



Agenda of the National City Planning Commission

Meeting of August 1, 2022 – 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 <http://nationalcityca.new.swagit.com/views/33>.

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 and 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, 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 meeting to join the National City and 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 Chair Yamane

Approval of Minutes

1. Approval of Minutes from the Meeting of July 18, 2022

Approval of Agenda

2. Approval of the Agenda for the Meeting on August 1, 2022

ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).

NOTE: Under State law, items requiring Planning 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 off-sale Beer and Wine (Type 20) at an existing retail store (99 Cents Only) to be located at 1320 Highland Avenue. (Case File No.: 2022-16 CUP)

4. Resolution taking action on a Conditional Use Permit for a drive-through fast food restaurant to be located at 1900 East Plaza Boulevard. (Case File No.: 2021-11 CUP)

5. Resolution taking action on a Conditional Use Permit for on-site Distilled Spirit Sales and Live Entertainment at an existing beer and wine-licensed bar (Machete Beer House) Located at 2325 Highland Avenue (Case File No.: 2022-08 CUP)

OTHER BUSINESS

STAFF REPORTS

City Attorney's Office

Director of Community Development

Planning Manager

Commissioners

Chairperson

ADJOURNMENT

Adjournment to the regularly scheduled meeting on August 15, 2022 at 6:00 p.m.



Planning Commission Minutes

Planning Commission Meeting
Meeting of July 18, 2022
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 Yamane at 6:06 p.m.

Roll Call

Pledge of Allegiance by Chair Yamane

Commissioners Present: Sendt, Yamane, Castle, Miller, Valenzuela

Commissioners Absent: Natividad, Sanchez

Staff Also Present: Director of Community Development Armando Vergara,
Legal Counsel Elizabeth Mitchell, Planning Manager Martin Reeder,
Associate Planner David Welch

1. Approval of Minutes from the Meeting of June 6, 2022

Motion by Sendt, second by Miller to approve the Minutes for the Meeting of June 6, 2022.

Motion carried by the following vote:

Ayes: Sendt, Valenzuela, Castle, Miller, Yamane

Abstain:

Noes:

Absent: Natividad, Sanchez

Motion approved.

2. Approval of the Agenda for the Meeting on July 18, 2022.

Motion by Miller, second by Sendt to approve the Agenda for the Meeting on July 18, 2022.

Motion carried by the following vote:

Ayes: Sendt, Valenzuela, Castle, Miller, Yamane

Abstain:

Noes:

Absent: Natividad, Sanchez

Motion approved.

ORAL COMMUNICATION: None

PRESENTATIONS: None

CONTINUED PUBLIC HEARINGS: None.

PUBLIC HEARINGS:

3. Resolution taking action on a Conditional Use Permit for the operation of a tobacco specialty business located at 120 National City Boulevard (Case File No: 2022-14 CUP)

Presented by Associate Planner David Welch

Representing the applicant, Haithem Putrus confirmed that he had read, understood, and accepted the conditions.

Public Comments were received from:

Written comment read into the record in opposition

Nidya Rivera Moreno

Motion by Sendt, second by Miller to close the Public Hearing and approve the Resolution taking action on a Conditional Use Permit for the operation of a tobacco specialty business located at 120 National City Boulevard (Case File No: 2022-14 CUP)

Motion carried by the following vote:

Ayes: Sendt, Valenzuela, Castle, Miller, Yamane

Abstain:

Noes:

Absent: Natividad, Sanchez

Motion approved.

4. Resolution taking action on a Conditional Use Permit modification for the addition of live entertainment and modified hours of operation at an existing Public Market (Market on 8th) located at 41 East 8th Street. (Case File No: 2022-18 CUP)

Presented by Planning Manager Martin Reeder

Applicant and Owner Joel Tubao, consultant David Bejarano, and consultant Marco Polo Cortes were present and answered questions posted by the Commissioners.

Applicant Joel Tubao confirmed that he had read, understood, and accepted the conditions.

Public Comments were received from:

Written comment read into the record in support

Miguel Aldrete

Oscar Campos

Alex Carolino

Beverly Codallos

Alex Danilowicz

Phillip Esteban

Jeremy Feig

Adam Futo

Peter Glevanik

Michael Guerrero

Erwin Hines
Joel Tubao
Justin Lipford
Andrew Malick
Jayson Marijana
Beth Morgante
Kwa Nguyen
Olivia Tubao
Rachel Vangstad
Lee Razalan Jr.
Robert Smiley
Raymond Smith III
Fro Sng
Maria Villalobos Danilowicz
Tina Wurtz
Marie Zhivago

Written comment read into the record in opposition

Benjamin Adler
Agnes Basco
L. Peabody
Rommel Diaz
Patti Finnegan
Jason Guardado
L. Belara
Fausto Lagazo
Nicole Medina
Cheryl Olivar
Joan Ricon
Marco Sibaja
P. Thomas

Motion by Miller, second by Sendt to continue the public hearing in order to discuss hours of live entertainment, potential code issues, and noise study.

1. Substitute motion by Valenzuela, second by Miller to close the Public Hearing and **approve** the Resolution taking action, on a Conditional Use Permit modification for the addition of live entertainment and modified hours of operation at an existing Public Market (Market on 8th) located at 41 East 8th Street. (Case

File No: 2022-18 CUP) with added conditions for a noise study, security during live entertainment, and amended live entertainment hours as follows:

Live entertainment inside the building shall be permitted during the following hours:

Sunday 12:00 p.m. to 10:00 p.m.

Monday to Thursday 3:00 p.m.* to 10:00 p.m.

Friday 3:00 p.m.* to 11:30 p.m.

Saturday 12:00 p.m. to 11:30 p.m.

Live entertainment outside the building shall be permitted during the following hours.

Sunday 12:00 p.m. to 8:00 p.m.

Monday to Thursday 3:00 p.m.* to 8:00 p.m.

Friday 3:00 p.m.* to 9:00 p.m.

Saturday 12:00 p.m. to 9:00 p.m.

On days when Integrity Charter School is not in session, live entertainment may begin at 12:00 p.m.

Motion carried by the following vote:

Ayes: Sendt, Valenzuela, Castle, Yamane

Abstain:

Noes: Miller

Absent: Natividad, Sanchez

Motion approved.

OTHER BUSINESS:

Planning Manager informed that the Institute for Local Government is providing Regional Planning Commission training free of charge. There is a training/travel budget where we can accommodate two planning commissioners. An email will be sent out to

all planning commissioners with more information. Commissioner Castle stated that she attended the San Diego training. Commissioner Miller expressed interest in the next available training.

STAFF REPORTS:

Legal Counsel: Mitchell informed that she will be with us through the end of August.

Director of Community Development: No reports

Planning Manager: No Reports

COMMISSIONER REPORTS:

Sanchez: Absent

Yamane: None.

Sendt: None.

Natividad: Absent

Valenzuela: None.

Castle: None.

Miller: None

ADJOURNMENT by Chair Yamane at 8:49 p.m. to the meeting of July 18, 2022.

CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of August 1, 2022.



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

PLANNING COMMISSION STAFF REPORT

Title: CONDITIONAL USE PERMIT FOR OFF-SALE BEER AND WINE (TYPE 20) AT AN EXISTING RETAIL STORE (THE 99 STORE) LOCATED AT 1320 HIGHLAND AVENUE.

Case File No.: 2022-16 CUP

Location: Near northwest corner of East 14th St. and Highland Ave.

Assessor's Parcel Nos.: 560-050-11

Staff report by: David Welch – Associate Planner

Applicant: 99 Cents Only Store #101

Zoning designation: Major Mixed-Use District (MXD-2)

Adjacent use and zoning:

North: Walmart / MXD-2

East: Wireless retail, barber shop, travel agency, nail salon, and Cox retail / MXD-2

South: Apartments and Roberto's Taco Shop / Major Mixed-Use Corridor (MXC-2) and Very High Density Multi-Unit Residential (RM-3)

West: Proposed senior housing and medical clinic in existing parking lot / MXD-2

Environmental review: The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of the request for the sale of beer and wine, subject to the attached recommended conditions. The sale of alcohol is a conditionally-allowed use in MXD-2 and would contribute to the diversity of commercial offerings in the area.

Executive Summary

The applicant is proposing to sell beer and wine (ABC Type 20) in an existing 25,238 square-foot grocery and retail store. The business (99 Cents Only) proposes a display area of 20 linear feet, which is less than 1% of the total sales area. Proposed operation hours are 7:00 am to 10:00 pm Tuesdays and Thursdays and 8:00 am to 10:00 pm all other days of the week.

Site Characteristics

The project location is an existing commercial building that occupies a portion of a larger shopping center that sits on more than four acres at the northwest corner of Highland Avenue and East 14th Street. The building is 25,238 square-feet in size and faces north towards a parking lot and the adjacent Walmart property. The area is mixed-use with commercial uses on the north, east, and west sides. There are also existing apartment buildings to the south. A portion of the site, currently occupied by parking spaces, is proposed to be developed as affordable senior housing.

There was a previous CUP for off-sale alcohol license for beer, wine, and distilled spirits at this location, which was approved in 1987 for the Lucky grocery store previously at this location. However, both the business and the ABC license have been closed for many years. The ABC license was surrendered and the CUP vacated by the property owner. Therefore, no previous alcohol sales rights exist.

Proposed Use

The applicant proposes to sell beer and wine with an alcohol display area of 20 linear feet. The applicant is not requesting to have cold storage or window advertisements for alcohol with this request. Proposed hours of operation are modified on Tuesdays and Thursdays to allow seniors and at-risk customers a convenient shopping option. Additionally, the applicant does not propose to have single sales of beer nor malt products in containers larger than 25 ounces, nor wine bottles smaller than 750 ml in size. The project description provided by the applicant also includes distilled spirits. However, these products would not be

permitted under a Type 20 license. The existing store employs approximately 43 associates with 10 to 15 working during a typical shift.

Analysis

Section 18.30.050 of the Land Use Code allows for off-site alcohol sales with an approved Conditional Use Permit (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. There are also specific conditions required as part of City Council Policy 707, which regulates alcohol licenses.

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 823 occupants and owners.

Community Meeting - Pursuant to Section 18.30.050(C) of the National City Zoning Code, a community meeting was held Wednesday, June 1, 2022 at 5:00 p.m. at the subject property. The meeting advertisement is attached (Attachment 8). Per the applicant, there were no community members in attendance.

Distance Requirements - Chapter 18.030.050(D) requires that businesses that sell alcohol meet certain distance requirements. Grocery stores, convenience stores or other retail establishments involving the sale of alcohol for off-site consumption as an accessory use have no minimum distances. The existing store is primarily a grocery and retail store with more than 75% of sales derived from food and household consumables.

Alcohol Sales Concentration/Location

Per the California Department of Alcoholic Beverage Control (ABC), there are currently 8 off-sale licenses in this census tract (117) where a maximum of four is recommended, meaning that the census tract is considered by ABC to be over-saturated with regard to alcohol sales outlets. A CUP for a Type 21 license was recently approved by the Planning Commission for 802 B Avenue, which has not started operation. For reference, the existing outlets are:

Name	Address	License Type*	CUP
Seafood City	1420 E. Plaza Blvd. Suite C	21	Y
Big Ben Market	108 E. 8 th St.	21	Y

Walmart	1200 Highland Ave.	20	Y
Smart & Final	1220 E. Plaza Blvd. Suite 510	21	Y
CVS Pharmacy	1201 E. Plaza Blvd.	21	Y
7 Eleven	1539 Highland Ave.	20	Y
Wilson's Liquor	916 E. 8 th St.	21	Y
Bottles & More Liquor	1535 E. 18 th St.	21	-

* Type 20 - Off-Sale of Beer and Wine

* Type 21 - Off-Sale of Beer, Wine, and Distilled Spirits

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).

Many of the issues related to off-sale licenses sales are related to the availability of smaller quantities and cheaper products, most of which are related to businesses not subject to CUPs due to legal nonconforming status. However, businesses with CUPs are limited to the quantity and size of beer bottles (e.g., no sale of single cans or bottles) and the size of wine bottles and their alcoholic content (e.g., containers less than 750 milliliters nor greater than 15% content by volume). Modifications to the limitations on these products may only be approved by City Council.

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, The 99 Cents Only Store received a score of 15, which would indicate a medium risk. Medium risk is considered 13 to 18 points.

Institute for Public Strategies (IPS)

Comments were received from IPS with the recommendation that staff, management, and the owner be required to attend Responsible Beverage Sales and Service training.

Public Comment

No public comment was received as part of the public hearing notice as of the writing of this staff 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 MXD-2 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. No specific plan exists for the area.

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 building, which was previously analyzed for traffic impacts when the building 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 outlet would be consistent with other commercial businesses in the area accessory to the existing grocery and retail business.

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.

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

The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that no expansion of the building is proposed and the use would basically be the same as the current use and is similar to other commercial uses in the area, which are permitted by right in the MXD-2 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 sale of beer and wine will contribute to the diversity of local commercial offerings in the area, an allowed use in the MXD-2 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 two other Type 20-license outlets within a half-mile of the site:

Outlet Name	Address	ABC license type
Walmart	1200 Highland Ave.	20
7 Eleven	1539 Highland Ave.	20

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 census tract in which the subject property is located is currently over-concentrated with regard to off-sale alcohol outlets – eight off-sale outlets are permitted where four are recommended by the California Department of Alcoholic Beverage Control – and the area has a high crime rate, which may be exacerbated by the addition more of beer and wine.

3. Based on findings 1 and 2 above, public convenience and necessity will not be served by an additional off-sale beer and wine alcohol license pursuant to law.

Conditions of Approval

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.).

Summary

The proposed use is consistent with the General Plan due to alcohol sales for off-site consumption being a conditionally-allowed use in MXD-2. Beer and wine sales at a grocery and retail store would contribute to the diversity of the commercial offerings on Highland Avenue. However, the area is considered to be a high crime area and there are already two other outlets in close proximity that offer beer and wine. Conditions requiring compliance 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 2022-16 CUP subject to the conditions listed within, based on the attached findings, or findings to be determined by the Planning Commission; or
2. Deny 2022-16 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. 2022-16 CUP, dated 4/26/2022)
5. Public Hearing Notice (Sent to 823 property owners & occupants)
6. Census Tract & Police Beat Maps
7. PD Risk Assessment
8. Community Meeting Advertisement
9. Resolutions

David Welch

DAVID WELCH
Associate Planner



ARMANDO VERGARA
Director of Community Development

RECOMMENDED FINDINGS FOR APPROVAL

2022-16 CUP – The 99 Cents Only Store #101

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 MXD-2 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. Alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. No specific plan exists for the area.
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 building, which was previously analyzed for traffic impacts when the building 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 outlet would be consistent with other commercial businesses in the area accessory to the existing grocery and retail business.
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.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that no expansion of the building is proposed and use would basically be the same as the current use and is similar to other commercial uses in the area, which are permitted by right in the MXD-2 zone.

7. The proposed use is deemed essential and desirable to the public convenience or necessity, because the sale of distilled spirits sales will contribute to the diversity of local commercial offerings in the area, an allowed use in the MXD-2 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

2022-16 CUP – The 99 Cents Only Store #101

1. The proposed use is not deemed essential and desirable to the public convenience and welfare, because there are two other Type 20-license outlets within a half-mile of the site:

Outlet Name	Address	ABC license type
Walmart	1200 Highland Ave.	20
7 Eleven	1539 Highland Ave.	20

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 – eight off-sale outlets are permitted where four are recommended by the California Department of Alcoholic Beverage Control – and the area has a high crime rate, which may be exacerbated by the addition of beer and wine.
2. Based on findings 1 and 2 above, public convenience and necessity will not be served by an additional off-sale beer and wine alcohol license pursuant to law.

RECOMMENDED CONDITIONS OF APPROVAL

2022-16 CUP – The 99 Cents Only Store #101

General

1. This Conditional Use Permit authorizes the sale of beer and wine for off-site consumption at an existing retail store (The 99 Store) located at 1320 Highland Avenue. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2022-16 CUP, dated 4/26/2022.
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 or applicable law.

Planning

6. The sale of alcoholic beverages shall be limited to between the hours of 7:00 am to 10:00 pm Tuesday and Thursday and 8:00 am to 10:00 pm all other days of the week.
7. No display of alcohol within 20 feet of the exit is permitted.
8. The sale of beer or malt beverages in quantities of quarts, 22 ounce, 32 ounce, 40 ounce, or similar size containers is prohibited.
9. 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.

10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. The display of alcoholic beverages shall be limited to an area in substantial conformance with Exhibit A, Case File No. 2022-16 CUP, dated 4/26/2022.
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 applicant 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.

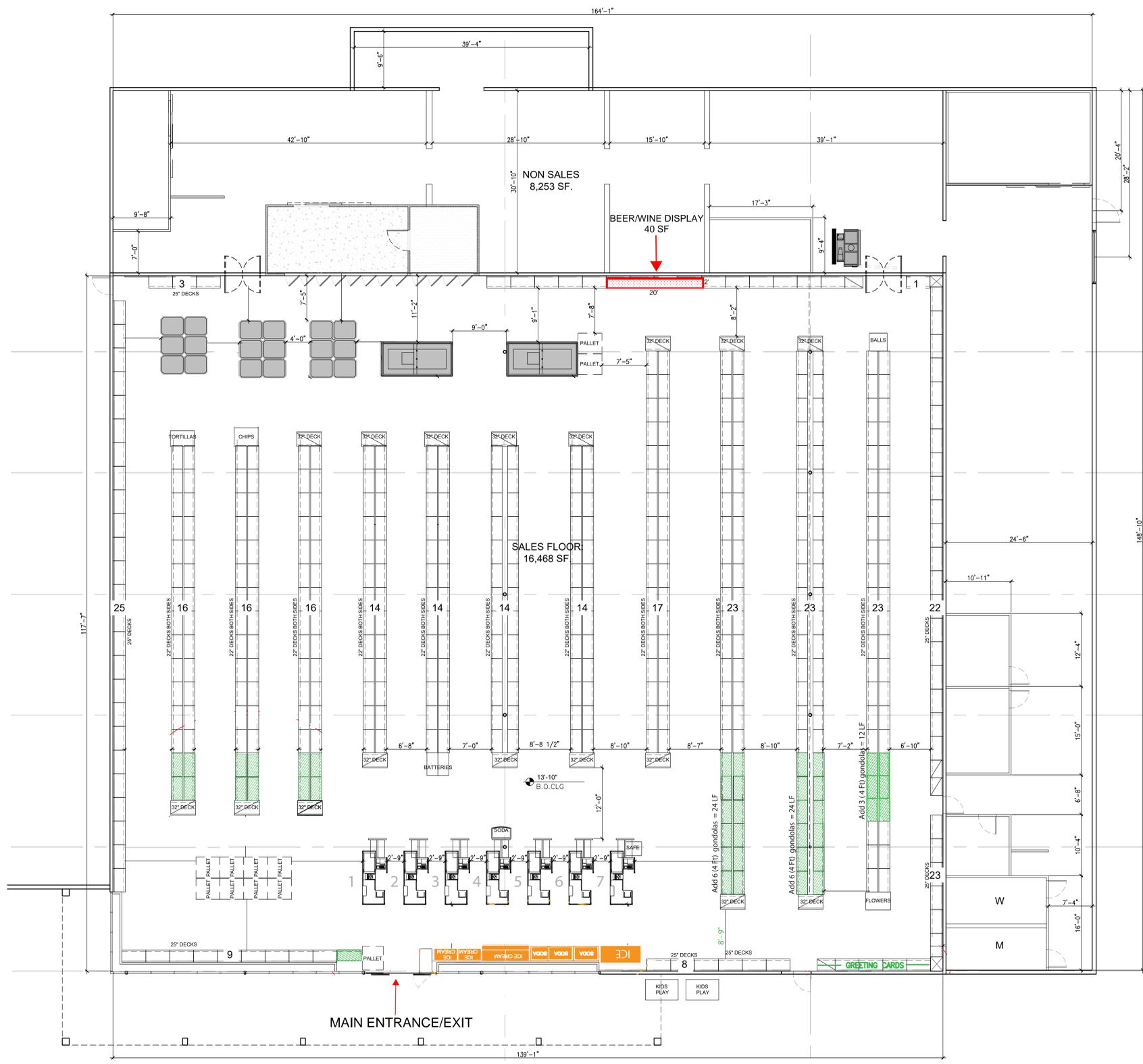
20. Every employee of the Permittee, including ownership and management, shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved 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. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

Police

22. Permittee shall comply with all applicable law, including, but not limited to all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.

2022-16 CUP – 1320 Highland Ave. – Overhead





AS-BUILT FIXTURE PLAN
SCALE: 1/8" = 1'-0"

FIXTURE PLAN SUMMARY

Building	ROOM	AREA	%
	Building Area (GROSS)	24,721	100%
Sales Floor	16,468	67%	
Non-Sales (GROSS)	8,253	33%	
TOTAL	24,721	100%	

FIXTURE COUNT

Fixtures	TYPE	QUANTITY	L.F.
Gondolas		564	2,256
End Caps		26	104
Wall Units		178	708
Window Display		16	64
Dry Goods		16	
TOTAL		800	3,132

REFRIGERATION COUNT

Refrigeration	TYPE	QUANTITY	LF
Walk-in Cooler		8	
Walk-in Freezer		4	
Ice Cream		3	
Soda		4	
Ice		1	
Produce		2	
TOTAL			

GO TALLER AS OF 04/01/2014

BEER/WINE DISPLAY AREA: 40 SF
 SALES FLOOR AREA: 16,468 SF
 % OF SALES FLOOR AREA: LESS THAN 1%

REVISIONS		
REV	REVISION	DATE

STAMP

ATC DESIGN GROUP
 ARCHITECTS • ENGINEERS • SURVEYORS
 1282 PACIFIC OAKS PLACE, SUITE C, ESCONDO, CA 92029
 PHONE: (760) 739-8800 FAX: (760) 738-6232



PROJECT NO: 07-2755
 CLIENT: 99c ONLY STORES
 SUBMITTED DATE: XX/XX/XX
 DESCRIPTION OF WORK: GOING TALLER
 PREPARED BY:

SHEET DESCRIPTION:
 SHEET NUMBER:



CITY OF NATIONAL CITY - PLANNING DIVISION
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR OFF-SALE BEER AND WINE (TYPE 20)
AT AN EXISTING RETAIL STORE (THE 99 STORE)
LOCATED AT 1320 HIGHLAND AVENUE.
CASE FILE NO.: 2022-16 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, August 1, 2022**, 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: 99 Cents Only Store #101)

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://nationalcityca.new.swagit.com/views/33>.

The applicant is requesting a Conditional Use Permit for off-sale beer and wine sales in the existing 25,238 square-foot grocery and retail store. The applicant proposes a display area of 20 linear feet, which is less than 1% of the total sales area. Proposed operating hours are 7:00 a.m. to 10:00 p.m. on Tuesdays and Thursdays and 8:00 a.m. to 10:00 p.m. all other days of the week.

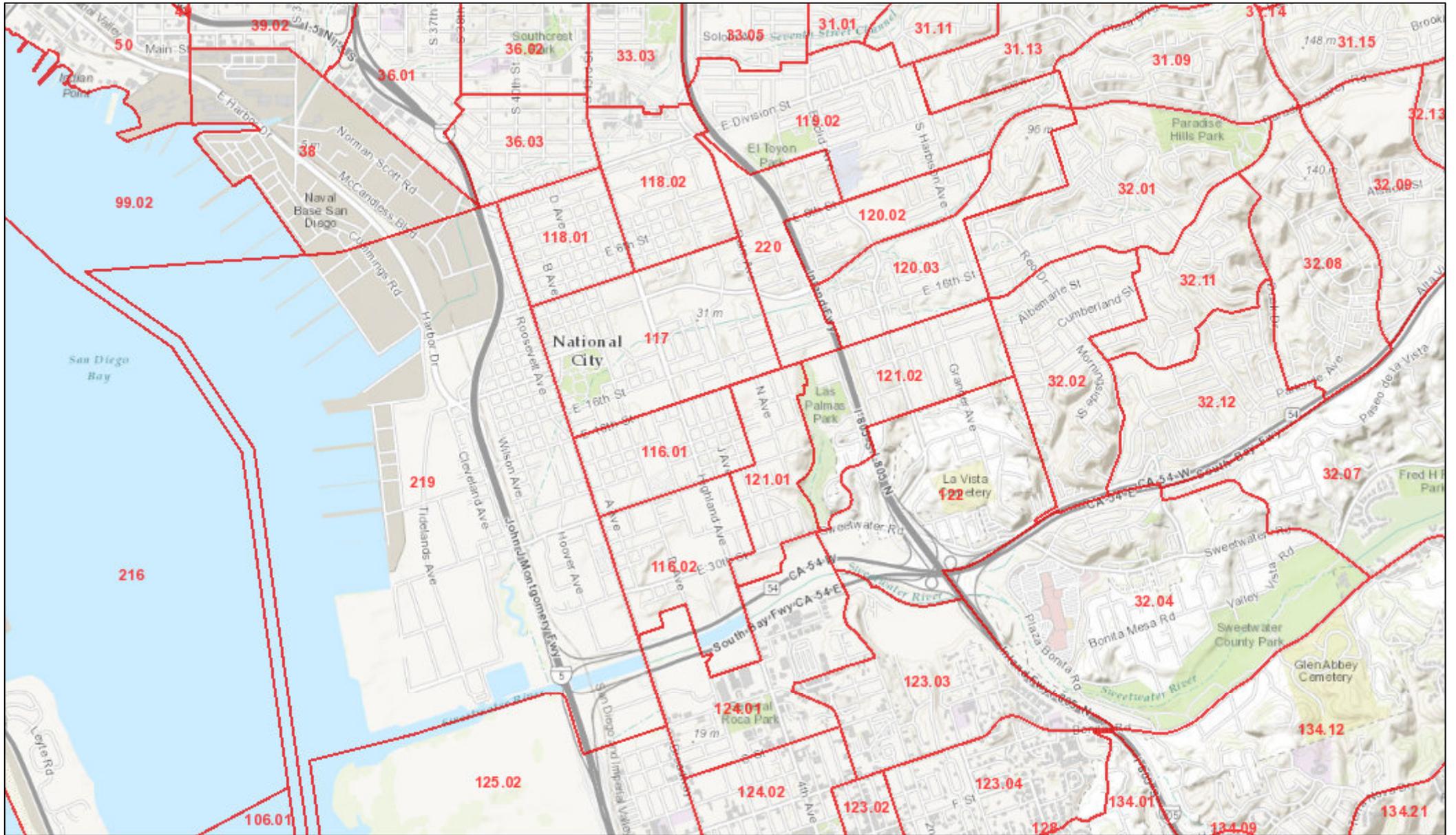
Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 4:00 p.m., **August 1, 2022**, by submitting it to PlcPubComment@nationalcityca.gov. Planning staff 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

A handwritten signature in blue ink, appearing to read "Armando Vergara".

