Deny 2021-06 CUP based on the attached findings 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. Overhead
4. Applicant's Plans (Exhibit A, Case File No. 2021-06 CUP, dated 3/3/2021)
5. Public Hearing Notice (Sent to 589 property owners & occupants)
6. Census Tract & Police Beat Maps
7. PD Risk Assessment
8. Community Meeting Advertisement
9. Resolutions



MARTIN REEDER, AICP
Principal Planner



ARMANDO VERGARA
Director of Community Development

RECOMMENDED FINDINGS FOR APPROVAL

2021-06 CUP – Kegs & Beer

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the use is allowable within the MXC-1 zone pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. A market use is consistent with the MXC-1 land use designation contained in the Land Use and Community Character element of the General Plan.
3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because no expansion of the building is proposed. The proposal involves an existing commercial use, which was previously analyzed for traffic impacts when it was constructed.
4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed alcohol sales would be accessory to the primary use of a market.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, the proposed use would be subject to conditions that limit the hours and manner in which alcohol is sold. All previous conditions of approval would continue to be in effect, except as modified by this request.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and is not considered a project under CEQA, as no development is proposed. In addition, the proposed use is similar to other commercial uses in the area, which are permitted by right in the MXC-1 zone.

7. The proposed use is deemed essential and desirable to the public convenience or necessity, because the addition of distilled spirits sales will contribute to the viability of the market, an allowed use in the MXC-1 zone.
8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the on-site sales of alcoholic beverages pursuant to law.

RECOMMENDED FINDINGS FOR DENIAL

2021-06 CUP – Kegs & Beer

1. The proposed use is not deemed essential and desirable to the public convenience and welfare, because there are three other Type 21-license outlets within a half-mile of the site.
2. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the area has a high crime rate, which may be exacerbated by the addition of distilled spirits.
3. Based on findings 1 and 2 above, public convenience and necessity will not be served by adding distilled spirits sales to the existing alcohol license pursuant to law.

RECOMMENDED CONDITIONS OF APPROVAL

2021-06 CUP – Kegs & Beer

General

1. This Conditional Use Permit authorizes the sale of beer, wine and distilled spirits for off-site consumption at an existing market located at 1811 'L' Avenue. Plans submitted for permits associated with this project shall conform to Exhibit A, case file no. 2021-06 CUP, dated 3/3/2021.
2. Unless specifically modified by this resolution, all Conditions of Approval of City Council Resolution 2014-35 shall remain in full force and effect.
3. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Director of Community Development prior to recordation.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
5. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
6. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

Planning

7. The sale of alcoholic beverages shall be limited to between the hours of 9:00 a.m. and 10:00 p.m. seven days a week.
8. All beer and wine products shall be stored in the rear cooler or rear shelving areas. No alcohol products shall be stored in proximity to the store entrance. Distilled spirits shall be stored in a lockable cabinet behind the sales counter only.

9. The sale of beer or malt beverages in quantities of quarts, 22 ounce, 32 ounce, 40 ounce, or similar size containers is prohibited.
10. No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
11. Wine shall not be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.
12. Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's pre-packaged multi-unit quantities.
13. The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the Permittee.
14. All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.
15. Ice may be sold only at or about prevailing prices in the area and in quantities of not less than three pounds per sale. Ice shall not be provided free of charge.
16. The Permittee shall post signs in compliance with the requirements and specifications of subsection B of section 10.30.070 on each exterior wall of the licensed premises that faces a vehicle parking lot, to read as follows:

“WARNING

It is unlawful to drink an alcoholic
beverage or to possess an open alcoholic
beverage container in public or in a public parking lot.
NCMC 10.30.050 and 10.30.060.”

17. Containers of alcoholic beverages may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
18. Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
19. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of all other commodities during the same period. The Permittee shall at all times keep records which reflect separately the gross sales of alcoholic beverages and the gross sales of all other items. Said records shall be kept no less frequently than on a quarterly basis and

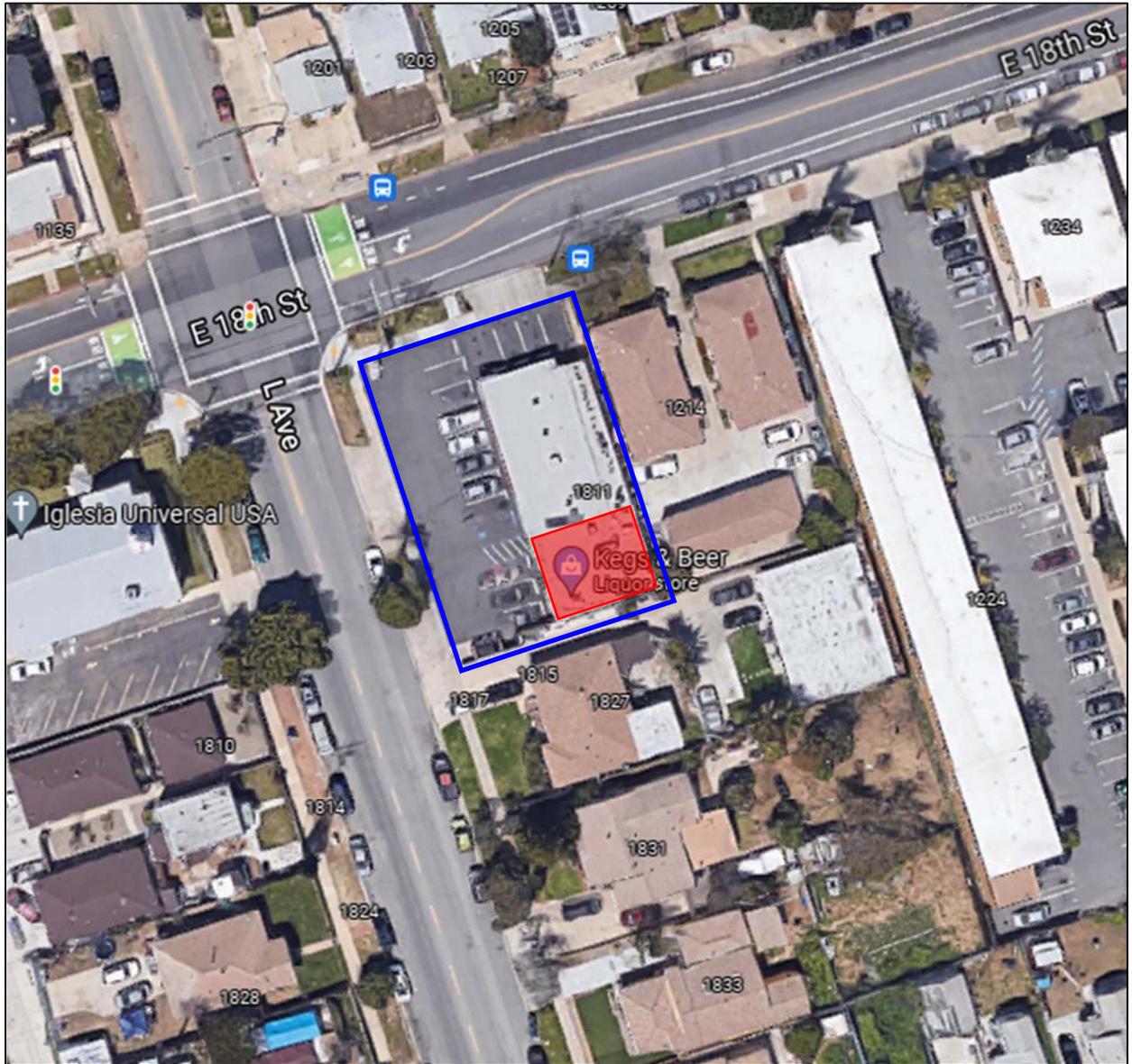
shall be made available to the City Finance Department and any Peace Officer of the California Department of Alcoholic Beverage Control upon demand.

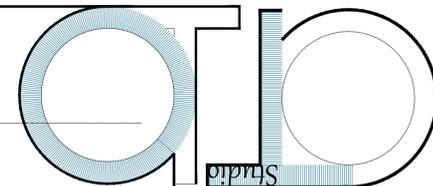
20. Every employee of the Permittee, including ownership and management, shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to commencing alcohol sales. As part of the RBSS training, the Permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.
21. Display of tobacco-related products shall comply with Chapter 18.30.230 related to tobacco specialty stores.
22. The building space between the market and the laundromat shall not be used for anything other than product storage unless all necessary permit and/or licenses are issued for the space.
23. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

Police

24. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.

2021-06 CUP –Kegs & Beer – Overhead





ArkitDesigns

Fire Notes

Buildings undergoing construction, alteration, or demolition shall conform to CFC chapter 33. Welding, cutting, and other hot work shall be in conformance with CFC Chapter 35.

During construction, at least one extinguisher shall be provided on each floor level at each stairway, in all storage and construction sheds, in locations where flammable or combustible liquids are stored or used, and where other special hazards are present per CFC Section 3315.1.

Dumpsters and trash containers exceeding 1.5 cubic yards shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines unless protected by an approved sprinkler system or located in a Type I or IIA structure separated by 10 feet from other structures. Containers larger than 1 cubic yard shall be of non-or limited-combustible materials or similarly protected or separated. CFC 304.3.

Open flames, fire, and burning on all premises is prohibited except as specifically permitted per City of National City municipal code

Address identification shall be provided for all new and existing buildings in a location that is plainly visible and legible from the street or road fronting the property. Where access is by way of a private road and the building address cannot be viewed from the public way, an approved sign or means shall be used to identify the structure. Premises identification shall conform to CBC Section 501.2.

Site Plan & utilities notes

1. all surface water to drain away from building. The Grade shall fall a minimum of 6" within the first 10 feet. Section R401.3. and property line to alley or street.

2. verify all utility locations (existing or new) prior to start of construction.

3. ALL PROPERTY LINES (real or assumed), easement and building (both existing and proposed), are shown on this site plan.

4. NO GRADING permit is required for this project, relatively flat, there is no significant amount of earth movement other than required for foundation and utilities; there is no import or export of soil.

5. the hose bibbs and lawn sprinkler systems shall have approved back flow prevention devices. 2019 CPC section 1003.4. contractor to comply with all osha requirements.

6. this project is not within a noise critical area (contour of 60 db) as shown on the general plan.

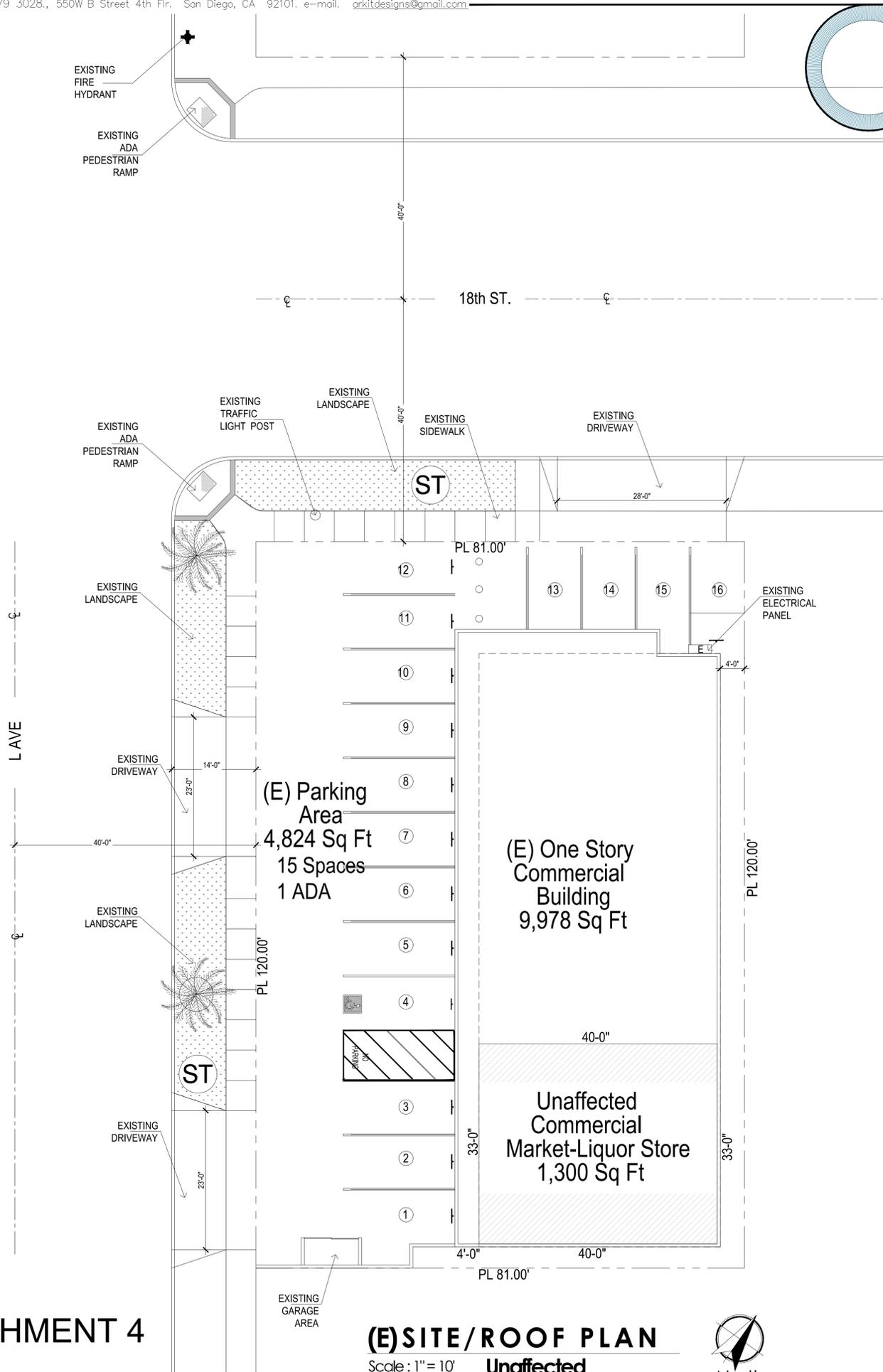
ALL PROPERTY LINES, EASEMENTS AND BUILDINGS, EXISTING AND PROPOSED, ARE SHOWN ON THIS SITE PLAN.

NOTICE TO THE APPLICANT/OWNER/OWNER'S AGENT OR ENGINEER OF RECORD: BY USING THIS PERMITTED CONSTRUCTION DRAWINGS FOR CONSTRUCTION/INSTALLATION OF THE WORK SPECIFIED HEREIN, YOU AGREE TO COMPLY WITH THE REQUIREMENTS OF CITY OF SAN DIEGO FOR SPECIAL INSPECTION STRUCTURAL OBSERVATIONS, CONSTRUCTION MATERIAL TESTING AND OFF-SITE FABRICATION OF BUILDING COMPONENTS, CONTAINED IN THE STATEMENT OF SPECIAL INSPECTIONS AND, AS REQUIRED BY THE CALIFORNIA CONSTRUCTION CODES.

NOTICE TO THE CONTRACTOR/BUILDER/INSTALLER/SUB-CONTRACTOR/OWNER-BUILDER: BY USING THIS PERMITTED CONSTRUCTION DRAWINGS FOR CONSTRUCTION/INSTALLATION OF THE WORK SPECIFIED HEREIN, YOU ACKNOWLEDGE AND ARE AWARE OF THE REQUIREMENTS CONTAINED IN THE STATEMENT OF SPECIAL INSPECTIONS, YOU AGREE TO COMPLY WITH THE REQUIREMENTS OF CITY OF SAN DIEGO FOR SPECIAL INSPECTIONS, STRUCTURAL OBSERVATIONS, CONSTRUCTION MATERIAL TESTING AND OFF-SITE FABRICATION OF BUILDING COMPONENTS, CONTAINED IN THE STATEMENT OF SPECIAL INSPECTIONS AND, AS REQUIRED BY THE CALIFORNIA CONSTRUCTION CODES.

All Existing Utilities water, gas, and sewer.