ARMANDO VERGARA
Director of Community Development

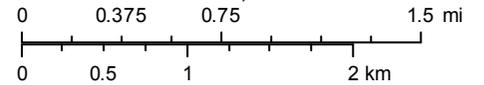


August 25, 2014

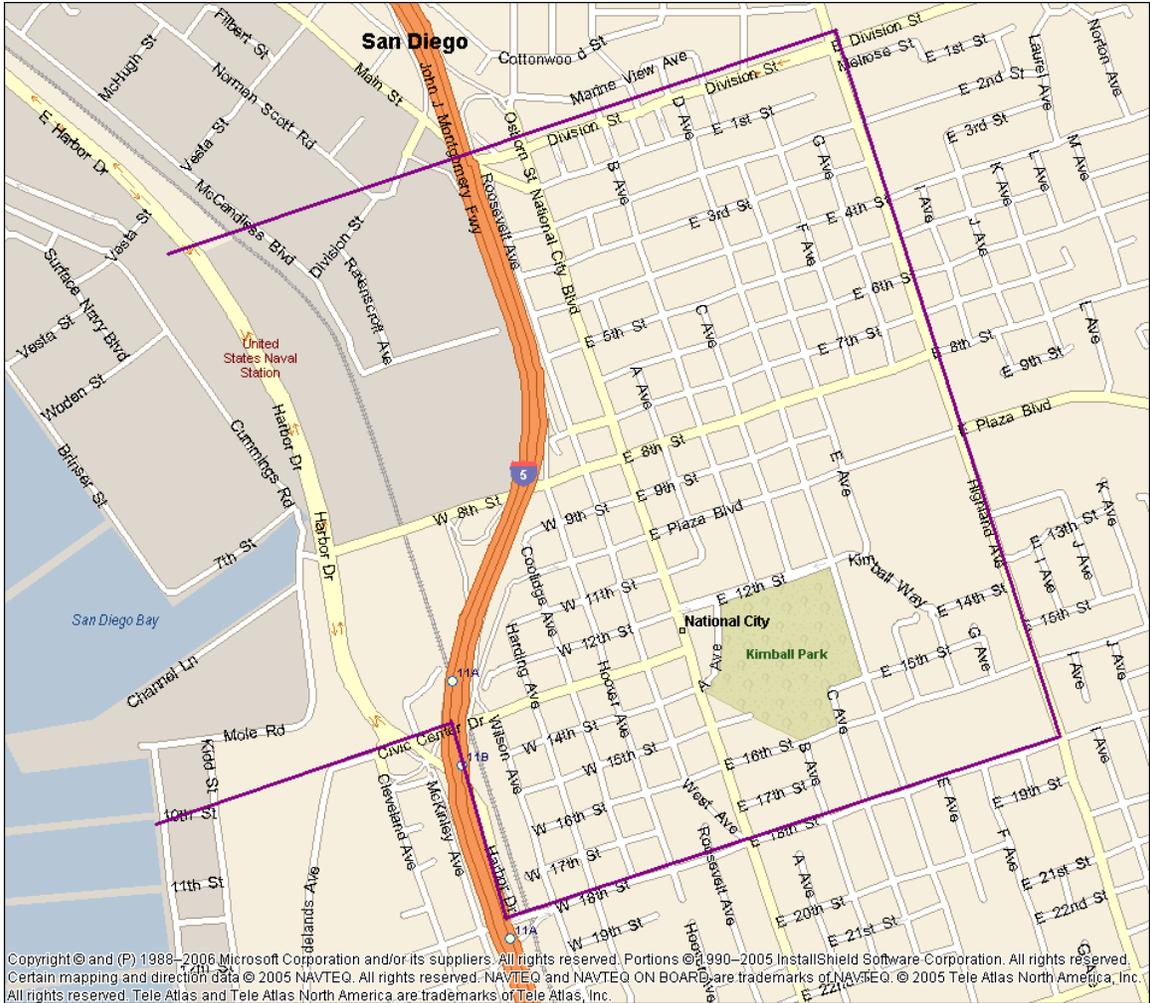
CensusTracts 2010

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



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: _____

You are invited to attend a:
COMMUNITY MEETING

Date: Wednesday, June 1, 2022

Time: 5 PM – 6 PM

Address: The 99 – 1320 Highland Ave, National City, CA

g is to inform citizens of a finding of public convenience or necessity and use permit application to sell beer and wine onsumption (ABC Type 20 License) within an existing 25,238 sq ft grocery and consumer goods store. The proposed aration are 8 am to 10 pm daily.

ng forward to meeting you and discussing any concerns or questions you may have regarding the proposed operations. If you he meeting, or if you have any questions before then, please feel free to contact Steve Rawlings, the Applicant's representative, 5152 or via email at SER@Rawlingspm.com.

being sent to you in fulfillment of the City of National City requirements. This outreach effort to our neighbors is necessary because an development or use has been filed with the City of National City Planning Department.

ATTACHMENT 8

RESOLUTION NO. 2022-17

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
APPROVING A CONDITIONAL USE PERMIT FOR
OFF-SALE BEER AND WINE (TYPE 20)
AT AN EXISTING RETAIL STORE (THE 99 STORE)
TO BE LOCATED AT 1320 HIGHLAND AVENUE.
CASE FILE NO. 2022-16 CUP
APN: 560-050-11

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for beer and wine sales (Type 20) at an existing retail store (The 99 Store) located at 1320 Highland Avenue at a duly advertised public hearing held on August 1, 2022, 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. 2022-16 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 August 1, 2022, 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 MXD-2 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. Alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. No specific plan exists for the area.
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 building, which was previously analyzed for traffic impacts when the building 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 outlet would be consistent with other commercial businesses in the area accessory to the existing grocery and retail business.
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.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that no expansion of the building is proposed and use would basically be the same as the current use and is similar to other commercial uses in the area, which are permitted by right in the MXD-2 zone.
7. The proposed use is deemed essential and desirable to the public convenience or necessity, because the sale of distilled spirits sales will contribute to the diversity of local commercial offerings in the area, an allowed use in the MXD-2 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 and wine for off-site consumption at an existing retail store (The 99 Store) located at 1320 Highland Avenue. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2022-16 CUP, dated 4/26/2022.
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 or applicable law.

Planning

6. The sale of alcoholic beverages shall be limited to between the hours of 7:00 am to 10:00 pm Tuesday and Thursday and 8:00 am to 10:00 pm all other days of the week.
7. No display of alcohol within 20 feet of the exit is permitted.
8. The sale of beer or malt beverages in quantities of quarts, 22 ounce, 32 ounce, 40 ounce, or similar size containers is prohibited.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.

14. 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.
15. The display of alcoholic beverages shall be limited to an area in substantial conformance with Exhibit A, Case File No. 2022-16 CUP, dated 4/26/2022.
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 applicant 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. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

Police

22. Permittee shall comply with all applicable law, including, but not limited to 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 August 1, 2022, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2022-17

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
APPROVING A CONDITIONAL USE PERMIT FOR
OFF-SALE BEER AND WINE (TYPE 20)
AT AN EXISTING RETAIL STORE (THE 99 STORE)
TO BE LOCATED AT 1320 HIGHLAND AVENUE.
CASE FILE NO. 2022-16 CUP
APN: 560-050-11

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for beer and wine sales (Type 20) at an existing retail store (The 99 Store) located at 1320 Highland Avenue at a duly advertised public hearing held on August 1, 2022, 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. 2022-16 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 August 1, 2022, support the following findings:

1. The proposed use is not deemed essential and desirable to the public convenience and welfare, because there are two other Type 20-license outlets within a half-mile of the site:

Outlet Name	Address	ABC license type
Walmart	1200 Highland Ave.	20
7 Eleven	1539 Highland Ave.	20

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 census tract in which the subject property is located is currently over-concentrated with regard to off-sale alcohol outlets – eight

off-sale outlets are permitted where four are recommended by the California Department of Alcoholic Beverage Control – and the area has a high crime rate, which may be exacerbated by the addition of beer and wine.

3. Based on findings 1 and 2 above, public convenience and necessity will not be served by an additional off-sale beer and wine 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 August 1, 2022, 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: CONDITIONAL USE PERMIT FOR A DRIVE-THROUGH
FAST FOOD RESTAURANT TO BE LOCATED AT 1900
EAST PLAZA BOULEVARD

Case File No.: 2021-11 CUP

Location: Southwest corner of E. Plaza Blvd. and I-805

Assessor's Parcel Nos.: 557-420-31

Staff report by: David Welch – Associate Planner

Applicant: In-N-Out Burgers

Zoning designation: Major Mixed-Use District (MXD-2)

Adjacent use and zoning:

 North: Bistro City restaurant and multi-family residential across E.
 Plaza Blvd. / MXD-2

 East: Caltrans R.O.W. for Interstate 805 / MXD-2

 South: Single and multi-family residential / MXD-2

 West: Super Star Car Wash Express / MXD-2

Environmental review: The proposed project has been reviewed in compliance with
the California Environmental Quality Act (CEQA) and has
been determined to be categorically exempt from
environmental review pursuant to Class 32, Section 15332 (In-
fill Development Projects) for which a Notice of Exemption will
be filed subsequent to approval of this Conditional Use Permit.

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of the request for a new drive-through fast food restaurant, subject to the attached recommended conditions. A restaurant with drive-through service is a conditionally-allowed use in MXD-2 and would contribute to the diversity of commercial offerings in the area.

Executive Summary

The applicant proposes to construct a 3,879 square-foot fast food restaurant (In-N-Out) with two drive-through lanes. The approximately 1.3-acre property would have a total of 55 parking spaces provided in addition to the drive-through lanes.

Site Characteristics

The project location is a 1.3-acre property currently occupied by a 6,178 square foot restaurant building (Family House of Pancakes), which is proposed to be demolished, as well as existing wireless communication facilities. The two facilities are mounted on an artificial palm tree and a pylon sign respectively. No change to the facilities is proposed as part of this CUP. The site is at the southwest corner of East Plaza Boulevard and Interstate 805. The area is mixed-use with both commercial and residential properties. The north side of East Plaza Boulevard across from the site has a condominium complex and a Chinese restaurant. To the south, there are residential properties that are separated from the site by a drainage easement. East of the site is Caltrans right-of-way including the on ramp to southbound I-805. This right-of-way wraps around the north side of the subject property. An existing carwash is adjacent to the subject property to the west and has driveway access on the northwest corner of the subject property.

Proposed Use

The applicant proposes to demolish the existing restaurant building and construct a 3,879 square-foot drive-through fast food restaurant. A double lane drive-through aisle is proposed. The lanes would be entered on the southwest corner of the property directly south of the existing driveway off of East Plaza Boulevard. This would create circular movements for drive-through vehicles starting on the west side of the property, looping around the east and north sides of the proposed building, before existing at the same driveway. The applicant proposes to provide 55 parking spaces, which is more than required by the code. The extra spaces may provide an alternative to the drive-through for customers.

Interior seating accommodating up to 84 customers will be provided as well as an outdoor patio with seating for 52. The restaurant will operate from 10:30 am to 1:00 am Sunday through Thursday and 10:30 am to 1:30 am Friday and Saturday. Approximately 10 to 15 staff members will be on each shift.

Analysis

General Plan

A restaurant is a commercial use, which is consistent with the mixed-use land use designation established for this area of the City, and is permitted by right. However, a drive-through restaurant requires a CUP and also contributes to the restaurant being considered a “fast food” restaurant. A fast food eating place is defined as follows:

"Fast food eating place" means any retail food establishment that primarily provides short order food services for on-site dining or take-out service, where such food and beverage is served on paper, plastic, or other disposable containers, and including drive in and drive-through restaurants where ready-to-eat foods are served primarily to be consumed off the premises. This definition includes all self-service restaurants, except cafeterias, sit-down pizza parlors, and donut shops.

There are two General Plan policies that reference fast food restaurants:

Policy HEJ-4.2: Encourage the development of healthy food establishments in areas with a high concentration of fast food establishments, convenience stores, and liquor stores.

Policy HEJ-5.4: Discourage unhealthy fast food outlets from locating near schools.

This segment of East Plaza Boulevard does not have the type of businesses mentioned in HEJ-4.2 (between Palm Avenue and I-805). Existing food outlets include Bistro City, a Chinese food restaurant, Kung Fu Tea, and California Produce. To the east of I-805 there are four other drive-through businesses within a half mile of the site, including McDonald's, Popeye's Louisiana Kitchen, Dunkin' Donuts and Starbucks Coffee. However, the freeway presents a significant barrier between these segments of East Plaza Boulevard. In-N-Out has a limited menu consisting of burgers, fries, shakes, and soft drinks. Without

healthy menu options, the proposed restaurant would qualify as an “unhealthy fast food outlet.” Despite this fact, California Produce is a pre-existing healthy food option in close proximity to In-N-Out that is consistent with HEJ-4.2.

With regard to HEJ-5.4, the nearest school is Las Palmas Elementary, which is more than a half-mile away in walking distance. Therefore, the restaurant is not near a school.

Land Use Code

A restaurant is generally a permitted use within the MXD-2 zone. However, businesses with a drive-through require the issuance of a CUP. In addition, Chapter 18.41 – Site Planning Standards – has specific design requirements for drive-through businesses, including:

- Minimum queuing distances (established by CUP).
- Minimum 25-foot interior turning radius for drive-through aisles.
- Location of drive-through window and landscaping requirements.

The site plan shows approximately 200 feet of vehicle queuing distance prior to the ordering/menu board. This first portion of the drive-through is a double aisle, which is about 400 feet or 21 cars worth of storage. There is another approximately 150 feet of single drive aisle distance to the pick-up window, which provides another eight cars worth of storage for a total of 29 cars. Other drive-through businesses with circulation issues in National City have little-to-no storage prior to their ordering windows, which causes back-ups into parking lots and sometimes the public right-of-way. With an overall queuing distance of approximately 350 feet, overflow issues during peak periods are not anticipated to cause any serious issues, particularly with the drive aisle in the parking area to accommodate another seven vehicles before the driveway entrance to the site.

The interior turning radii of the drive-through aisles vary and are generally consistent with the Land Use Code requirement of 25 feet. There is a radius of only 16 feet at the northeast corner of the proposed building. Additional driveway width is provided at this turn to accommodate the tighter curve and the City Engineer is permitted to approve a smaller radius. Staff is recommending a condition of approval for a revised site plan in conformance with this section of code or an alternate design approved by the City Engineer.

The Land Use Code states that a drive-through window may not be located between the right-of-way and the building without a minimum 10-foot wide

landscape buffer. The buffer shall have a minimum three-foot height continuous hedge and ornamental trees spaced a minimum of 20 feet on center. The location of the drive-through window and drive aisles is adjacent to Caltrans property and not directly adjacent to East Plaza Boulevard right-of-way. The landscape plan for the project is mostly consistent with the intent of requirements, in that the shrubs shown in the landscape plan typically reach heights of three feet. However, the placement of the shrubs is not continuous on the plan. A condition of approval requiring the planting of shrubs, or other plants that will create a continuous three-foot tall hedge, is included.

Section 18.30.360 of the LUC has additional requirements for fast food eating places. However, the public notice requirements are consistent with standard noticing for a CUP and the distance requirements do not apply in the MXD-2 zone.

Parking/Circulation

The proposed design shifts the site layout to place the new restaurant building and drive-through aisles closer to I-805. Although the new restaurant is significantly smaller than the building proposed to be demolished, the drive-through aisles, outdoor patios, and increased landscape area result in less space for parking with the number of spaces on site decreasing from 77 to 55. This is nine more spaces than required by the code and sufficient for the proposed use.

Based on a traffic impact analysis conducted by the applicant, the proposed project is projected to generate approximately 1,655 net new daily trips compared to the existing restaurant. A reduction of 60 AM peak hour trips and an increase of 103 PM peak hour trips is forecasted. Pass-by and diverted trips were also accounted for in the analysis provided. The analysis, inclusive of existing In-N-Out locations, also shows that the site plan demonstrates sufficient queuing capacity for the drive-through. Nearby intersections, with the exception of Palm Avenue and East Plaza Boulevard, will continue to operate at an acceptable level of service (LOS). The intersection at Palm Avenue and East Plaza Boulevard currently operates at a substandard LOS. However, the proposed development is only forecasted to contribute an insignificant 0.2 second delay to the existing condition.

The analysis did not provide evidence of a need for any changes to the existing roadway conditions as a result of the proposed development, but two additional scenarios were investigated, both related to the extension of the median between

east and westbound lanes of Plaza Blvd. According to the review conducted by the City Engineer's office of the traffic impact analysis, a median extension on East Plaza Boulevard west to Palm Avenue would result in decreased LOS at the Palm Avenue intersection. A median extension of approximately 300 feet, however, would not affect LOS. The City could consider this option should unforeseen traffic issues arise following the opening of the new restaurant. A condition of approval is recommended to provide for this option available should it be deemed necessary.

Noise

Noise issues related to drive-through businesses are usually related to vehicle queuing and ordering windows/speakers. Noise is not likely to be an issue given the location close to Interstate 805 and the provision of a solid six foot high CMU wall separating the proposed use from adjacent residential properties. However, recent approvals for drive-through businesses have required noise-attenuating speakers at the ordering window and this business proposed to be open until 1:00 am Sunday through Thursday and 1:30 am Friday and Saturday. This type of speaker automatically adjusts its volume to compensate for ambient noise (streets, vehicles, etc.). Therefore, the volume is lower during quieter periods, such as at night. There is a condition requiring the noise-attenuating speakers.

Mailing

All property owners and occupants within a distance of 300 feet are required to be notified of a public hearing for a CUP application. Notice of this public hearing was sent to 249 occupants and owners.

Department Comments

Comments were provided by the Engineering and Fire Departments related to standard requirements for new developments. The Engineering Department also requested and provided review of the traffic impact analysis for the proposed use. The Planning Division also provided a cursory review of the proposed plans with comments related to the Land Use Code. Sweetwater Authority comments related to the provision of water services to the proposed development were received. All comments have been incorporated as conditions of approval for the CUP.

Public Comment

One public comment was received as of the writing of this staff report. The comment has been included as an attachment below.

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.

Drive-through businesses are identified as a conditionally-allowed use in the Major Mixed-Use District (MXD-2) zone, and the conditions of approval will assure the proposed drive-through aisle will meet all requirements as contained in NCMC §18. 41 – Site Planning Standards.

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

The Land Use Code conditionally allows drive-through businesses in the MXD-2 zone; the Land Use Code is consistent with the General Plan. Additionally, there are no Specific Plans affecting this location.

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.

The property will be completely redeveloped and will provide enough parking spaces based on provisions outlined in the Land Use Code. In addition, the proposed drive-through aisle, subject to the conditions of approval, meets all requirements for such uses outlined in the Land Use Code, as discussed above.

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 project is expected to generate a reduction in approximately 60 AM peak hour trips and an increase of 103 PM peak hour trips and 1,655 net new daily trips, which can be accommodated by existing road network. Intersections in this location are currently operating at an LOS of D or better (passing), with the

exception of Palm Avenue and East Plaza Boulevard, and are calculated by the provided traffic impact analysis to continue to have a passing LOS after construction. The intersection of Palm Avenue and East Plaza Boulevard has a LOS E and is calculated to have a less than significant increase in delay.

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.

Noise issues related to drive-through businesses are usually related to vehicle queuing and ordering windows/speakers. Noise is not likely to be an issue given that the area is close to both arterial streets and a freeway. Residential areas will be physically separated from the proposed development by a solid six-foot high wall. Recent approvals for drive-through businesses have required noise-attenuating speakers at the ordering board. This type of speaker automatically adjusts its volume to compensate for ambient noise (streets, vehicles, etc.). Therefore, the volume is lower during quieter periods, such as at night. There is a condition requiring the noise-attenuating speakers. In addition, the new business will be a benefit the public interest by providing new jobs.

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

The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 32, Section 15332 (In-fill Development Projects) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.

Findings for Denial

There are two findings for denial as follows:

1. The proposed use is not deemed essential and desirable to the public convenience and welfare, because there are four other drive-through eating places within a half-mile of the site: Dunkin' Donuts, McDonald's, Popeyes Louisiana Kitchen, and Starbucks.

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 it would contribute to a concentration of unhealthy fast food eating places.

Conditions of Approval

Conditions of Approval are included that address City Department comments, as well as Sweetwater Authority. Conditions cover code requirements (Fire & Building), grading and improvement requirements (Engineering), and design and performance regulations for the drive-through and potential traffic issues (Planning). Sweetwater Authority requires specific plans as part of the development process.

Summary

The proposed drive-through is consistent with the Land Use Code with the approval of a CUP. Conditions of Approval will ensure that the business operates in harmony with existing uses in the area. The potential impacts are minimal since design guidelines ensure an appropriately-designed project. In addition, the 29-vehicle storage capacity of the drive-through aisle will avoid impacts to adjacent City streets. Staff is recommending approval of this CUP request.

Options

1. Approve 2021-11 CUP subject to the conditions listed within, based on the attached findings, or findings to be determined by the Planning Commission; or
2. Deny 2021-11 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. 2021-11 CUP, dated 6/2/2021)
5. Notice of Exemption
6. Public Hearing Notice (Sent to 249 property owners & occupants)
7. Public Comment
8. Resolutions

David Welch

DAVID WELCH
Associate Planner



ARMANDO VERGARA
Director of Community Development

RECOMMENDED FINDINGS FOR APPROVAL

2021-11 CUP – In-N-Out Burgers

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 drive-through businesses are identified as a conditionally-allowed use in the Major Mixed-Use District (MXD-2) zone, and the conditions of approval will assure the proposed drive-through aisle will meet all requirements as contained in NCMC §18. 41 – Site Planning Standards.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because the Land Use Code conditionally allows drive-through businesses in the MXC-2 zone; the Land Use Code is consistent with the General Plan. Additionally, there are no Specific Plans affecting this location.
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 the property will be completely redeveloped and will provide enough parking spaces based on provisions outlined in the Land Use Code. In addition, the proposed drive-through aisle, subject to the conditions of approval, meets all requirements for such uses outlined in the Land Use Code, as discussed above.
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 project is expected to generate a reduction in approximately 60 AM peak hour trips and an increase of 103 PM peak hour trips and 1,655 net new daily trips, which can be accommodated by existing road network. Intersections in this location are currently operating at an LOS of D or better (passing), with the exception of Palm Avenue and East Plaza Boulevard, and are calculated by the provided traffic impact analysis to continue to have a passing LOS after construction. The intersection of Palm Avenue and East Plaza Boulevard has a LOS E and is calculated to have a less than significant increase in delay.
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 noise issues related to drive-through businesses are usually related to vehicle queuing and ordering windows/speakers. Noise is not likely to be an issue given that the area is close to both arterial streets and a freeway. Residential areas will be physically separated from the proposed development by a solid six-foot

high wall. Recent approvals for drive-through businesses have required noise-attenuating speakers at the ordering board. This type of speaker automatically adjusts its volume to compensate for ambient noise (streets, vehicles, etc.). Therefore, the volume is lower during quieter periods, such as at night. There is a condition requiring the noise-attenuating speakers. In addition, the new business will be a benefit the public interest by providing new jobs.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 32, Section 15332 (In-fill Development Projects) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.

RECOMMENDED FINDINGS FOR DENIAL

2021-11 CUP – In-N-Out Burgers

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RECOMMENDED CONDITIONS OF APPROVAL

2021-11 CUP – In-N-Out Burgers

General

1. This Conditional Use Permit authorizes a new drive-through fast food restaurant (In-N-Out) to be located at 1900 East Plaza Boulevard. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2021-11 CUP, dated 6/2/2021.
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. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. 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.

Engineering

7. The Property is in the Federal Flood Plain area. Flood hazard permit shall be obtained from the Engineering Department.
8. A Hydrology study (100 year flood) is required for the new project. The study should consider the proposed project area to the closest municipal storm drain collection point. The study should consider the adequacy of the existing storm drain system to convey

any additional run off. All Hydrology study findings and recommendations are part of Engineering Department requirements.

9. The Storm Water BMP Requirements Applicability Form I-1 and if required I-2 checklist for the National Pollutant Discharge Elimination System (NPDES) is required to be completed and submitted to the Engineering Department. The checklist will be required when a project site is submitted for review of the City Departments. The checklist is available at the Engineering Division web site at the link below *. If it is determined that the project is subject to the "Priority Project Permanent Storm Water BMP Requirements" and the City of National City Storm Water Best Management Practices of the Jurisdictional Urban Runoff Management Program (JURMP) approved Standard Urban Storm Water Mitigation Plan (SUSMP) documentation will be required prior to issuance of an applicable engineering permit. The SUSMP shall be prepared by a Registered Civil Engineer.

*<http://www.nationalcityca.gov/city-government/engineering-public-works/engineering-division/online-services-forms-fees>.

10. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. An approved SWPPP will be required prior to issuing of a construction permit.
11. All surface run-off shall be treated with an approved Standard Urban Runoff Mitigation Plan (SUSMP) Best Management Practice (BMP) for all Priority SUSMP projects. No runoff will be permitted to flow over the sidewalk. Adjacent properties shall be protected from surface run-off resulting from this development.
12. The property owner, or its successors and assigns shall be responsible for the maintenance, repair, or reconstruction of all irrigation and landscaping improvements installed within the public right-of-way. Sprinkler heads shall be adjusted so as to prevent overspray upon the public sidewalk or the street. The proposed sprinkler heads shall be installed behind the sidewalk, and the irrigation mainline upon private property only, as required by the City. The property owner or, its successors or assigns, shall be remove and relocate all irrigation items from the public right-of-way at no cost to the City, and within a reasonable time frame upon a written notification by the City Engineer.
13. Metallic identification tape shall be placed between the bottom layer of the finished surface and the top of all irrigation lines in the public right-of-way.

14. A grading and drainage plan shall be submitted showing all of the proposed and existing on-site and off-site improvements. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. All necessary measures for prevention of storm water pollution and hazardous material run-off to the public storm drain system from the proposed parking lot or development shall be implemented with the design of the grading. This shall include the provision of such devices as storm drain interceptors, clarifiers, or filters. Best Management Practices for the maintenance of the parking lot, including sampling, monitoring, and cleaning of private catch basins and storm drains, shall be undertaken in accordance with the National Pollution Discharge Elimination System (NPDES) regulations. A private storm water treatment maintenance agreement shall be signed and recorded. A check list for preparation of the grading plan/drainage plan is available at the Engineering Department.
15. All existing and proposed curb inlet on property shall be provided with a "No Dumping" signage in accordance with the NPDES program.
16. A National Pollutant Discharge Elimination System (NPDES) permit is required for discharges of storm water runoff associated with construction greater than 1 acre activity where clearing, grading, and excavation results in a land disturbance. A construction storm water permit shall be obtained from the Regional Water Quality Control Board. A copy of shall be given to the City of National City Engineering Department prior to any work beginning on the project.
17. A Notice of Intent (NOI) shall be filed with the Regional Water Quality Control Board (RWQCB).
18. Industrial facilities shall comply with NPDES regulations. A Storm Water Pollution Prevention plan shall be prepared and submitted to the Engineering Department for approval. The facility shall satisfy the sampling and monitoring requirements of the NPDES regulations.
19. A sewer permit will be required. The method of sewage collection and disposal shall be shown on the grading/drainage plan. Any new sewer lateral in the City right-of-way shall be 6 inch in size with a clean out. A sewer stamp "S" shall be provided on the curb to mark the location of the lateral.
20. Separate street and sewer plans prepared by Registered Civil Engineer, shall be submitted showing all of the existing and proposed improvements. The plans shall be in accordance with City requirements.

21. A soils engineering report shall be submitted for the Engineering Department's review, after Planning Commission approval. The report shall address the stability of all of the existing and proposed slopes on the property. It shall also address the adequacy of the building pads, the criteria for any new retaining wall design, the maximum allowable soil bearing pressure and the required pavement structural sections for the proposed streets, the parking areas, and the driveways. As a minimum, the parking lot pavement sections shall be 2 inch A.C. over 4 inch Class II aggregate base. The street pavement sections shall be in accordance with National City modified Standard Drawing G-34. All soils report findings and recommendations shall be part of the Engineering Department requirements.
22. The deteriorated portions of the existing street improvements along the property frontages shall be removed and replaced. Specifically the existing cross gutter across the driveway opening, approximately 540 square feet, and that portion of the sidewalk which is now undermined, approximately 75 square feet as marked out in the field..
23. Street pavement repair will be required. The work shall be as follows: Along the inside and outside edges of the deteriorated cross gutter, a minimum cut back of twelve inches from the gutter edge outward (or as directed by the city engineer, and full depth removal and replacement of the asphalt.
24. The existing street improvements along the property frontage(s) shall be kept free from weed growth by the use of special weed killers, or other approved methods.
25. All existing survey monuments, including any benchmark, within the boundaries of the project shall be shown on the plans. If disturbed, a licensed land surveyor or civil engineer shall restore them after completion of the work. A Corner Record shall be filed with the County of San Diego Recorder. A copy of the documents filed shall be given to the City of National City Engineering Department as soon as filed.
26. The driveway on Plaza Boulevard shall be an alley entrance type driveway with pedestrian ramps.
27. A permit shall be obtained from the Engineering Department for all improvement work within the public right-of-way, and any grading construction on private property.
28. Street improvements shall be in accordance with the City Standards.
29. A title report shall be submitted to the Engineering Department, after the Planning Commission approval, for review of all existing easements and the ownership at the property.

30. All NEW restaurants are subject to a sewer district fee of \$1,930 for each count of seven seats or portion thereof. A count of the number of proposed seats shall be included together with a seat count of the existing restaurant.
31. A traffic study is required for the proposed development. The traffic study shall include queuing analysis for left turns into the property from west bound Plaza Boulevard and right turns in from East bound Plaza Boulevard. Traffic Analysis shall also include analysis of vehicle volumes entering Super Star Car Wash and determine any impacts to In-N-Out due to shared driveway.
32. All electrical, telephone and similar distribution service wires for the new structure(s) shall be placed underground.
33. A cost estimate for all of the proposed grading, drainage, street improvements, landscaping and retaining wall work shall be submitted with the plans. A performance bond equal to the approved cost estimate shall be posted. A deposit in the amount of three percent (3%) of the estimated cost or \$10,000 (whichever is greater) shall also be deposited with the City as an initial cost for plan checking and inspection services at the time the plans are submitted. The deposit is subject to adjustment according to actual worked hours and consultant services.
34. A hydromodification plan or a letter sealed and signed by the Engineer of Work explaining why the project is exempt from hydromodification requirements shall be submitted.
35. If public safety concerns arise due to unforeseen traffic issues following the opening of In-N-Out, the City may construct a median between east and westbound lanes of Plaza Blvd. west of Interstate 805 to be extended 300 feet further to the west at the applicant's sole cost. The median shall be required at the sole discretion of the City Engineer if public safety concerns occur related to left turns occurring either entering or exiting the driveway located on the property. The applicant shall provide complete public improvement plans for the possible median extension and shall agree to provide either a Payment Bond or a cash bond, at In-N-Out's preference, in an amount equivalent to 200% of a certified engineer's estimate for said improvements for a period of three years from the opening of this In-N-Out location. As a condition of approval, the applicant agrees to cover any cost that exceeds the 200% cost estimate. Alternatively, the applicant may include a yearly escalator in the bond agreement as negotiated with the Engineering Department. At the expiration of the three year period, if the City has not decided to require construction of the median, the City shall release and/or return any and all bonds held.