No Grading for this project. This is to be done only for



ATTACHMENT 4

(E) SITE/ROOF PLAN

Scale : 1" = 10'

Unaffected



KEGS & BEER CUP
1811 L Street, National City, CA 91950

CUP-Conditional Use Permit

sheet content:

EXISTING SITE/ROOF PLAN

Revisions:

Design:
Jose Perez

Responsible:

JOSE PEREZ
550 W B STREET
4th floor
San Diego, CA 92101
Ph(619)- 779-3028

Check:
Jose Perez

Date:
2/3/21

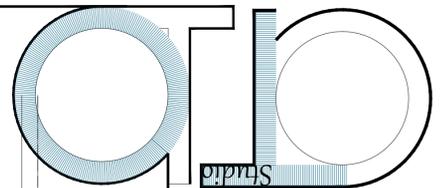
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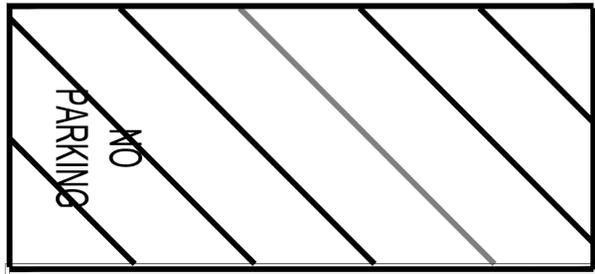
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sheet no.

A 1



ArkitDesigns



3

2

1

E 8060

EXISTING ACCESS E3068

EXISTING COUNTER

PROPOSED LOCKED SHELF

EXISTING REFRIGERATOR

EXISTING DISPLAY AREA

EXISTING DISPLAY AREA

EXISTING DISPLAY AREA

EXISTING REFRIGERATOR

3068

PL 81.00'

(E) FLOOR PLAN
Scale: 3/8" = 1'-0"

KEGS & BEER CUP
1811 L Street, National City, CA 91950

CUP-Conditional Use Permit

sheet content:

Existing FLOOR PLAN

Revisions:

Design:
Jose Perez

Responsible:
JOSE PEREZ
550 W B STREET
4th floor
San Diego, CA 92101
Ph(619)- 779-3028

Check:
Jose Perez

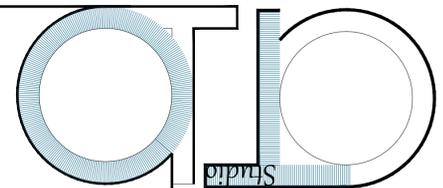
Date:
2/3/21

Scale:
as noted

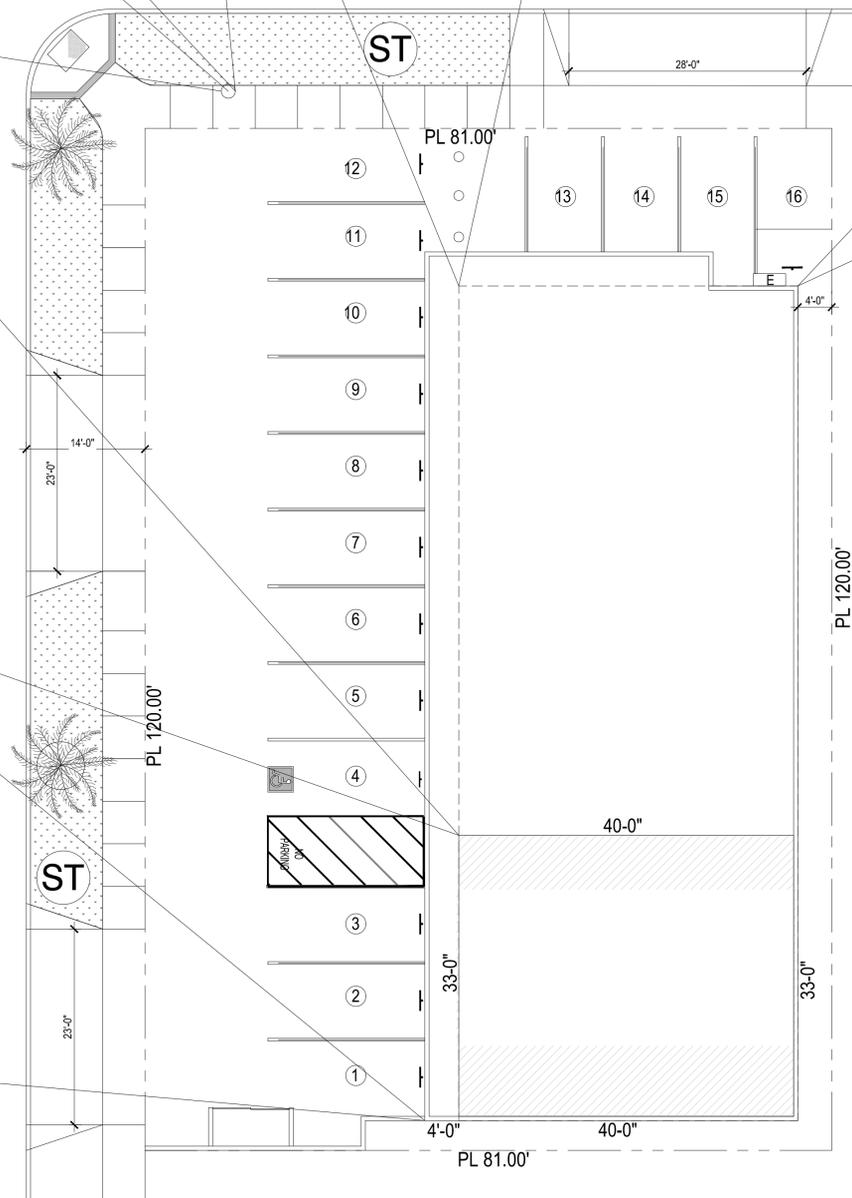
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sheet no.

A 2



ArkitDesigns



(E) PHOTO SURVEY
Scale : 1" = 10'



KEGS & BEER CUP

1811 L Street, National City, CA 91950

CUP-Conditional Use Permit

sheet content:

PHOTO SURVEY

Revisions:

Design:
Jose Perez

Responsible:
JOSE PEREZ
550 W B STREET
4th floor
San Diego, CA 92101
Ph(619)- 779-3028

Check:
Jose Perez

Date:
2/3/21
Scale:
as noted

signature

sheet type:

sheet no.

Ph 1

NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT FOR THE ADDITION OF OFF-SITE
DISTILLED SPIRITS SALES (TYPE 21) AND MODIFICATION OF
ALCOHOL DISPLAY AREA AT AN EXISTING BEER AND WINE-LICENSED
CONVENIENCE STORE LOCATED AT 1811 'L' AVENUE.
CASE FILE NO.: 2021-06 CUP

The National City Planning Commission will hold a public hearing at their regular online meeting after the hour of 6:00 p.m. **Monday, September 20, 2021**, on the proposed request. The meeting will be LIVE WEBCAST from the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Jose A. Perez)

Due to the precautions taken to combat the continued spread of coronavirus (COVID-19), 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 operator of the existing convenience store (Kegs & Beer) is requesting an amendment to their Conditional Use Permit for beer and wine sales that would allow sale of distilled spirits and to modify the existing alcohol sales display area. No change to the operating hours of the store are proposed.

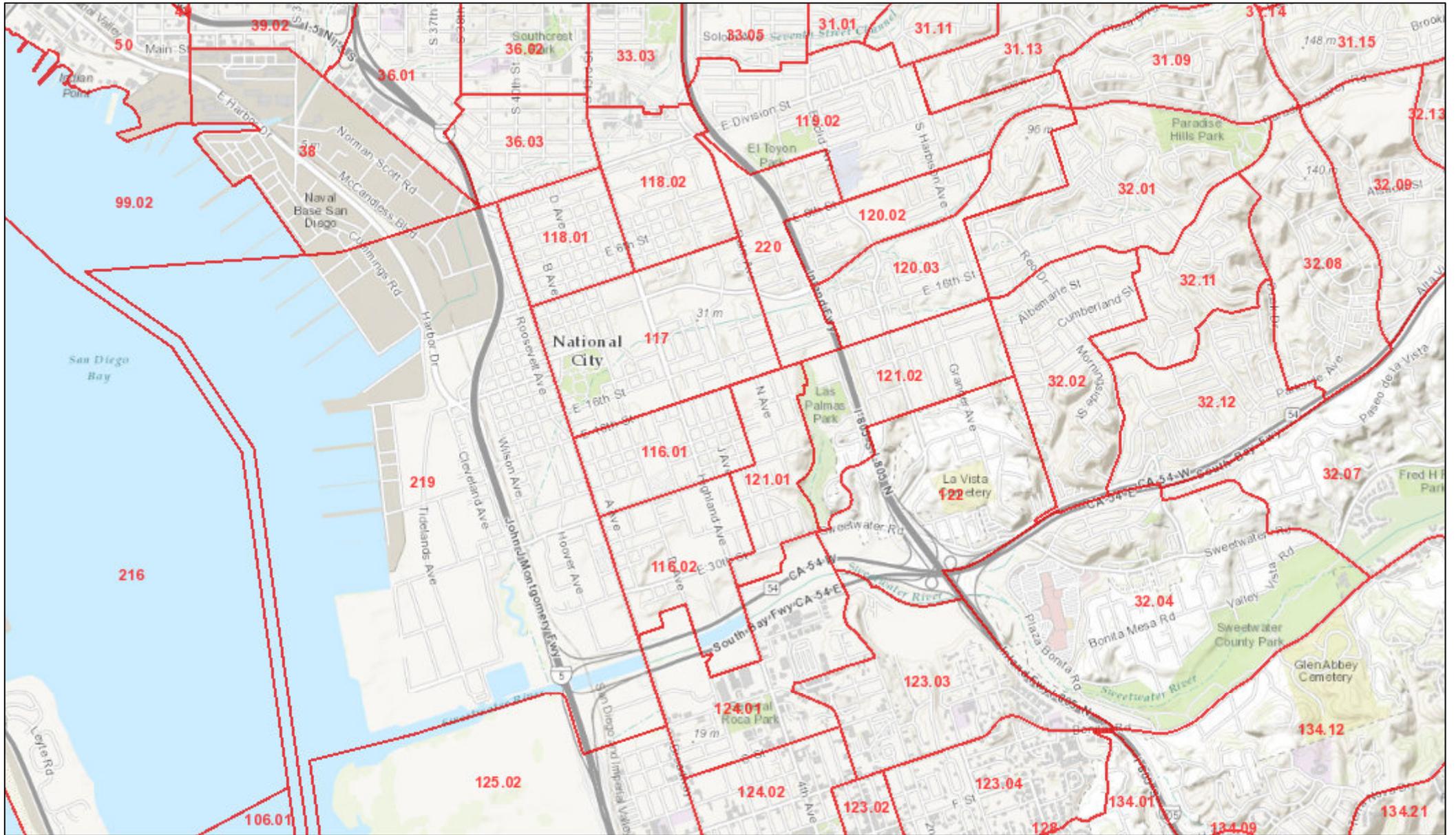
Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 4:00 p.m., **September 20, 2021**, who can be contacted at 619-336-4310 or PlcPubComment@nationalcityca.gov.

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



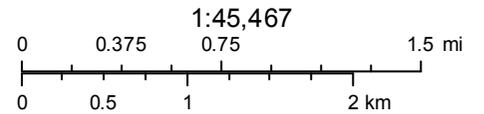
ARMANDO VERGARA
Director of Community Development



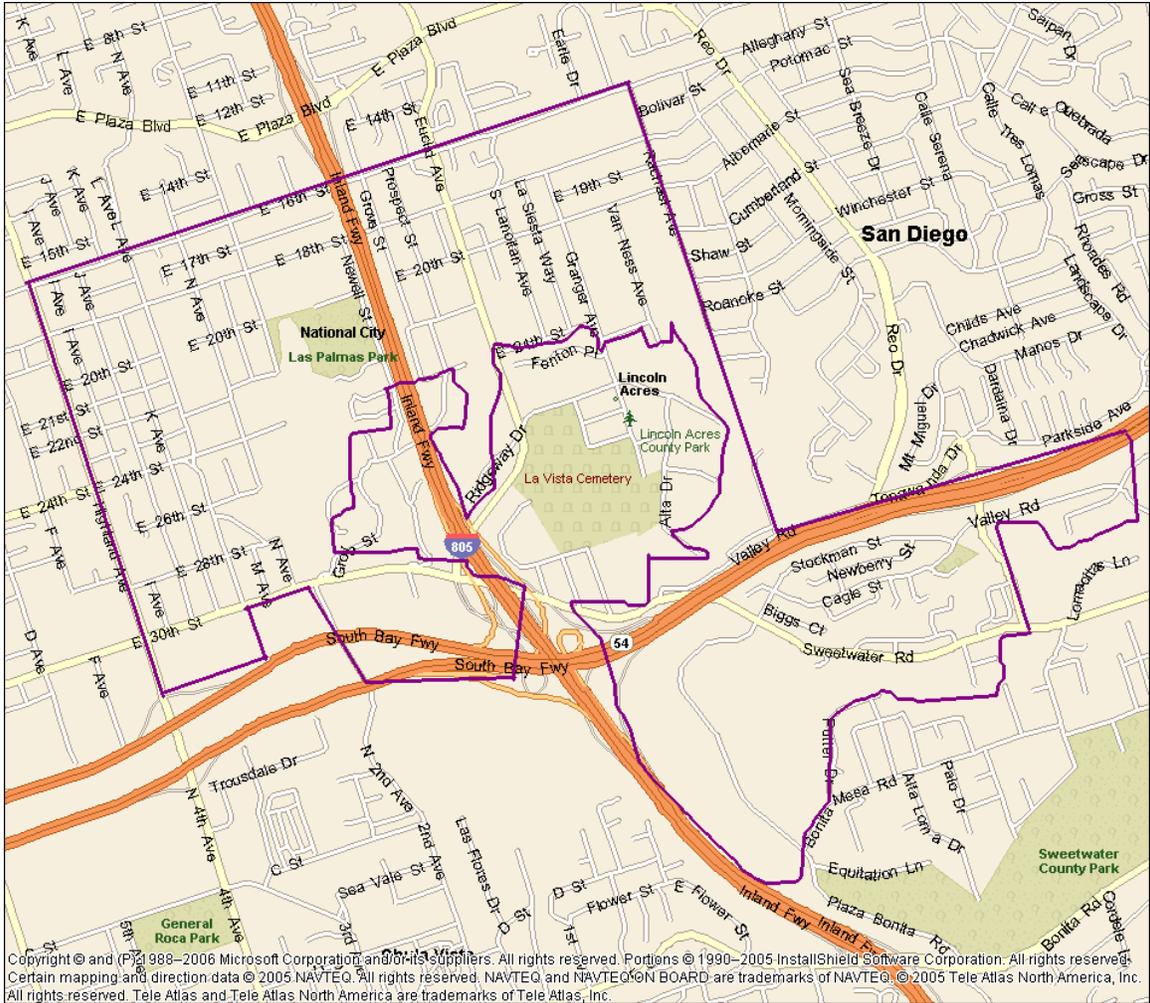
August 25, 2014

CensusTracts 2010

ATTACHMENT 6



Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



City of National City Beat 23

VI. Calls for Service at Location (for previous 6 months)

- Below (1 pt)
- Average (2 pts)
- Above (3 pts)

VII. Proximity Assessment (1/4 mile radius of location)

- Mostly commercial businesses (1 pt)
- Some businesses, some residential (2 pts)
- Mostly residential (3 pts)

Low Risk (12pts or less) Medium Risk (13 – 18pts) High Risk (19 – 24pts)

Total Points _____

VIII. Owner(s) records check

- No criminal incidents (0 pts)
- Minor criminal incidents (2 pts)
- Multiple/Major criminal incidents (3 pts)

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

Recommendation:

Completed by: _____ Badge ID: _____

Kegs and Beer
1811 L Avenue
National City, CA 91950

July 21, 2021

Dear Neighbor:

Please join us on July 28, 2021 for a community meeting to discuss Kegs and Beer proposed liquor license. Kegs and Beer is an established neighborhood convenience store located at 1811 L Avenue, National City CA 91950.