36. Other miscellaneous requirements:

- i. The developer is solely responsible for submitting a set of plans to Sweetwater Authority for their review and approval.
- ii. A drainage easement shall be granted from Plaza Boulevard through the property to the drainage channel along the westerly property line to allow city crews to access, maintain and clean the channel.
- iii. On the south easterly corner of the lot the developer shall grant an access easement to the City around the proposed patio structure to allow for the removal of miscellaneous debris
- iv. The developer shall construct a new access ramp for city equipment from the parking lot area, where the new easement terminates at the channel, down to the top of the channel wall.
- v. The Developer shall replace the existing fence along the drainage channel with a wrought iron fence.
- vi. The developer shall fill in the storm channel forebay with an approved design of rock and concrete.

Fire

37. Project shall be designed to code.

38. The National City Fire Department utilizes all current codes and ordinances. Currently, we are using the 2019 editions of NFPA, CFC and the current edition of the CCR.

39. Fire sprinkler, fire alarm, Co2 beverage system, and cooking suppression system, shall be evaluated and installed for intended use per code. All fire related plan designs shall be submitted directly to the National City Fire Department through permit.

40. Fire apparatus access roads shall comply with the requirements of this section (Section 5 CFC 2013) and shall extend to within 150 feet of **all** portions of the facility and **all** portions of the exterior walls of the first story of the building as measured by an **approved** route around the exterior of the building. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.

41. The required width of emergency fire apparatus access roads shall not be **obstructed in any manner**, including parking of vehicles. All access roads shall be no less than 20 feet wide, no less than 14 feet high and shall have an all weathered road with the ability

to support 75 thousand pounds or greater. Where a fire hydrant is located on a fire apparatus road, the minimum road width shall be 26 feet. A 28 foot turning radius is required for fire department access through site. All fire department access roads shall be painted and signed to prevent parking in these required designated emergency areas.

42. Fire hydrants that may be located throughout the project as not to have a separation distance greater than 300 feet. Fire hydrants to be located within 300 feet of all locations which are roadway accessible. (Measurement starts from nearest public fire hydrant to project)
43. The following items pertain to fire hydrants:
 - a. Size and location, including size and number of outlets and whether outlets are to be equipped with independent gate valves.
 - b. Fire hydrant to be of three outlet design.
44. Provide calculation confirming flow availability to meet fire flow demands and supply large diameter hose (4 inch).
45. Fire hydrants to be marked by use of blue reflective marker in the roadway.
46. Upon submittal for an underground permit, the following shall be included:
 - Data sheet for Back-Flows
 - Data sheets for Private and Commercial Hydrants
 - Data sheets for Post Indicator Valves

Information on required fire hydrants back-flow devices, etc.; can be acquired from Sweetwater Authority.

All pipe and their appliances, shall meet industry/code standards for underground use
47. Approved signs or other approved notices or markings (Red Curb) that include NO PARKING – FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designed shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. **All projects shall be evaluated for this necessary application.**
48. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.
49. The fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies,

procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for this code.

50. Please see all attachments provided, a copy of which has been provided by the Planning Division.
51. Should any plan corrections be required, contractor must correct the plan and re-submit to the Fire Department for approval once again prior to installation.

Planning

52. A landscape and underground irrigation plan shall be submitted as part of the construction permitting process. Installation and continued maintenance of minimum landscaping items required by the Land Use Code, including a minimum three-foot continuous hedge along the frontages, shall be provided for the life of the project.
53. Plans submitted for construction shall conform to minimum turning radius requirements for drive-through businesses unless the City Engineer approves a lesser radius.
54. Business operations shall comply with Municipal Code Title 12 (Noise) at all times. Plans submitted for construction shall reflect the use of sound-attenuating speakers that automatically reduce the volume of ordering speakers during periods of low ambient noise.
55. Plans submitted for construction shall conform to Land Use Code Chapter 18.46 (Outdoor Lighting) and Section 18.42.040 (Screening mechanical equipment and elevator housing).
56. Plans submitted for improvements must comply with the current editions of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.

Police

57. The permittee shall comply with all applicable law.

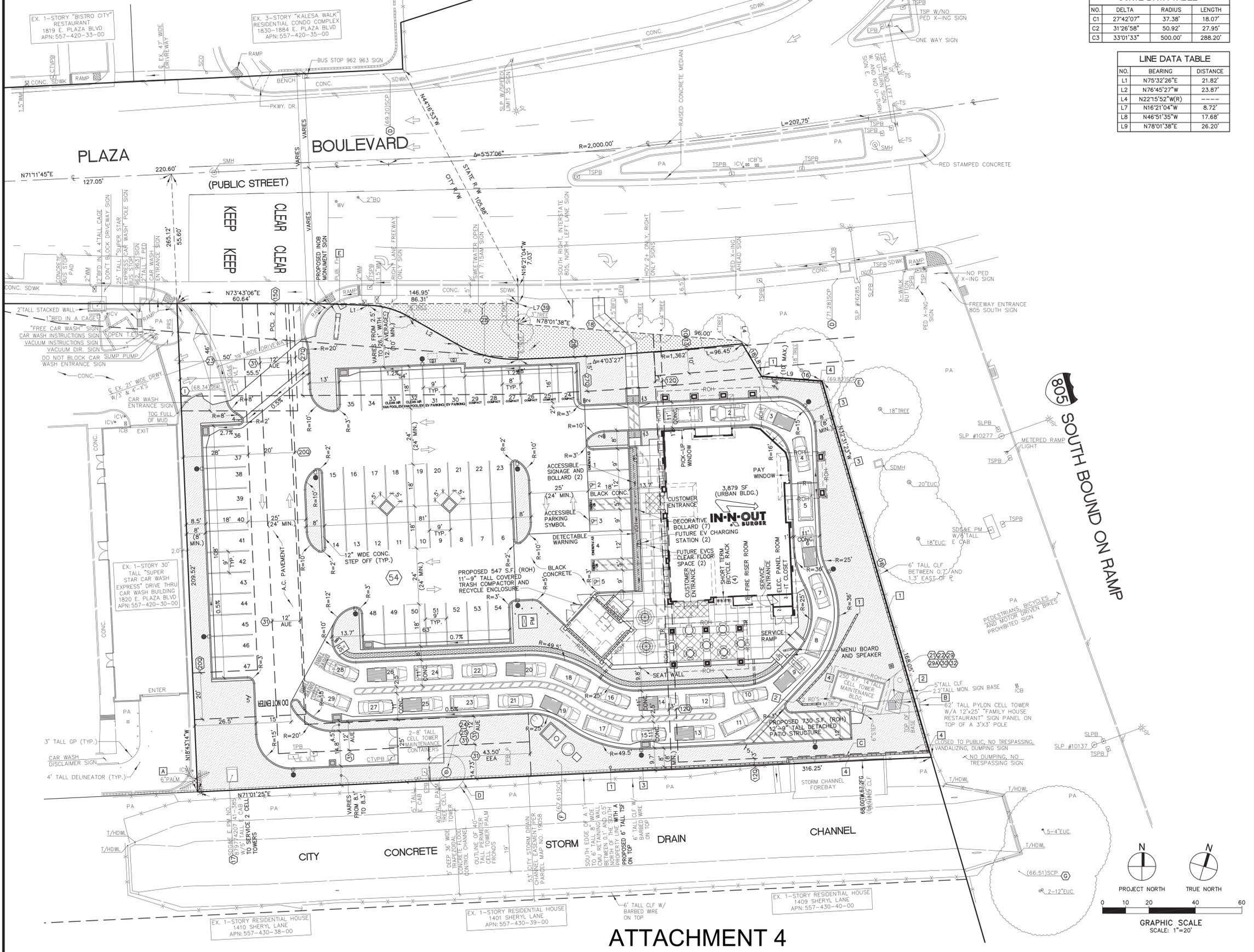
Sweetwater Authority

58. The most easterly service is a 2-inch lateral with a 1-1/2-inch meter. Revise on this and all associated sheets (Sheet C32 on plans).
59. Plans show 2-inch gas lines branching off 6-inch fire service. Gas and fire services must remain completely separate. In addition, water pipelines must be horizontally separated by a minimum of 10 feet from pipelines conveying sewer and 5 feet from other utility connections (Sheet C34).

60. Per Sweetwater Authority Standard Drawing 15-A, backflow connection details for devices larger than 2 inches are required to be designed by a registered civil engineer and shown on plans. Alternatively, backflows can be installed per Standard Drawing 15-C. A copy of Standard Drawing 15-C has been enclosed with this letter (Sheet C34).
61. Add note stating make and model of all backflow devices or state that device shall be "Authority approved lead-free RP backflow preventer" for domestic and irrigation services and "Authority approved lead-free RPDA backflow preventer", for fire service (Sheet C34).
62. Per Sweetwater Authority Rates & Rules, fire services must be entirely separated from domestic and irrigation connections (Sheet C34).
63. Show estimated daily irrigation usage in gallons per day (Sheet LPP.1).
64. The Owner is requested to revise and resubmit the Plans, along with fire protection plans with hydraulic calculation to the Authority for its review and approval.
65. The Owner will also be required to provide estimated domestic water usage in gallons per day.

2021-11 CUP – 1900 E. Plaza Blvd. – Overhead





CURVE DATA TABLE

NO.	DELTA	RADIUS	LENGTH
C1	27°42'07"	37.38'	18.07'
C2	31°26'58"	50.92'	27.95'
C3	33°01'33"	500.00'	288.20'

LINE DATA TABLE

NO.	BEARING	DISTANCE
L1	N75°32'26"E	21.82'
L2	N76°45'27"W	23.87'
L4	N22°15'52"W(R)	---
L7	N16°21'04"W	8.72'
L8	N46°51'35"W	17.68'
L9	N78°01'38"E	26.20'

LEGEND

- NEW 24"x36" CONCRETE DRAIN BOX INLET WITH A FLOOR PLUS FOSSIL FILTER INSERT FOR THE PRE-TREATMENT OF STORMWATER RUNOFF.
- PROPOSED INOB INSTALLED AND MAINTAINED 22'-6" TALL FIXTURE HEIGHT LIGHT POLE ON TOP OF A 30" TALL 24" DIAMETER CONCRETE BASE FOR A TOTAL HEIGHT OF 25' TALL.
- PROPOSED INOB INSTALLED AND MAINTAINED DROUGHT TOLERANT LANDSCAPED PLANTER AND IRRIGATION SYSTEM ON SITE, INCLUDING AREA UNDER BUILDING ROOF OVERHANGS (ROH) AND VEHICLE OVERHANG (VOH) CONSISTING OF APPROXIMATELY 14,128 SQUARE FEET (25.5%).
- BLACK TRUNCATED DOMES DETECTABLE WARNING STRIP.
- VEHICLE DETECTOR LOOP.
- PROPERTY LINE.
- OUTDOOR SEATING PATIO TABLE WITH UMBRELLA (4 SEATS).
- OUTDOOR SEATING PATIO TABLE WITH NO UMBRELLA (4 SEATS).
- OUTDOOR SEATING PATIO TABLE WITH NO UMBRELLA (2 SEATS).
- NEW 3' TALL 18"x24" LIT "DRIVE THRU" DIRECTIONAL SIGN.
- NEW 3' TALL 18"x24" LIT "THANK YOU, DO NOT ENTER" DIRECTIONAL SIGN.
- NEW PEDESTRIAN CROSSWALK SIGN.
- NEW ACCESSIBILITY ENTRY SIGN.
- DO NOT ENTER SIGN.
- IN-N-OUT BURGER.
- FUTURE EV (ELECTRIC VEHICLE) CHARGING STATION, PROPOSED 4" DIAMETER ELECTRIC PULL BOX, AND A CLEAR FLOOR SPACE.
- 24" WIDE MATTED INOB ASSOCIATE WALKWAY CONSISTING OF APPROXIMATELY 370 SQUARE FEET.
- PROPOSED PRECAST CONCRETE MODULAR WETLANDS UNIT W/ETLANDMOOD-6-8-5-0"V STORMWATER BIOFILTRATION SYSTEM.

GENERAL NOTES

- GROSS SITE AREA: 57,129 SQ. FT. OR 1.311 ACRES. STREET EASEMENT: 1,712 SQ. FT. OR 0.039 ACRES. NET SITE AREA: 55,417 SQ. FT. OR 1.272 ACRES.
- EXISTING CITY ZONE: MXD-2 (MAJOR MIXED-USE DISTRICT).
- GENERAL PLAN LAND USE DESIGNATION: MAJOR MIXED-USE (75 DU/AC MAX; FAR 3.5).
- EXISTING LAND USE: ONE STORY 6,178 SQUARE FOOT "FAMILY HOUSE OF PANCAKES" RESTAURANT CURRENTLY IN OPERATION WITH A 77 SPACE SURFACE PARKING LOT AND 2 CELL TOWERS.
- 10 SPACES PER 1,000 SQUARE FEET OF FLOOR AREA (PLUS OUTDOOR SEATING AREA PER SIR).
- IN-N-OUT BURGER URBAN BUILDING AREA = 3,879 S.F. INDOOR SEATING = 84 SEATS. OUTDOOR SEATING = 52 SEATS (16 TABLES). OUTDOOR SEATING AREA = 64 S.F. EACH FOR 9-4 SEAT TABLES (596 S.F.) PLUS 20 S.F. FOR 6-2 SEAT TABLES (120 S.F.) = 696 S.F.
- REQUIRED LANDSCAPE AREA WITHIN PROPERTY (20%) = 11,083 S.F.
- LANDSCAPE AREA PROVIDED WITHIN PROPERTY = 14,111 S.F. (25.5%).

IN-N-OUT BURGER PARKING SPACE DETAILED SUMMARY TABLE

DESCRIPTION	EXISTING	REQUIRED	PROPOSED
1. STANDARD SPACE (9'x18')	73	41	40
2. ACCESSIBLE VAN (17'x18' PLUS A 2' VOH)	1	1	1
3. ACCESSIBLE SPACE (14'x18' PLUS A 2' VOH)	3	1	2
4. FUTURE ACCESSIBLE VAN EV PARKING (17'x18' PLUS A 2' VOH)	0	1	1
5. FUTURE EV PARKING (9'x18' PLUS A 2' VOH)	0	1	3
6. CLEAN AIR/VAN POOL/EV (9'x18')	0	1	2
7. COMPACT SPACES (8'x16' WITH NOT MORE THAN 11 SPACES)	0	0	6
8. TOTAL	77	46	55
9. IN-N-OUT BURGER DRIVE THRU VEHICLE QUEUE (20' LONG INOB VEHICLE WITH NO CITY REQUIRED LENGTH PRIOR TO THE MENU BOARD)	0	0	29
10. SHORT-TERM BICYCLE PARKING WITHIN DESIGNATED BIKE RACK (1 BIKE SPACE PER 20 VEHICLE SPACES)	0	3	4
11. LONG-TERM BICYCLE PARKING WITHIN A LOCKABLE PERMANENTLY ANCHORED LOCKER ON A CONCRETE SLAB	0	0	0

10. ALL NEW SIGNS SHALL BE APPROVED BY A SEPARATE CITY PERMIT.
 11. ASSESSOR PARCEL NUMBER: 557-420-31.
 12. MAXIMUM ALLOWED FAR = 2.5. FAR PROVIDED = 0.07.

SHEET INDEX OF CITY ENTITLEMENT DRAWINGS

NO.	SHEET TITLE
C30	CITY ENTITLEMENT NEW SITE PLAN
C31	CITY ENTITLEMENT EXISTING SITE PLAN
C32	CITY ENTITLEMENT DEMOLITION PLAN
C33	CITY ENTITLEMENT GRADING AND DRAINAGE PLAN
C34	CITY ENTITLEMENT STORM DRAIN AND UTILITY PLAN
C35	CITY ENTITLEMENT SWQMP SITE PLAN
C35.1	CITY ENTITLEMENT EXISTING CONDITION HYDROLOGY STUDY MAP
C35.2	CITY ENTITLEMENT PROPOSED CONDITION HYDROLOGY STUDY MAP
C36	CITY ENTITLEMENT TOPOGRAPHY SURVEY MAP
C37	CITY ENTITLEMENT BOUNDARY AND EASEMENT MAP
LPP.1	CITY ENTITLEMENT LANDSCAPE PLANTING PLAN

ATTACHMENT 4

IN-N-OUT BURGER

DEVELOPER:
 IN-N-OUT BURGER
 13502 HAMBURGER LANE
 BALDWIN PARK, CA 91706
 CONTACT: CASSIE YEE
 PHONE: 626 813-8226

Underground Service Alert

Call: Toll Free
811
 TWO WORKING DAYS BEFORE YOU DIG

REVISIONS

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GHA PROJECT NO. -----

GHA
 Architecture/Development
 14901 Quorum Drive
 Suite 300
 Dallas Texas 75254
 Ph: (972) 239-8884
 Fax: (972) 239-5054

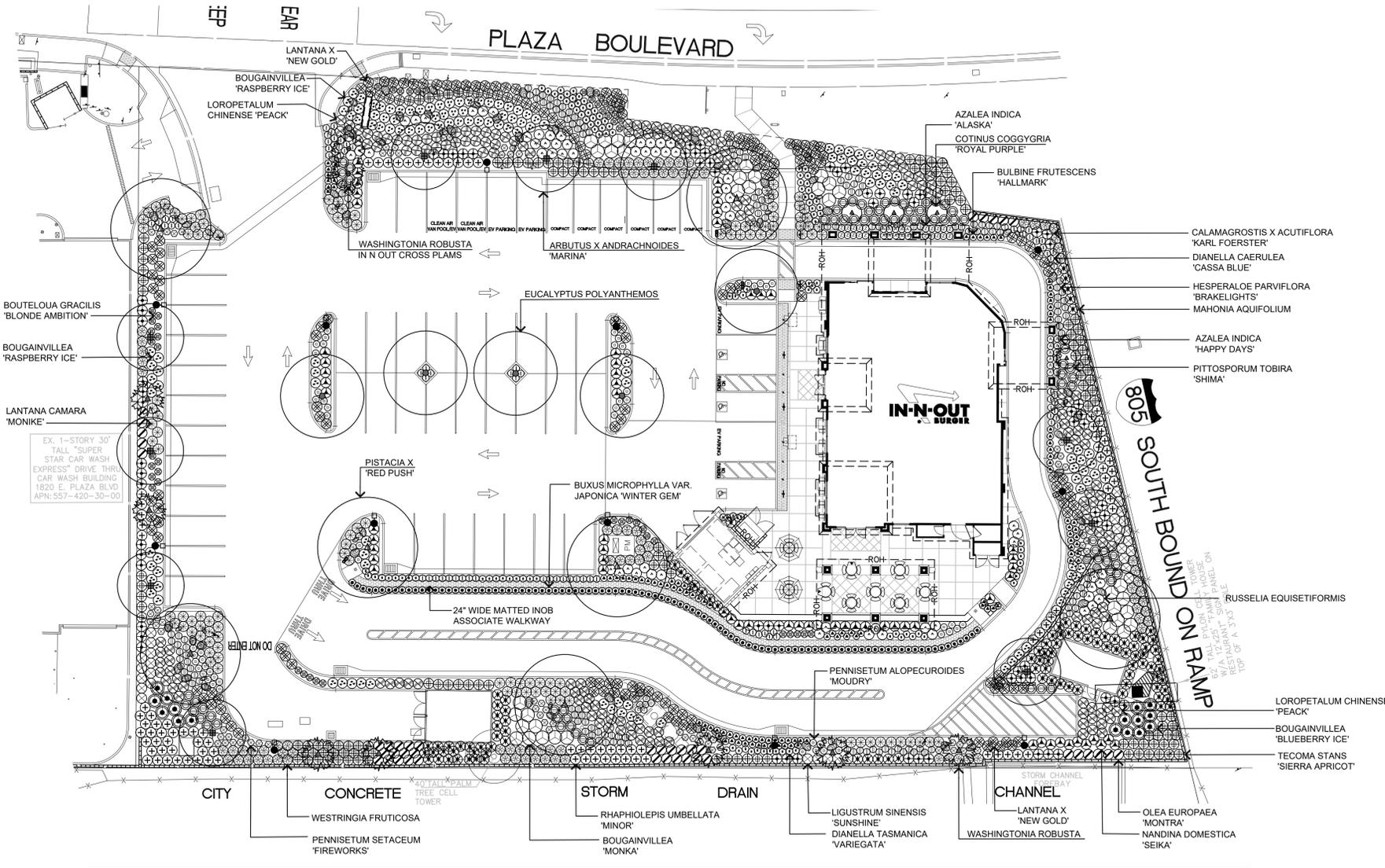
CIVIL ENGINEER:
MSL ENGINEERING, INC.
 CIVIL ENGINEERS AND LAND SURVEYORS SPECIALIZING IN SITE DEVELOPMENT
 301 NORTH SAN DIMAS AVENUE, SAN DIMAS, CA. 91773
 (909) 305-2395 FAX (909) 305-2397

Mark S. Lamoureux
 MARK S. LAMOUREUX R.C.E. 38382 DATE 05-18-2021

IN-N-OUT BURGER
 1900 E. PLAZA BOULEVARD
 NATIONAL CITY, CA 91950

CITY ENTITLEMENT NEW SITE PLAN

C30



PLAN VIEW

SCALE: 1" = 20'-0"

PLANTING LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QUANTITY	REMARKS	WUCOLS ZONE 3
TREES							
	ARBUS X ANDRACHNOIDES 'MARINA'	MARINA STRAWBERRY TREE	24" BOX	PER PLAN	+/- 10	STANDARDS MATCHED	LOW
	PISTACIA X 'RED PUSH'	RED PUSH PISTACHE	24" BOX	PER PLAN	+/- 7	STANDARDS MATCHED	LOW
	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	15' CBT	PER PLAN	+/- 7	SKIN TRUNKS TO INDUSTRY STANDARD DOCUMENT ANSI Z60.1	LOW
	COTINUS COGGYGRIA 'ROYAL PURPLE'	ROYAL PURPLE SMOKE TREE	24" BOX	PER PLAN	+/- 4	STANDARDS MATCHED	LOW
	EUCALYPTUS POLYANTHEMOS	SILVER DOLLAR GUM	24" BOX	PER PLAN	+/- 5	STANDARDS MATCHED	LOW
	WASHINGTONIA ROBUSTA IN N OUT CROSS PLAMS	MEXICAN FAN PALM	20' CBT	PER PLAN	+/- 2	SKIN TRUNKS TO INDUSTRY STANDARD DOCUMENT ANSI Z60.1	LOW
SHRUBS							
	AZALEA INDICA 'ALASKA'	ALASKA AZALEA	5 GALLON	24" O.C.	+/- 20	TRIANGLE SPACING MED	
	AZALEA INDICA 'HAPPY DAYS'	HAPPY DAYS AZALEA	5 GALLON	24" O.C.	+/- 22	TRIANGLE SPACING MED	
	BUXUS MICROPHYLLA VAR. JAPONICA 'WINTER GEM'	WINTER GEM BOXWOOD	5 GALLON	24" O.C.	+/- 98	TRIANGLE SPACING LOW	
	BULBINE FRUTESCENS 'HALLMARK'	'HALLMARK' BULBINE	1 GALLON	24" O.C.	+/- 111	TRIANGLE SPACING LOW	
	BOULEOUA GRACILIS 'BLONDE AMBITION'	BLONDE AMBITION BLUE GRAMA GRASS	5 GALLON	24" O.C.	+/- 52	TRIANGLE SPACING LOW	
	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER'	FEATHER REED GRASS	5 GALLON	36" O.C.	+/- 70	TRIANGLE SPACING LOW	
	DIANELLA TASMANICA 'VARIEGATA'	VARIEGATED FLAX LILY	5 GALLON	24" O.C.	+/- 107	TRIANGLE SPACING LOW	
	DIANELLA CAERULEA 'CASSA BLUE'	BLUE FLAX LILY	5 GALLON	24" O.C.	+/- 81	TRIANGLE SPACING LOW	
	HESPERALOE PARVIFLORA 'BRAKELIGHTS'	BRAKELIGHTS RED YUCCA	5 GALLON	24" O.C.	+/- 139	TRIANGLE SPACING LOW	
	LIGUSTRUM SINENSIS 'SUNSHINE'	SUNSHINE LIGUSTRUM	5 GALLON	36" O.C.	+/- 30	TRIANGLE SPACING LOW	
	LOROPETALUM CHINENSE 'PEACK'	PURPLE PIXIE DWARF WEEPING FRINGE FLOWER	5 GALLON	36" O.C.	+/- 165	TRIANGLE SPACING LOW	
	MAHONIA AQUIFOLIUM	OREGON GRAPE	5 GALLON	36" O.C.	+/-105	TRIANGLE SPACING LOW	
	NANDINA DOMESTICA 'SEIKA'	OBSESSION NANDINA	5 GALLON	36" O.C.	+/- 63	TRIANGLE SPACING LOW	
	OLEA EUROPAEA 'MONTRA'	LITTLE OLLIE DWARF OLIVE	5 GALLON	36" O.C.	+/- 42	TRIANGLE SPACING LOW	
	PENNISETUM SETACEUM 'FIREWORKS'	FIREWORKS FOUNTAIN GRASS	5 GALLON	24" O.C.	+/- 72	TRIANGLE SPACING LOW	
	PENNISETUM ALOPECUROIDES 'BLACK FLOWERING FOUNTAIN GRASS'	BLACK FLOWERING FOUNTAIN GRASS	5 GALLON	24" O.C.	+/- 64	TRIANGLE SPACING LOW	
	PITTIOSPORUM TOBIRA 'SHIMA'	CREME DE MINT DWARF PITTIOSPORUM	5 GALLON	36" O.C.	+/- 74	TRIANGLE SPACING LOW	
	RHAPHIOLEPIS UMBELLATA 'MINOR'	DWARF YEDDO RHAPHIOLEPIS	5 GALLON	36" O.C.	+/- 92	TRIANGLE SPACING MED	
	RUSSELLIA EQUISETIFORMIS	CORAL FOUNTAIN	5 GALLON	36" O.C.	+/- 62	TRIANGLE SPACING MED	
	TECOMA STANS 'SIERRA APRICOT'	SIERRA APRICOT ESPERANZA	5 GALLON	36" O.C.	+/- 124	TRIANGLE SPACING LOW	
	WESTRINGIA FRUTICOSA	BLUE GEM WESTRINGIA	5 GALLON	36" O.C.	+/- 90	TRIANGLE SPACING LOW	
GROUNDCOVER							
	BOUGAINVILLEA 'MONKA'	OO-LA-LA BOUGAINVILLEA	5 GALLON	48" O.C.	+/- 36	TRIANGLE SPACING LOW	
	BOUGAINVILLEA 'BLUEBERRY ICE'	BLUEBERRY ICE BOUGAINVILLEA	5 GALLON	48" O.C.	+/- 16	TRIANGLE SPACING LOW	
	BOUGAINVILLEA 'RASPBERRY ICE'	RASPBerry ICE BOUGAINVILLEA	5 GALLON	36" O.C.	+/- 133	TRIANGLE SPACING LOW	
	LANTANA X 'NEW GOLD'	NEW GOLD LANTANA	1 GALLON	36" O.C.	+/- 169	TRIANGLE SPACING LOW	
	LANTANA CAMARA 'MONIKE'	TEENIE GENIE	1 GALLON	36" O.C.	+/- 116	TRIANGLE SPACING LOW	

- NOTE:
- CONTRACTOR SHALL CONTACT IN-N-OUT PERSONNEL FOR FIELD LOCATION OF SAID BOULDERS. REFER TO BOULDER DETAIL.
 - QUANTITIES SHOWN ARE APPROXIMATE. CONTRACTOR SHALL VERIFY COUNT AND ADJUST BASED ON ACTUAL FIELD CONDITIONS AND SIZE OF PLANTERS.
 - ALL PLANT MATERIAL SHALL BE REVIEWED AND APPROVED BY IN-N-OUT REP. AND LANDSCAPE ARCHITECT.
 - ALIGN TREES WITH PARKING STALLS STRIPING.
 - CONTRACTOR SHALL INSTALL 2 AERATION TUBES, 48" IN LENGTH FOR ALL TREES INCLUDING PALMS. INSTALL 4 DEVICES FOR EXISTING TREES GREATER THAN 6" TRUNK DIAMETER.

LEGEND - SITE NOTATIONS

24' WIDE MATTED INOB ASSOCIATE WALKWAY CONSISTING OF APPROXIMATELY 370 SQUARE FEET.

LANDSCAPE BOULDER LEGEND

BOULDER #	SIZE	TYPE/ COLOR/ MANUFACTURER
1	1' X 2' X 3'	DECORATIVE STONE SOLUTIONS BOULDER/ COLOR: AMBER CLOUD PH: 800-699-1878
2	2' X 4' X 3'	DECORATIVE STONE SOLUTIONS BOULDER/ COLOR: AMBER CLOUD PH: 800-699-1878
3	3' X 3' X 3'	DECORATIVE STONE SOLUTIONS BOULDER/ COLOR: AMBER CLOUD PH: 800-699-1878

BOULDER PLACEMENT (GROUPINGS) SHALL BE REVIEWED BY THE LANDSCAPE ARCHITECT PRIOR TO PLACEMENT.