We have recently applied for a Type 21 General off- sale license with the Alcoholic Beverage Control. At the meeting we will discuss the license applied for as well as the conditional use permit and other city of National City requirements. We invite you to join us for this meeting to answer any questions or concerns,

We will hold it at Kegs and beer Store

If you have any questions, please call (619) 259-2936 or email: kegsbeer@yahoo.com

Thank you and we look forward to seeing you.

Topic: Kegs and Beer Community Meeting
Time: July 28, 2021 05:00 PM Pacific Time (US and
Canada)

Location: 1811 L Avenue
National City, CA 91950

RESOLUTION NO. 2021-08

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
APPROVING A CONDITIONAL USE PERMIT FOR THE
ADDITION OF OFF-SITE DISTILLED SPIRITS SALES (TYPE 21)
AT AN EXISTING BEER AND WINE-LICENSED CONVENIENCE STORE
(KEGS & BEER) LOCATED AT 1811 'L' AVENUE.
CASE FILE NO. 2021-06 CUP
APN: 561-210-32

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the addition of off-site distilled spirits sales (Type 21) at an existing beer and wine-licensed convenience store located at 1811 'L' Avenue at a duly advertised public hearing held on September 20, 2021, 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. 2021-06 CUP 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.

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 September 20, 2021, support the following findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the use is allowable within the MXC-1 zone pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. A market use is consistent with the MXC-1 land use designation contained in the Land Use and Community Character element of the General Plan.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because no expansion of the building is proposed. The proposal involves an existing commercial use, which was previously analyzed for traffic impacts when it was constructed.
4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed alcohol sales would be accessory to the primary use of a market.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, the proposed use would be subject to conditions that limit the hours and manner in which alcohol is sold. All previous conditions of approval would continue to be in effect, except as modified by this request.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and is not considered a project under CEQA, as no development is proposed. In addition, the proposed use is similar to other commercial uses in the area, which are permitted by right in the MXC-1 zone.
7. The proposed use is deemed essential and desirable to the public convenience or necessity, because the addition of distilled spirits sales will contribute to the viability of the market, an allowed use in the MXC-1 zone.
8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the on-site sales of alcoholic beverages pursuant to law.

BE IT FURTHER RESOLVED that the application for a Conditional Use Permit is approved subject to the following conditions:

General

1. This Conditional Use Permit authorizes the sale of beer, wine and distilled spirits for off-site consumption at an existing market located at 1811 'L' Avenue. Plans submitted for permits associated with this project shall conform to Exhibit A, case file no. 2021-06 CUP, dated 3/3/2021.

2. Unless specifically modified by this resolution, all Conditions of Approval of City Council Resolution 2014-35 shall remain in full force and effect.
3. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Director of Community Development prior to recordation.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
5. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
6. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

Planning

7. The sale of alcoholic beverages shall be limited to between the hours of 9:00 a.m. and 10:00 p.m. seven days a week.
8. All beer and wine products shall be stored in the rear cooler or rear shelving areas. No alcohol products shall be stored in proximity to the store entrance. Distilled spirits shall be stored in a lockable cabinet behind the sales counter only.
9. The sale of beer or malt beverages in quantities of quarts, 22 ounce, 32 ounce, 40 ounce, or similar size containers is prohibited.
10. No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
11. Wine shall not be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.
12. Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's pre-packaged multi-unit quantities.

13. The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the Permittee.
14. All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.
15. Ice may be sold only at or about prevailing prices in the area and in quantities of not less than three pounds per sale. Ice shall not be provided free of charge.
16. The Permittee shall post signs in compliance with the requirements and specifications of subsection B of section 10.30.070 on each exterior wall of the licensed premises that faces a vehicle parking lot, to read as follows:

“WARNING

It is unlawful to drink an alcoholic
beverage or to possess an open alcoholic
beverage container in public or in a public parking lot.
NCMC 10.30.050 and 10.30.060.”

17. Containers of alcoholic beverages may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
18. Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
19. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of all other commodities during the same period. The Permittee shall at all times keep records which reflect separately the gross sales of alcoholic beverages and the gross sales of all other items. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the City Finance Department and any Peace Officer of the California Department of Alcoholic Beverage Control upon demand.
20. Every employee of the Permittee, including ownership and management, shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to commencing alcohol sales. As part of the RBSS training, the Permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.

21. Display of tobacco-related products shall comply with Chapter 18.30.230 related to tobacco specialty stores.
22. The building space between the market and the laundromat shall not be used for anything other than product storage unless all necessary permit and/or licenses are issued for the space.
23. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

Police

24. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.

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 September 20, 2021, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2021-08

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
DENYING A CONDITIONAL USE PERMIT FOR THE
ADDITION OF OFF-SITE DISTILLED SPIRITS SALES (TYPE 21)
AT AN EXISTING BEER AND WINE-LICENSED CONVENIENCE STORE
LOCATED AT 1811 'L' AVENUE.
CASE FILE NO. 2021-06 CUP
APN: 561-210-32

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the addition of off-site distilled spirits sales (Type 21) at an existing beer and wine-licensed convenience store located at 1811 'L' Avenue at a duly advertised public hearing held on September 20, 2021, 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. September 20, 2021 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.

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 September 20, 2021, support the following finding:

1. The proposed use is not deemed essential and desirable to the public convenience and welfare, because there are three other Type 21-license outlets within a half-mile of the site.
2. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the area has a high crime rate, which may be exacerbated by the addition of distilled spirits.

3. Based on findings 1 and 2 above, public convenience and necessity will not be served by adding distilled spirits sales to the existing alcohol license pursuant to law.

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 September 20, 2021, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR BEER AND WINE SALES AT A NEW RESTAURANT (HERO'S) LOCATED AT 801 NATIONAL CITY BOULEVARD, SUITE 105

Case File No.: 2021-20 CUP

Location: Southeast corner of National City Blvd. and E. 8th St.

Assessor's Parcel Nos.: 556-471-26 through 29

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Natalia Garcia

Zoning designation: Development Zone 4 (Downtown Specific Plan)

Adjacent use and zoning:

North: Integrity Charter School across East 8th Street / DZ 4

East: Union Bank / DZ 4

South: Morgan Square/Chamber of Commerce / DZ 5B

West: National City Higher Education Center / DZ 7

Environmental review: Not a project per California Environmental Quality Act (CEQA) as defined in Section 15378

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of the request subject to the attached recommended conditions. The sale of beer and wine is a conditionally-allowed use in Development Zone 4 of the Downtown Specific Plan area and would be accessory to food sales at the restaurant.

Executive Summary

The applicant is proposing to have beer and wine sales at a restaurant for on-site consumption only (ABC Type 41) in an 883 square-foot commercial space. The proposed operation hours are 6:00 a.m. to 8:00 p.m. seven days a week. There will be indoor seating for 23.

Site Characteristics

The project site is Hero's Cafe, a soon-to-be-open restaurant at the base of the Bay View Suites building (former Red Lion Hotel). The restaurant is approximately 1,000 square feet in size, with a dining area of approximately 40% of the commercial suite.

Proposed Use

The applicant is proposing to offer beer and wine in conjunction with food sales. Restaurant hours will be 6:00 a.m. to 8:00 p.m. daily. Proposed alcohol sales hours are proposed for the same time period. No live entertainment is proposed.

Analysis

Section 18.30.050 of the Land Use Code allows for on-site alcohol sales with an approved CUP. Additional requirements for alcohol CUPs include expanded notification, a community meeting, and distance requirements. The same is required for modification of an existing CUP.

Mailing – All property owners and occupants within a distance of 660 feet are required to be notified of a public hearing for alcohol-related CUP applications. Notice of this public hearing was sent to 642 occupants and owners.

Community Meeting - Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held Friday, August 6, 2021 at 6:00 p.m. via Zoom. The meeting advertisement is attached (Attachment 8); there were no attendees. The applicant stated that the same 530 occupants and owners that were notified of the Planning Commission meeting were notified of the community meeting.

Distance Requirements – Chapter 18.030.050 (D) of the National City Zoning Code requires a 660-foot distance from any public school; there are no public schools within 660 feet of the site. In addition, restaurants with greater than 30% of their area devoted to seating are exempt from this distance requirement. The property in question has approximately 40% of its floor area devoted to seating.

Alcohol Sales Concentration/Location

Per the California Department of Alcoholic Beverage Control (ABC), there are currently 16¹ on-site sale licenses in this census tract (117) where a maximum of nine are recommended, meaning that the census tract is considered by ABC to be over-saturated with regard to alcohol sales outlets. For reference, the outlets are:

Name	Address	License Type*	CUP
American Legion Post 255	35 E. 18 th St.	52	-
Chuck E. Cheese's	1143 Highland Ave.	41	Y
Royal Mandarin	1132 E. Plaza Blvd. Ste. 205 & 206	41	Y
VFW Post 4630	1401 Highland Ave.	52	Y
Golden Chopsticks	1430 E. Plaza Blvd. E22- 23A	41	Y
Ginza Sushi	925 E. Plaza Blvd. Ste. 'G'	41	Y
Lai Thai	1430 E. Plaza Blvd. E10-11	41	Y
Café La Maze	1441 Highland Ave.	47	-
Grill House at Big Ben	106 E. 8 th St.	41	Y
Yi Sushi #2	1430 E. Plaza Blvd. Ste. E-7B	41	Y
Crab Fever	1420 E. Plaza Blvd. D2	41	Y
Karina's	1705 Highland Ave.	41	Y
Sushi Galbi	1519 Highland Ave.	41	Y
Von's Chicken	811 K Ave.	41	Y
Slappy's Burgers and Brews	1105 E. Plaza Blvd.	47	Y
Bonchon	1420 E. Plaza Blvd. D-04	41	Y

- * Type 41 - On-Sale of Beer and Wine
- * Type 47 - On-Sale of Beer, Wine, and Distilled Spirits
- * Type 52 – Veteran's Club

¹ There are technically 19 issued ABC licenses in the census tract. Three of the noted outlets also have Type 58 catering permits (American Legion, VFW, and Karina's)

Census tract 117 includes the area between National City Boulevard and “N” Avenue, and between East 8th Street and East 18th Street. The attached census tract map shows the location of the subject tract (Attachment 6).

Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 14 points, which places it in the Medium Risk category. Medium risk is considered 13 to 18 points.

Institute for Public Strategies (IPS)

IPS had not provided comments as of the writing of this report.

Findings for Approval

The Municipal Code contains six required findings for CUPs as follows:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code.

The use is allowable within Development Zone 4 pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

Alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. A restaurant use is consistent with the allowed uses in Downtown Specific Plan as a street-oriented retail use.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

No expansion of the building is proposed. The proposal involves an existing commercial space, which was previously analyzed for traffic impacts when it was constructed.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The proposed alcohol sales would be incidental to the primary use of food sales. A restaurant existed on the site previously.

5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located.

The proposed use will be subject to conditions that limit the sale of beer and wine as well as the hours that it will be available; no beer or wine will be sold after 8:00 p.m. and will only be available with the sale of food. In addition, all staff members serving alcohol are required to receive Responsible Beverage Sales and Service (RBSS) training.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

The project is not considered a project under CEQA, as no development is proposed. In addition, the proposed use is similar to other commercial uses in the area, which are permitted Development Zone 4 of the Downtown Specific Plan.

The following two findings are also included with alcohol CUPs:

7. The proposed use is deemed essential and desirable to the public convenience or necessity.

In this case, alcohol sales will contribute to the viability of the restaurant, an allowed use in Development Zone 4 of the Downtown Specific Plan.

8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the on-site sales of alcoholic beverages pursuant to law.

Findings for Denial

Due to there being other on-sale sites in the area, there are also findings for denial as follows:

1. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the census tract in which the subject property is located is currently over-concentrated with regard to off-sale alcohol outlets – 16 off-sale outlets are permitted where nine are recommended by the California Department of Alcoholic Beverage Control – and the area has a high crime rate.
2. The proposed use is not deemed essential to the public necessity, as there are already 14 restaurants in the same census tract that serve alcohol.
3. Based on the above findings, public convenience and necessity will not be served by a proposed use of the property for the retail sale of alcoholic beverages pursuant to law.

Conditions of Approval

Standard Conditions of Approval have been included with this permit as well as conditions specific to on-site alcohol sales per Council Policy 707 (hours of operation, employee training, and accessory sales, etc.).

Summary

The proposed use is consistent with the General Plan due to alcohol sales for on-site consumption being a conditionally-allowed use in Development Zone 4 of the Downtown Specific Plan. The proposed use would be incidental to the proposed restaurant use in a commercial area. The addition of on-site beer and wine sales is not expected to increase the demand for parking, other services on the property, or have any significant effects on the area. Although the census tract in which the restaurant is located is over-concentrated with regard to on-sale alcohol licenses, beer and wine will only be available with the sale of food.

Options

1. Approve 2021-20 CUP subject to the conditions listed within, based on the attached findings, or findings to be determined by the Planning Commission; or
2. Deny 2021-20 CUP based on the attached findings 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. Overhead
4. Applicant's Plans (Exhibit A, Case File No. 2021-20 CUP, dated 8/18/2021)
5. Public Hearing Notice (Sent to 642 property owners & occupants)
6. Census Tract & Police Beat Maps
7. PD Risk Assessment
8. Community Meeting Advertisement
9. Resolutions



MARTIN REEDER, AICP
Principal Planner



ARMANDO VERGARA
Director of Community Development

RECOMMENDED FINDINGS FOR APPROVAL

2021-20 CUP – Hero's Cafe

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the use is allowable within Development Zone 4 pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. A restaurant use is consistent with the allowed uses in Downtown Specific Plan as a street-oriented retail use.
3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because no expansion of the building is proposed. The proposal involves an existing commercial space, which was previously analyzed for traffic impacts when it was constructed.
4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed alcohol sales would be incidental to the primary use of food sales. A restaurant existed on the site previously.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be subject to conditions that limit the sale of beer and wine as well as the hours that it will be available; no beer or wine will be sold after 8:00 p.m. and will only be available with the sale of food. In addition, all staff members serving alcohol are required to receive RBSS training.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and is not considered a project, as no development is proposed. In addition, the proposed use is similar to other commercial uses in the area, which are permitted Development Zone 4 of the Downtown Specific Plan.

7. The proposed use is deemed essential and desirable to the public convenience or necessity, because in this case alcohol sales will contribute to the viability of the restaurant, an allowed use in Development Zone 4 of the Downtown Specific Plan.
8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the on-site sales of alcoholic beverages pursuant to law.

RECOMMENDED FINDINGS FOR DENIAL

2021-20 CUP – Hero’s Cafe

1. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the census tract in which the subject property is located is currently over-concentrated with regard to off-sale alcohol outlets – 16 off-sale outlets are permitted where nine are recommended by the California Department of Alcoholic Beverage Control – and the area has a high crime rate.
2. The proposed use is not deemed essential to the public necessity, as there are already 14 restaurants in the same census tract that serve alcohol.
3. Based on the above findings, public convenience and necessity will not be served by a proposed use of the property for the retail sale of alcoholic beverages pursuant to law.