LANDSCAPE AREA CALCULATION NOTE:

REQUIRED PARKING LOT INTERIOR LANDSCAPE AREA WITHIN PROPERTY (20%) = 11,083 S.F.
 TOTAL INSTALLED TURF AREA: 0 S.F. (0%)
 TOTAL INSTALLED PLANTING (SHRUB/GROUNDCOVER) AREA: 14,804 S.F. (100%)
 TOTAL LANDSCAPE AREA PROVIDED WITHIN PROPERTY = 14,804 S.F. (100%)

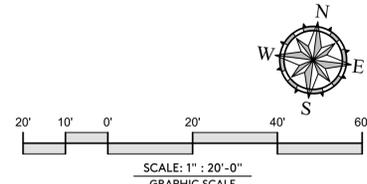
AGRONOMIC SOILS REPORT REQUIREMENT
 AFTER MAJOR GRADING OPERATIONS ARE COMPLETED, CONTRACTOR SHALL OBTAIN SOIL SAMPLES FROM MIN 6" DEPTH AND SUBMIT TO AN APPROVED LABORATORY FOR ANALYSIS AND RECOMMENDATIONS. OBTAIN A MINIMUM OF 1 SAMPLE PER ACRE AND 1 SAMPLE AFTER IMPLEMENTATION OF FIRST REPORT FOR VERIFICATION SOIL MEETS SOILS LAB STANDARDS. REPORTS MUST BE SUBMITTED TO LANDSCAPE ARCHITECT, CITY AND OWNERS REP. FOR REVIEW AND APPROVAL.

TREE ROOTBARRIER - FIBERWEB BIO BARRIER:

- CONTRACTOR SHALL INSTALL TREE ROOT BARRIERS FOR ALL TREES WITHIN 6' OF CONCRETE EDGE. INSTALL THE 24" VERSION AND SHALL BE CONTINUOUS FOR 10' ON EITHER SIDE OF TREE.
- STREET TREES AND OTHER TREES LOCATED WITHIN 10- FEET OF THE PUBLIC RIGHT-OF-WAY (WITH THE EXCEPTION OF PALM TREES) SHALL BE PROVIDED WITH A BIO BARRIER.

TITLE 23 - WATER EFFICIENT LANDSCAPE COMPLIANCE NOTE
 I HAVE COMPLIED WITH THE CRITERIA OF THE WATER EFFICIENT LANDSCAPE ORDINANCE (STATE OF CALIFORNIA TITLE 23, DIVISION 2, CHAPTER 2.7) AND APPLIED THEM ACCORDINGLY FOR THE EFFICIENT USE OF LANDSCAPE DESIGN PLAN.
 BRANDON PETRUNIO, DATE: MAY 14, 2021
 RLA 5894:

LANDSCAPE IRRIGATION INTENT:
 IT IS THE INTENT TO PROVIDE AN IRRIGATION DESIGN UTILIZING DRIP IRRIGATION SYSTEM FOR THE ENTIRE SITE BURIED A CONSTANT 4" BELOW FINISH GRADE AND STAPLED DOWN @ 5' INTERVALS FOR ADDED PROTECTION. THE IRRIGATION SYSTEM SHALL BE CONTROLLED BY A SMART CONTROLLER WITH ONSITE WEATHER SENSOR AND REMOTE OPERATION THROUGH THE INTERNET FROM CENTRAL LOCATION. CONTROLLER SHALL BE A TYPE WHICH AUTOMATICALLY ADJUSTS RUNTIMES AND FREQUENCIES BASED, NOT ONLY ON HISTORICAL ET, BUT ACTUAL ONSITE WEATHER CONDITIONS.



LANDSCAPE ARCHITECT:

BPA ARCHITECTS
 BRANDON PETRUNIO & ASSOCIATES, INC.
 LANDSCAPE ARCHITECTS
 Design Studio: 301 N. San Dimas Ave., San Dimas, CA. 91773
 Corp Office: 15699 Cherry Leaf Lane, Fontana, CA. 92336
 T: (424) 235-8940, M: (951) 312-9943, E: brandon@bpalas.com

IN-N-OUT BURGER

DEVELOPER:
 IN-N-OUT BURGER
 13502 HAMBURGER LANE
 BALDWIN PARK, CA 91706
 CONTACT: CASSIE YEE
 PHONE: 626 813-8226

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REVISIONS

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GH A PROJECT NO. ---

GH A
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Mark S. Lamoureux
 MARK S. LAMOUREUX R.C.E. 38382 DATE: 05-18-2021

REG. PROFESSIONAL ENGINEER
 MARK S. LAMOUREUX
 No. 38382
 CIVIL
 STATE OF CALIFORNIA

IN-N-OUT BURGER
 1900 E. PLAZA BOULEVARD
 NATIONAL CITY, CA 91950

CITY ENTITLEMENT LANDSCAPE PLANTING PLAN

LPP.1



"GOD BLESS AMERICA"

13502 HAMBURGER LANE
BALDWIN PARK, CA 91706

NATIONAL CITY, CA

1900 E. PLAZA DRIVE

WHITE BELLY BAND WITH SILVER REVEALS AND COOLEY BRITE AWNINGS

ISSUED: 03/03/20



"GOD BLESS AMERICA"

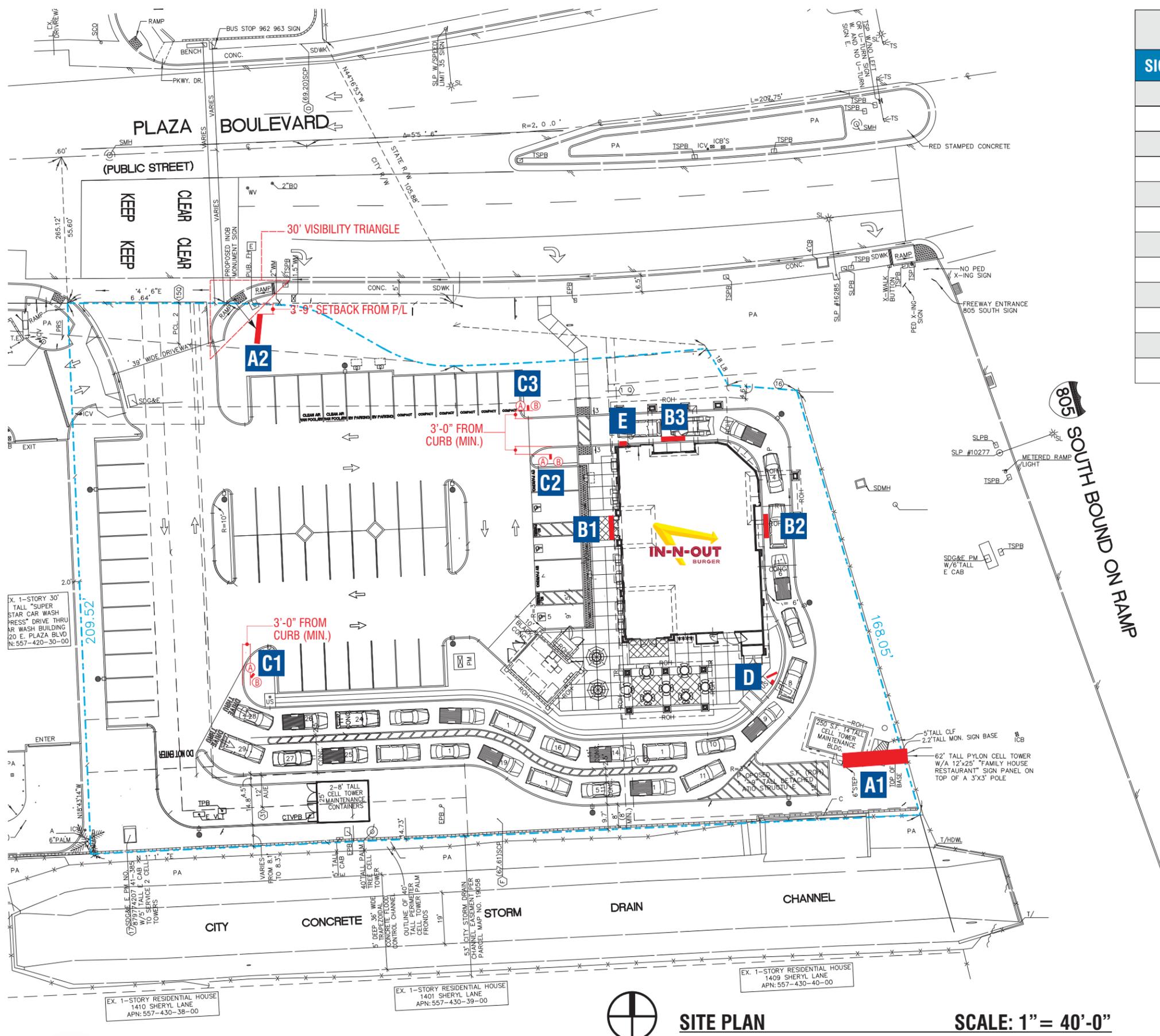
13502 HAMBURGER LANE
BALDWIN PARK, CA 91706

NATIONAL CITY, CA

1900 E. PLAZA DRIVE

WHITE BELLY BAND WITH SILVER REVEALS AND COOLEY BRITE AWNINGS

ISSUED: 03/03/20



SIGN LEGEND				
SIGN #	DESCRIPTION	SIGN TYPE	SF	QTY
A1	PYLON SIGN	INO-RF-FL-144X288	288.0	1
A2	MONUMENT SIGN	INO-MON-36X108X96	83.12	1
B1	WALL SIGN	INO-WS-75x126	65.8	1
B2	WALL SIGN	INO-WS-75x126	65.8	1
B3	WALL SIGN	INO-WS-75x126	65.8	1
C1	DIRECTIONAL SIGN (DT)	INO-DIR-18x24x36	N/A	1
C2	DIRECTIONAL SIGN (TY/DNE)	INO-DIR-18x24x36	N/A	1
C3	DIRECTIONAL SIGN (TY/DNE)	INO-DIR-18x24x36	N/A	1
D	MENU BOARD	IN-MB-54x51x79	N/A	1
E	ADDRESS NUMERALS	INO-CL-PL-12-ADDRESS-1900	N/A	1
F	LED TUBE WALL ACCENT	INO-LED BORDER TUBE	N/A	1
G	INTERIOR NEON WALL SIGN	INO-QYCT-NEON-18x57	N/A	1

SITE PLAN

SCALE: 1" = 40'-0"



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(619) 527-6100 signtech.com

In-N-Out
1900 E. Plaza Blvd. National City, CA 91950

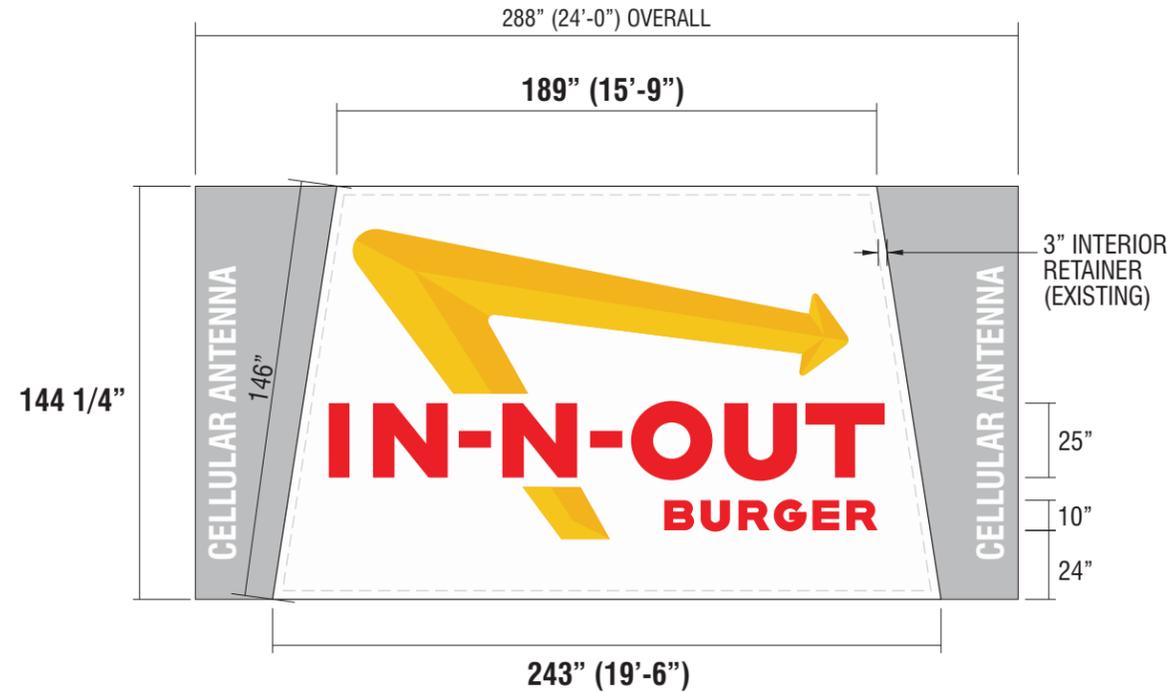
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Sales: Bob McCarter
Coordinator: Garry Wilcox
Design: Thomsen
Engineering:

date: 03/05/21
drawing: 21-00348 rev:2-03/23/21
quote:
project ID: IN-N-OUT_PLAZA_1



EXISTING CONDITIONS



SCALE: 3/16" = 1'-0"

A1 SIGNTYPE INO-RF-FL-144X288

REFACE ONE (1) EXISTING D/F INTERNALLY ILLUMINATED PYLON SIGN
'IN-N-OUT' FACES: PANAFLEX FACES W/ FIRST SURFACE VINYL GRAPHICS
RETAINERS: INSTALL NEW RETROFIT FLEX FACE RETAINERS
ILLUMINATION: RETROFIT EXISTING CABINET WITH LED ILLUMINATION

MATERIALS

M2 WHITE PANAFLEX

VINYL

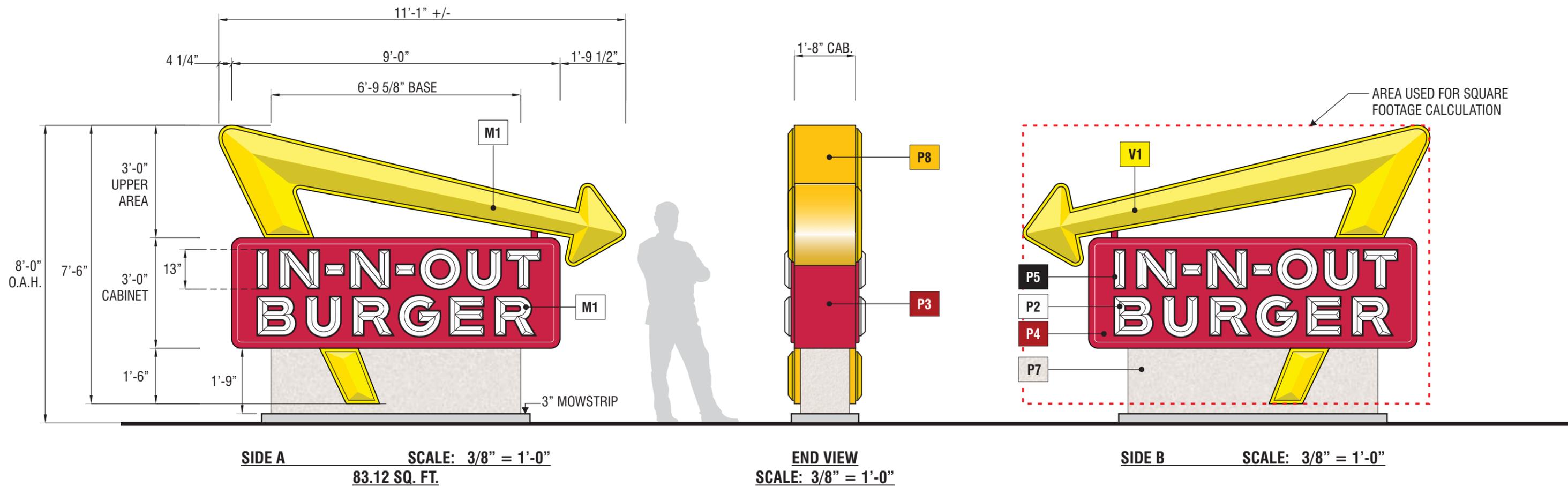
V2 3M 3630-235 'AUTUMN YELLOW' TRANSLUCENT

V4 3M 3630-33 'RED' TRANSLUCENT

V10 3M 3630-125 'GOLDEN YELLOW' TRANSLUCENT



PROPOSED SIGN FACE



A2 SIGNTYPE INO-MON-36X108X96

MANUFACTURE AND INSTALL ONE (1) D/F INTERNALLY ILLUMINATED MONUMENT SIGN

BASE: FABRICATED ALUMINUM

LETTER CABINET: FABRICATED ALUMINUM W/ FABRICATED RETAINERS AND FORMED ACRYLIC FACES WITH SECOND SURFACE PAINTED GRAPHICS AND LED ILLUMINATION - SLOAN SIGN BOX II 6500K DUAL SIDED

ARROW: FABRICATED CHANNEL WITH FORMED CLEAR MODIFIED ACRYLIC FACE
ILLUMINATION: 4000k WHITE LEDs

MATERIALS

M1 CLEAR MODIFIED ACRYLIC

VINYL

V1 3M VINYL #3630-235 'AUTUMN YELLOW'

PAINT

P2 WHITE

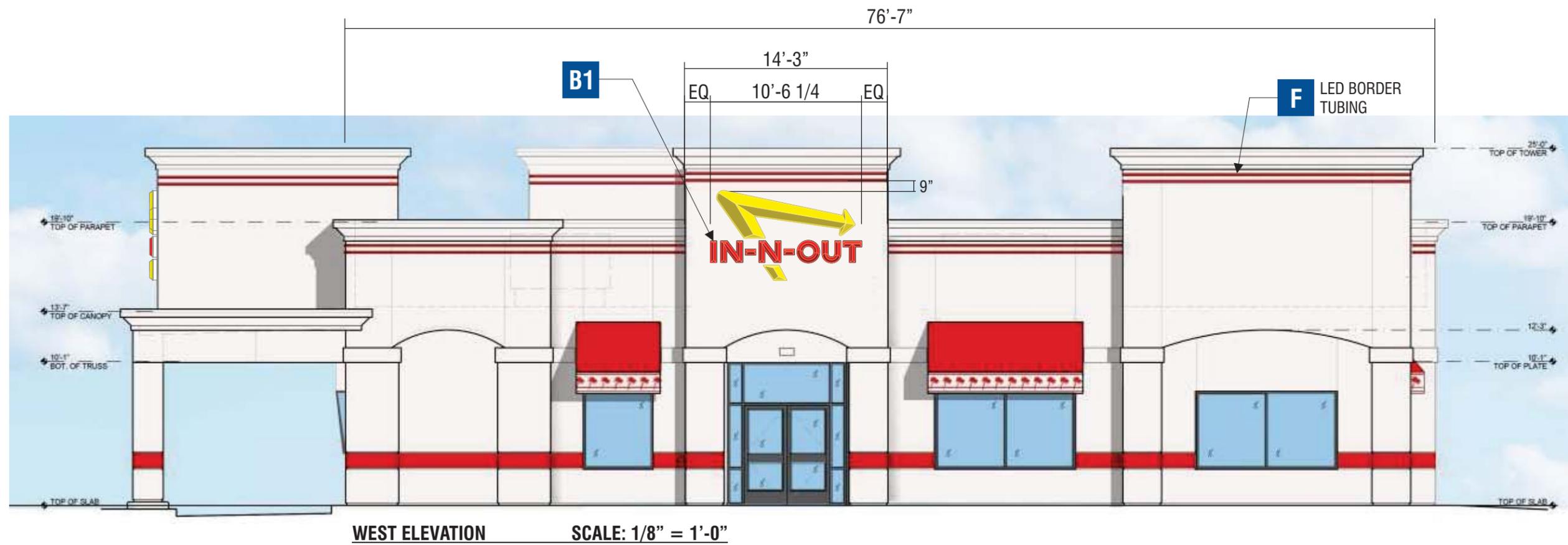
P3 TO MATCH 'IN-N-OUT RED' WITH HIGH GLOSS FINISH

P4 INO 443 RED / 25% CLEAR

P5 BLACK

P7 PAINTED TO MATCH DUNN EDWARDS #SP-514 'BONE CHINA' W/ MEDIUM TEXCOTE FINISH

P8 PAINT TO MATCH MATTHEWS #MP4944 'YELLOW' WITH HIGH GLOSS FINISH



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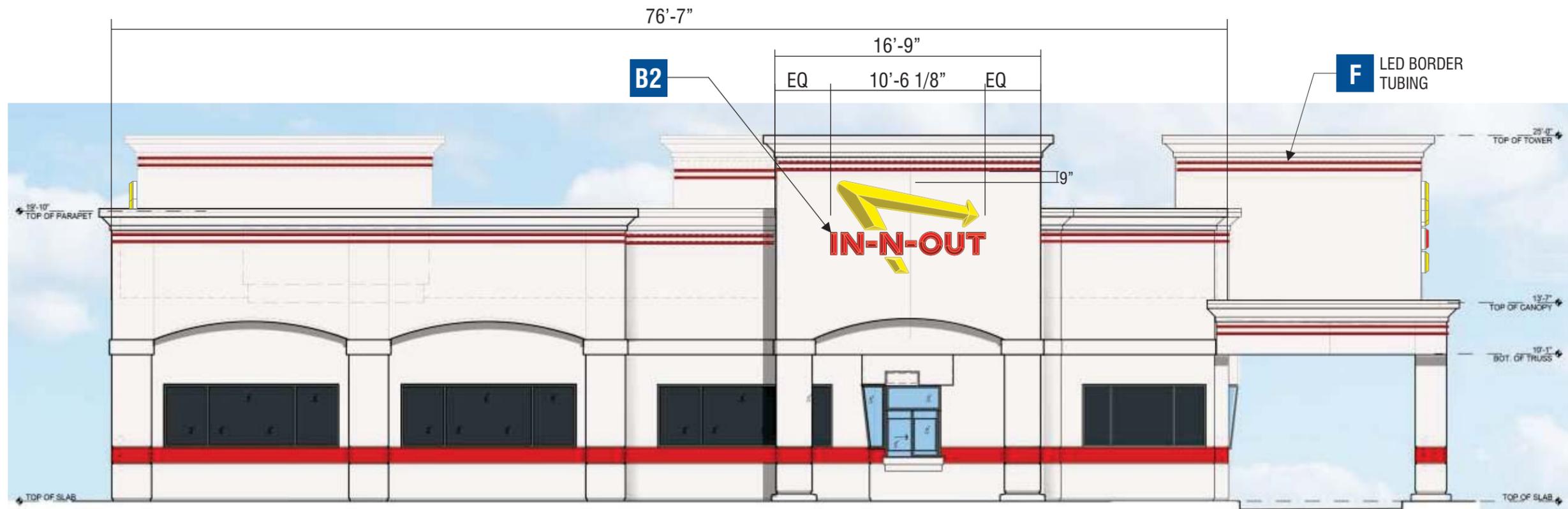
In-N-Out

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Sales: Bob McCarter
Coordinator: Garry Wilcox
Design: Thomsen
Engineering:

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drawing: 21-00348 rev:2-03/23/21
quote:
project ID: IN-N-OUT_PLAZA_1



EAST ELEVATION SCALE: 1/8" = 1'-0"



NORTH ELEVATION SCALE: 1/8" = 1'-0"



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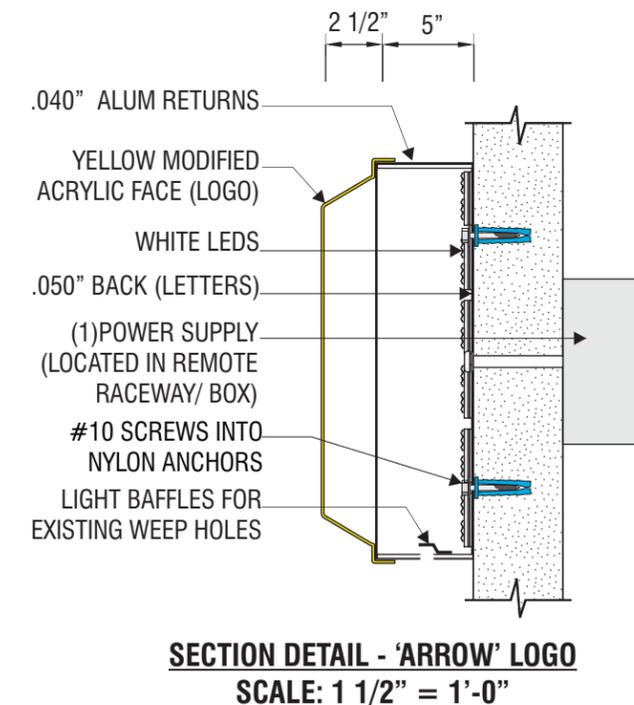
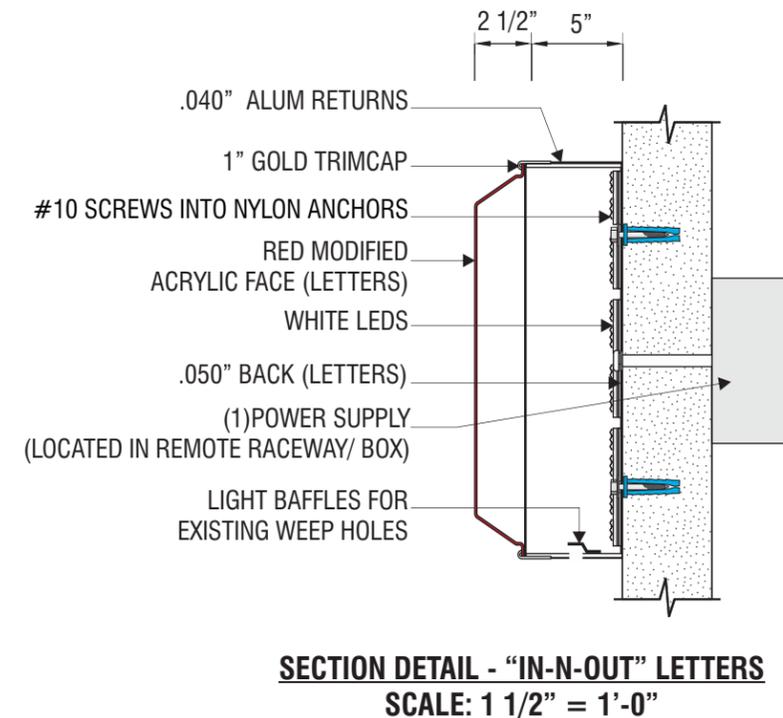
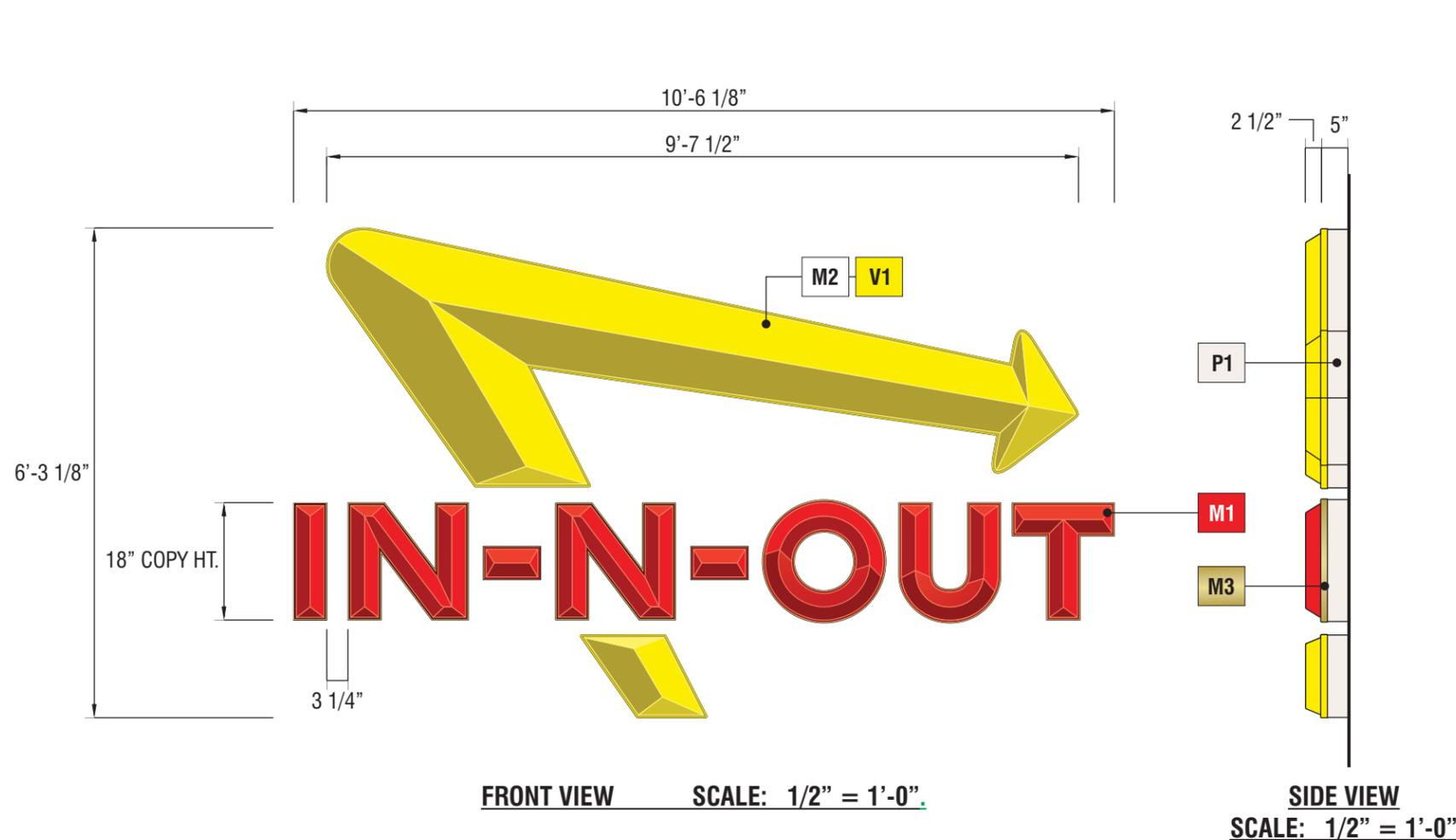
In-N-Out

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B1 B2 B3 SIGNTYPE INO-WS-75x126

MANUFACTURE AND INSTALL THREE (3) SINGLE-FACED INTERNALLY ILLUMINATED CHANNEL LETTER WALL SIGNS

ARROW: FABRICATED CHANNEL WITH FORMED CLEAR MODIFIED ACRYLIC FACE
ILLUMINATION: 4000k WHITE LEDs

COPY: FABRICATED CHANNEL WITH FORMED RED ACRYLIC FACE
LED ILLUMINATION

INSTALLATION: FLUSH MOUNT TO WALL

MATERIALS

PAINT

VINYL

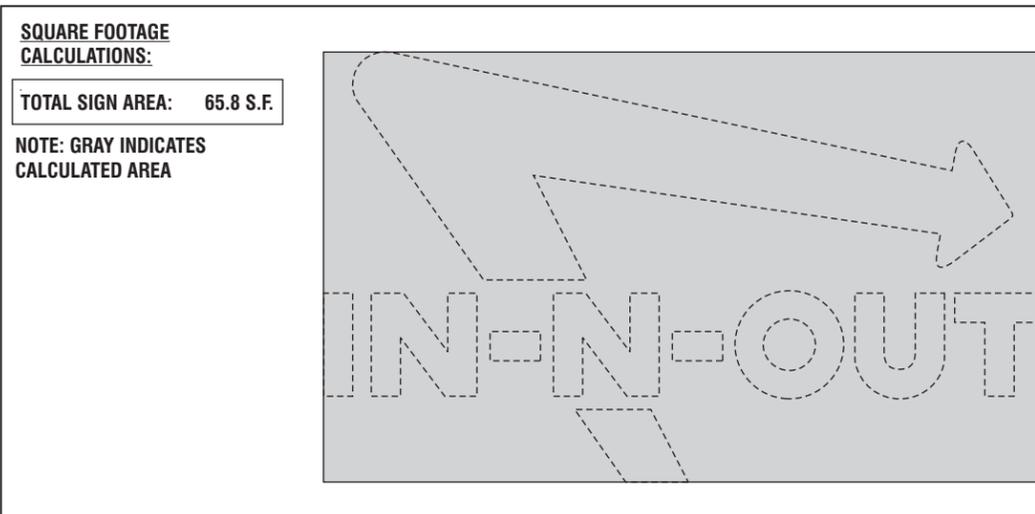
M1 RED ACRYLIC #211-1

P1 PAINTED TO MATCH DUNN EDWARDS #SP-514 'BONE CHINA' w/ SATIN FINISH

M2 CLEAR MODIFIED ACRYLIC

V1 3M VINYL #3630-235 'AUTUMN YELLOW'

M3 1" GOLD TRIMCAP



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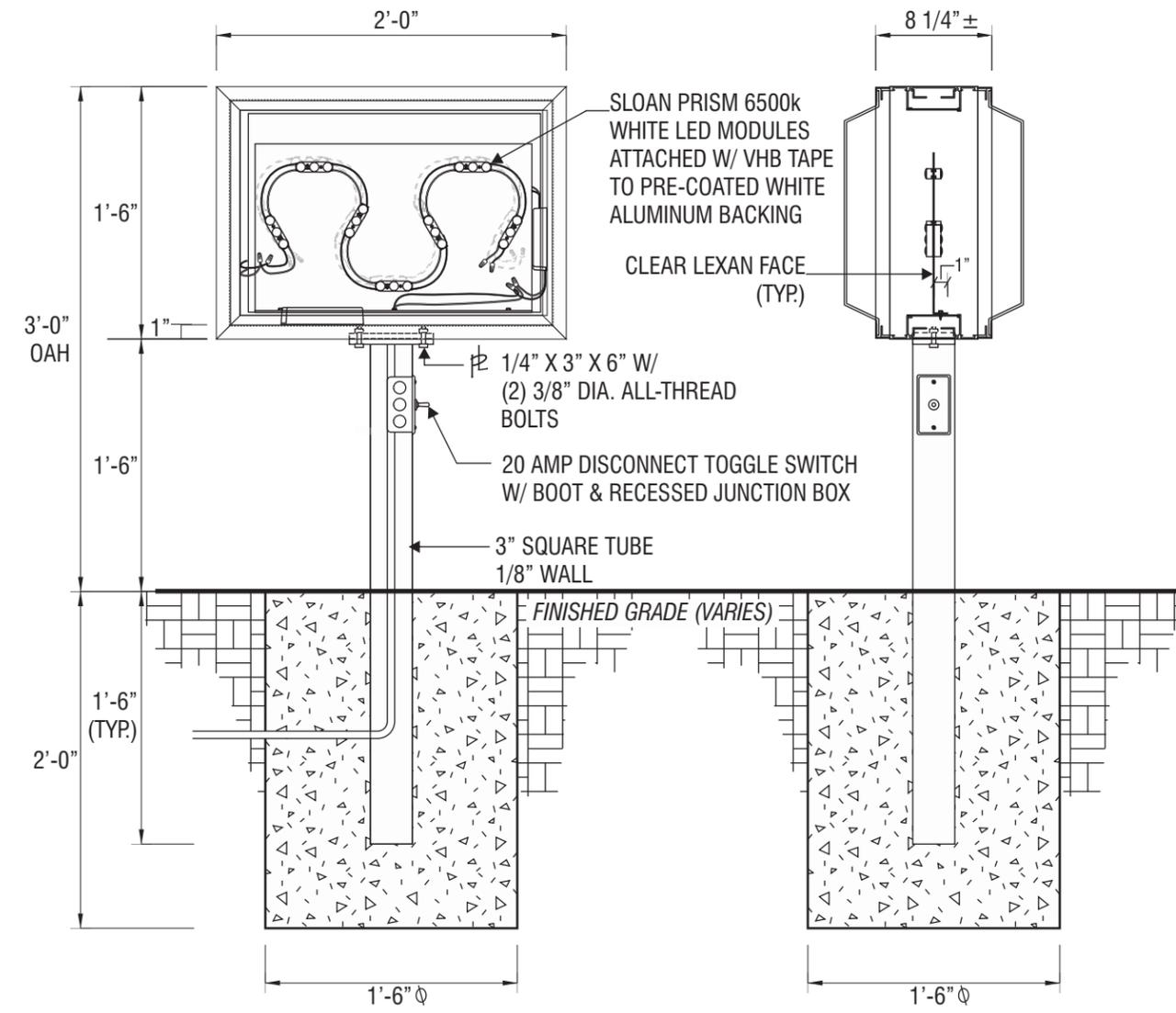
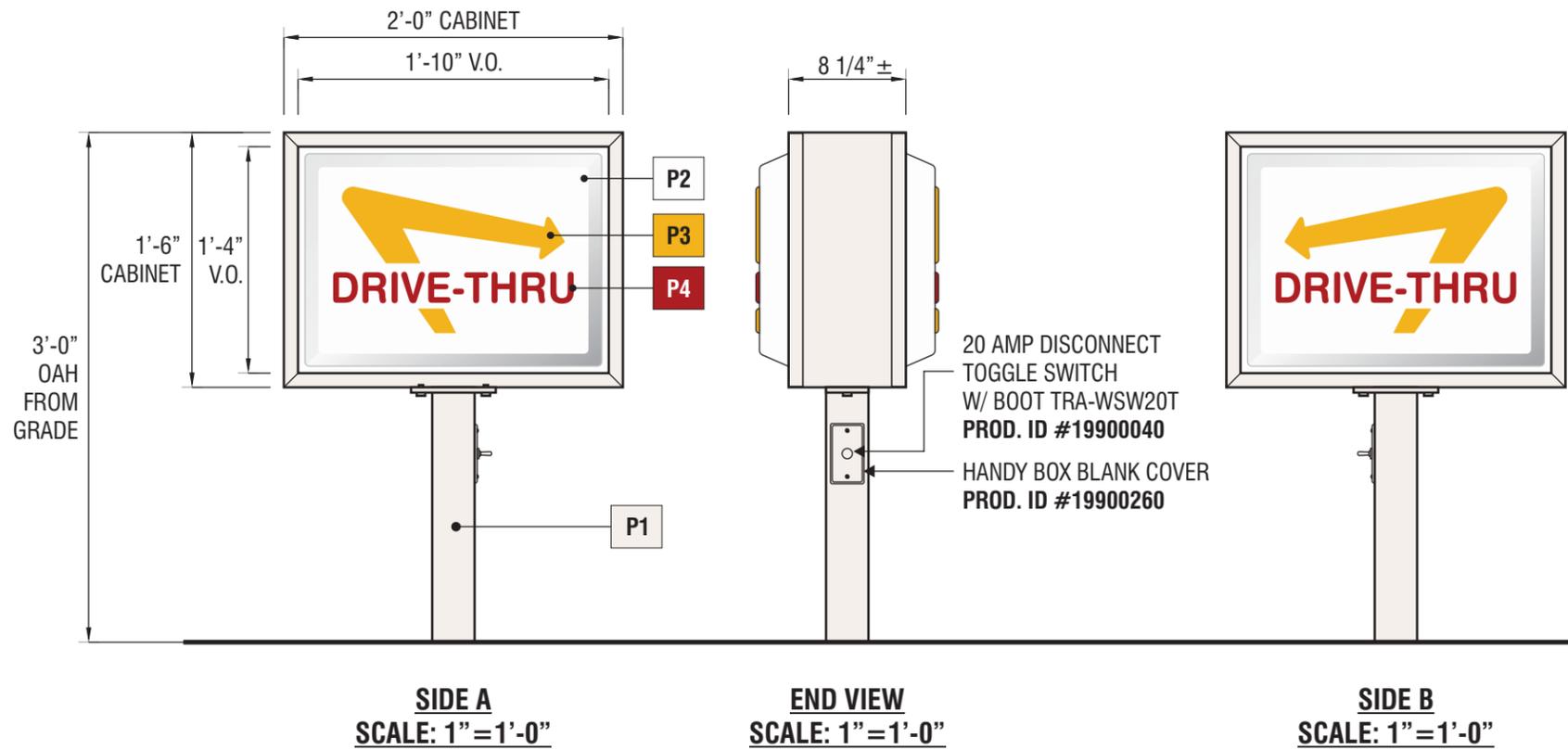
In-N-Out

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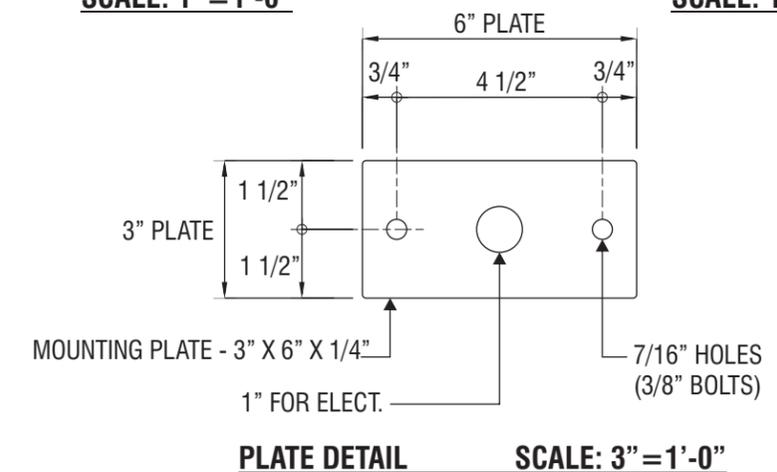
Sales: Bob McCarter
Coordinator: Garry Wilcox
Design: Thomsen
Engineering:

date: 03/05/21
drawing: 21-00348 **rev:** 2-03/23/21
quote:
project ID: IN-N-OUT_PLAZA_1



ELEVATION DETAIL VIEW
SCALE: 1"=1'-0"

SIDE DETAIL VIEW
SCALE: 1"=1'-0"



C1 SIGNTYPE INO-DIR-18x24x36

MANUFACTURE AND INSTALL ONE (1) DOUBLE-FACED INTERNALLY ILLUMINATED DIRECTIONAL SIGNS

FACES: PAN FORMED .093" CLEAR SG LEXAN WITH FORMED COPY & ARROW

CABINET: EXTRUDED ALUMINUM

POLE: 3" SQUARE TUBE WITH 1/8" WALL

ILLUMINATION: SLOAN PRISM 6500k WHITE LED MODULES

PAINT

P1 PAINTED TO MATCH DUNN EDWARDS #SP-514 'BONE CHINA' w/ SATIN FINISH

P2 INO WHITE

P3 TO MATCH 3M VINYL #3630-235 'AUTUMN YELLOW'

P4 INO 443 RED / 25% CLEAR



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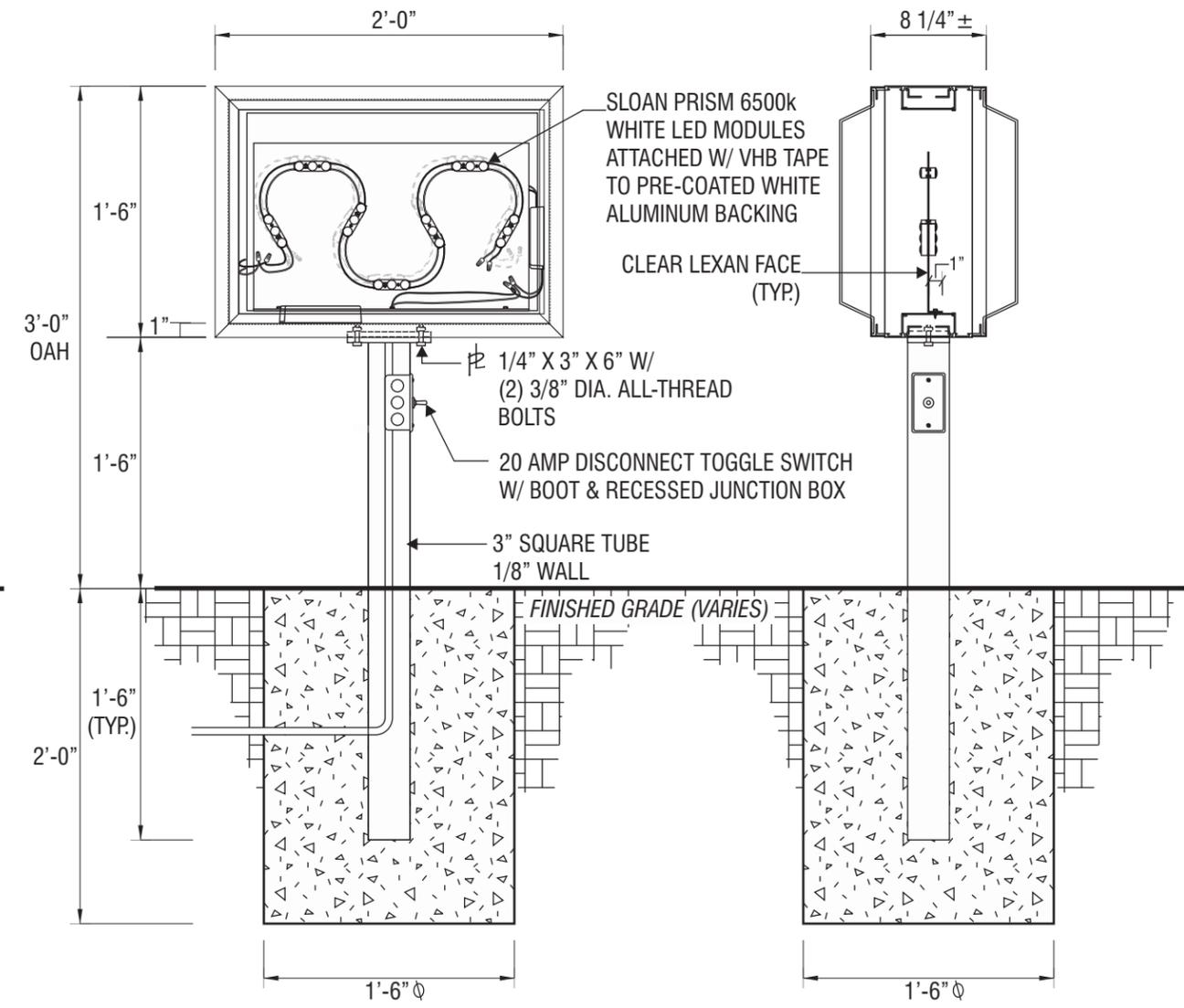
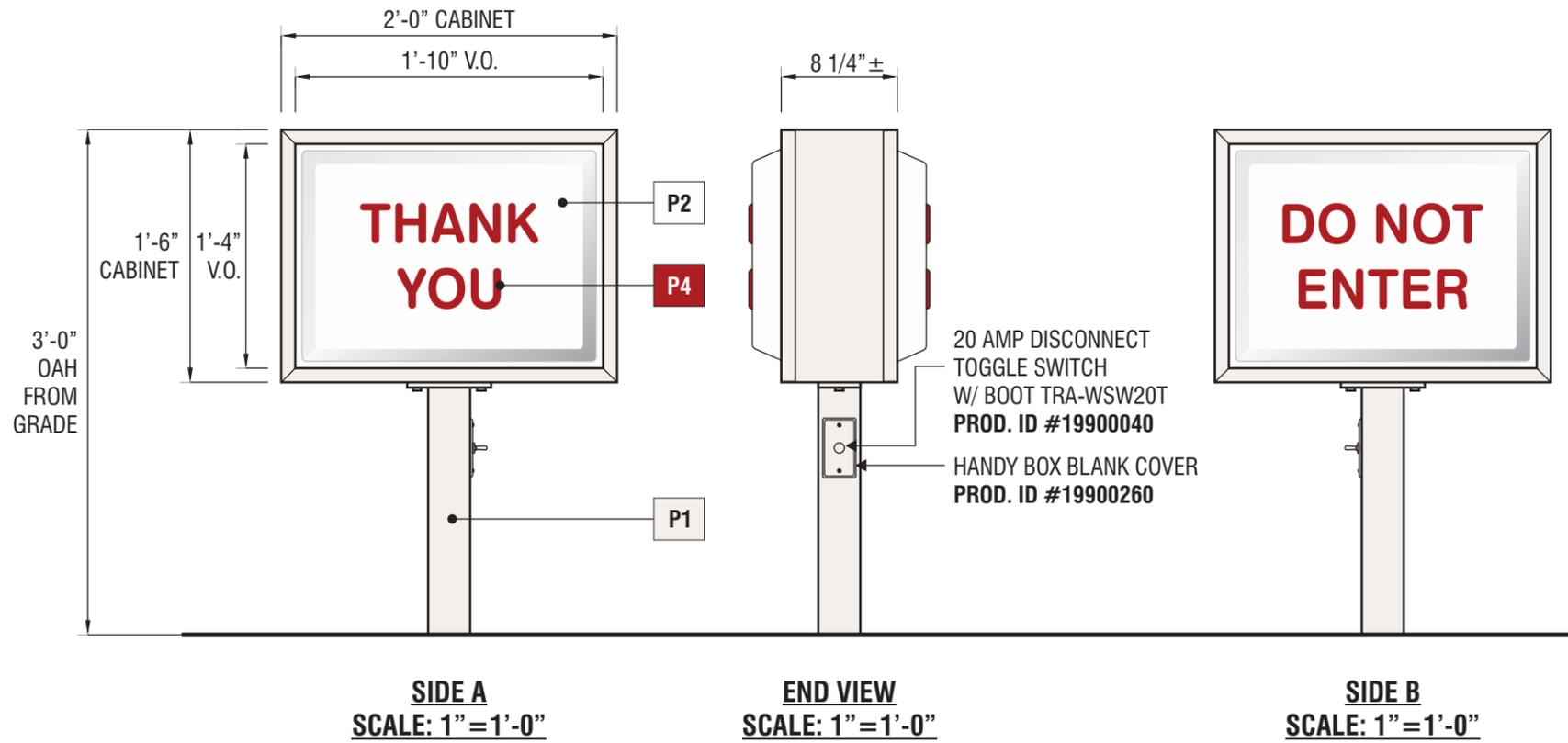
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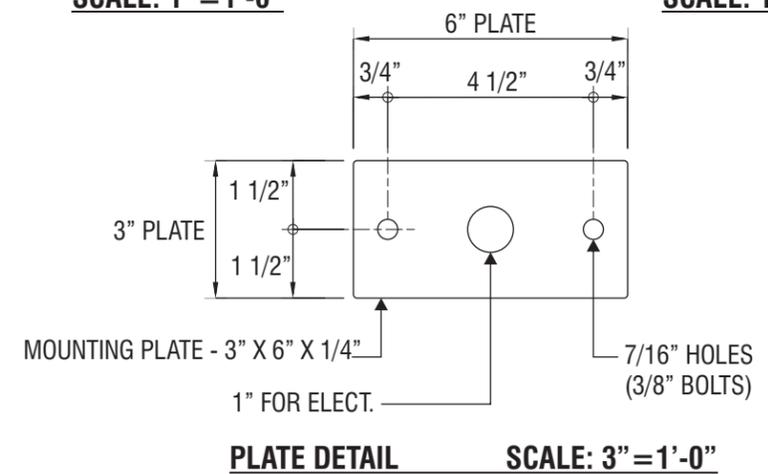
Sales: Bob McCarter
Coordinator: Garry Wilcox
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Engineering:

date: 03/05/21
drawing: 21-00348 rev:2-03/23/21
quote:
project ID: IN-N-OUT_PLAZA_1



ELEVATION DETAIL VIEW
SCALE: 1"=1'-0"

SIDE DETAIL VIEW
SCALE: 1"=1'-0"



C2 C3 SIGNTYPE INO-DIR-18x24x36

MANUFACTURE AND INSTALL TWO (2) DOUBLE-FACED INTERNALLY ILLUMINATED DIRECTIONAL SIGNS

FACES: PAN FORMED .093" CLEAR SG LEXAN WITH FORMED COPY

CABINET: EXTRUDED ALUMINUM

POLE: 3" SQUARE TUBE WITH 1/8" WALL

ILLUMINATION: SLOAN PRISM 6500k WHITE LED MODULES

PAINT

P1 PAINTED TO MATCH DUNN EDWARDS #SP-514 'BONE CHINA' w/ SATIN FINISH

P2 INO WHITE

P4 INO 443 RED / 25% CLEAR



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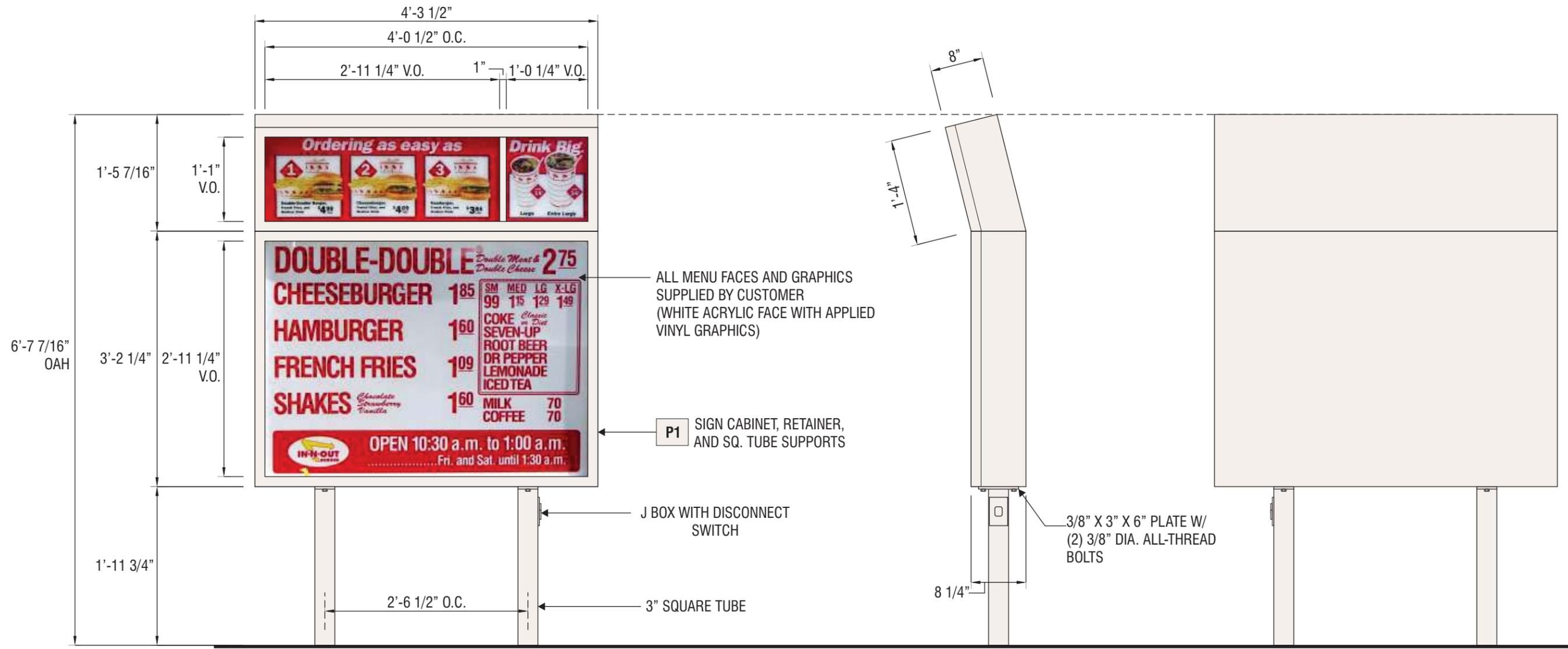
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project ID: IN-N-OUT_PLAZA_1



FRONT VIEW SCALE: 3/4" = 1'-0"
19.9 SQ FT.