RECOMMENDED CONDITIONS OF APPROVAL

2020-20 CUP – Hero’s Cafe

General

1. This Conditional Use Permit authorizes the sale of beer and wine for on-site consumption at a proposed restaurant (Hero’s Café) located at 801 National City Blvd., Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2021-20 CUP, dated 8/18/2021.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Director of Community Development prior to recordation.
3. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

Planning

6. All sellers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.

7. The sale of alcoholic beverages shall be permitted only between the hours of 6:00 a.m. and 8 p.m. daily.
8. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
9. Alcohol shall be available only in conjunction with the purchase of food.
10. No live entertainment is permitted without modification of this CUP or issuance of a Temporary Use Permit.
11. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

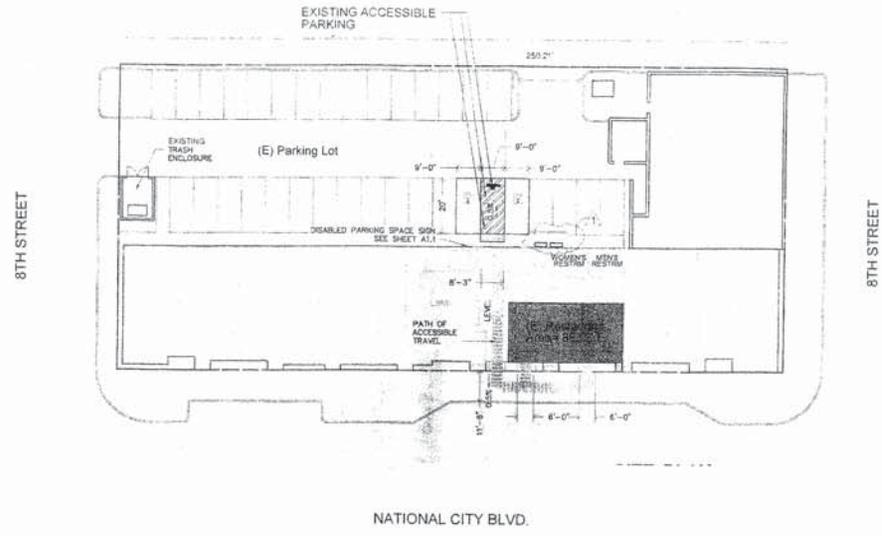
Police

12. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, serving, and consumption of alcoholic beverages.

2021-20 CUP –Hero's Cafe – Overhead



← N



EXISTING SITE PLAN
N.T.S.

Hero's Cafe
A Proposed Tenant Improvement For
801 National City Blvd. Ste. 104 & 105
National City Ca. 91950

REVISIONS	BY
1	J&P
2	J&P
3	J&P
4	J&P
5	J&P
6	J&P
7	J&P
8	J&P
9	J&P
10	J&P

DATE: 08/18/2021
PROJECT: HERO'S CAFE
SHEET: SITE PLAN

Exhibit A
Case File No.: 2021-20 CUP
Date: 8/18/2021



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

NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT FOR BEER AND WINE SALES
AT A NEW RESTAURANT (HERO'S) LOCATED AT
801 NATIONAL CITY BOULEVARD, SUITE 105.
CASE FILE NO.: 2020-20 CUP
APN: 556-471-26 through 29

The National City Planning Commission will hold a public hearing at their regular online meeting after the hour of 6:00 p.m. **Monday, September 20, 2021** on the proposed request. The meeting will be LIVE WEBCAST from the City Council Chamber, 1243 National City Boulevard, National City, California. (Applicant: Natalia Garcia)

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>.

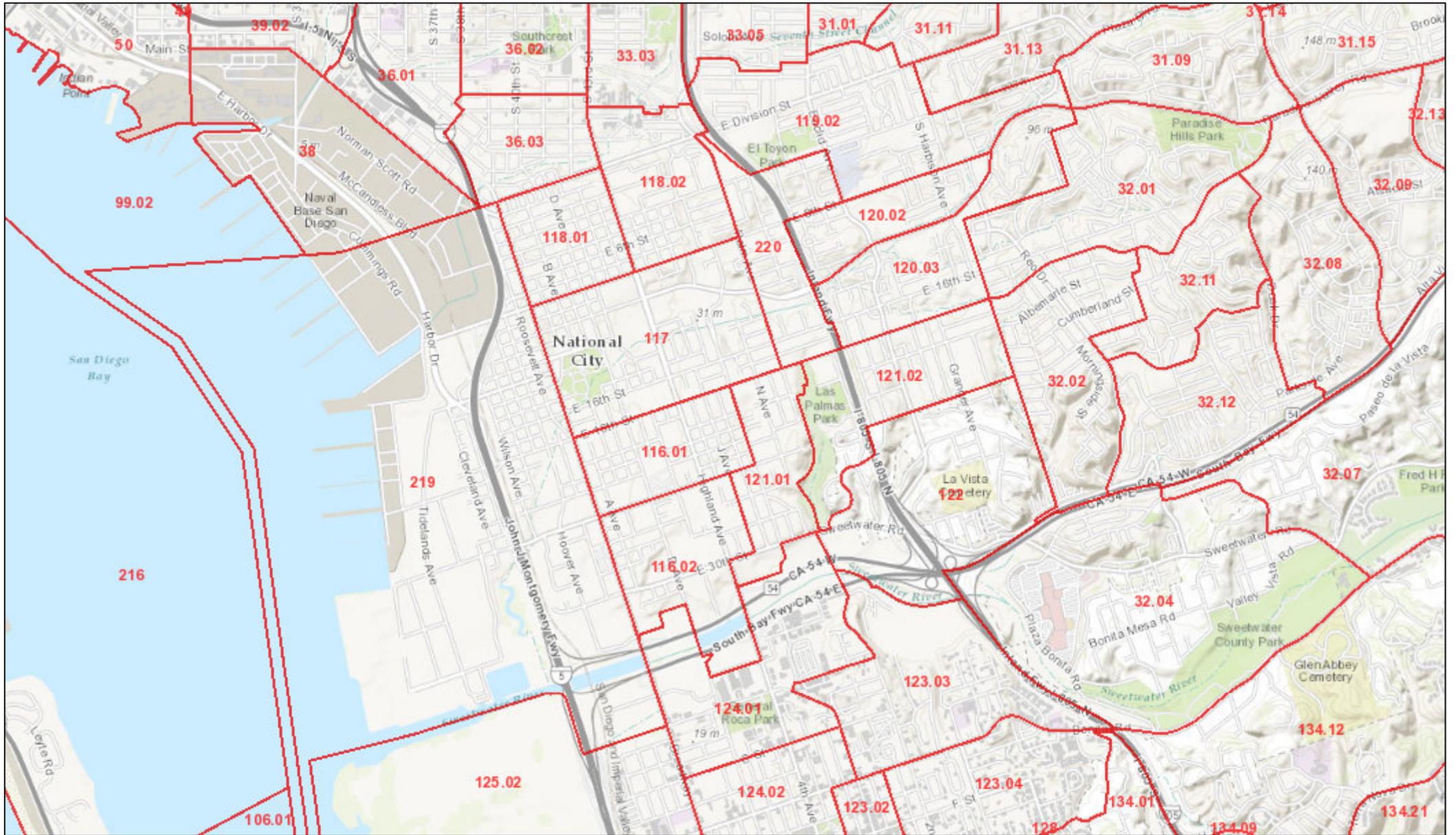
The project site is Hero's Cafe, a soon-to-be-open restaurant at the base of the Bay View Suites building (former Red Lion Hotel). The applicant is proposing to offer beer and wine for on-site consumption from 6:00 a.m. to 8:00 p.m. daily.

Members of the public are invited to comment. Written comments should be received on or before 4:00 p.m., **September 20, 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.