SIDE VIEW SCALE: 3/4" = 1'-0"

BACK VIEW SCALE: 3/4" = 1'-0"

D SIGNTYPE INO-MB-54x51x79

MANUFACTURE AND INSTALL ONE (1) SINGLE-FACED INTERNALLY ILLUMINATED MENU BOARD

CABINET: EXTRUDED ALUMINUM

FACES: WHITE ACRYLIC WITH FIRST SURFACE APPLIED GRAPHICS (BY OTHERS)

POLES: 3" SQUARE TUBE

ILLUMINATION: SLOAN SIGN BOX II SINGLE SIDED 5000K LEDs

PAINT

P1 PAINTED TO MATCH DUNN EDWARDS
#SP-514 'BONE CHINA' w/ SATIN FINISH



4444 Federal Blvd San Diego, CA 92102
(619) 527-6100 signtech.com

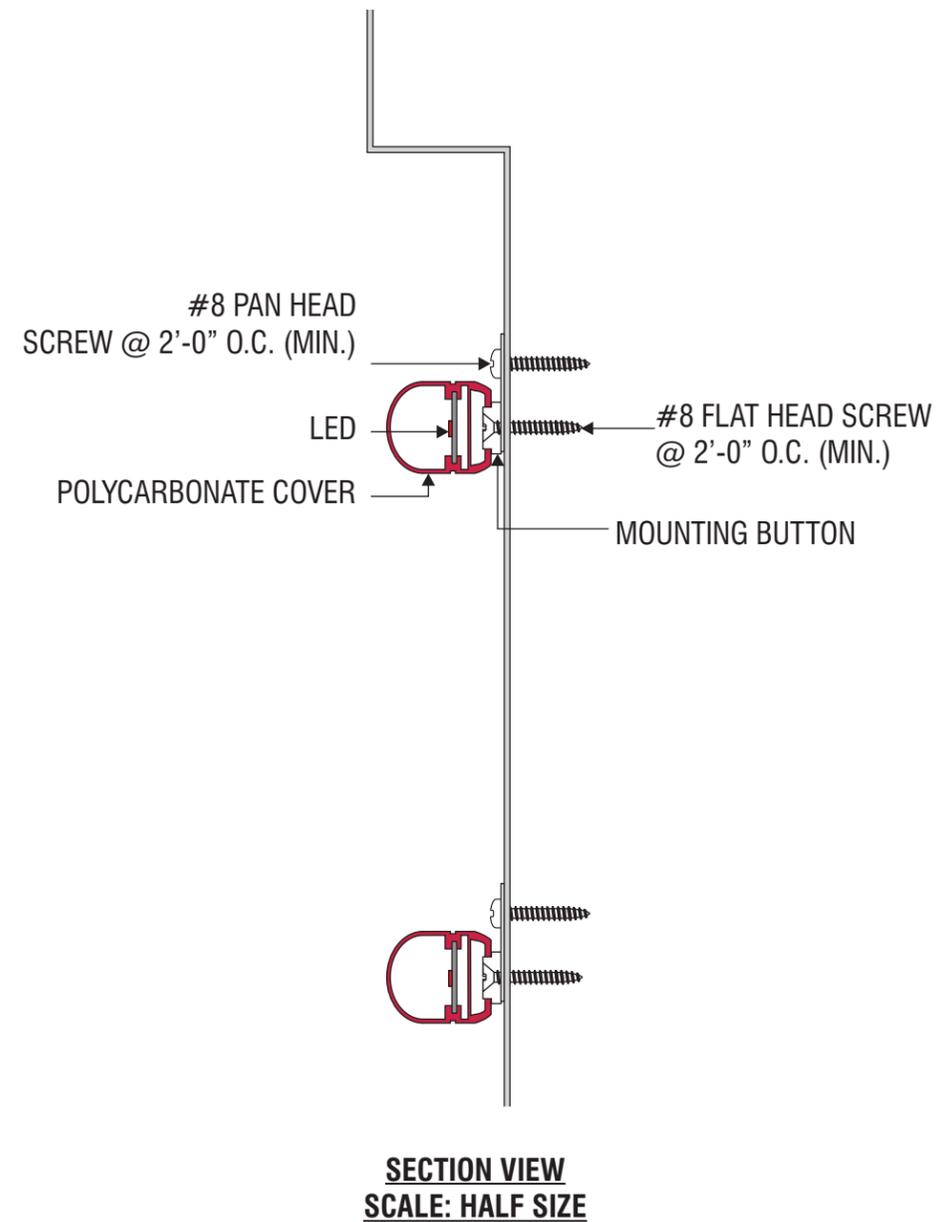
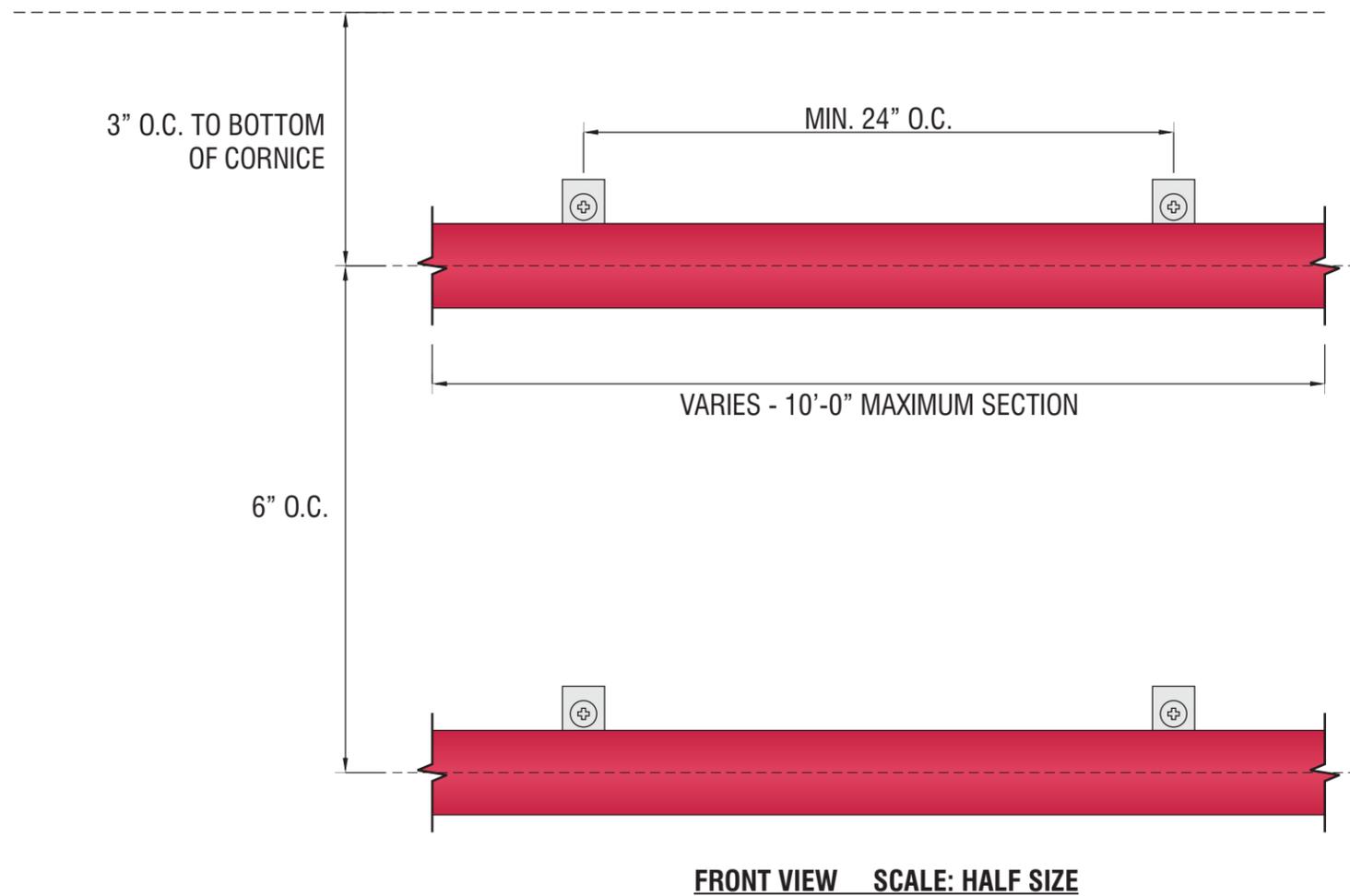
In-N-Out

1900 E. Plaza Blvd. National City, CA 91950

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Sales: Bob McCarter
Coordinator: Garry Wilcox
Design: Thomsen
Engineering:

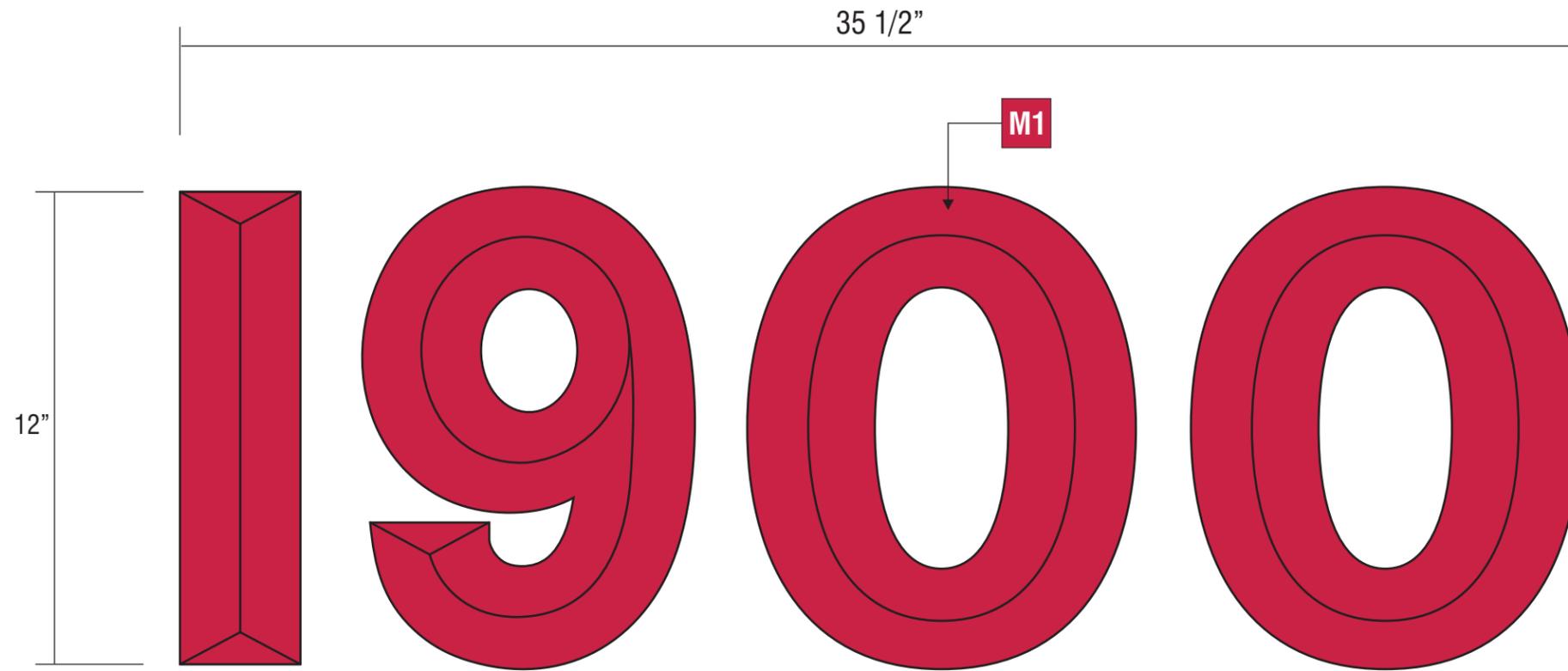
date: 03/05/21
drawing: 21-00348 **rev:** 2-03/23/21
quote:
project ID: IN-N-OUT_PLAZA_1



E SIGNTYPE INO-LED BORDER TUBE

MANUFACTURE AND INSTALL LED TUBE BORDER STRIPES

'SLOAN' LED RED LIGHTING SYSTEM.
 ALL ELECTRICAL COMPONENTS
 TO BE UL LISTED. ATTACH TO WALL AS REQUIRED.



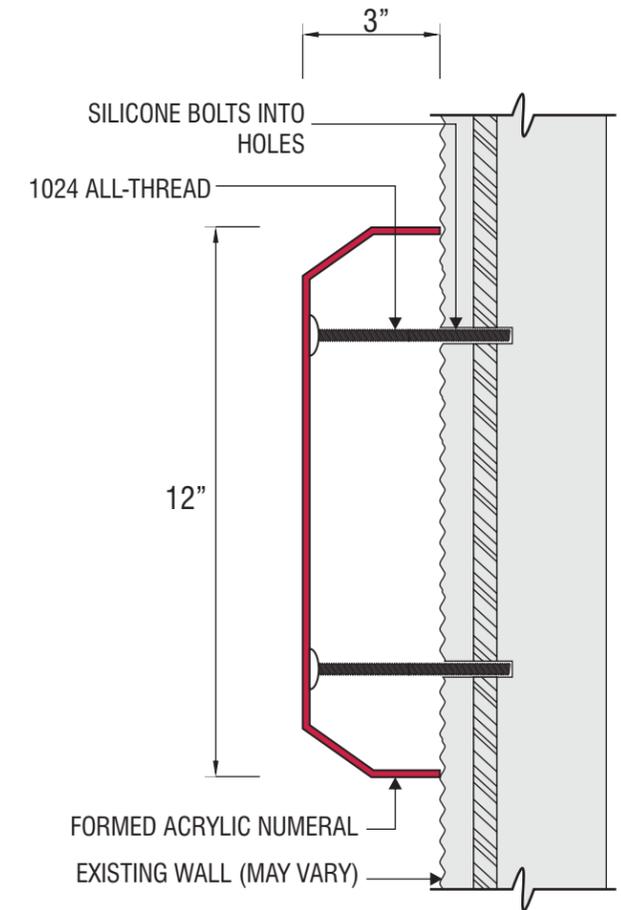
SCALE: 3"=1'-0"

F SIGNTYPE **INO-CL-PL-12-ADDRESS-1900**

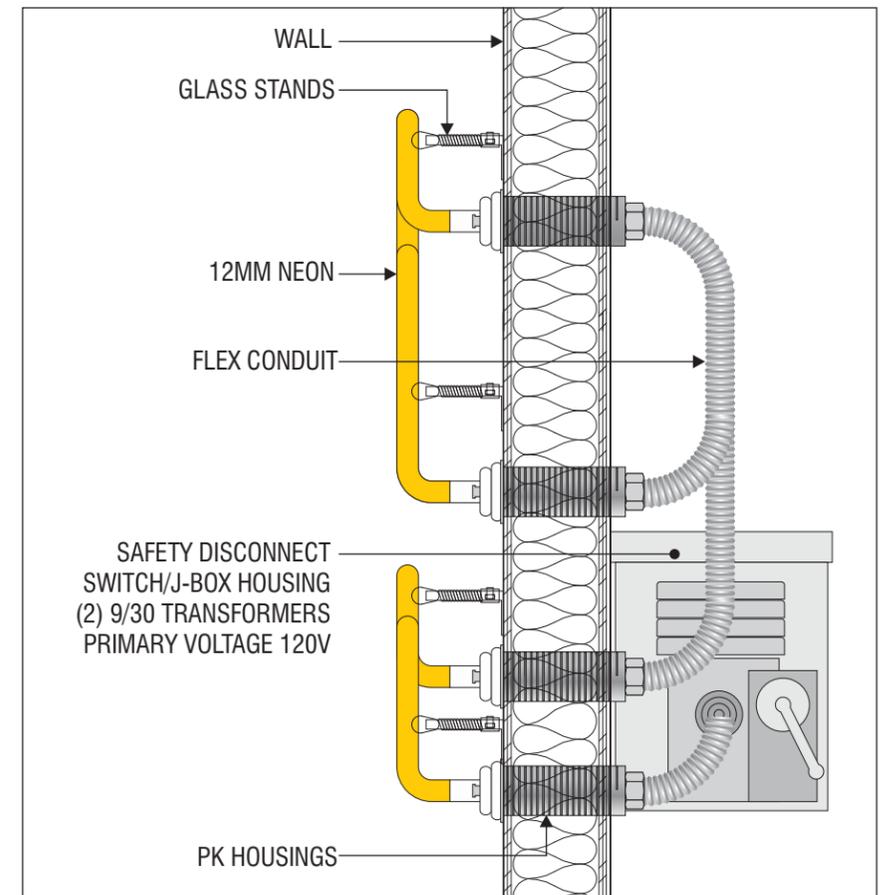
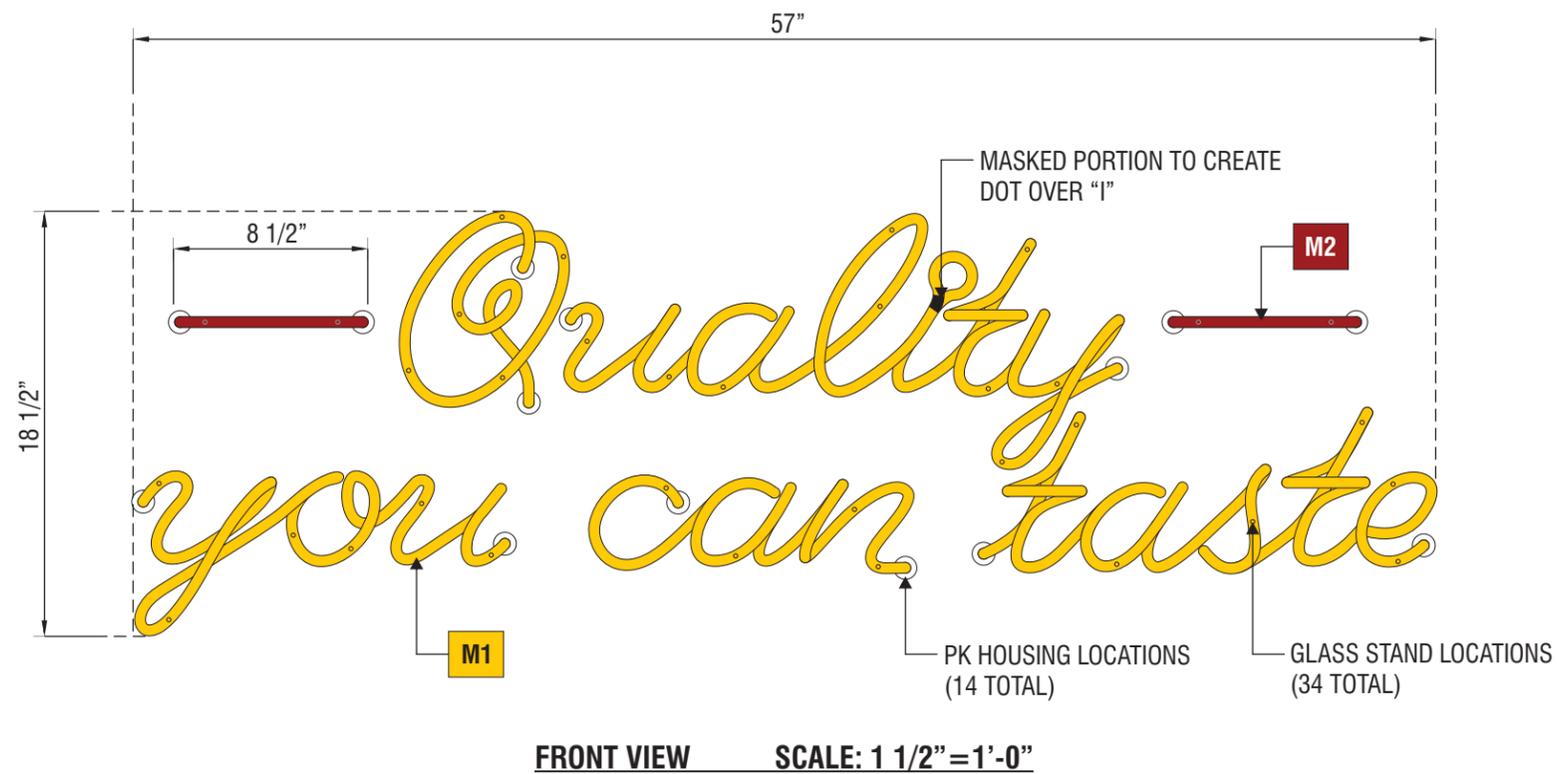
MANUFACTURE AND INSTALL ONE (1) SET OF NON-ILLUMINATED ADDRESS NUMERALS

MATERIAL

M1 RED ACRYLIC #211-1



INSTALLATION SECTION SCALE: 3"=1'-0"



G SIGNTYPE **INO-QYCT-NEON-18x57**

MANUFACTURE AND INSTALL ONE (1) INTERIOR EXPOSED NEON WALL SIGN

MATERIALS

- M1** EGL DOUBLE COATED 'NOVIOL GOLD' P73 EXPOSED NEON ILLUMINATION (12MM)
- M2** EGL DOUBLE COATED 'RUBY RED' EXPOSED NEON ILLUMINATION (12MM)





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

NOTICE OF EXEMPTION

TO: Assessor/Recorder/County Clerk
Attn: Fish and Wildlife Notices
1600 Pacific Highway, Suite 260
San Diego, CA 92101
MS: A-33

Project Title: 2021-11 CUP

Project Location: 1900 East Plaza Boulevard National City, CA 91950

Lead Agency: City of National City

Contact Person: David Welch **Telephone Number:** (619) 336-4224

Description of Nature, Purpose and Beneficiaries of Project:

Conditional Use Permit for a drive-through fast food restaurant to be located at 1900 East Plaza Boulevard

Applicant: Pierre Cabral **Telephone Number:** (858) 877-1285
654 Richland Hills Dr.
San Antonio, TX 78245

Exempt Status:

Categorical Exemption - Class 32 Section 15332 In-fill Development Projects

Reasons why project is exempt:

There is no possibility that the proposed use will have a significant impact on the environment since construction of the restaurant and drive-through aisle will be within the property envelope, which is developed and devoid of any habitat or sensitive lands use. The restaurant itself is permitted by right and would otherwise be exempt from CEQA as it would only require a ministerial permit (building permit). The drive-through aisle is appurtenant to the restaurant and would thus be consistent with this exemption.

Date:

DAVID WELCH, Associate Planner



CITY OF NATIONAL CITY - PLANNING DIVISION
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR A
DRIVE-THROUGH FAST FOOD RESTAURANT TO BE
LOCATED AT 1900 EAST PLAZA BOULEVARD
CASE FILE NO.: 2021-11 CUP
APN: 557-420-31

The National City Planning Commission will hold a public hearing at their regular online meeting after the hour of 6:00 p.m. **Monday, August 1, 2022**, 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: In-N-Out Burgers)

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://nationalcityca.new.swagit.com/views/33>.

The applicant proposes to construct a 3,879 square-foot fast food restaurant (In-N-Out) with two drive-through lanes. The approximately 1.3-acre property would have a total of 55 parking spaces provided in addition to the drive-through lanes.

Plans are 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., **August 1, 2022** by submitting it to PlcPubComment@nationalcityca.gov. Planning staff 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

From: Sum Ting <>
Sent: Wednesday, July 27, 2022 5:11 PM
To: Planning Commission <PLCPUBcomment@nationalcityca.gov>
Subject: In and Out

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Regarding In and Out is planning to take over the property at the 805 and Plaza, former location of Family house Restaurant. As a resident and HOMEOWNER of Kalesa Walk (community right across the street) I highly oppose this idea. Traffic is already congested in the area due to the 805 on/off ramps and the 5 minute car wash, and now they want to add an In and Out? Do we not see the traffic going around the corner at our other In and Out over by the I-5? How it backs up onto the freeway???. Will a traffic study be done before they are given the green light? Both Mcdonalds and Dunkin Donuts on the other side of the 805 have Grove St to help absorb the traffic, but I don't see a side street possibility on the west side of 805 unless you plan to extend Sheryl Lane to go over the sewer channel... But I'm sure the residents there will be thrilled.

What I'm asking is just think for a minute. Why does National City need to be the fast food capital of San Diego county? In our 9 square miles, we have 3 Jack in the Boxes, 3 Starbucks, 3 Mcdonlads, 2 Burger Kings, 2 Carl Jr's, 2 Popeyes, and everything else from Sonic to Chick Fil A to Wienerschnitzel to Fredmys. Why can't National City attract casual dining outside of the mall? Like a Chili's, or Olive Garden. Why do we insist on fast food and carwashes to be the dominant businesses here?

I think instead of approving another fast food restaurant application in an already crowded fast food city, just slow down and think about what the city has become. We can't hardly sustain a new beautiful 8th Street Market Place or a casual dining place like Mcdini's because we are just OVERLOADED with fast food options.

I've owned my condo here in National City for 14 years and I had high hopes for this city. Crime was on its way down, etc... I didn't know at the time National City was going to be such a transient community. A renters paradise with all the fast food options and car washes galore.

Even tough homeowners are a minority, I think you should listen to our voices more. We are the ones that actually care about the city and we take care of our properties, most renters do not. And I go to the market place on 8th Street, and Slappys and Sushi Galbi because I like to support local independent businesses here. And I take care of not only my community but the area around it as well. I'm constantly picking up the trash along Plaza Blvd (in front of my Condo) and on 12th street and R Ave to keep the area clean looking. Have you ever noticed how much more cleaner the area in front of the condos at Plaza and 805 looks compared to the rest of the 805/Plaza trashiness. That's me, doing what I can. But add In and Out, and imagine the trash in the area. Renters will toss fast food containers out of their cars and not

even care. And here we are, encouraging every fast food restaurant to have MULTIPLE restaurants in our small city.

Please reconsider the proposed In and Out, and get a nice casual dining sit down restaurant instead. Applebee's, Chili's,. Anything without a drive through. Its sad that National City wants EVERY fast food restaurant in our city while other cities KNOWS to manage such nuisances!

RESOLUTION NO. 2022-18

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
APPROVING A CONDITIONAL USE PERMIT
FOR A DRIVE-THROUGH FAST FOOD RESTAURANT TO BE
LOCATED AT 1900 EAST PLAZA BOULEVARD
CASE FILE NO. 2021-11 CUP
APN: 557-420-31

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for a drive-through fast food restaurant (In-N-Out) to be located at 1900 East Plaza Boulevard at a duly advertised public hearing held on August 1, 2022, 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. 2021-11 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 August 1, 2022, 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 drive-through businesses are identified as a conditionally-allowed use in the Major Mixed-Use District (MXD-2) zone, and the conditions of approval will assure the proposed drive-through aisle will meet all requirements as contained in NCMC §18. 41 – Site Planning Standards.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because the Land Use Code conditionally allows drive-through businesses in the MXC-2 zone; the Land Use Code is consistent with the General Plan. Additionally, there are no Specific Plans affecting this location.
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 the property will be completely redeveloped and will provide enough

parking spaces based on provisions outlined in the Land Use Code. In addition, the proposed drive-through aisle, subject to the conditions of approval, meets all requirements for such uses outlined in the Land Use Code, as discussed above.

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 project is expected to generate a reduction in approximately 60 AM peak hour trips and an increase of 103 PM peak hour trips and 1,655 net new daily trips, which can be accommodated by existing road network. Intersections in this location are currently operating at an LOS of D or better (passing), with the exception of Palm Avenue and East Plaza Boulevard, and are calculated by the provided traffic impact analysis to continue to have a passing LOS after construction. The intersection of Palm Avenue and East Plaza Boulevard has a LOS E and is calculated to have a less than significant increase in delay.
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 noise issues related to drive-through businesses are usually related to vehicle queuing and ordering windows/speakers. Noise is not likely to be an issue given that the area is close to both arterial streets and a freeway. Residential areas will be physically separated from the proposed development by a solid six-foot high wall. Recent approvals for drive-through businesses have required noise-attenuating speakers at the ordering board. This type of speaker automatically adjusts its volume to compensate for ambient noise (streets, vehicles, etc.). Therefore, the volume is lower during quieter periods, such as at night. There is a condition requiring the noise-attenuating speakers. In addition, the new business will be a benefit the public interest by providing new jobs.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 32, Section 15332 (In-fill Development Projects) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.

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 a new drive-through fast food restaurant (In-N-Out) to be located at 1900 East Plaza Boulevard. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2021-11 CUP, dated 6/2/2021.
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. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. 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.

Engineering

7. The Property is in the Federal Flood Plain area. Flood hazard permit shall be obtained from the Engineering Department.
8. A Hydrology study (100 year flood) is required for the new project. The study should consider the proposed project area to the closest municipal storm drain collection point. The study should consider the adequacy of the existing storm drain system to convey any additional run off. All Hydrology study findings and recommendations are part of Engineering Department requirements.

9. The Storm Water BMP Requirements Applicability Form I-1 and if required I-2 checklist for the National Pollutant Discharge Elimination System (NPDES) is required to be completed and submitted to the Engineering Department. The checklist will be required when a project site is submitted for review of the City Departments. The checklist is available at the Engineering Division web site at the link below *. If it is determined that the project is subject to the "Priority Project Permanent Storm Water BMP Requirements" and the City of National City Storm Water Best Management Practices of the Jurisdictional Urban Runoff Management Program (JURMP) approved Standard Urban Storm Water Mitigation Plan (SUSMP) documentation will be required prior to issuance of an applicable engineering permit. The SUSMP shall be prepared by a Registered Civil Engineer.

*<http://www.nationalcityca.gov/city-government/engineering-public-works/engineering-division/online-services-forms-fees>.

10. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. An approved SWPPP will be required prior to issuing of a construction permit.
11. All surface run-off shall be treated with an approved Standard Urban Runoff Mitigation Plan (SUSMP) Best Management Practice (BMP) for all Priority SUSMP projects. No runoff will be permitted to flow over the sidewalk. Adjacent properties shall be protected from surface run-off resulting from this development.
12. The property owner, or its successors and assigns shall be responsible for the maintenance, repair, or reconstruction of all irrigation and landscaping improvements installed within the public right-of-way. Sprinkler heads shall be adjusted so as to prevent overspray upon the public sidewalk or the street. The proposed sprinkler heads shall be installed behind the sidewalk, and the irrigation mainline upon private property only, as required by the City. The property owner or, its successors or assigns, shall be remove and relocate all irrigation items from the public right-of-way at no cost to the City, and within a reasonable time frame upon a written notification by the City Engineer.
13. Metallic identification tape shall be placed between the bottom layer of the finished surface and the top of all irrigation lines in the public right-of-way.
14. A grading and drainage plan shall be submitted showing all of the proposed and existing on-site and off-site improvements. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. All necessary measures for prevention of storm water pollution and hazardous material run-off to the public storm drain system from the proposed parking lot or development shall be implemented with the design of the grading. This shall include the provision of such devices as storm drain interceptors, clarifiers, or filters. Best Management Practices for the maintenance of the parking lot, including sampling, monitoring, and cleaning of private catch basins and storm drains, shall be undertaken in accordance with the

National Pollution Discharge Elimination System (NPDES) regulations. A private storm water treatment maintenance agreement shall be signed and recorded. A check list for preparation of the grading plan/drainage plan is available at the Engineering Department.

15. All existing and proposed curb inlet on property shall be provided with a "No Dumping" signage in accordance with the NPDES program.
16. A National Pollutant Discharge Elimination System (NPDES) permit is required for discharges of storm water runoff associated with construction greater than 1 acre activity where clearing, grading, and excavation results in a land disturbance. A construction storm water permit shall be obtained from the Regional Water Quality Control Board. A copy of shall be given to the City of National City Engineering Department prior to any work beginning on the project.
17. A Notice of Intent (NOI) shall be filed with the Regional Water Quality Control Board (RWQCB).
18. Industrial facilities shall comply with NPDES regulations. A Storm Water Pollution Prevention plan shall be prepared and submitted to the Engineering Department for approval. The facility shall satisfy the sampling and monitoring requirements of the NPDES regulations.
19. A sewer permit will be required. The method of sewage collection and disposal shall be shown on the grading/drainage plan. Any new sewer lateral in the City right-of-way shall be 6 inch in size with a clean out. A sewer stamp "S" shall be provided on the curb to mark the location of the lateral.
20. Separate street and sewer plans prepared by Registered Civil Engineer, shall be submitted showing all of the existing and proposed improvements. The plans shall be in accordance with City requirements.
21. A soils engineering report shall be submitted for the Engineering Department's review, after Planning Commission approval. The report shall address the stability of all of the existing and proposed slopes on the property. It shall also address the adequacy of the building pads, the criteria for any new retaining wall design, the maximum allowable soil bearing pressure and the required pavement structural sections for the proposed streets, the parking areas, and the driveways. As a minimum, the parking lot pavement sections shall be 2 inch A.C. over 4 inch Class II aggregate base. The street pavement sections shall be in accordance with National City modified Standard Drawing G-34. All soils report findings and recommendations shall be part of the Engineering Department requirements.
22. The deteriorated portions of the existing street improvements along the property frontages shall be removed and replaced. Specifically the existing cross gutter across the driveway opening, approximately 540 square feet, and that portion of the sidewalk which is now undermined, approximately 75 square feet as marked out in the field..

23. Street pavement repair will be required. The work shall be as follows: Along the inside and outside edges of the deteriorated cross gutter, a minimum cut back of twelve inches from the gutter edge outward (or as directed by the city engineer, and full depth removal and replacement of the asphalt.
24. The existing street improvements along the property frontage(s) shall be kept free from weed growth by the use of special weed killers, or other approved methods.
25. All existing survey monuments, including any benchmark, within the boundaries of the project shall be shown on the plans. If disturbed, a licensed land surveyor or civil engineer shall restore them after completion of the work. A Corner Record shall be filed with the County of San Diego Recorder. A copy of the documents filed shall be given to the City of National City Engineering Department as soon as filed.
26. The driveway on Plaza Boulevard shall be an alley entrance type driveway with pedestrian ramps.
27. A permit shall be obtained from the Engineering Department for all improvement work within the public right-of-way, and any grading construction on private property.
28. Street improvements shall be in accordance with the City Standards.
29. A title report shall be submitted to the Engineering Department, after the Planning Commission approval, for review of all existing easements and the ownership at the property.
30. All NEW restaurants are subject to a sewer district fee of \$1,930 for each count of seven seats or portion thereof. A count of the number of proposed seats shall be included together with a seat count of the existing restaurant.
31. A traffic study is required for the proposed development. The traffic study shall include queuing analysis for left turns into the property from west bound Plaza Boulevard and right turns in from East bound Plaza Boulevard. Traffic Analysis shall also include analysis of vehicle volumes entering Super Star Car Wash and determine any impacts to In-N-Out due to shared driveway.
32. All electrical, telephone and similar distribution service wires for the new structure(s) shall be placed underground.
33. A cost estimate for all of the proposed grading, drainage, street improvements, landscaping and retaining wall work shall be submitted with the plans. A performance bond equal to the approved cost estimate shall be posted. A deposit in the amount of three percent (3%) of the estimated cost or \$10,000 (whichever is greater) shall also be deposited with the City as an initial cost for plan checking and inspection services at the time the plans are submitted. The deposit is subject to adjustment according to actual worked hours and consultant services.

34. A hydromodification plan or a letter sealed and signed by the Engineer of Work explaining why the project is exempt from hydromodification requirements shall be submitted.

35. If public safety concerns arise due to unforeseen traffic issues following the opening of In-N-Out, the City may construct a median between east and westbound lanes of Plaza Blvd. west of Interstate 805 to be extended 300 feet further to the west at the applicant's sole cost. The median shall be required at the sole discretion of the City Engineer if public safety concerns occur related to left turns occurring either entering or exiting the driveway located on the property. The applicant shall provide complete public improvement plans for the possible median extension and shall agree to provide either a Payment Bond or a cash bond, at In-N-Out's preference, in an amount equivalent to 200% of a certified engineer's estimate for said improvements for a period of three years from the opening of this In-N-Out location. As a condition of approval, the applicant agrees to cover any cost that exceeds the 200% cost estimate. Alternatively, the applicant may include a yearly escalator in the bond agreement as negotiated with the Engineering Department. At the expiration of the three year period, if the City has not decided to require construction of the median, the City shall release and/or return any and all bonds held.

36. Other miscellaneous requirements:

- i. The developer is solely responsible for submitting a set of plans to Sweetwater Authority for their review and approval.
- ii. A drainage easement shall be granted from Plaza Boulevard through the property to the drainage channel along the westerly property line to allow city crews to access, maintain and clean the channel.
- iii. On the south easterly corner of the lot the developer shall grant an access easement to the City around the proposed patio structure to allow for the removal of miscellaneous debris
- iv. The developer shall construct a new access ramp for city equipment from the parking lot area, where the new easement terminates at the channel, down to the top of the channel wall.
- v. The Developer shall replace the existing fence along the drainage channel with a wrought iron fence.
- vi. The developer shall fill in the storm channel forebay with an approved design of rock and concrete.

Fire

37. Project shall be designed to code.
38. The National City Fire Department utilizes all current codes and ordinances. Currently, we are using the 2019 editions of NFPA, CFC and the current edition of the CCR.
39. Fire sprinkler, fire alarm, Co2 beverage system, and cooking suppression system, shall be evaluated and installed for intended use per code. All fire related plan designs shall be submitted directly to the National City Fire Department through permit.
40. Fire apparatus access roads shall comply with the requirements of this section (Section 5 CFC 2013) and shall extend to within 150 feet of **all** portions of the facility and **all** portions of the exterior walls of the first story of the building as measured by an **approved** route around the exterior of the building. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.
41. The required width of emergency fire apparatus access roads shall not be **obstructed in any manner**, including parking of vehicles. All access roads shall be no less than 20 feet wide, no less than 14 feet high and shall have an all weathered road with the ability to support 75 thousand pounds or greater. Where a fire hydrant is located on a fire apparatus road, the minimum road width shall be 26 feet. A 28 foot turning radius is required for fire department access through site. All fire department access roads shall be painted and signed to prevent parking in these required designated emergency areas.
42. Fire hydrants that may be located throughout the project as not to have a separation distance greater than 300 feet. Fire hydrants to be located within 300 feet of all locations which are roadway accessible. (Measurement starts from nearest public fire hydrant to project)
43. The following items pertain to fire hydrants:
 - a. Size and location, including size and number of outlets and whether outlets are to be equipped with independent gate valves.
 - b. Fire hydrant to be of three outlet design.
44. Provide calculation confirming flow availability to meet fire flow demands and supply large diameter hose (4 inch).
45. Fire hydrants to be marked by use of blue reflective marker in the roadway.
46. Upon submittal for an underground permit, the following shall be included:
 - Data sheet for Back-Flows
 - Data sheets for Private and Commercial Hydrants

- Data sheets for Post Indicator Valves

Information on required fire hydrants back-flow devices, etc.; can be acquired from Sweetwater Authority.

All pipe and their appliances, shall meet industry/code standards for underground use

47. Approved signs or other approved notices or markings (Red Curb) that include NO PARKING – FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designed shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. **All projects shall be evaluated for this necessary application.**
48. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.
49. The fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for this code.
50. Please see all attachments provided, a copy of which has been provided by the Planning Division.
51. Should any plan corrections be required, contractor must correct the plan and re-submit to the Fire Department for approval once again prior to installation.

Planning

52. A landscape and underground irrigation plan shall be submitted as part of the construction permitting process. Installation and continued maintenance of minimum landscaping items required by the Land Use Code, including a minimum three-foot continuous hedge along the frontages, shall be provided for the life of the project.
53. Plans submitted for construction shall conform to minimum turning radius requirements for drive-through businesses unless the City Engineer approves a lesser radius.
54. Business operations shall comply with Municipal Code Title 12 (Noise) at all times. Plans submitted for construction shall reflect the use of sound-attenuating speakers that automatically reduce the volume of ordering speakers during periods of low ambient noise.

55. Plans submitted for construction shall conform to Land Use Code Chapter 18.46 (Outdoor Lighting) and Section 18.42.040 (Screening mechanical equipment and elevator housing).
56. Plans submitted for improvements must comply with the current editions of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.

Police

57. The permittee shall comply with all applicable law.

Sweetwater Authority

58. The most easterly service is a 2-inch lateral with a 1-1/2-inch meter. Revise on this and all associated sheets (Sheet C32 on plans).
59. Plans show 2-inch gas lines branching off 6-inch fire service. Gas and fire services must remain completely separate. In addition, water pipelines must be horizontally separated by a minimum of 10 feet from pipelines conveying sewer and 5 feet from other utility connections (Sheet C34).
60. Per Sweetwater Authority Standard Drawing 15-A, backflow connection details for devices larger than 2 inches are required to be designed by a registered civil engineer and shown on plans. Alternatively, backflows can be installed per Standard Drawing 15-C. A copy of Standard Drawing 15-C has been enclosed with this letter (Sheet C34).
61. Add note stating make and model of all backflow devices or state that device shall be "Authority approved lead-free RP backflow preventer" for domestic and irrigation services and "Authority approved lead-free RPDA backflow preventer", for fire service (Sheet C34).
62. Per Sweetwater Authority Rates & Rules, fire services must be entirely separated from domestic and irrigation connections (Sheet C34).
63. Show estimated daily irrigation usage in gallons per day (Sheet LPP.1).
64. The Owner is requested to revise and resubmit the Plans, along with fire protection plans with hydraulic calculation to the Authority for its review and approval.
65. The Owner will also be required to provide estimated domestic water usage in gallons per day.

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 August 1, 2022, by the following vote:

AYES:

NAYS:

ABSENT: None.

ABSTAIN: None.

CHAIRPERSON

RESOLUTION NO. 2022-18

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
DENYING A CONDITIONAL USE PERMIT
FOR A DRIVE-THROUGH FAST FOOD RESTAURANT TO BE
LOCATED AT 1900 EAST PLAZA BOULEVARD
CASE FILE NO. 2021-11 CUP
APN: 557-420-31

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for a drive-through fast food restaurant (In-N-Out) to be located at 1900 East Plaza Boulevard at a duly advertised public hearing held on August 1, 2022, 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. 2021-11 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 August 1, 2022, support the following findings:

1. The proposed use is not deemed essential and desirable to the public convenience and welfare, because there are four other drive-through eating places within a half-mile of the site: Dunkin' Donuts, McDonald's, Popeyes Louisiana Kitchen, and Starbucks.
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 it would contribute to a concentration of unhealthy fast food eating places.

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 August 1, 2022, 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 ON-SITE DISTILLED SPIRITS SALES AND LIVE ENTERTAINMENT AT AN EXISTING BEER AND WINE-LICENSED BAR (MACHETE BEER HOUSE) LOCATED AT 2325 HIGHLAND AVENUE.

Case File No.: 2022-08 CUP

Location: East side of Highland Ave between E. 23rd St. and E. 24th St.

Assessor's Parcel Nos.: 561-312-02

Staff report by: David Welch – Associate Planner

Applicant: Eduardo Trejo

Zoning designation: MXC-2 (Major Mixed-Use Corridor)

Adjacent use and zoning:

North: El Cubilete Tires / MXC-2

East: Single-family residences across the alley / RS-3 (Medium-Low Density Residential)

South: Birria Kings Street Tacos and Keg N Bottle / MXC-2

West: ARCO gas station and vacant restaurant across Highland Ave. / MXC-2

Environmental review: The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of the request for on-site distilled spirits sales and live entertainment, subject to the attached recommended conditions. The sale of distilled spirits and live entertainment are conditionally-allowed uses in the Major Mixed-Use Corridor (MXC-2) zone.

Executive Summary

The property has been a bar serving beer and wine for several years and is requesting to upgrade their current ABC Type 42 license (on-sale beer and wine-public premises) to a Type 48 (on-sale general-public premises). The applicant also proposes to add live entertainment in the form of jazz, mariachi, and DJs. Proposed hours of operation are from 6:00 a.m. to 2:00 a.m. daily. The business operates a walk-up coffee window until 2:00 p.m. every day.

Site Characteristics

The subject property is approximately 0.19 acres in size and is developed with an approximately 2,800 square-foot building. The subject suite is 1,400 square feet in size and occupies approximately half of the building, with the remaining space occupied by El Cubilete Tires. Four parking spaces are available on site.

The area is mostly commercial in nature, with single-family residences located to the east across an alley. The property is in census tract 116.01, which includes the area from East 18th Street north to East 24th Street, and between National City Boulevard and 'L' Avenue. The attached census tract map shows the location of the subject tract (Attachment 6).

Proposed Use

The applicant is proposing to sell distilled spirits in conjunction with existing beer and wine sales in the existing 1,400 square-foot bar (ABC Type 48). The business will continue to operate a coffee window as an accessory use until 2:00 p.m. in the afternoon daily. Hours of operation for the business are currently 6:00 a.m. to 2:00 a.m. daily.

The applicant also proposes to offer live entertainment in the form of jazz, mariachi, and DJs. Live entertainment will only be indoors. The occupancy of the bar is 49 people, which would place a limitation on the number of patrons at all times, including during live performances.

Seating is currently provided on the exterior of the bar to serve patrons of the coffee window. No alcohol sales or consumption are permitted outside. The rear of the property is currently used for screened, outdoor storage.

Analysis

Section 18.30.050 of the Land Use Code allows for on-site alcohol sales and live entertainment with an approved Conditional Use Permit (CUP). Additional requirements for alcohol CUPs include expanded notification, a community meeting, and distance requirements. In addition, City Council Policy 707 regulates alcohol sales in the City.

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 654 occupants and owners.

Community Meeting

Pursuant to Section 18.30.050(C) of the National City Zoning Code, a community meeting was held Saturday, March 5, 2022 at 10:00 a.m. at the subject bar. The meeting advertisement is attached (Attachment 8); there was one attendee.

Distance Requirements

Chapter 18.030.050(D) of the National City Zoning Code requires a 660-foot distance from any public school and a 1,000-foot distance from any other bar or cocktail lounge. The property is both within 660 feet of Olivewood Elementary School and 1,000 feet of Aja Lounge, a lounge with an existing Type 48 license. However, the commercial suite housing Machete Beer House has been in use as a bar prior to the distance requirements in the code and, therefore, is not subject to these requirements unless the use is discontinued.

City Council Policy 707

The Council-adopted policy on alcohol-related businesses provides standard conditions of approval for off-sale, on-sale with purchase of food, and brewery tasting rooms. The two conditions specific to on-sale businesses only require the sale of food to exceed the sale of alcohol and for alcohol to only be available with the purchase of food. The policy does not anticipate a new CUP for a bar or similar alcohol businesses that does serve food even though they are permitted in the Code. Furthermore, Machete Beer House is an existing bar that precedes

the requirements of Policy 707. Staff concludes that this business is not subject to the requirements for the sale of food in conjunction of alcohol.

Hours of Operation

The most recent CUPs for on-site alcohol consumption have had varying hours of operation (see following table). In addition, the Planning Commission recently recommended approval of 2022-18 CUP with hours until 1:00 a.m. daily for on-site consumption, although the City Council has yet to approve the item. This proposal would be the first CUP in National City for a Type 48 license. Machete Beer House currently has alcohol sales until 2:00 a.m. daily under a Type 42 license. Aja Lounge, with a Type 48 license at 2305 Highland Avenue, also operates until 2:00 a.m. without a CUP.

Business	Address	CUP type	End time
Grill House at Big Ben	108 E 8 th St	Beer & Wine	10 p.m.
Denny's	1904 Sweetwater Rd	Beer & Wine	11 p.m.
Royal Mandarin	1132 E Plaza Blvd	Beer & Wine	10 p.m.
Chipotle	404 Mile of Cars Way	Beer	11 p.m.
Hooters (closed)	Westfield Plaza Bonita	Beer/Wine/Spirits	12 a.m.
Yi Sushi	1430 E Plaza Blvd	Beer & Wine	11 p.m.

Conditions of approval for alcohol sales hours reflect what the applicant has requested (6:00 a.m. to 2:00 a.m.). The requested hours would allow the applicant to continue operating under its current hours.

Live entertainment

As mentioned above, the applicant is proposing live entertainment indoors from 6:00 a.m. to 2:00 a.m. daily. There have been three CUPs in recent years that included live entertainment as follows:

Business	Address	Year	Entertainment hours
Tita's II	3421 Plaza Blvd.	2010	5 p.m. to 12 a.m. W-Sa
Big Ben Market	108 East 8 th St.	2015	12 p.m. to 10 p.m. F-Sa
			12 p.m. to 9 p.m. Su
Gerry's Grill	Westfield Plaza Bonita	2021	7:30 p.m. to 10 p.m. Th
			8:30 p.m. to 11:30 p.m. F-Sa

In addition, the Planning Commission recently approved 2022-18 CUP (Market on 8th) with indoor live entertainment from 12:00 p.m. to 10:00 p.m. Sunday through Thursday and 12:00 p.m. to 11:30 p.m. Friday and Saturday. The hours are also modified to begin at 3 p.m. when the adjacent school is in session. That CUP application is still pending a public hearing with City Council.

In the City, the times for live entertainment vary and most often have differing times for weekdays as opposed to weekends. Both Tita's II and Gerry's Grill have live entertainment indoors, which assuages noise issues (Tita's has a condition requiring doors be closed during live entertainment times). The Grill House at Big Ben is, for all intents and purposes, an outside venue (there are clear plastic vinyl barriers along 'A' Avenue); their live entertainment hours end 9:00 p.m. on Sundays, and at 10:00 p.m. on Fridays and Saturdays.

The proposed hours of 6:00 a.m. to 2:00 a.m. daily far exceed all active live entertainment CUPs and pose potential noise issues, particularly as there are residences across the alley to the east of the business. The business currently does not have any indoor patrons until after 2:00 p.m. as only the coffee window operates during these hours. The business is also constrained by the occupancy load of the space, which permits a maximum of 49 people. This number is inclusive of both staff and performers. Due to these limitations, staff is recommending live entertainment only as an incidental use to the primary use, which is a bar, for the purpose of the enjoyment of the patrons.

Staff suggests reducing the proposed hours to be more consistent with the current operation of the business, remove conflict with the operating hours of Olivewood Elementary School, and reduce possible noise concerns during later hours. The afternoon session for the school typically ends at 3:00 p.m. while it is in session. Generally, starting after the coffee window concludes operation as well as reducing the hours later in the evening are suggested, depending on the day. An example could be as follows:

Live entertainment inside:

12:00 p.m. to 10:00 p.m. Sunday

2:00 p.m. to 10:00 p.m. Monday through Thursday*

2:00 p.m. to 11:30 p.m. Friday*

12:00 p.m. to 11:30 p.m. Saturday

*From 4:00 p.m. while Olivewood Elementary is in session

Conditions of approval related to live entertainment reflect what the applicant has requested (6:00 a.m. to 2:00 a.m.), but staff invites discussion on the matter, based on what has previously been approved per the table and discussion above.

Regardless of live entertainment hours, conditions have been included to require compliance with noise limitations contained in Title 12 (Noise) of the Municipal Code. Conditions also include requiring doors and windows to remain closed during live entertainment activities. Conditions are also proposed to ensure that live entertainment remains incidental to the bar including a restriction on advertised events.

Department and Agency Comments

Alcohol Sales Concentration/Location

Per the California Department of Alcoholic Beverage Control (ABC), there are currently three on-sale licenses in census tract 116.01, including Machete Beer House, and a maximum of seven are recommended, meaning that the census tract is not considered by ABC to be over-saturated with regard to on-sale alcohol outlets. For reference, the outlets are:

Name	Address	License Type*	CUP
Machete Beer House	2325 Highland Ave	42	N
Aja Lounge	2305 Highland Ave	48	N
Salud	2333 Highland Ave	41	Y

- * Type 41 - On-Sale Beer and Wine
- Type 42 - On-Sale Beer and Wine – Public Premises
- Type 48 - On-Sale General – Public Premises

Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 18 points, which places it in the Medium Risk category. Medium risk is considered 13-18 points. The proposed location has a medium crime rate, an over-concentration of off-sale alcohol businesses, and above average calls for service. PD comments are included as Attachment 7.

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 standard condition of approval and is included with 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.

Alcohol sales and live entertainment are allowable within the MXC-2 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 and live entertainment are allowable, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. There is no Specific Plan in the area.

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 site is occupied by an existing bar serving beer and wine. The addition of distilled spirits and incidental live entertainment would occur within the existing building, which has four off-street parking spaces.

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 sale and consumption of distilled spirits is in addition to the existing beer and wine sales for on-site consumption. Alcohol consumption would continue to be monitored by staff of the bar. In addition, the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available. Furthermore, live entertainment will be limited to appropriate hours and to maximum noise standards to avoid impacts to nearby residential uses.

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

The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that no expansion of the building is proposed and use would basically be the same as the current use and is similar to other commercial uses in the area, which are permitted by right in the MXC-2 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.

Distilled spirits, in addition to beer and wine, will contribute to the viability of the bar, an allowed use in the MXC-2 zone, by allowing a greater variety of drink offerings. Live entertainment will also create an enhanced experience for patrons of the establishment. The proposed use is in line with the purpose of the zone, which, among other goals, is to create vibrant places at an urban scale.

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. The proposed use is not deemed essential to the public necessity, as there is already one other outlet in the same census tract that serves distilled spirits, there is an over-concentration of off-sale alcohol businesses, and above average calls for service and a medium crime rate, which could increase with the addition of distilled spirit sales.
2. Based on the above finding, public convenience and necessity will not be served by a proposed use of the property for the sale of alcoholic beverages for on-site consumption 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 such as hours of operation and employee training.

Summary

The proposed use is consistent with the General Plan due to alcohol sales for on-site consumption and live entertainment being conditionally-allowed uses in the MXC-2 zone. The addition of on-site distilled spirits in conjunction with the existing 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. The census tract in which the restaurant is located is not considered to be over-concentrated with regard to on-sale alcohol licenses. Options for the Planning Commission are provided below, although the Commission may bifurcate the two requests (distilled spirits and live entertainment) and approve one or the other, as opposed to both as the applicant is requesting.

Options

1. Approve 2022-08 CUP subject to the conditions listed within, based on the attached findings, or findings to be determined by the Planning Commission; or
2. Deny 2022-08 CUP based on the attached finding or findings to be determined by the Planning Commission; or,
3. Continue the item to a specific date in order to obtain additional information.

Attachments

1. Recommended Findings
2. Recommended Conditions of Approval
3. Overhead
4. Applicant's Plans (Exhibit A, Case File No. 2022-08 CUP, dated 7/19/2022)
5. Public Hearing Notice (Sent to 654 property owners & occupants)
6. Census Tract & Police Beat Maps
7. PD Risk Assessment
8. Community Meeting Advertisement
9. Resolutions

David Welch

DAVID WELCH
Associate Planner



ARMANDO VERGARA
Director of Community Development

RECOMMENDED FINDINGS FOR APPROVAL

2022-08 CUP – Machete Beer House

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 alcohol sales and live entertainment are allowable within the MXC-2 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 and live entertainment are allowable, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. There is no Specific Plan in the area.
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 site is occupied by an existing bar serving beer and wine. The addition of distilled spirits and incidental live entertainment would occur within the existing building, which has four off-street parking spaces.
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 sale and consumption of distilled spirits is in addition to the existing beer and wine sales for on-site consumption. Alcohol consumption would be continue to be monitored by staff of the bar. In addition, the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available. Furthermore, live entertainment will be limited to appropriate hours and to maximum noise standards to avoid impacts to nearby residential uses.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of

this Conditional Use Permit. The reason for the exemption is that no expansion of the building is proposed and use would basically be the same as the current use and is similar to other commercial uses in the area, which are permitted by right in the MXC-2 zone.

7. The proposed use is deemed essential and desirable to the public convenience or necessity, because Distilled spirits, in addition to beer and wine, will contribute to the viability of the bar, an allowed use in the MXC-2 zone, by allowing a greater variety of drink offerings. Live entertainment will also create an enhanced experience for patrons of the establishment. The proposed use is in line with the purpose of the zone, which, among other goals, is to create vibrant places at an urban scale.

RECOMMENDED FINDINGS FOR DENIAL

2022-08 CUP – Machete Beer House

1. The proposed use is not deemed essential to the public necessity, as there is already one other outlet in the same census tract that serves distilled spirits, there is an over-concentration of off-sale alcohol businesses, and above average calls for service and a medium crime rate, which could increase with the addition of distilled spirit sales.
2. Based on the above finding, public convenience and necessity will not be served by a proposed use of the property for the sale of alcoholic beverages pursuant to law.

RECOMMENDED CONDITIONS OF APPROVAL

2022-08 CUP – Machete Beer House

General

1. This Conditional Use Permit authorizes the sale of distilled spirits for on-site consumption and live entertainment at an existing beer and wine-licensed bar (Machete Beer House) located at 2325 Highland Avenue. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2022-08 CUP, dated 7/19/2022.
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 at such time as there is no longer a Type 48 California Department of Alcoholic Beverage Control license associated with the property.
4. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
5. 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.
6. 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.
7. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval or applicable law.

ATTACHMENT 2

Planning

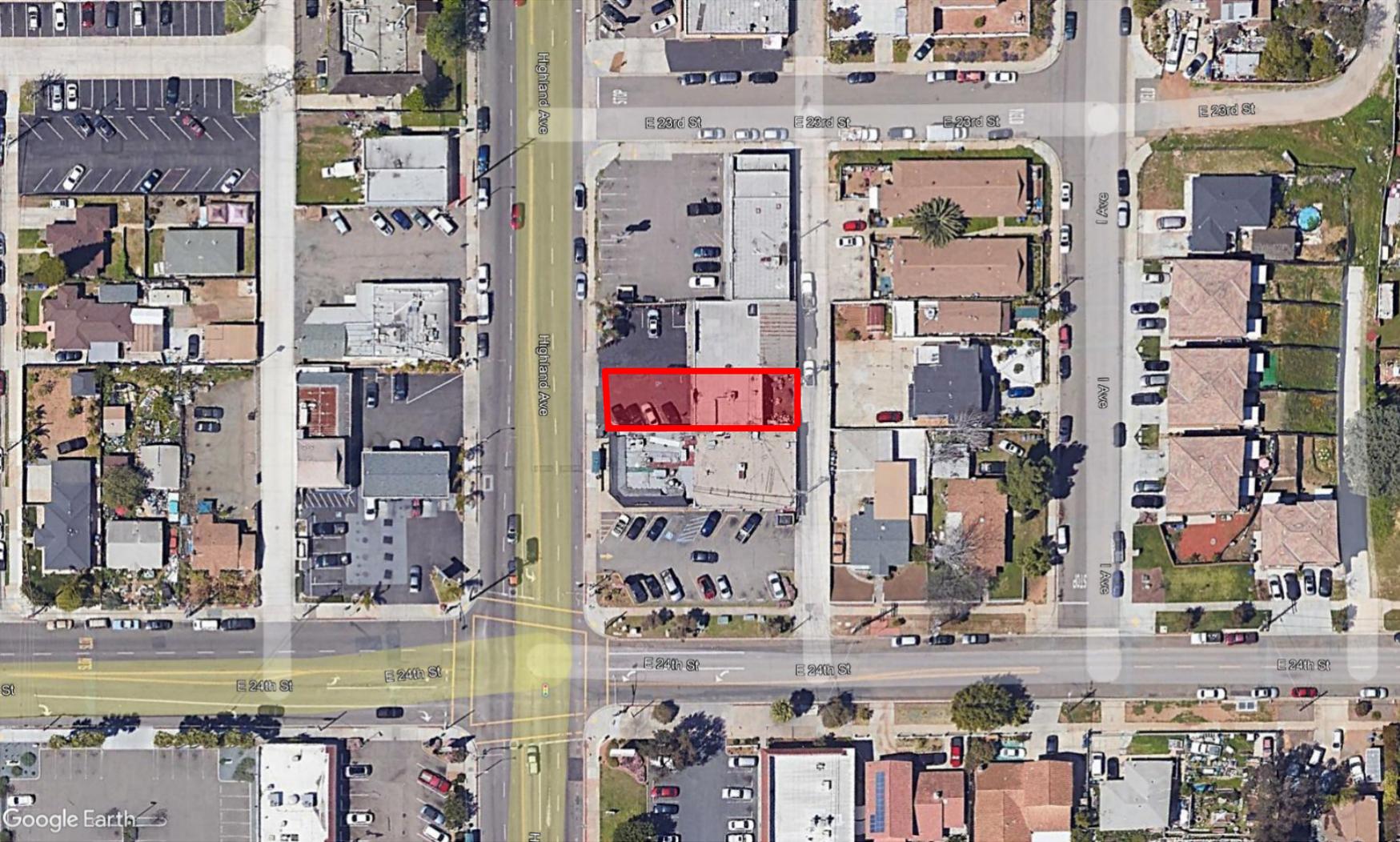
8. No change in alcohol sales and consumption practices shall be permitted without receiving a Type 48 license from the California Department of Alcoholic Beverage Control (ABC).
9. The sale of alcoholic beverages for on-site consumption shall only be permitted between the hours of 6:00 a.m. and 2:00 a.m. daily.
10. The sale of alcoholic beverages for off-site consumption is not permitted at this location.
11. Permittee shall post signs at all exits and on the front of the building indicating that alcoholic beverages must be consumed inside the bar and may not be taken off-premises.
12. Outdoor tables and seating is permitted for coffee shop patrons in areas that shall not block parking spaces, driveways, and any pathway required by the Americans with Disabilities Act.
13. No public concerts or specific live entertainment events shall be permitted. No advertisement targeted for a specific performer or event may be circulated outside the bar and live entertainment shall be incidental to the bar for the enjoyment of its patrons.
14. The occupancy of the building, inclusive of patrons, staff, and entertainers, shall not exceed the occupancy load determined by the Building Division. The Building Division shall be made aware of any modifications to the floor area of the bar including the addition of permanent staging or seating to determine if the occupancy needs to be updated.
15. Indoor live entertainment shall be permitted between the hours of 6:00 a.m. and 2:00 a.m.
16. All activities shall comply with the limits contained in Table III of Title 12 (Noise) of the National City Municipal Code.
17. All entry and exit doors, including windows, shall remain closed after 9:00 p.m. during inside live entertainment activities.
18. The rear yard of area of the building is permitted to be used for outdoor storage, screened in compliance with the Land Use Code. No outdoor seating shall be permitted in this area. No patrons shall be granted access to this area.

19. All sellers and servers 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.
20. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

Police

21. The permittee shall comply with all applicable laws, including, but not limited to all regulatory provisions of the Business and Professions Code that pertain to the sale, serving, and consumption of alcoholic beverages.

2022-08 CUP – 2325 Highland Ave. – Overhead





Machete Beer House
SITE PLAN
2325 Highland Ave, National City, CA 91950

PROJECT NO:
22-003

SHEET TITLE

SITE PLAN

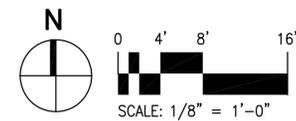
SHEET NO:

A1.0

Jan 11, 2022 - 9:13am
C:\Users\phil\LAHAINA\2022\MFP\Machete National City\17-22 ABC plan.dwg
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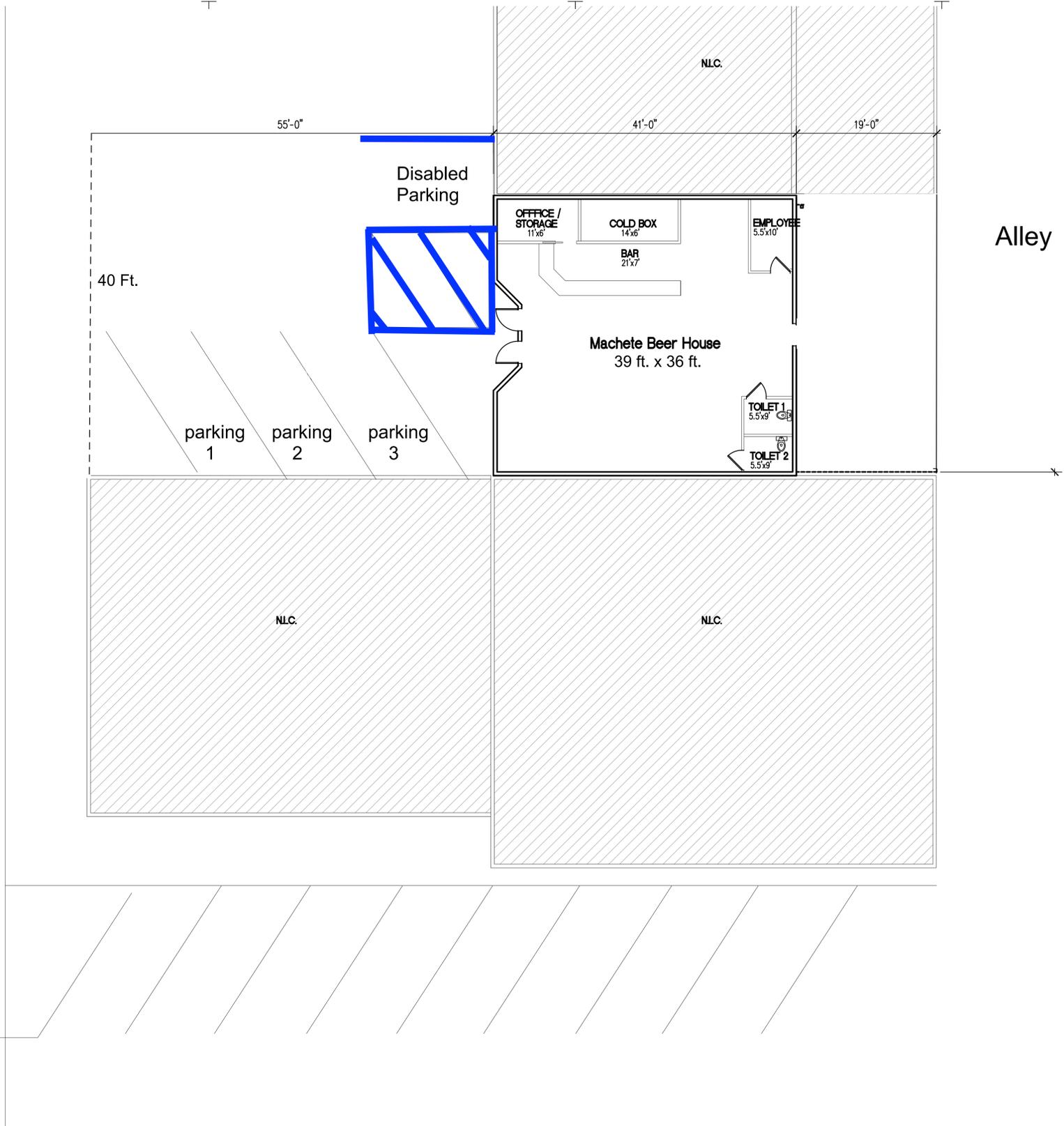
ALL IDEAS, DESIGNS, PLANS, AND SPECIFICATIONS AND OTHER PROJECT DOCUMENTS, INCLUDING ALL DOCUMENTS ON ELECTRONIC MEDIA ARE THE PROPERTY OF LAHAINA ARCHITECTS AND MAY NOT BE REPRODUCED OR USED WITHOUT THE WRITTEN PERMISSION OF LAHAINA ARCHITECTS

1 SITE PLAN
1/8" = 1'-0"



ATTACHMENT 4

Exhibit A, Case File No. 2022-08 CUP, 7/19/2022



HIGHLAND AVE

Alley

N.L.C.

N.L.C.

N.L.C.

Disabled Parking

OFFICE / STORAGE
11x6

COLD BOX
14x6

EMPLOYEE
5.5x10

BAR
21x7

Machete Beer House
39 ft. x 36 ft.

TOILET 1
5.5x9

TOILET 2
5.5x9

55'-0"

41'-0"

19'-0"

40 Ft.

parking 1

parking 2

parking 3



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

NOTICE OF PUBLIC HEARING
**CONDITIONAL USE PERMIT FOR ON-SITE DISTILLED SPIRITS SALES
AND LIVE ENTERTAINMENT AT AN EXISTING BEER AND WINE-LICENSED BAR
(MACHETE BEER HOUSE) LOCATED AT 2325 HIGHLAND AVENUE.
CASE FILE NO.: 2022-08 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, August 1, 2022**, 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: Eduardo Trejo)

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://nationalcityca.new.swagit.com/views/33>.

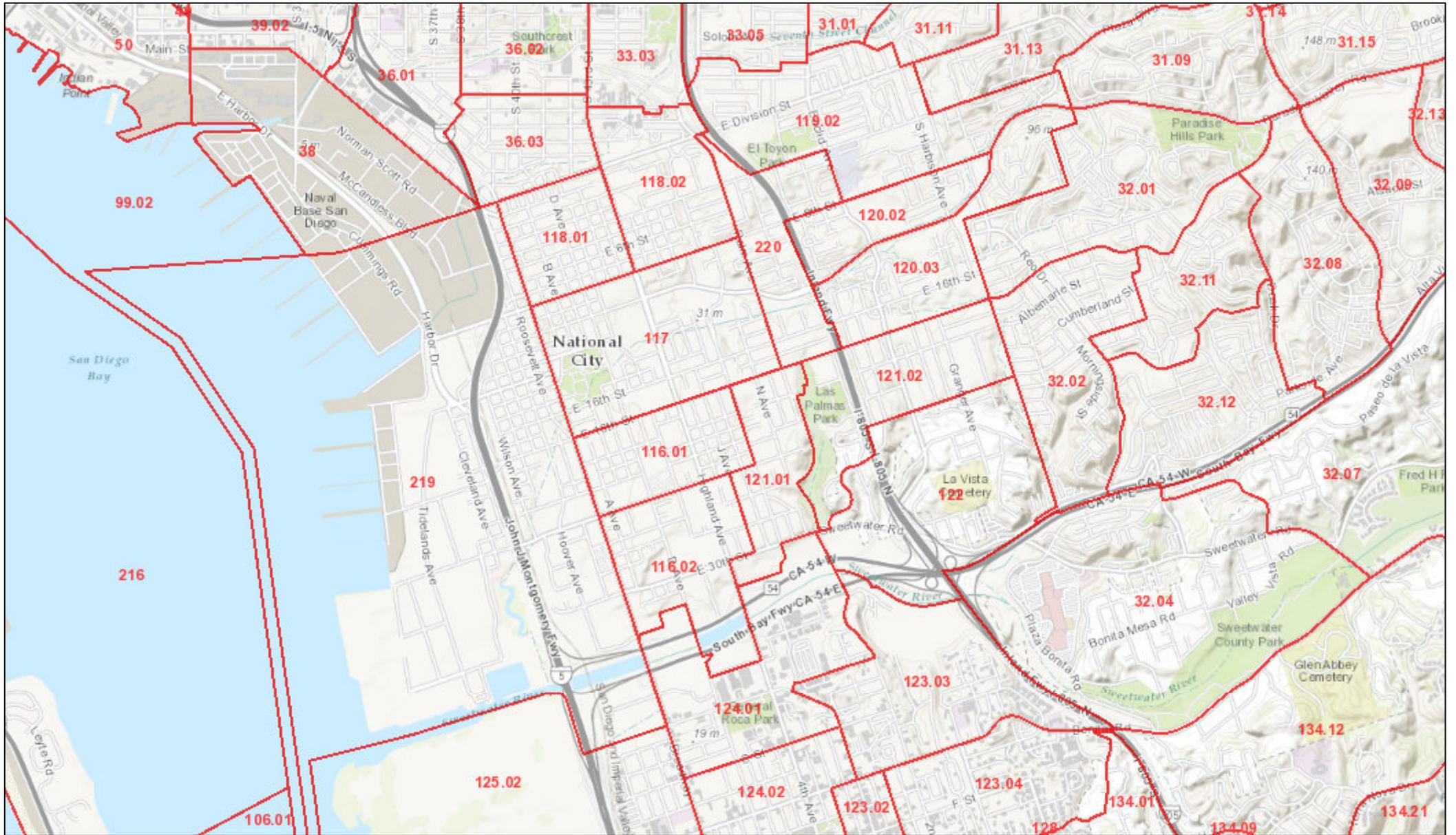
The applicant is proposing to change from a Type 42 license (on-sale beer and wine public premise) to an ABC Type 48 license (on sale general) and to offer live entertainment in the existing 1,400 square-foot bar. Proposed hours of operation are 6:00 a.m. to 2:00 a.m.

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., **August 1, 2022**, by submitting it to PlcPubComment@nationalcityca.gov. Planning staff 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

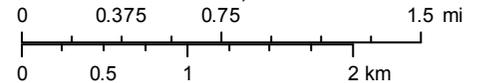


August 25, 2014

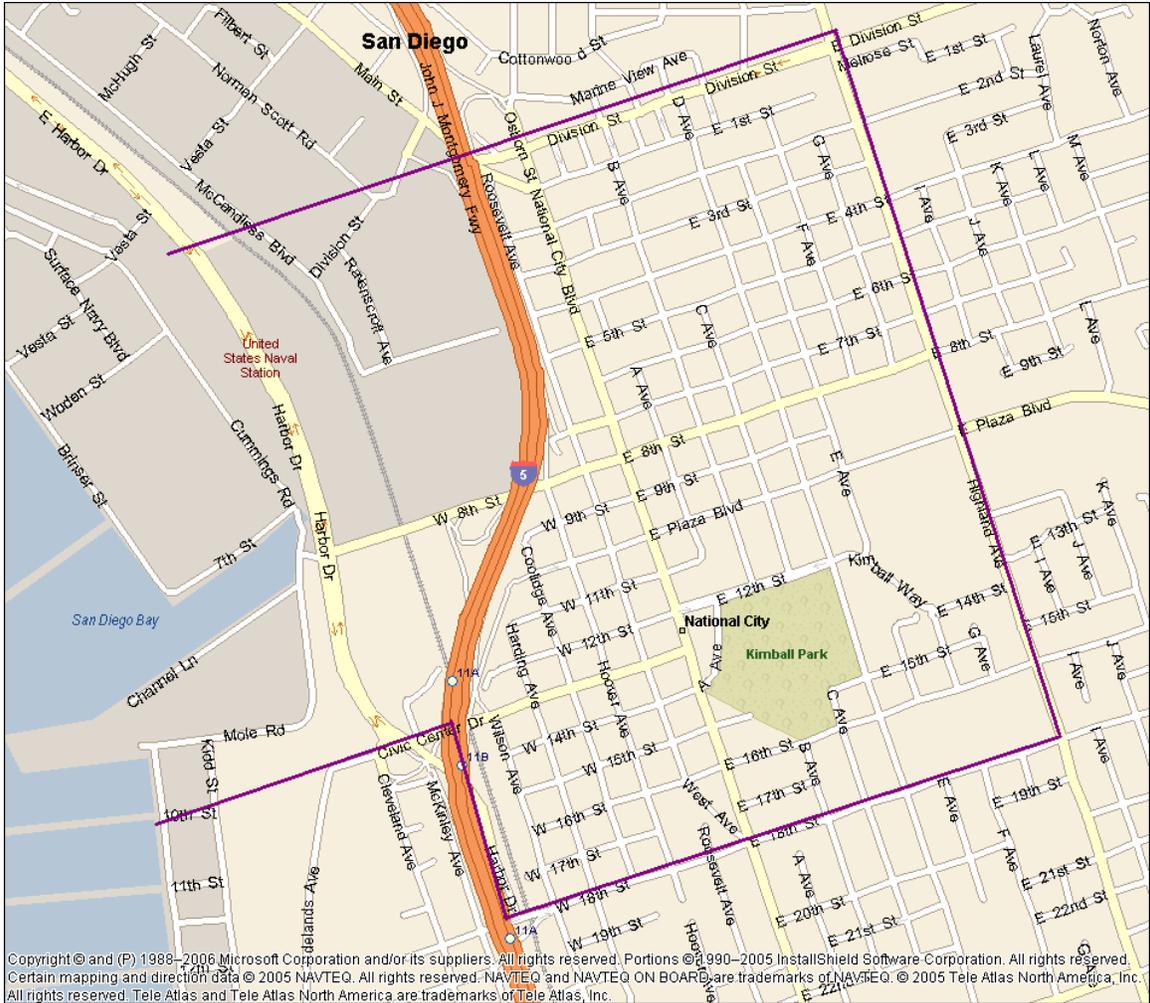
CensusTracts 2010

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



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: _____

Machete Beer House

2325 Highland Ave.
National City, CA 91950

15th February 2022

Dear Resident/Property owner,

We will be holding a community meeting that will address the Conditional Use Permit being applied for with the City of National City.

The Conditional Use Permit is to make an upgrade to the existing premises and alcohol sales license currently at Machete Beer House.

For any questions or concerns, please feel free to attend the meeting.

The meeting will be held at:

Machete Beer House - 2325 Highland Ave, National City

10am Saturday, March 5th, 2022

Sincerely,

Machete Beer House

RESOLUTION NO. 2022-19

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
APPROVING A CONDITIONAL USE PERMIT
FOR ON-SITE DISTILLED SPIRITS SALES AND LIVE ENTERTAINMENT
AT AN EXISTING BEER AND WINE-LICENSED BAR (MACHETE BEER HOUSE)
LOCATED AT 2325 HIGHLAND AVENUE.
CASE FILE NO. 2022-08 CUP
APN: 561-312-02

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for on-site distilled spirits sales and live entertainment at an existing beer and wine-licensed bar (Machete Beer House) located at 2325 Highland Avenue at a duly advertised public hearing held on August 1, 2022, 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. 2022-08 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 August 1, 2022, 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 alcohol sales and live entertainment are allowable within the MXC-2 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 and live entertainment are allowable, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. There is no Specific Plan in the area.

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 site is occupied by an existing bar serving beer and wine. The addition of distilled spirits and incidental live entertainment would occur within the existing building, which has four off-street parking spaces.
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 sale and consumption of distilled spirits is in addition to the existing beer and wine sales for on-site consumption. Alcohol consumption would be continue to be monitored by staff of the bar. In addition, the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available. Furthermore, live entertainment will be limited to appropriate hours and to maximum noise standards to avoid impacts to nearby residential uses.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that no expansion of the building is proposed and use would basically be the same as the current use and is similar to other commercial uses in the area, which are permitted by right in the MXC-2 zone.
7. The proposed use is deemed essential and desirable to the public convenience or necessity, because Distilled spirits, in addition to beer and wine, will contribute to the viability of the bar, an allowed use in the MXC-2 zone, by allowing a greater variety of drink offerings. Live entertainment will also create an enhanced experience for patrons of the establishment. The proposed use is in line with the purpose of the zone, which, among other goals, is to create vibrant places at an urban scale.

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 distilled spirits for on-site consumption and live entertainment at an existing beer and wine-licensed bar (Machete Beer House) located at 2325 Highland Avenue. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2022-08 CUP, dated 7/19/2022.
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 at such time as there is no longer a Type 48 California Department of Alcoholic Beverage Control license associated with the property.
4. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the County Clerk and submitted to the National City Planning Department.
5. 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.
6. 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.
7. This Conditional Use Permit may be revoked if the operator is found to be in violation of any Conditions of Approval or applicable law.

Planning

8. No change in alcohol sales and consumption practices shall be permitted without receiving a Type 48 license from the California Department of Alcoholic Beverage Control (ABC).
9. The sale of alcoholic beverages for on-site consumption shall only be permitted between the hours of 6:00 a.m. and 2:00 a.m. daily.
10. The sale of alcoholic beverages for off-site consumption is not permitted at this location.
11. Permittee shall post signs at all exits and on the front of the building indicating that alcoholic beverages must be consumed inside the bar and may not be taken off-premises.
12. Outdoor tables and seating is permitted for coffee shop patrons in areas that shall not block parking spaces, driveways, and any pathway required by the Americans with Disabilities Act.
13. No public concerts or specific live entertainment events shall be permitted. No advertisement targeted for a specific performer or event may be circulated outside the bar and live entertainment shall be incidental to the bar for the enjoyment of its patrons.
14. The occupancy of the building, inclusive of patrons, staff, and entertainers, shall not exceed the occupancy load determined by the Building Division. The Building Division shall be made aware of any modifications to the floor area of the bar including the addition of permanent staging or seating to determine if the occupancy needs to be updated.
15. Indoor live entertainment shall be permitted between the hours of 6:00 a.m. and 2:00 a.m.
16. All activities shall comply with the limits contained in Table III of Title 12 (Noise) of the National City Municipal Code.
17. All entry and exit doors, including windows, shall remain closed after 9:00 p.m. during inside live entertainment activities.
18. The rear yard of area of the building is permitted to be used for outdoor storage, screened in compliance with the Land Use Code. No outdoor seating shall be permitted in this area. No patrons shall be granted access to this area.
19. All sellers and servers 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.

20. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

Police

21. The permittee shall comply with all applicable laws, including, but not limited to 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 August 1, 2022, by the following vote:

AYES:

NAYS:

ABSENT: None.

ABSTAIN: None.

CHAIRPERSON

RESOLUTION NO. 2022-19

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
DENYING A CONDITIONAL USE PERMIT
FOR ON-SITE DISTILLED SPIRITS SALES AND LIVE ENTERTAINMENT
AT AN EXISTING BEER AND WINE-LICENSED BAR (MACHETE BEER HOUSE)
LOCATED AT 2325 HIGHLAND AVENUE.
CASE FILE NO. 2022-08 CUP
APN: 561-312-02

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for on-site distilled spirits sales and live entertainment at an existing beer and wine-licensed bar (Machete Beer House) located at 2325 Highland Avenue at a duly advertised public hearing held on August 1, 2022, 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. 2022-08 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 August 1, 2022, support the following findings:

1. The proposed use is not deemed essential to the public necessity, as there is already one other outlet in the same census tract that serves distilled spirits, there is an over-concentration of off-sale alcohol businesses, and above average calls for service and a medium crime rate, which could increase with the addition of distilled spirit sales.
2. Based on the above finding, public convenience and necessity will not be served by a proposed use of the property for the 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 August 1, 2022, 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: REQUEST TO INITIATE A LOCAL COASTAL PLAN (LCP) AMENDMENT FOR THE UPDATE OF THE CITY'S LCP LAND USE PLAN AND IMPLEMENTATION DOCUMENTS FOR CONSISTENCY WITH TITLE 18 (ZONING) OF THE NATIONAL CITY MUNICIPAL CODE.

Case File No.: 2022-26 LCPA

Staff report by: Martin Reeder, AICP – Planning Manager

Applicant: City-initiated

Environmental review: The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 6, Section 15306 (Information Collection) for which a Notice of Exemption will be filed subsequent to initiation of the amendment.

BACKGROUND

Background

The City adopted its Local Coastal Program (LCP) in 1987 with implementation following in 1990. The Local Coastal Program consists of two documents: Land Use Plan and Implementation. The LCP Land Use Plan contains technical background information, policy recommendations, and a land use plan map. The LCP Implementation document is a compilation and description of the various implementation actions necessary to carry out the policies of the Land Use Plan.

The Coastal Zone is generally described as the area within 300 feet of the mean high tide line, which is everything west of Interstate 5 (I-5), as well as the area south of 30th Street between I-5 in the west to 'B' Avenue in the east. The intent and purpose of the Coastal Zone is to identify and give notice that properties within this zone are affected

by the City's Local Coastal Program. The purpose of the Coastal Overlay zone (the designation shown on the City's Zoning Map) is to protect and enhance the quality of public access and coastal resources.

The LCP was last significantly amended in 1996 as part of the General Plan Revision Program conducted at that time and in 1998 with adoption of the Harbor District Specific Area Plan. Although the General Plan and Land Use Code (LUC) were updated in 2011 as part of the City's Land Use Update, the LCP was not amended at that time due to pending changes to the Unified Port of San Diego "Port Master Plan", an effort that is coming to fruition this year. As a result, the Coastal Zone is still administered using the previous (1996) Land Use Code.

Proposal

Due to the conflict between the LCP and the LUC, and the pending completion of the Port Master Plan, it is prudent to amend the LCP Land Use Plan and LCP Implementation documents in order to provide the necessary consistency between the documents. Staff is currently working with consultants on making the necessary changes. That effort will culminate with public hearings at the Planning Commission and City Council and then approval by the California Coastal Commission.

California Environmental Quality Act (CEQA)

At this stage of the application process, the project is considered exempt from CEQA under Class 6, Section 15306 (Information Collection). This class includes (among others) basic data collection, research, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes or as part of a study leading to an action, which a public agency has not yet approved or adopted. If initiated, staff will perform the necessary environmental analysis as part of the full Local Coastal Program amendment.

Summary

The City's LCP Land Use Plan and LCP Implementation documents are inconsistent with the current Land Use Code and need to be amended in order to provide the most up-to-date information to the public. It is, therefore, prudent to initiate proceedings for amendment of the LCP.

RECOMMENDATION

1. Initiate proceedings to amend the Local Coastal Program; or,
2. File the report and deny the request.

ATTACHMENTS

1. Overhead
2. Notice of Exemption



MARTIN REEDER, AICP
Planning Manager



ARMANDO VERGARA
Director of Community Development



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

NOTICE OF EXEMPTION

TO: Assessor/Recorder/County Clerk
Attn.: Fish and Wildlife Notices
1600 Pacific Highway, Suite 260
San Diego, CA 92101
MS: A-33

Project Title: 2022-26 LCPA

Project Location: Coastal Zone of National City, CA 91950 (Area of the City west of Interstate 5 and south of 30th Street between I-5 and 'B' Avenue).

Lead Agency: City of National City

Contact Person: Martin Reeder

Telephone Number: (619) 336-4313

Description of Nature, Purpose and Beneficiaries of Project:

Request to initiate an amendment to the National City Local Coastal Program (LCP) in order to amend the LCP Land Use Plan and Implementation documents for consistency with Title 18 (Zoning) of the National City Municipal Code.

Applicant:

City of National City
c/o: Martin Reeder, Planning Mgr.
1243 National City Blvd.
National City, CA 91950

Telephone Number:

(619) 336-4313

Exempt Status:

Categorical Exemption. Class 6, Section 15306 (Information Collection)

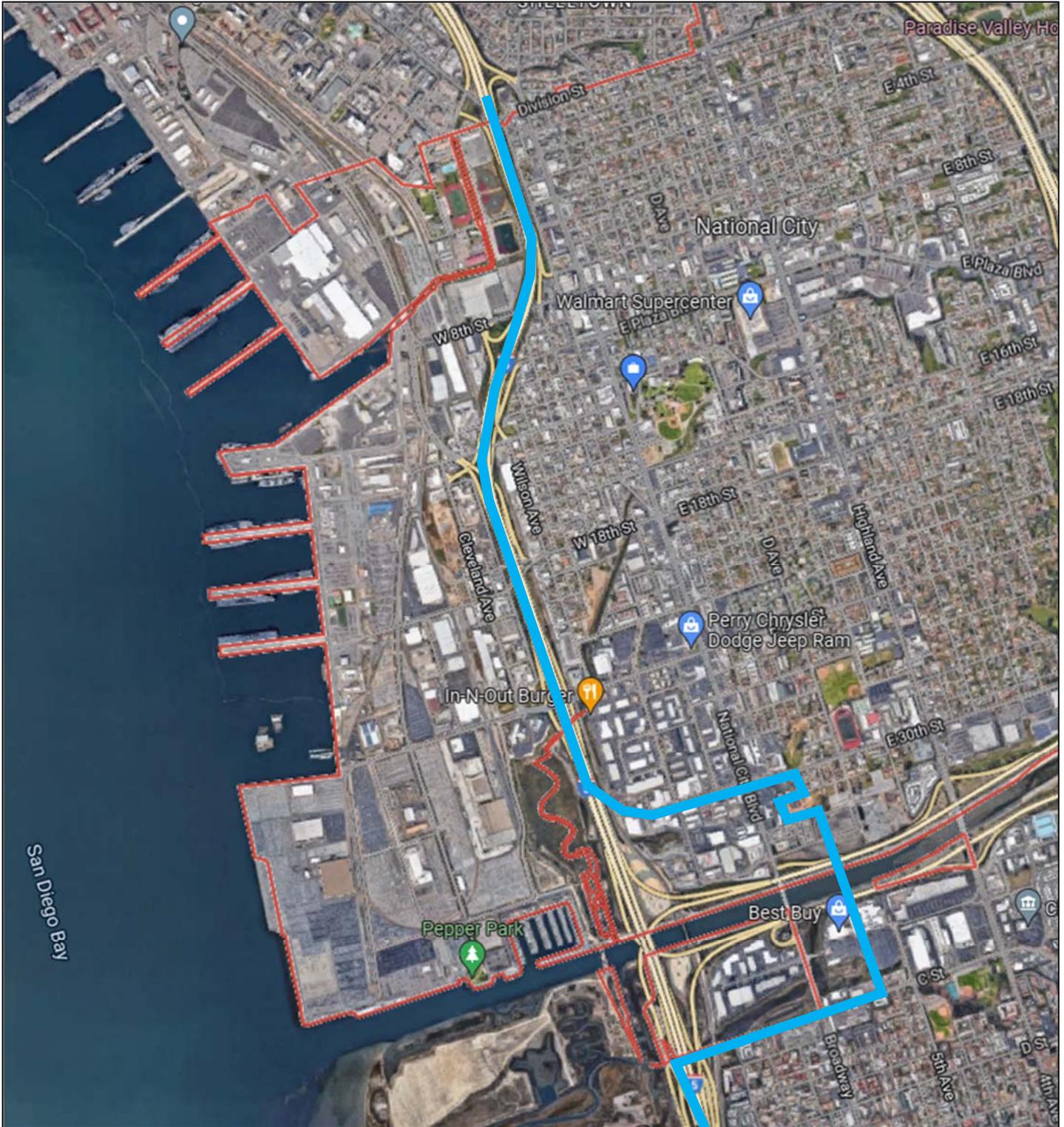
Reasons why project is exempt:

It can be seen with certainty that the project will not have a significant effect on the environment, because the initiation application is part of a study leading to a separate future action which will receive appropriate environmental review prior to approval.

Date:

MARTIN REEDER, AICP
PLANNING MANAGER

2022-26 LCPA - Overhead



COASTAL ZONE BOUNDARY