NATIONAL CITY PLANNING DIVISION


ARMANDO VERGARA
Director of Community Development

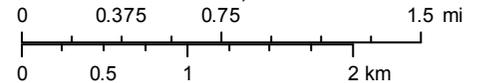


August 25, 2014

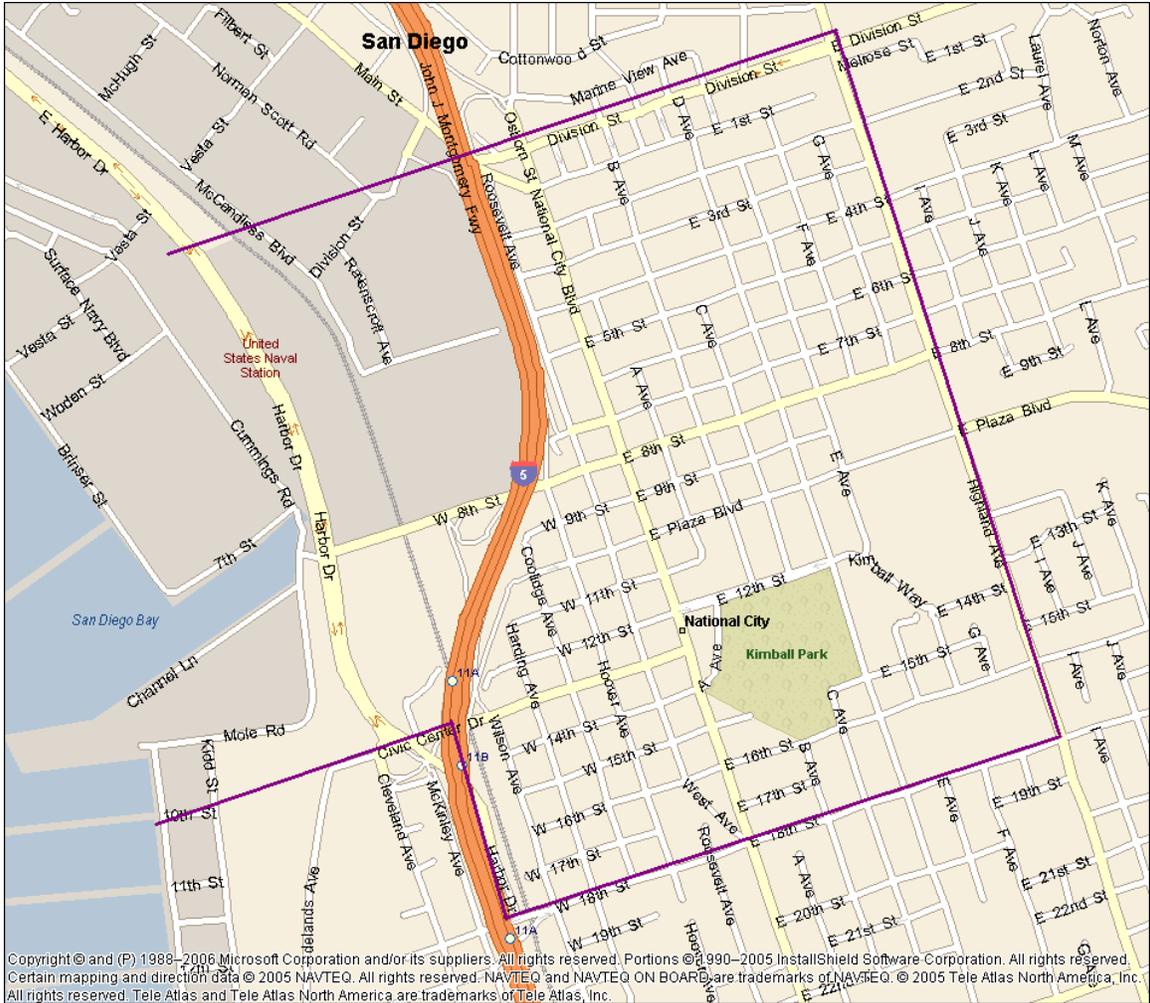
 CensusTracts 2010

ATTACHMENT 6

1:45,467



Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



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City of National City Beat 20

VI. Calls for Service at Location (for previous 6 months)

- Below (1 pt)
- Average (2 pts)
- Above (3 pts)

VII. Proximity Assessment (1/4 mile radius of location)

- Mostly commercial businesses (1 pt)
- Some businesses, some residential (2 pts)
- Mostly residential (3 pts)

Low Risk (12pts or less) Medium Risk (13 – 18pts) High Risk (19 – 24pts) Total Points _____
--

VIII. Owner(s) records check

- No criminal incidents (0 pts)
- Minor criminal incidents (2 pts)
- Multiple/Major criminal incidents (3 pts)

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

Recommendation:

Completed by: _____ Badge ID: _____

Martin Reeder

From: HERO'S CAFE LLC <herossandiego@gmail.com>
Sent: Tuesday, August 10, 2021 4:27 PM
To: David Welch
Subject: Re: Community Meeting - CUP for Beer and Wine

Good afternoon,

My name is Daniela and I am contacting you from Hero's Cafe. We will be opening our restaurant August 7th and are looking forward to seeing you there. Apart from that, we are also looking forward to getting our ABC License in order to serve beer and wine. The CUP Permit requires us to hold a community meeting to inform you and other residents about our proposal and give you the opportunity to express any concerns you may have. Should you be interested and available to attend, I will provide the Zoom Link for this Friday at 6:00 PM. Thank you so much.

Topic: Hero's Community Meeting

Time: Aug 6, 2021 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting
<https://ymcasdc.zoom.us/j/98589516981>

Meeting ID: 985 8951 6981

Best regards,

Alma Daniela Garcia

Hero's Cafe

ATTACHMENT 8

RESOLUTION NO. 2021-09

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
APPROVING A CONDITIONAL USE PERMIT FOR
BEER AND WINE SALES AT A NEW RESTAURANT (HERO'S)
LOCATED AT 801 NATIONAL CITY BOULEVARD, SUITE 105.
CASE FILE NO. 2021-20 CUP
APN: 556-471-26 through 29

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for beer and wine sales at a new restaurant (Hero's) located at 801 National City Boulevard, suite 105 at a duly advertised public hearing held on September 20, 2021, 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. 2021-20 CUP 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.

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 September 20, 2021, support the following findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the use is allowable within Development Zone 4 pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. A restaurant use is consistent with the allowed uses in Downtown Specific Plan as a street-oriented retail use.
3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity,

because no expansion of the building is proposed. The proposal involves an existing commercial space, which was previously analyzed for traffic impacts when it was constructed.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed alcohol sales would be incidental to the primary use of food sales. A restaurant existed on the site previously.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be subject to conditions that limit the sale of beer and wine as well as the hours that it will be available; no beer or wine will be sold after 8:00 p.m. and will only be available with the sale of food. In addition, all staff members serving alcohol are required to receive RBSS training.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and is not considered a project, as no development is proposed. In addition, the proposed use is similar to other commercial uses in the area, which are permitted Development Zone 4 of the Downtown Specific Plan.
7. The proposed use is deemed essential and desirable to the public convenience or necessity, because in this case alcohol sales will contribute to the viability of the restaurant, an allowed use in Development Zone 4 of the Downtown Specific Plan.
8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the on-site sales of alcoholic beverages pursuant to law.

BE IT FURTHER RESOLVED that the application for a Conditional Use Permit is approved subject to the following conditions:

General

1. This Conditional Use Permit authorizes the sale of beer and wine for on-site consumption at a proposed restaurant (Hero's Café) located at 801 National City Blvd., Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2021-20 CUP, dated 8/18/2021.

2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Director of Community Development prior to recordation.
3. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

Planning

6. All sellers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.
7. The sale of alcoholic beverages shall be permitted only between the hours of 6:00 a.m. and 8 p.m. daily.
8. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
9. Alcohol shall be available only in conjunction with the purchase of food.

- 10. No live entertainment is permitted without modification of this CUP or issuance of a Temporary Use Permit.
- 11. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

Police

- 12. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, serving, and consumption of alcoholic beverages.

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 September 20, 2021, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2021-09

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
DENYING A CONDITIONAL USE PERMIT FOR
BEER AND WINE SALES AT A NEW RESTAURANT (HERO'S)
LOCATED AT 801 NATIONAL CITY BOULEVARD, SUITE 105.
CASE FILE NO. 2021-20 CUP
APN: 556-471-26 through 29

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for beer and wine sales at a new restaurant (Hero's) located at 801 National City Boulevard, suite 105 at a duly advertised public hearing held on September 20, 2021, 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. 2021-20 CUP 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.

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 September 20, 2021, support the following findings:

1. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the census tract in which the subject property is located is currently over-concentrated with regard to off-sale alcohol outlets – 16 off-sale outlets are permitted where nine are recommended by the California Department of Alcoholic Beverage Control – and the area has a high crime rate.
2. The proposed use is not deemed essential to the public necessity, as there are already 14 restaurants in the same census tract that serve alcohol.

3. Based on the above findings, public convenience and necessity will not be served by a proposed use of the property for the retail sale of alcoholic beverages pursuant to law.

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 September 20, 2021, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON