



AGENDA

Regular Planning Commission Meeting

Monday, September 18, 2023 at 6:00 P.M.

Council Chamber, City Hall

1243 National City Boulevard, National City CA 91950

Richard Martin Miller, Chair

Randi Marie Castle, Vice-Chair

Claudia E. Valenzuela, Commissioner

Liliana Armenta, Commissioner

Pearl Quinones, Commissioner

Ricardo Sanchez, Commissioner

William J. Sendt, Commissioner

Asblin Y. Lutes, Deputy City Attorney

Martin Reeder, Planning Manager

David Welch, Associate Planner

Adan Pacheco, Planner Technician

Sarah Esendencia, Executive Secretary

Thank you for participating in local government and the City of National Planning Commission Meetings.

Meetings: Regular Planning Commission Meetings are held on the first and third Mondays of the month at 6:00 p.m. Special Closed Session Meeting and Workshops may be same day, the start time is based on needs. Check Special Agendas for times.

Location: Regular Planning Commission Meetings are held in the Council Chamber located at City Hall, 1243 National City Boulevard, National City, CA 91950, the meetings are open to the public.

Agendas and Material: [Agendas and Agenda Packet](#) for items listed are available on the City website, and distributed to the Planning Commission no less than 72 hours prior to the Planning Commission Meeting. Sign up for [E-Notifications](#) to receive alerts when items are posted.

Public Participation: Encouraged in a number of ways as described below. Members of the public may attend the Planning Commission Meeting in person, watch the Planning Commission Meeting via [live](#) web stream, or participate remotely via Zoom. [Recording of Meetings](#) are archived and available for viewing on the City's website.

Public Comment: Persons wishing to address the Planning Commission on matters not on the agenda may do so under Public Comments. Those wishing to speak on items on the agenda may do so when the item is being considered. Please submit a Speaker's Slip to the Executive Secretary prior to the meeting or immediately following the announcement of the item. All comments will be limited up to three (3) minutes. The Presiding Officer shall have the authority to reduce the time allotted to accommodate for a large number of speakers. (*City Council Policy 104*)

If you wish to submit written comment [email](#) to the Planning Commission Secretary at least 2 hours prior to the Planning Commission Meeting to allow time for distribution to the Planning Commission.

American Disabilities Act Title II: In compliance with the American Disabilities Act (ADA) of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Title II. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the Planning Department, Sarah Esendencia (619) 336-4227 at least 24 hours in advance of the meeting.



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1243 National City Boulevard, National City CA 91950

Gracias por participar en las reuniones del gobierno local y del Consejo de la Ciudad de National City.

Reuniones: Las reuniones regulares del Comisión de Planificación se llevan a cabo el primer y tercer martes del mes a las 6:00 p.m. La reunión especial de sesión privada y los talleres pueden ser el mismo día, la hora de inicio se basa en las necesidades. Consulte las agendas especiales para conocer los horarios.

Ubicación: Las reuniones regulares del Comisión de Planificación se llevan a cabo en la Cámara del Consejo ubicada en el Ayuntamiento, 1243 National City Boulevard, National City, CA 91950, las reuniones están abiertas al público.

Agendas y Material: Las Agendas y el Paquete de Agenda para los temas enumerados están disponibles en el sitio web de la Ciudad y se distribuyen al Comisión de Planificación no menos de 72 horas antes de la Reunión del Concejo Municipal. Regístrese para recibir notificaciones electrónicas cuando se publiquen artículos.

Participación pública: Se fomenta de varias maneras como se describe a continuación. Los miembros del público pueden asistir a la Reunión del Comisión de Planificación en persona, ver la Reunión del Concejo Municipal a través de la transmisión web en vivo o participar de forma remota a través de Zoom. Las grabaciones de las reuniones están archivadas y disponibles para su visualización en el sitio web de la Ciudad.

Comentario Público: Las personas que deseen dirigirse al Comisión de Planificación sobre asuntos que no están en la agenda pueden hacerlo bajo Comentarios públicos. Quienes deseen hacer uso de la palabra sobre los temas del programa podrán hacerlo cuando se esté examinando el tema. Por favor, envíe una solicitud del orador al Secretario de la Ciudad antes de la reunión o inmediatamente después del anuncio del artículo. Todos los comentarios estarán limitados a tres (3) minutos. El Presidente tendrá la autoridad para reducir el tiempo asignado para dar cabida a un gran número de oradores. (Política del Concejo Municipal 104)

Si desea enviar comentarios por escrito, envíe un correo electrónico a la Oficina del Secretario de la Ciudad al menos 2 horas antes de la Reunión del Comisión de Planificación para dar tiempo a la distribución al Consejo Municipal.

Servicios de interpretación en español: Los servicios de interpretación en español están disponibles, comuníquese con el Secretario de la Ciudad antes del inicio de la reunión para obtener ayuda.

Título II de la Ley de Discapacidades Americanas: En cumplimiento con la Ley de Discapacidades Americanas de 1990, las personas con discapacidad pueden solicitar una agenda en formatos alternativos apropiados según lo requerido por el Título II. Cualquier persona con una discapacidad que requiera un modificación o adaptación para participar en una reunión debe dirigir dicha solicitud a la Oficina del Secretario de la Ciudad (619) 336-4228 al menos 24 horas antes de la reunión.



AGENDA

Regular Planning Commission Meeting

Monday, September 18, 2023 at 6:00 P.M.

Council Chamber, City Hall

1243 National City Boulevard, National City CA 91950

ROLL CALL

1. Approval of Excused/Unexcused Absence of Commissioner Sanchez.
2. Approval of Excused/Unexcused Absence of Commissioner Valenzuela.

PLEDGE OF ALLEGIANCE

Commissioner Pearl Quinones

APPROVAL OF AGENDA

3. Approval of the Agenda for the Meeting on September 18, 2023.

APPROVAL OF MINUTES OF PREVIOUS MEETING

4. Approval of Minutes from the Meeting of August 21, 2023.

PUBLIC COMMENT (Limited up to three (3) minutes)

In accordance with State law, an item not scheduled on the agenda may be brought forward by the general public for comment; however, the Planning Commissioners will not be able to discuss or take action on any issue not included on the agenda. Speakers will have up to three (3) minutes.

PUBLIC HEARINGS

5. Public Hearing – Determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 of the CEQA Guidelines Section 15301 (Existing Facilities) and Conditional Use Permit modification for modified hours of operation at an existing retail store (The 99 Cents Only Store) Located at 1320 Highland Avenue.
Case File No.: 2023-06 CUP APN: 560-050-11
6. Public Hearing – Determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 32 of the CEQA guidelines Section 15332 (In-Fill Development) and Conditional Use Permit modification for outdoor recreation (Padel Club) to be located at 21 West 7th Street.
Case File No.: 2023-10 CUP APN: 555-052-15
7. Public Hearing – Determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 of the CEQA guidelines Section 15301 (Existing Facilities) and Conditional Use Permit for on-sale alcohol (Type-47) and karaoke at a new restaurant (Round 1 Bowling & Arcade) to be located at 3030 Plaza Bonita Road, Suite 1025.
Case File No.: 2023-11 CUP APN: 564-471-07

STAFF REPORTS

ADJOURNMENT

Adjournment to the regularly scheduled meeting on October 2, 2023 at 6:00 p.m.



AGENDA

Regular Planning Commission Meeting

Monday, September 18, 2023 at 6:00 P.M.

Council Chamber, City Hall

1243 National City Boulevard, National City CA 91950

AFFIDAVIT OF POSTING MEETING AGENDA

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS
CITY OF NATIONAL CITY)

I, Sarah Esendencia, Executive Secretary of the City of National City, hereby declare under penalty of perjury that a copy of the above Agenda of the Regular Meeting of the Planning Commission of the City of national City, California, was delivered and/or notice by email no less than 72 hours, before the hour of 6:00 p.m. on September 18, 2023, to the members of the Planning Commission, and caused the agenda to be posted on the City's website at www.nationalcityca.gov and at National City Hall, 1243 National City Blvd., National City, California 91950.

/s/: Sarah Esendencia

Sarah Esendencia, Executive Secretary



Planning Commission Minutes

Regular Planning Commission
Meeting of August 21, 2023

IN PERSON AND ONLINE MEETING

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

LIVE WEBCAST

Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950

These minutes have been abbreviated. Video recordings of the full proceedings are on file and available to the public.

The meeting was called to order by Chair Miller at 6:00 p.m.

ROLL CALL

Commissioners Present: Valenzuela, Quinones, Miller, Castle, Armenta.

Commissioner Sanchez absent.

Commissioner Sendt absent.

Staff Also Present: Acting Deputy City Manager, Carlos Aguirre, Planning Manager Martin Reeder, Deputy City Attorney Ashlin Y. Lutes, and Executive Secretary, Sarah Esendencia.

1. Approval of Excused/Unexcused Absence of Member Sanchez.

Motion by Armenta, second by Castle, to not excuse Commissioner Sanchez from the August 7, 2023, Planning Commission Meeting.

Motion carried by the following vote:

Ayes: Valenzuela, Quinones, Miller, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: Sendt, Sanchez.

Motion approved.

2. Approval of Excused/Unexcused Absence of Member Sendt.

Motion by Castle, second by Armenta, to excuse Commissioner Sendt from the August 21, 2023, Planning Commission Meeting.

Motion carried by the following vote:

Ayes: Valenzuela, Quinones, Miller, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: Sendt, Sanchez.

Motion approved.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance by Commissioner Armenta.

PUBLIC COMMENTS

Ted Godshalk.

APPROVAL OF AGENDA

3. Approval of Agenda for the Meeting on September 18, 2023.

Motion by Castle, second by Armenta, to approve the Agenda for the Meeting on September 18, 2023.

Motion carried by the following vote:

Ayes: Valenzuela, Quinones, Miller, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: Sendt, Sanchez.

Motion approved.

APPROVAL OF MINUTES

4. Approval of Minutes from the Meeting of August 21, 2023.

Motion by Castle, second by Armenta, to approve the Minutes from the Meeting of August 21, 2023.

Motion carried by the following vote:

Ayes: Valenzuela, Quinones, Miller, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: Sendt, Sanchez.

Motion approved.

PUBLIC HEARINGS

5. Public Hearing – Determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 of the CEQA guidelines Section 15301 (Existing Facilities) and conditional use permit for on-sale beer and wine sale (Type-41) at a new Case File No.: 2022-35 CUP APN: 564-471-07.

Vice Chair Castle disclosed that she saw a movie at the mall and viewed the location. Also discloses that she has eaten at other Manna Heaven BBQ restaurants.

Chair Miller disclosed that he has been to the mall and seen the location.

Associate Planner, David Welch made a PowerPoint Presentation.

Applicant was not present.

Ted Godshalk made a Public Comment.

John Panek made a Public Comment.

Motion by Valenzuela, second by Armenta, to close the Public Hearing.

Motion carried by the following vote:

Ayes: Valenzuela, Quinones, Miller, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: Sendt, Sanchez.

Motion approved.

Motion by Valenzuela, second by Miller, to adopt Resolution No. 2023-14, a Resolution of the Planning Commission of the City of National City, California, determining that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 of the CEQA Guidelines Section 15301 (Existing Facilities) and approving a conditional use permit for on-sale beer and wine (Type-41) at a new restaurant (Manna Heaven BBQ) located at 3030 Plaza Bonita Road, Suite 1096 Case File No.: 2022-35 CUP APN: 564-471-07.

Motion carried by the following vote:

Ayes: Valenzuela, Miller.

Noes: Quinones, Castle, Armenta.

Abstain: None.

Absent: Sendt, Sanchez.

Motion failed.

Armenta stated she denied the resolution because of the charter school and over saturation of licenses in the mall.

Quinones stated she denied the resolution because of the same reasons Armenta stated.

Castle stated she denied the resolution due to basing it off number 1 under "*Findings for Denial*" that is in the staff report, "*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 – 10 off-sale outlets are permitted where four are recommended by the California Department of Alcoholic Beverage Control.*"

6. Public Hearing – Certification of a Final Supplemental Program Environmental Impact Report and recommendation for adoption by the City Council of the City of National City of the Focused General Plan Update, including minor text and map amendments to the land use map; replacing the 201 Land Use, Transportation and Safety Elements, and 2011 Climatic Action Plan; adopting Chapter 18.49 (Objective Design Standards), Chapter 18.50 (Floor Area Ratio Bonus Program); adopting amendment Chapter 18.29 (Overlay Zones) to create a mixed-use overlay zone allowing residential development on certain CL (Limited Commercial) and CS (Service Commercial) zone parcels; updating the Bicycle Master Plan,

Downtown Specific Plan, and Westside Specific Plan, and Adopting an Ordinance amending the zoning text and map to include mixed-use overlay zone designation.

Case File No.: 2021-14 GP, A, IS.

Planning Manager, Martin Reeder made a PowerPoint Presentation.

Ted Godshalk made a Public Comment.

Cynthia Morgan-Reed made a Public Comment.

Joseph Smith made a Public Comment.

Cynthia Fuller-Quinonez made a Public Comment.

Charles Richmond did not make a Public Comment, but requester slip was filled out.

Motion by Castle, second by Armenta, to close the Public Hearing.

Motion carried by the following vote:

Ayes: Valenzuela, Quinones, Miller, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: Sendt, Sanchez.

Motion approved.

Planning Manager, Martin Reeder asked to make clarifications regarding a previous point by Commissioner Valenzuela and Chair Miller approved.

Motion by Castle, second by Armenta, to adopt Resolution No. 2023-15, a Resolution of the Planning Commission of the City of National City, California, recommending that the City Council certify the final Supplemental Program Environmental Impact Report (SPEIR) and adopt findings of fact, a statement of overriding considerations, and a mitigation monitoring and reporting program for the City of National City Focused General Plan Update.

Case File No.: 2021-14 GP, A, IS

Deputy City Attorney clarified that the motion included the Alternate Project Location Alternative..

Motion carried by the following vote:

Ayes: Valenzuela, Quinones, Miller, Castle, Armenta.
Noes: None.
Abstain: None.
Absent: Sendt, Sanchez.

Motion approved.

Motion by Valenzuela, second by Castle, to adopt Resolution No. 2023-16, a Resolution of the Planning Commission of the City of National City, California, recommending that the City Council approve the amendment to the general plan by adopting the Focused General Plan Update and its related Land Use Map including minor text and map amendments, and replacing the 2011 Land Use, Transportation and Safety Elements, and Climate Action Plan.

Case File No.: 2021-14 GP, A, IS

Motion carried by the following vote:

Ayes: Valenzuela, Quinones, Miller, Castle, Armenta.
Noes: None.
Abstain: None.
Absent: Sendt, Sanchez.

Motion approved.

Motion by Valenzuela, second by Castle, to adopt Resolution No. 2023-17, a Resolution of the Planning Commission of the City of National City, California, recommending that the City Council adopt the amendment to the Downtown Specific Plan.

Case File No.: 2021-14 GP, A, IS

Motion carried by the following vote:

Ayes: Valenzuela, Quinones, Miller, Castle, Armenta.
Noes: None.
Abstain: None.
Absent: Sendt, Sanchez.

Motion approved.

Motion by Valenzuela, second by Castle, to adopt Resolution No. 2023-18, a Resolution of the Planning Commission of the City of National City, California, recommending that the City Council adopt the amendment to the Westside Specific Plan, and adopt an ordinance amending the zoning text and map to include the mixed-use overlay zone designation.

Case File No.: 2021-14 GP, A, IS

Motion carried by the following vote:

Ayes: Valenzuela, Quinones, Miller, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: Sendt, Sanchez.

Motion approved.

Motion by Valenzuela, second by Armenta, to adopt Resolution No. 2023-19, a Resolution of the Planning Commission of the City of National City, California, recommending that the City Council amend Title 18 and adopt Chapter 18.49 to provide objective design standards for housing development, Chapter 18.50 to provide a floor area ratio bonus program, and adopting amendments to Chapter 18.29 (overlay zones) to create a mixed-use overlay zone to allow residential development on certain parcels zoned CL and CS, and amending the municipal code to revise Title 18.

Case File No.: 2021-14 GP, A, IS

Motion carried by the following vote:

Ayes: Valenzuela, Quinones, Miller, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: Sendt, Sanchez.

Motion approved.

Motion by Castle, second by Armenta, to adopt Resolution No. 2023-20, a Resolution of the Planning Commission of the City of National City, California, recommending that the City Council approve the update to the Bicycle Master Plan.

Case File No.: 2021-14 GP, A, IS

Motion carried by the following vote:

Ayes: Valenzuela, Quinones, Miller, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: Sendt, Sanchez.

Motion approved.

STAFF REPORTS:

Legal Council: None.

Acting Director of Community Development: None.

Planning Manager: Followed-up with Vice Chair, Castle's question regarding the fighting incident at the mall. States that he did correspond with the Police Chief who responded acknowledging that there have been incidents this summer and that they are proactively working with the mall to increase security and Police Department Officers have been routinely patrolling the mall. Also states that there have been arrest of juveniles that have been involved or instigated the situation. Thanks the Commissioners for all their hard work.

COMMISSIONER REPORTS:

Vice-Chair Castle: States that she is glad that Hurricane Hilary steered cleared of the city.

Commissioner Armenta: None.

Commissioner Quinones: None.

Commissioner Sanchez: Absent.

Commissioner Sendt: Absent.

Commissioner Valenzuela: Commends staff and consultants that have been used over the years during the process. Appreciates their time and dedications. Acknowledges Ted Godshalk and members of the public who are actively involved and keeping the Commissioners and Staff on their toes. States that they are educating them on their each individual communities as it is very helpful. Thanks Ted Godshalk and Cynthia Fuller Quinonez, to name a few members, who not only write to the Commissioners and come to the Commissioners but states how it is important to the democracy to have people who are still active and engaging and holding accountability. Thanks them for working with Staff, the Commissioners, and the Consultants.

Chair Miller: Reflects and stresses what both, Commissioner Valenzuela and Vice Chair Castle have stated. Thanks the public for coming forth as it is very important they have this interaction with the public. States that he is glad everyone made it through the storm.

ADJOURNMENT

Chair Miller adjourned to the Regular Meeting of the Planning Commission of the City of National City, Monday, September 18, 2023 at 6:00 p.m. in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

The meeting adjourned at 7:32 p.m.

Sarah Esendencia, Executive Secretary

The foregoing minutes were approved at the Regular Meeting of September 18, 2023.

Martin Miller, Chair



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 OF THE CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND CONDITIONAL USE PERMIT MODIFICATION FOR MODIFIED ALCOHOL SALES HOURS AT AN EXISTING RETAIL STORE (THE 99 CENTS ONLY STORE) LOCATED AT 1320 HIGHLAND AVENUE.

Case File No.: 2023-06 CUP

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

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

Staff report by: Adan Pacheco – Planning Technician

Approved by: Ben Martinez – Interim City Manager

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 extended alcohol sales hours 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 99 Cents Only Store has an existing Conditional Use Permit (CUP), approved in 2022 to sell beer and wine (ABC Type 20) in an existing 25,238 square-foot grocery and retail store. The store's existing alcohol sales are from 7:00 am to 10:00 pm Tuesdays and Thursdays and 8:00 am to 10:00 pm all other days of the week. Proposed alcohol sales is from 7:00 am to 10:00 pm daily.

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.

Proposed Use

The applicant proposes to extend alcohol sales from 7:00 am to 10:00 pm daily. While maintaining the same alcohol display area of 20 linear feet. The applicant is not requesting to change their ABC license that is still a Type 20 (off-sale beer and wine). 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 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 (not required for CUP modifications), and distance requirements, which were analyzed in the original 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 836 occupants and owners.

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.

Hours of operation for Alcohol Sales

Per the California Department of Alcoholic Beverage Control (ABC), there are currently 11 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. For reference, the existing outlets are:

Name	Address	License Type*	End Time
Seafood City	1420 E. Plaza Blvd. Suite C	21	9 p.m.
Big Ben Market	108 E. 8 th St.	21	9 p.m.
Walmart	1200 Highland Ave.	20	10 p.m.
Smart & Final	1220 E. Plaza Blvd. Suite 510	21	10 p.m.
CVS Pharmacy	1201 E. Plaza Blvd.	21	10 p.m.*
7 Eleven	1539 Highland Ave.	20	24hr
Wilson's Liquor	916 E. 8 th St.	21	9 p.m.
Bottles & More Liquor	1535 E. 18 th St.	21	11 p.m.
Tahona Mercado	802 'B' Avenue	21	-
Real Star Market	925 E. Plaza Blvd. Suite 103	20	9 p.m.

* Type 20 - Off-Sale of Beer and Wine

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

* CVS Pharmacy – Monday-Saturday 8:00 am to 10 pm, Sunday 8:00 am to 9:00 pm

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.

Conditions of approval for alcohol sales reflect what the applicant has requested (7:00 a.m. to 10:00 p.m. daily). According to the applicant, the timeframe is intended to allow the business to have the same alcohol sales and operating hours.

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 13, which would indicate a medium risk. Medium risk is considered 13 to 18 points. The last assessment report obtained a score of 15, which has been reduced due to fewer calls for service in the last six months and a decrease in the crime rate score from high to medium. The risk assessment is included as Attachment 6.

Institute for Public Strategies (IPS)

Comments were received from IPS with the recommendation to limit the hours that alcohol can be served in response to concerns about additional access in the early morning hours.

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 following are the required findings in the attached draft resolution:

1. Allowable Use: 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. In addition, a CUP for off-site alcohol sales has been previously approved in 2022.

2. General Plan Consistency: Alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. In addition, a grocery and retail store with alcohol sales is consistent with the MXD-2 land use designation contained in the Land Use Code and Community Character element of the General Plan.
3. Compatibility, LUC, and Traffic: 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. 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 uses would be incidental to the primary use of the retail store.
4. No Nuisance: The proposed alcohol sales outlet would be consistent with other commercial businesses in the area accessory to the existing grocery and retail store. Additionally, the modified hours for alcohol sales will be subject to conditions that limit the manner beer and wine is sold.
5. 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 approved CUP and is similar to other commercial uses in the area, which are permitted by right in the MXD-2 zone.
6. Public Convenience and Necessity: 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.

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 – 11 off-sale outlets are permitted where four are recommended by the California Department of Alcoholic Beverage Control – and the area has a medium crime rate, which may be exacerbated by the modified hours of alcohol sales.
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.). All previous conditions, unless modified by a subsequent approval would continue to be in effect.

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 zone. 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 medium crime area and there are already two other outlets in close proximity that offer beer and wine. The modified hours for alcohol sales will be an accessory to the retail establishment, and the previous conditions will remain in place. Conditions requiring compliance with City Council Policy 707 are intended to alleviate concerns related to area impacts should the CUP modification 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. Find the project exempt from CEQA under Class 1 of the CEQA Guidelines Section 15301 or other exemption and approve 2023-06 CUP subject to the conditions included in the Resolution, or other conditions, and based on the findings included in the Resolution, or other findings to be determined by the Planning Commission; or,
2. Find the project not exempt from CEQA and/or deny 2023-06 CUP based on the attached findings, or findings to be determined by the Planning Commission; or,
3. Continue the item to a specific date in order to obtain additional information.

Attachments

1. Resolutions
2. Overhead
3. Applicant's Plans (Exhibit A, Case File No. 2023-06 CUP, dated 5/31/2023)
4. Public Hearing Notice (Sent to 836 property owners & occupants)
5. Census Tract & Police Beat Maps
6. Police Department Comments
7. IPS Comments

RESOLUTION NO. 2023-21

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA DETERMINING THAT THE
PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 OF THE CEQA
GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND
APPROVING A CONDITIONAL USE PERMIT MODIFICATION
FOR MODIFIED ALCOHOL SALES HOURS AT AN EXISTING RETAIL STORE (THE
99 CENTS ONLY STORE) LOCATED AT 1320 HIGHLAND AVENUE
CASE FILE NO. 2023-06 CUP
APN: 560-050-11

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit Modification to extend alcohol sales at an existing retail store (The 99 Cents Only Store) located at 1320 Highland Avenue. At a duly advertised public hearing held on September 18, 2023, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearing, the Planning Commission considered the staff report contained in Case File No. 2023-06 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on September 18, 2023, 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 is allowable within MXD-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. It is incidental to the proposed retail store in a commercial area.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because the Land Use Code permits alcohol sales, subject to a CUP, which is consistent with the General Plan. In addition, a grocery and retail

store with alcohol sales is consistent with the MXD-2 land use designation contained in the Land Use Code and Community Character element of the General Plan.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because no expansion of the building is proposed. The proposal involves an approved alcohol CUP within 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 outlet would be consistent with other commercial businesses in the area accessory to the existing grocery and retail business. Additionally, the modified hours for alcohol sales will be subject to conditions that limit the sale of beer and wine.
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. Additionally, the modified hours of alcohol sales will be subject to conditions that limit the 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 the use would basically be the same as the approved CUP 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 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 modified alcohol sales hours for off-site sales of alcoholic beverages in accordance with applicable law and the recommended conditions. The use, as proposed and conditioned, will operate in harmony with surrounding uses, will not cause a nuisance, and will benefit the community.

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 extension of alcohol sales hours for off-site consumption at an existing retail store (The 99 Cents Only Store) located at 1320 Highland Avenue. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2023-06 CUP, dated 5/31/2023.
2. All conditions of Resolution No. 2022-17 shall remain in effect unless specifically modified by this resolution.
3. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Director of Community Development prior to recordation.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
5. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
6. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval or applicable law.

Planning

7. The sale of alcoholic beverages shall only be permitted between the hours of 7:00 am to 10:00 pm daily.

Indemnification Agreement

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

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

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of September 18, 2023, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2023-21

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
DENYING A CONDITIONAL USE PERMIT MODIFICATION
FOR MODIFIED ALCOHOL SALES HOURS AT AN EXISTING RETAIL STORE
(THE 99 CENTS ONLY STORE) LOCATED AT 1320 HIGHLAND AVENUE
CASE FILE NO. 2023-06 CUP
APN: 556-332-22

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit Modification to extend alcohol sales at an existing retail store (The 99 Cents Only Store) located at 1320 Highland Avenue. At a duly advertised public hearing held on September 18, 2023, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearing, the Planning Commission considered the staff report contained in Case File No. 2023-06 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on September 18, 2023, 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 – 11

off-sale outlets are permitted where four are recommended by the California Department of Alcoholic Beverage Control – and the area has a medium crime rate, which may be exacerbated by the modified hours of alcohol sales.

3. Based on findings 1 and 2 above, the extended hours for off-sale beer and wine under their existing permitted alcohol CUP will not serve public convenience or necessity, pursuant to law.

Indemnification Agreement

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

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

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of September 18, 2023, by the following vote:

AYES:

NAYS:

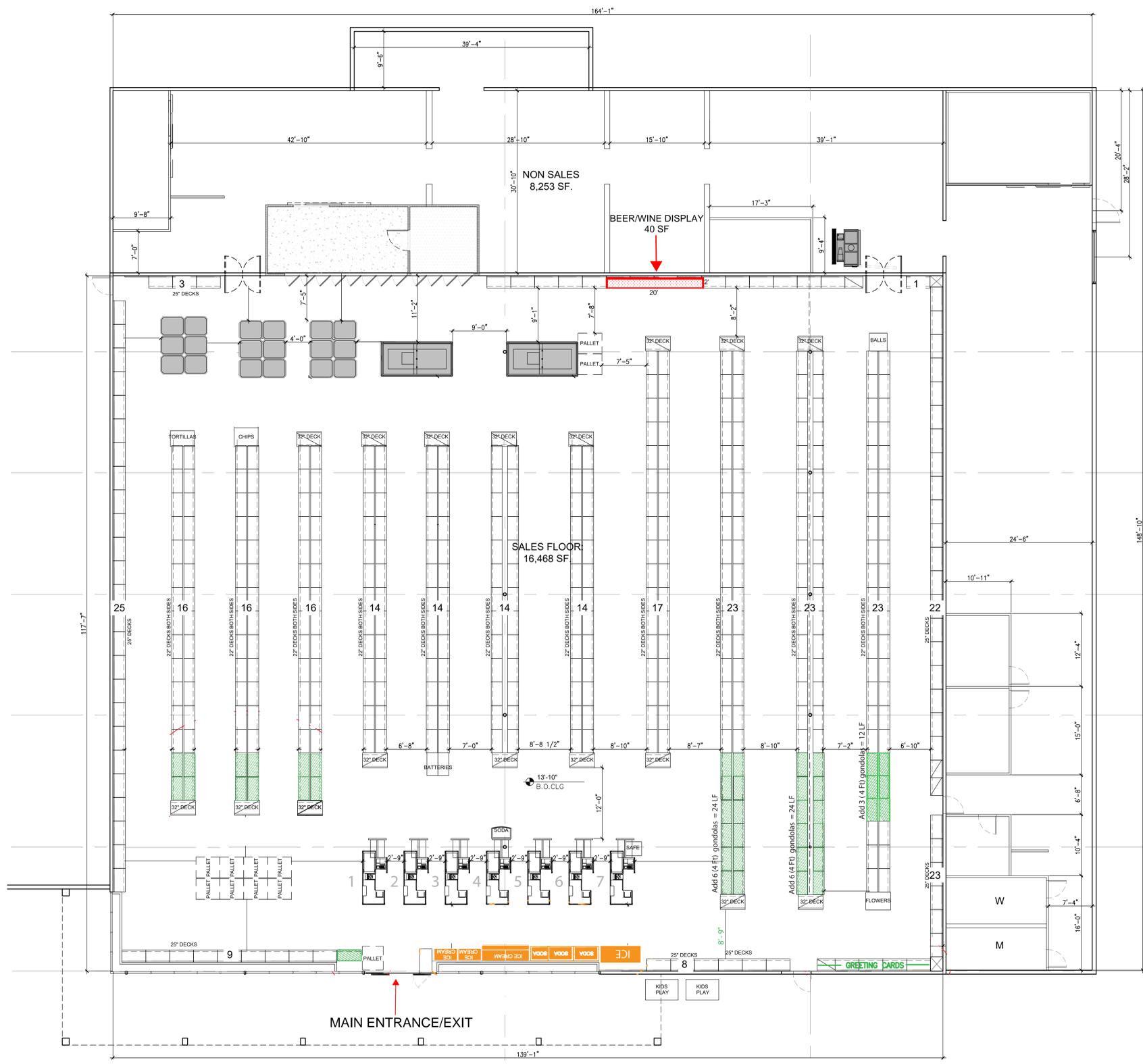
ABSENT:

ABSTAIN:

CHAIRPERSON

2023-06 CUP – 1320 Highland Ave. – Overhead





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

Exhibit A, Case File No. 2023-06 CUP, 5/31/23

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		

STAMP		

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



99c ONLY STORE - 0101
 1320 HIGHLAND AVE.
 NATIONAL CITY, CA 92139

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

SHEET DESCRIPTION:	
SHEET NUMBER:	



NOTICE OF PUBLIC HEARING

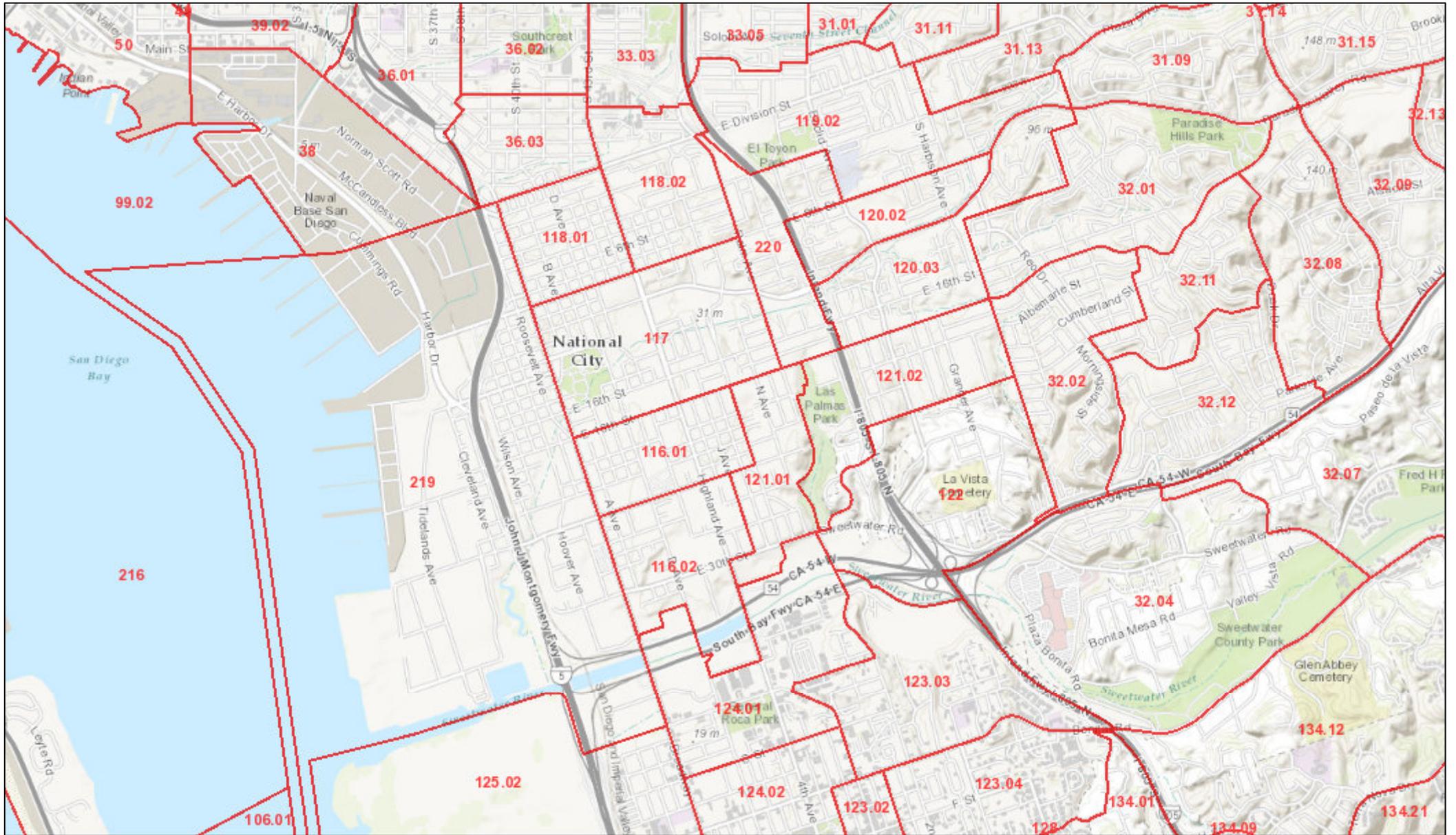
DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 OF THE CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND CONDITIONAL USE PERMIT MODIFICATION FOR MODIFIED HOURS OF OPERATION AT AN EXISTING RETAIL STORE (THE 99 CENTS ONLY STORE) LOCATED AT 1320 HIGHLAND AVENUE
CASE FILE NO. 2023-06 CUP
APN: 560-050-11

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, September 18, 2023**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Public Square Coffee House Inc.)

The 99 Cents Only Store has an existing Conditional Use Permit (CUP), approved in 2022 to sell beer and wine (ABC Type 20) in an existing 25,238 square-foot grocery and retail store. The store's existing alcohol sales are from 7:00 am to 10:00 pm Tuesdays and Thursdays and 8:00 am to 10:00 pm all other days of the week. Proposed alcohol sales is from 7:00 am to 10:00 pm daily. The Planning Commission will also consider the staff determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Class 1, Section 15301 (Existing Facilities).

Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 4:00 p.m., **September 18, 2023** by submitting it to PlcPubComment@nationalcityca.gov. Planning staff can be contacted at 619-336-4310 or planning@nationalcityca.gov.

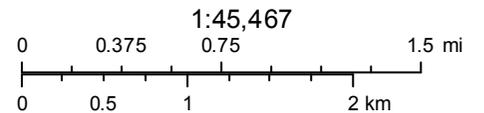
If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.



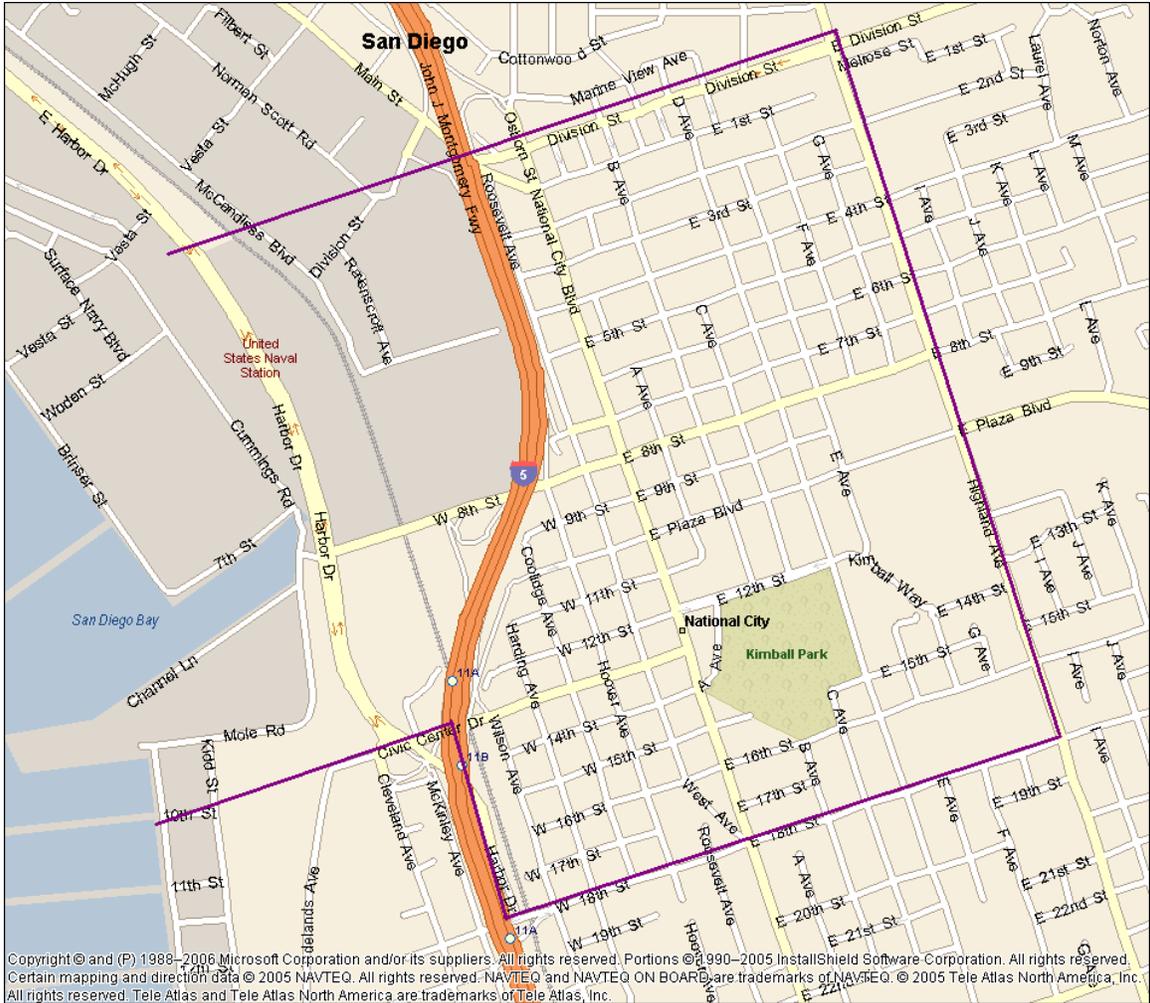
August 25, 2014

Census Tracts 2010

ATTACHMENT 5



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



NATIONAL CITY POLICE DEPARTMENT
ALCOHOL BEVERAGE CONTROL
RISK ASSESSMENT

DATE: 07/25/23

BUSINESS NAME: 99 Cents Only Store #101

ADDRESS: 1320 Highland Avenue, National City, CA 91950

OWNER NAME: 99 Cents Only Store #101 c/o Rawlings Consulting DOB: N/A

OWNER ADDRESS: 26023 Jefferson Avenue, Suite D, Murrieta, CA 92562

(add additional owners on page 2)

I. Type of Business

- Restaurant (1 pt)
- Market (2 pts)
- Bar/Night Club (3 pts)
- Tasting Room (1pt)

II. Hours of Operation

- Daytime hours (1 pt)
- Close by 11pm (2 pts)
- Close after 11pm (3 pts)

III. Entertainment

- Music (1 pt)
- Live Music (2 pts)
- Dancing/Live Music (3 pts)
- No Entertainment (0 pts)

IV. Crime Rate

- Low (1 pt)
- Medium (2 pts)
- High (3 pts)

V. Alcohol Businesses per Census Tract

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

Notes:

- Currently, there are (10) on sale licenses authorized in tract 117

- Currently, there are (19) active on sale licenses in tract 117

- Currently, there are (4) off sale licenses authorized in tract 117

- Currently, there are (11) off sale licenses active in tract 117

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 <u>13</u>

VIII. Owner(s) records check

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

OWNER NAME: PETERSON FAMILY TRUST B 07-01-80 c/o San Diego Property Management DOB: N/A

OWNER ADDRESS: [REDACTED]

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

Recommendation:

I am unable to perform a records check on the owner/operator due to the application listing a family trust and a consulting firm only as the applicant and the owner.

Completed by: J. Camacho, Sergeant Badge ID: 449

From: [Sarah Boyer](#)
To: [Adan Pacheco](#)
Subject: Re: PN23-00014 Approved Alcohol CUP 1320 Highland Avenue - Request for Comments
Date: Friday, July 28, 2023 8:57:55 AM
Attachments: [image001.png](#)

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

Good morning,

Regulating the hours during which alcohol can legally be sold is a strategy to prevent excessive alcohol consumption and related harms. We recommend that this be considered in the decision to allow additional access in the early morning hours.

Please let us know if you need additional information or comment.

Best,
On

Sarah Boyer

Program Manager - South Region
Institute for Public Strategies

P: (619) 476-9100 x126
sboyer@PublicStrategies.org
www.PublicStrategies.org



[Click here for THE LATEST from IPS.](#)

On Tue, Jul 25, 2023 at 10:01 AM Adan Pacheco <apacheco@nationalcityca.gov> wrote:

Good morning,

This is a notice of a modification to an approved alcohol Conditional Use Permit (CUP) for the 99 Cents Only Store at 1320 Highland Avenue. Your agency's comments were originally received under case file number 2022-16 CUP.

Off-sale of alcoholic beverages is currently restricted to the hours of 7:00 a.m. to 10:00 p.m. on Tuesdays and Thursdays and 8:00 a.m. to 10:00 p.m. on all other days of the week.

The applicant intends to change the operating hours for alcohol sales from 7:00 a.m. to 10:00

p.m. daily. The applicant proposes no additional changes to their CUP.

If you have any questions feel free to contact me.

Thank you,

Adan A Pacheco

Planning Technician

City of National City

1243 National City Boulevard

National City, CA 91950

Office: (619) 336-4381



City Hall Hours: M-Th 7a-6p



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 32 OF THE CEQA GUIDELINES SECTION 15332 (IN-FILL DEVELOPMENT PROJECTS) AND CONDITIONAL USE PERMIT FOR AN OUTDOOR COMMERCIAL RECREATION FACILITY TO BE LOCATED AT 21 W. 7TH STREET.

Case File No.: 2023-10 CUP

Location: 21 W. 7th Street

Assessor's Parcel Nos.: 555-052-15

Staff report by: David Welch, Associate Planner

Approved by: Ben Martinez, Acting Community Development Director

Applicant: Christopher Bernhardt

Zoning designation: Downtown Specific Plan Development Zone 1B (DSP-DZ 1B)

Adjacent use and zoning:

North: Rodeway Inn motel / DSP-DZ 1B

East: Commercial retail buildings / DSP-DZ 1B

South: Ramada hotel across W. 7th St. / DSP-DZ 1B

West: Interstate 5 / Caltrans right-of-way

Environmental review: The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and staff is

recommending that the project be determined 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 operation of an outdoor commercial recreation facility, subject to the recommended conditions in the attached resolution and a determination that the project is exempt from CEQA. The operation of an outdoor commercial recreation facility is a conditionally-allowed use in Development Zone 1B of the Downtown Specific Plan (DSP).

Executive Summary

The applicant intends to construct an athletic facility with courts dedicated to padel tennis and pickleball. The outdoor courts will be accompanied by a 1,968 square-foot clubhouse that serves members of the private club and occasional events open to the public. The hours of operation as proposed by the applicant are from 7:00 a.m. to 10:00 p.m. daily.

Site Characteristics

The facility is proposed for a vacant 24,106 square-foot lot located on the northeast corner of W. 7th Street and Roosevelt Avenue. The site is proposed to be occupied with eight outdoor courts, a small utility building, and a 1,968 square-foot clubhouse. The property is relatively flat and no major grading would be necessary to construct the proposed project. There are no parking space proposed for the site, but there is adjacent on-street parking available that can accommodate approximately 12 vehicles.

Development Zone 1B (DZ-1B) allows for both residential and commercial uses and the surrounding area is a mix of lodging, restaurants, a gas station, retail, a charter school, and small offices. In addition, the west side of the site faces Interstate 5 across Roosevelt Avenue. The nearest residential units are over 300 feet from the site. However, a building permit has been filed for the construction of one unit on the property to the east.

Proposed Use

The proposed constructed facility will be private club for the enjoyment of padel tennis and pickleball. Padel tennis, or *padel*, is a racket-based sport that originated in Mexico and is currently played by about 25 million people globally. The courts are slightly smaller than traditional tennis and they are enclosed for play off the walls. Pickleball uses even smaller courts and is played with a plastic ball. The sport has gained popularity in the US in recent years. The new facility is intended to be for members only, but they do plan on hosting occasional events to help promote racquet sports to the public. The clubhouse is a one-story

building that will include a reception area, small retail space, juice bar, and locker rooms with showers and a sauna. The rooftop will be accessible and used for exercise such as yoga and spectating. The proposed hours of operation are from 7:00 a.m. to 10:00 p.m. daily.

Analysis

The proposed use of outdoor commercial recreation is subject to the requirements of DZ-1B, which has more general land use requirements than the Land Use Code (LUC). Staff determined that the use is consistent with other uses requiring the approval of a CUP within the LUC. Since the project proposes the construction of a new facility, it is also subject to an administrative level one DSP consistency review (ministerial or staff review). Staff is recommending conditions of approval related to hours of operation, exterior lighting, and compliance with noise regulations to prevent potential nuisances associated with the proposed outdoor use. No parking is required for the proposed use pursuant to Section 65863.2 of the California Government Code. This section was adopted with the passage of Assembly Bill 2097, which prohibits a public agency from enforcing minimum parking requirements for new development within one half mile of a major transit stop.

Downtown Specific Plan Consistency Review

The proposed project is subject to the land use regulations and design guidelines for DZ-1B. The use is allowable as a commercial business, though it is not specified in the Land Use Regulations within the DSP. Staff has been supportive of new commercial businesses that contribute to the vitality of the downtown area. Shops, restaurants, and personal services are vital components of an active district and a recreational facility will serve to further contribute to the mix of uses. Other commercial recreation facilities have been approved within the DSP, but this business is the first to request an outdoor facility. A CUP allows for conditions to be in place regarding noise or other nuisances to ensure compatibility with other uses permitted in the zone such as residential units.

A level one project for consistency review meets all applicable General Plan, Specific Plan, and Municipal Code requirements. The proposed use is unanticipated in the development standards for DZ-1B in that it requires minimum square footage of building to support the principal use of racquet ball sports on outdoor courts. For example, the zone requires a minimum Floor Area Ratio (F.A.R.) of 3.0, which is an incompatible regulation with a primarily outdoor use. Staff's opinion is that this regulation should not apply to this particular use and,

reasonably, the outdoor facility could be redeveloped into a denser development in the future. Furthermore, the guidelines state that uses in the zone may be mixed on a parcel-by-parcel basis, which means that the lack of residential or retail square footage on this parcel can be developed elsewhere in the zone. As an example, a proposed development in the adjacent zone, DSP-1A, has an F.A.R. of 11 achieved through a density bonus and 400 residential units. The proposed athletic facility would be an amenity for this or other similar developments with the DSP.

The guidelines also state that the zone is part of the “gateway” to downtown with a focus on strengthening the pedestrian character of National City Boulevard. While this development is not on National City Boulevard, effort should be made to create a quality pedestrian frontage. Section 18.24.070 of the Land Use Code, regarding building frontages, applies in this instance and the proposed clubhouse does not meet the minimum transparency requirements for a “lobby” frontage typology. Due to the nature of the facility, additional windows would be inappropriate. Staff is recommending a condition of approval for faux windows or other similar architectural treatments along the clubhouse street frontage for compliance with this section of the code. In addition, the renderings provided by the applicant show an opaque fence or wall along the remainder of the property frontages. While this wall may help reduce noise from the outdoor use, it also offers little visual interest from public streets and sidewalks. Staff is recommending a condition of approval that only permits a maximum height of four feet for opaque fencing along the street frontages.

Mailing

All property owners and occupants within a distance of 300 feet are required to be notified of a public hearing for CUP applications. Notice of this public hearing was sent to 63 occupants and owners.

Comments

Comments were received from the Engineering and Fire Departments and are included as conditions of approval in the draft resolution. These included standard comments related to compliance with applicable storm water regulations, grading plans, and fire safety requirements as well as required off-site improvements. In addition, the Planning Division has included a standard condition of approval related to compliance with applicable development codes.

Findings for Approval

The following are the required findings in the attached draft resolution:

1. Allowable Use: Outdoor commercial recreation with a clubhouse facility is an allowable use within Development Zone 1B of the Downtown Specific Plan, pursuant to a CUP, and the proposed use meets the required guidelines in the Downtown Specific Plan and Land Use Code, as discussed in the staff report.
2. General Plan Consistency: Outdoor commercial recreation and clubhouse facilities are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. In addition, the recreation facility is consistent with Development Zone 1B of the Downtown Specific Plan land use designation contained in the Land Use Code and Community Character element of the General Plan.
3. Compatibility, LUC, and Traffic: The property is currently vacant and will be developed consistent with applicable provisions in the Downtown Specific Plan and Land Use Code for the proposed use. The project is below the permitted densities within the Downtown Specific Plan, which has already been analyzed for potential traffic impacts, and the site is in an urban area with access to all necessary public utilities and services.
4. No Nuisance: The proposed use will be subject to conditions that limit the hours of operation to avoid disturbances to adjacent residential and commercial uses. In addition, conditions of approval related to exterior lighting and noise requirements are included to ensure the proposed use is operated in harmony with the surrounding uses.
5. 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. The reason for the exemption is that the use is proposed for a site entirely surrounded by urban uses that is less than five acres and can be found consistent with the General Plan and the regulations applicable to Development Zone 1B of the Downtown Specific Plan. The project has no habitat for endangered,

rare or threatened species. There is no potential for significant impacts related to traffic, noise, air quality, or water quality and the site is adequately served by required utilities and public services.

Conditions of Approval

The recommended conditions of approval in the attached draft resolution include conditions related to the compatibility of the development with applicable building frontage standards, requirements for new developments, and restrictions on the hours of operation, exterior lighting, and noise for compatibility with surrounding uses.

Summary

The proposed use is consistent with the General Plan due to outdoor commercial recreation being a conditionally-allowed use in Development Zone 1B of the Downtown Specific Plan. The proposed development can be found compatible with the development regulations of the zone and the Land Use Code with the recommended conditions related to building frontages. Conditions of approval related to hours of operation, noise, and lighting can ensure the use operates in harmony with adjacent uses.

Options

1. Find the project exempt from CEQA under Class 32 of the CEQA Guidelines Section 15332 or other exemption and approve 2023-10 CUP subject to the conditions included in the Resolution, or other conditions, and based on the findings included in the Resolution, or other findings to be determined by the Planning Commission; or,
2. Find the project not exempt from CEQA and/or deny 2023-10 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. Draft Resolution
2. Overhead
3. Applicant's Plans (Exhibit A, Case File No. 2023-10 CUP, dated 6/22/2023)
4. Public Hearing Notice (Sent to 63 property owners & occupants)
5. CEQA Notice of Exemption

RESOLUTION NO. 2023-22

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA, DETERMINING THAT THE
PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 32 OF THE CEQA
GUIDELINES SECTION 15332 (IN-FILL DEVELOPMENT PROJECTS) AND
APPROVING A CONDITIONAL USE PERMIT FOR AN OUTDOOR COMMERCIAL
RECREATION FACILITY TO BE LOCATED AT 21 W. 7TH STREET
CASE FILE NO. 2023-10 CUP
APN: 555-052-15

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for outdoor commercial recreation at a new athletic facility to be located at 21 W. 7th Street at a duly advertised public hearing held on September 18, 2023, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearing, the Planning Commission considered the staff report contained in Case File No. 2023-10 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on September 18, 2023, 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 outdoor commercial recreation with a clubhouse facility is an allowable use within Development Zone 1B of the Downtown Specific Plan, pursuant to a CUP, and the proposed use meets the required guidelines in the Downtown Specific Plan and Land Use Code.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because Outdoor commercial recreation and clubhouse facilities are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. In addition, the recreation facility is consistent with Development Zone 1B of the Downtown Specific Plan land use designation contained in the Land Use Code and Community Character element of the General Plan.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the property is currently vacant and will be developed consistent with applicable provisions in the Downtown Specific Plan and Land Use Code for the proposed use. The project is below the permitted densities within the Downtown Specific Plan, which has already been analyzed for potential traffic impacts.
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 below the permitted densities within the Downtown Specific Plan, which has already been analyzed for potential traffic impacts, and the site is in an urban area with access to all necessary public utilities and services.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be subject to conditions that limit the hours of operation to avoid disturbances to adjacent residential and commercial uses. In addition, conditions of approval related to exterior lighting and noise requirements are included to ensure the proposed use is operated in harmony with the surrounding 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 32, Section 15332 (In-Fill Development Projects) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that the use is proposed for a site entirely surrounded by urban uses that is less than five acres and can be found consistent with the General Plan and the regulations applicable to Development Zone 1B of the Downtown Specific Plan. The project has no habitat for endangered, rare or threatened species. There is no potential for significant impacts related to traffic, noise, air quality, or water quality and the site is adequately served by required utilities and public services.

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 operation of an outdoor commercial recreation facility with padel tennis and pickleball courts to be located at 21 W. 7th

Street. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2023-10 CUP, dated 6/22/2023.

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 or owner 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 or owner 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 or applicable law.

Engineering

7. Site Plan Requirements

- i. Form and Content
 - a. Boundaries
 - i. Fully dimensioned
 - ii. Bearing shown
 - b. Existing

- i. Highways, streets, roads – names, grades, widths, if private designated as such
 - ii. Sidewalks, pavement, curbs, and gutters, street lights, driveways
 - c. Utilities
 - i. Sewer – location, size, type, depth manholes
 - ii. Water – location, size, type
 - iii. Gas – location, size
 - iv. Electrical, telephone, cable, TV lines – location, size, type, poles, overhead or underground
 - v. Water courses – widths, directions of flow, slope percent
 - vi. Buildings/Structures – location with respect to lot lines
 - vii. Trees – groves, orchards and trees of trunk diameter 4” (10cm) or more shown
 - viii. Contours – maximum 5’ (2m) interval
 - ix. Easements – location, purpose, size, public or private
- 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. All existing and proposed curb inlet on property shall be provided with a "No Dumping" signage in accordance with the NPDES program.
13. 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.
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. 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.
16. 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.
17. 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.

18. 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.
19. 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. Three percent (3%) of the estimated cost or ten thousand dollars (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.
20. 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.
21. 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.
22. The deteriorated portions of the existing street improvements along the property frontages shall be removed and replaced including;
 - a. Remove and replace the existing to be abandoned driveway aprons,
 - b. All existing sidewalk along W. 7th Street
 - c. All existing curb and gutter along W. 7TH Street
 - d. Parkway landscaping
23. Street utility trench repairs shall conform to the National City standard for trench caps.
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. 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.
27. Street improvements shall be in accordance with the City Standards. All missing street improvements shall be constructed. Abandoned driveway aprons shall be replaced with curb, gutter, and sidewalks.
28. All electrical, telephone and similar distribution service wires for the new structure(s) shall be placed underground.

Fire

29. Project shall be designed to code.
30. The National City Fire Department utilizes all current codes and ordinances. Currently, we are using the 2022 editions of The National Fire Protection Association and California Fire Codes.
31. Fire sprinkler and fire alarms shall be evaluated and installed for intended use per code.
32. Fire apparatus access roads shall comply with the requirements of this section (Section 5 CFC 2022) 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.
33. 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.
34. If entrance/exit gates are used, they shall be equipped with a Knox Box so as to provide emergency vehicle access and egress. A Knox Key Switch shall be used and shall be placed at front of property if automatic gates are used. Please contact the National City Fire Department for exact field location.

35. Fire hydrants to 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 existing fire hydrant to project)
36. 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
37. Provide calculation confirming flow availability to meet fire flow demands and supply large diameter hose (4 inch).
38. Fire hydrants to be marked by use of blue reflective marker in the roadway.
39. Upon submittal for an underground permit, the following shall be included:
- a) Data sheet for Back-Flows
 - b) Data sheets for Private and Commercial Hydrants
 - c) 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.*
40. 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.
41. 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

42. The outdoor commercial recreation facility is permitted to operate from 7:00 a.m. to 10:00 p.m. daily. Additional hours of operation shall not be granted without modification of this permit.
43. All plans submitted for the development of this project shall comply with the applicable requirements of the Downtown Specific Plan and Land Use Code. Exterior elevations of the proposed clubhouse building shall be in conformance with the transparency requirements of Section 18.24.070 – Building frontage standards of the Land Use Code.

44. Opaque walls and/or fences installed along street frontages are not permitted to exceed four feet in height. Additional height is permitted for semi-transparent walls and/or fencing
45. All solid exterior walls or fences, including buildings, facing street frontages shall have graffiti-resistant coating applied to a height of six feet.
46. Exterior lighting shall be installed in conformance with the requirements of Chapter 18.46 of the Land Use Code. All exterior lighting, except that for the purpose of safety, accessibility, or architectural enhancements, shall be on a timed system calibrated to automatically shut off outside the permitted hours of operation.
47. Business operations shall comply with Municipal Code Title 12 (Noise) at all times. No outdoor loudspeakers are permitted for this use.
48. A landscape and underground irrigation plan shall be submitted as part of the construction permitting process. Installation of landscaping items required by the Downtown Specific Plan and the Land Use Code, including five-gallon shrubs and street trees, shall be maintained for the life of the project.
49. Permits shall be obtained for any new signage associated with the proposed business.
50. A business license shall be obtained prior to the operation of the recreational facility.
51. Building plans associated with the proposed entertainment center shall comply with the current editions of the California Building, Electrical, Plumbing, Mechanical and Fire Codes.

Indemnification Agreement

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

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

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of September 18, 2023, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

2023-10 CUP – Padel Club – Overhead



EXHIBIT A, CASE FILE NO. 2023-10 CUP, dated 6/22/2023

Project Information:

Project Description:
The scope of work includes the preparation and sitework on the existing empty property at 21 W. 7th Street and the construction of new athletic courts and a fitness and entertainment center on the parcel.

Assessor's Parcel Number: 555-052-15-00
Construction Type: Type II-B, steel frame
Occupancy Classification: A-3
Automatic Fire Sprinklers: Yes, per CBC R313.2
Stories: One
Height: 25'-0"
Parking:
 Required Spaces: 0 total
 Provided Spaces: 0 total

National City Zoning: 1B
Lot Area: 0.55 acres or 24,106 sq. ft.

Occupancy Calculation:

Ground Level:	O.L.F.:	Area:	Occupants:
A-2 (Kitchen, Comm.):	200 gross	197 sq. ft.	1 Occ.
A-3 (w/o Fixed Seating):	15 net	722 sq. ft.	49 Occs.
A-3 (Men's Locker):	50 gross	200 sq. ft.	4 Occs.
A-3 (Women's Locker):	50 gross	117 sq. ft.	3 Occs.
A-3 (Storage/Utility):	300 gross	35 sq. ft.	1 Occ.
M (Mercantile):	60 gross	165 sq. ft.	3 Occs.
Subtotal:			61 Occs.

Roof-top:

A-3 (w/o Fixed Seating):	15 net	262 sq. ft.	18 Occs.
A-3 (Exercise Area):	50 gross	1,528 sq. ft.	31 Occs.
Subtotal:			49 Occs.

Total Occupant Load: 110 Occs.

Plumbing Fixture Calculation:
 See plumbing drawings.

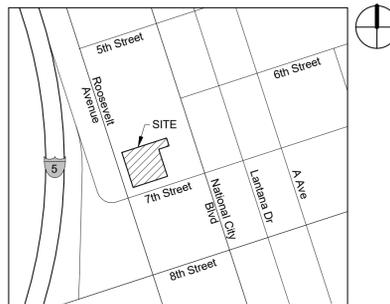
Floor Area Ratio (FAR) Calculation:

Main Building First Floor:	1,968 sq. ft.
Main Building Roof-top:	1,968 sq. ft.
Utility Building First Floor:	62 sq. ft.
Subtotal:	3,998 sq. ft.

Total Floor Area: 3,998 sq. ft.
Floor Area Ratio (FAR): 16.6 %

Notes:
 1. All existing, proposed, and future utilities to the site will be underground.

Vicinity Map



Stormwater BMP Notes:

- Landscape areas shall be designed in accordance with Water Efficient Landscape Ordinance requirements.
- Roof drainage shall be directed to landscaped areas or rain barrels.
- Walkways shall be designed to drain to adjacent landscaped or natural areas or constructed using permeable materials.
- Streets, sidewalks, and parking lot aisles shall be constructed to the minimum width necessary, provided public safety is not compromised. Existing trees and natural areas, including but not limited to natural water bodies and natural storage reservoirs or drainage corridors (e.g., topographic depressions, natural swales, and areas of naturally permeable soils), shall be conserved or otherwise protected to the extent feasible.
- The impervious footprint, including roofed areas and paved areas, of the project shall be minimized to the extent applicable and feasible.
- Dumpsters, other trash receptacles, and waste cooking oil containers shall be stored inside buildings or in four-sided enclosures with a structural overhead canopy designed to prevent precipitation from contacting materials stored in the enclosure.
- Onsite storm drains shall be stenciled or otherwise permanently labeled with "No Dumping, Drains to Ocean" or other equivalent language approved by the City.
- Outdoor material storage areas and outdoor work areas shall be protected from rainfall, run-on, and wind dispersal.

Impervious Surface Area:

Name	Dimensions	Area	Notes
Impervious			
Main Building	See dimensions per plans	1968 SF	
Utility Building	Approx. 9'-4" x 6'-8"	62 SF	
Courts - Pickleball	Min. court size 44'-0" x 20'-0"	7981 SF	
Other Impervious	See dimensions per plans	4156 SF	
		14167 SF	
Pervious			
Courts - Padel	Approx. 65'-7" x 32'-9" (20m x 10m)	8644 SF	
Pervious (Gravel)	See dimensions per plans	1295 SF	
		9939 SF	
Total disturbed area:		24106 SF	

- Notes:**
- All existing pervious and impervious areas are to be removed. Areas shown above are new areas.
 - Dimensions shown are approximate; accurate area tabulation may be obtained using digital design software. All areas listed are as designed.
 - Regular maintenance and upkeep of pervious surfaces will be required to ensure that surface remains pervious. Do not seal pervious surface after installation. See civil drawings for typical installation.

Note: Constructed pervious surfaces are not to be sealed.

Roosevelt Avenue

1 Site Plan
 1" = 10'-0"



7th Street

Legend

- Concrete
- Landscaping
- Gravel
- Porous Concrete
- Drainage Slope

General Plot Plan Notes:

- See GN1, Section 4.106, for California Green Building Code site development standards.
- New buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast in color to the background. Numbers shall be min. 4" high with min. stroke width of 1/2" per California Fire Code (CFC) 505.1.
- See civil drawings for all stormwater best management practices (BMP).
- Property will be connected to the electrical grid, will be served by a liquefied petroleum gas (LPG) system, and will be served by an on-site waste treatment (OSWT) system.
- Any portion of a fence or other structure within 5'-0" of a building shall be constructed per one of the following, per County Building Code 92.1.7124.1:
 - Noncombustible material
 - Approved exterior fire-retardant treated wood
 - Material meeting same fire-resistive standards as exterior walls of the building

ATTACHMENT 3

Padel Center
 21 W 7th Street, National City, California 91950

christian rice architects, inc.
 1127 loma ave, coronado, ca 92118 p 619.522.9040



drawn by:
 CDB
 drawing date:
 June 2023

revision	date	notes

Site Plan

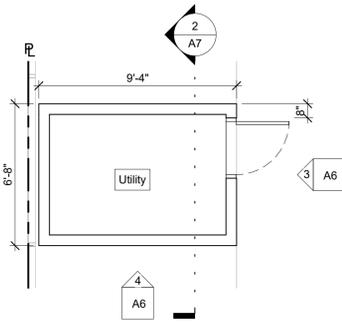
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project:

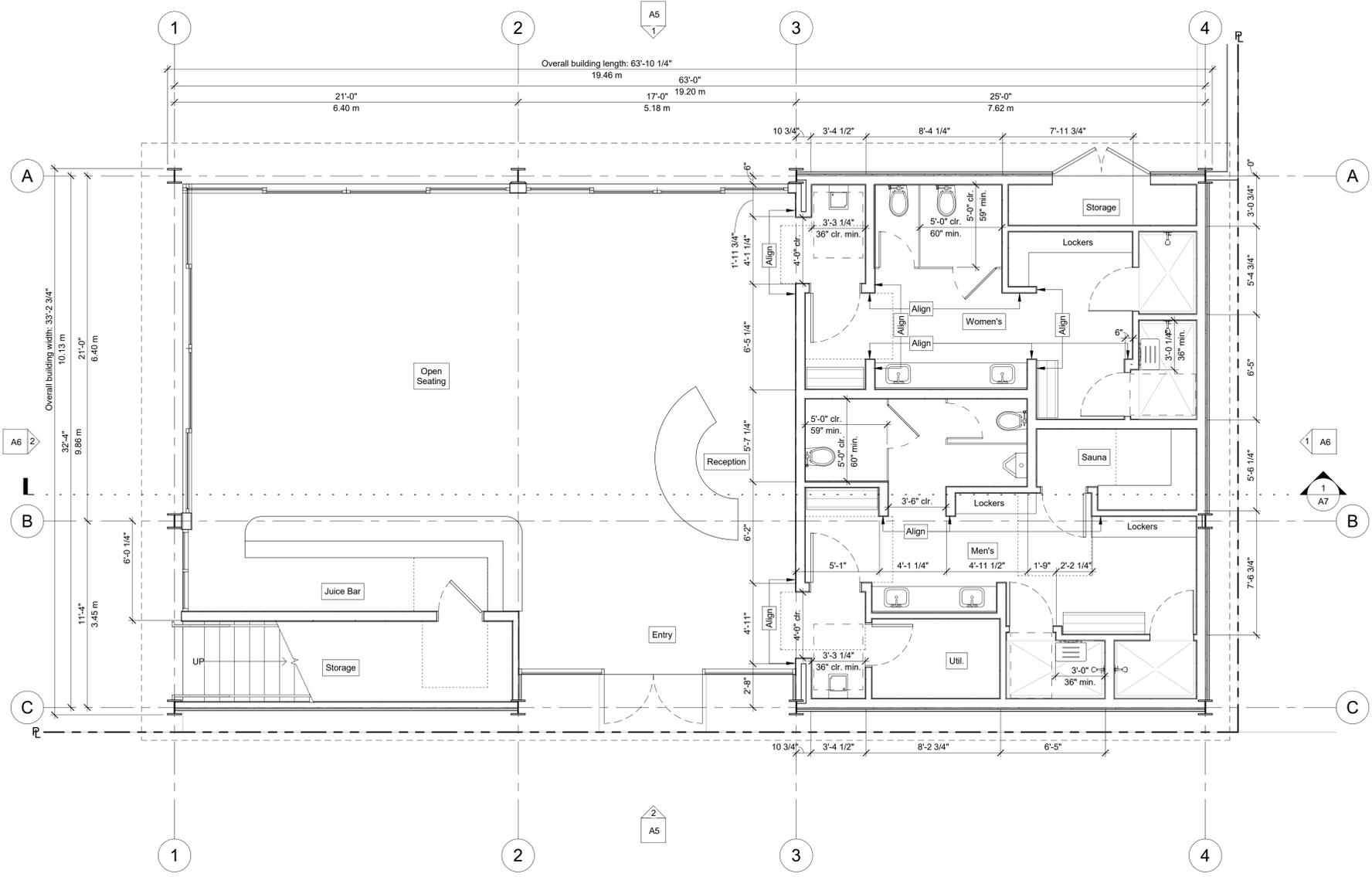
architect:

sheet title:

drawing number:



2 Utility Building - First Floor Plan
1/4" = 1'-0"

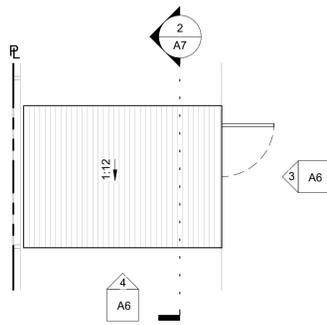


1 First Floor Plan
1/4" = 1'-0"

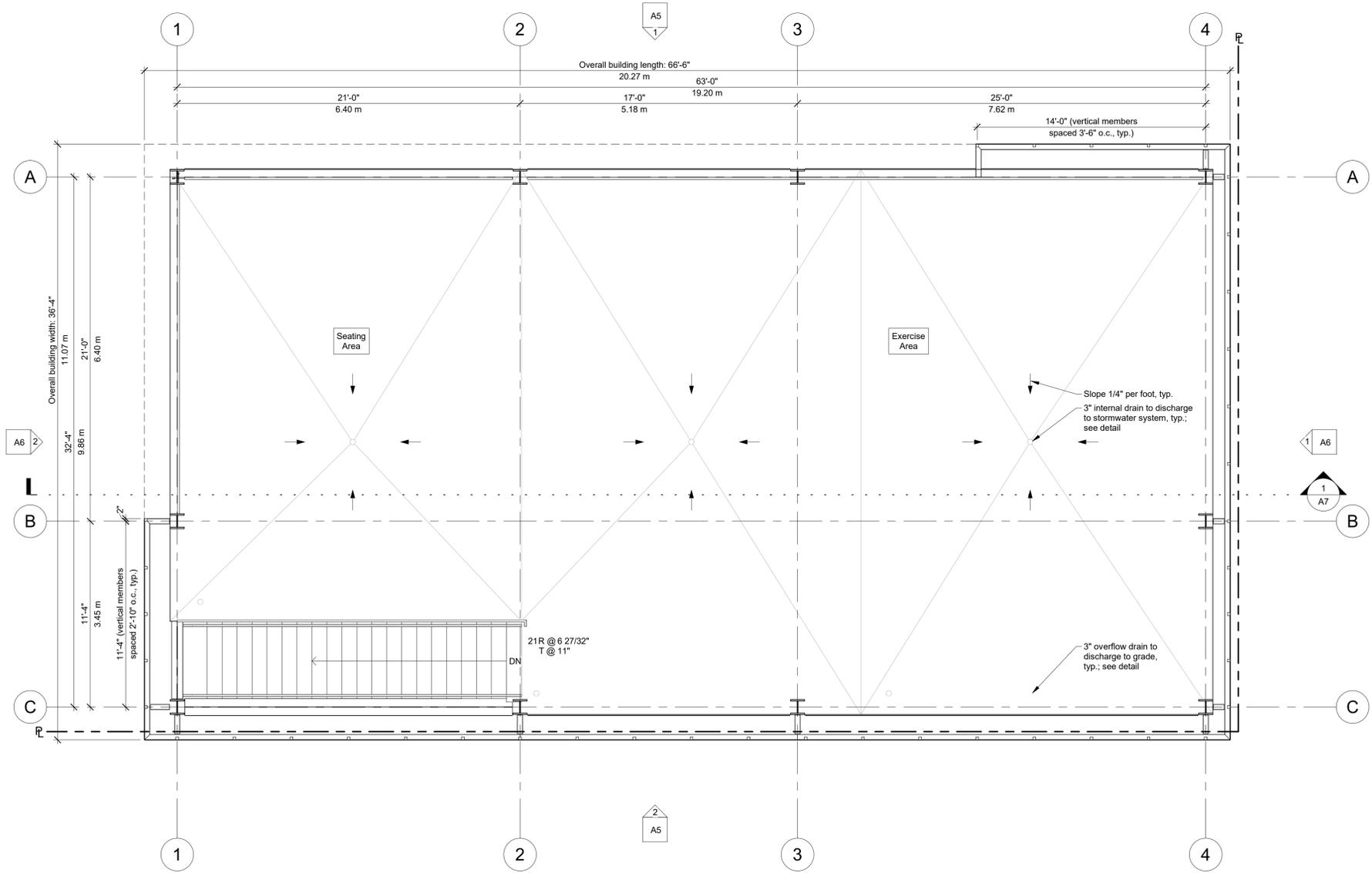


drawn by:
CDB
drawing date:
June 2023

revision	date	notes



2 Utility Building - Roof Plan
1/4" = 1'-0"



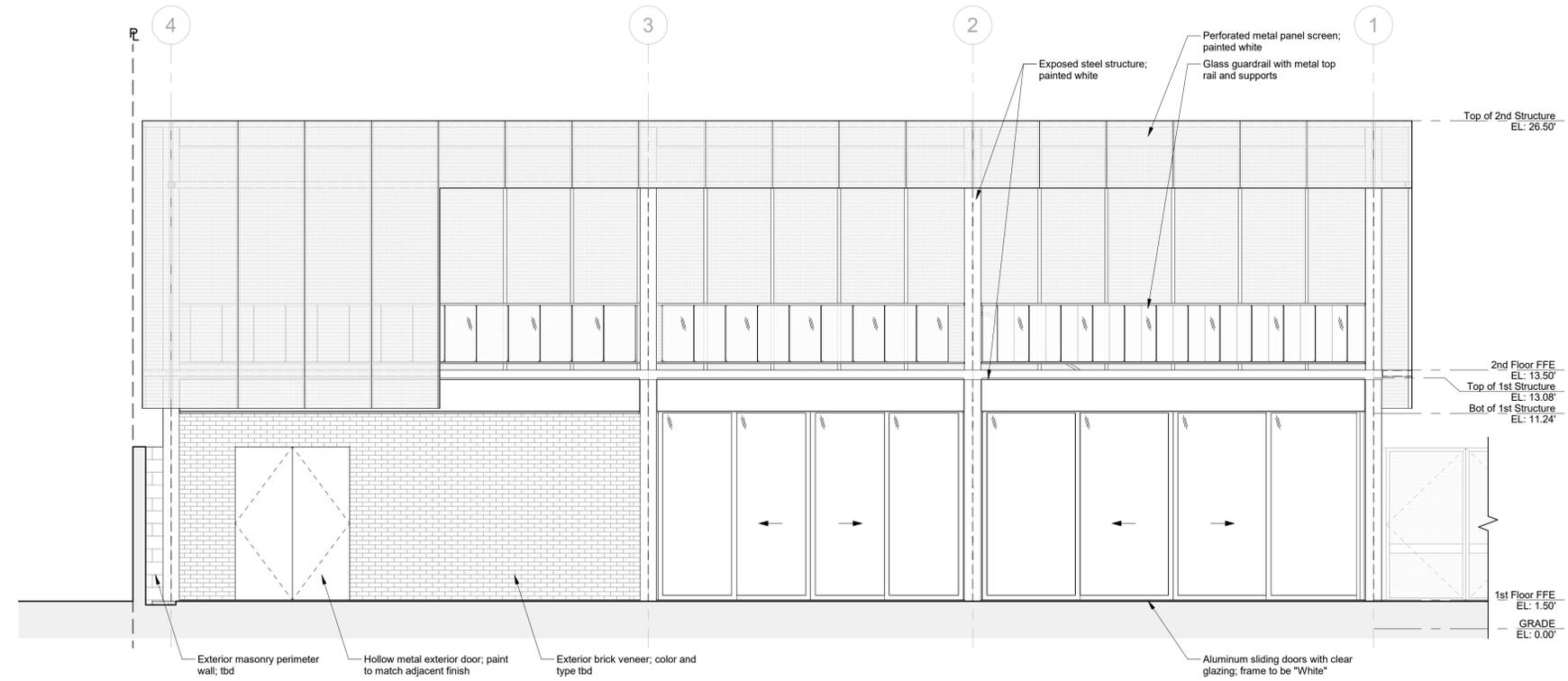
1 Roof Plan
1/4" = 1'-0"



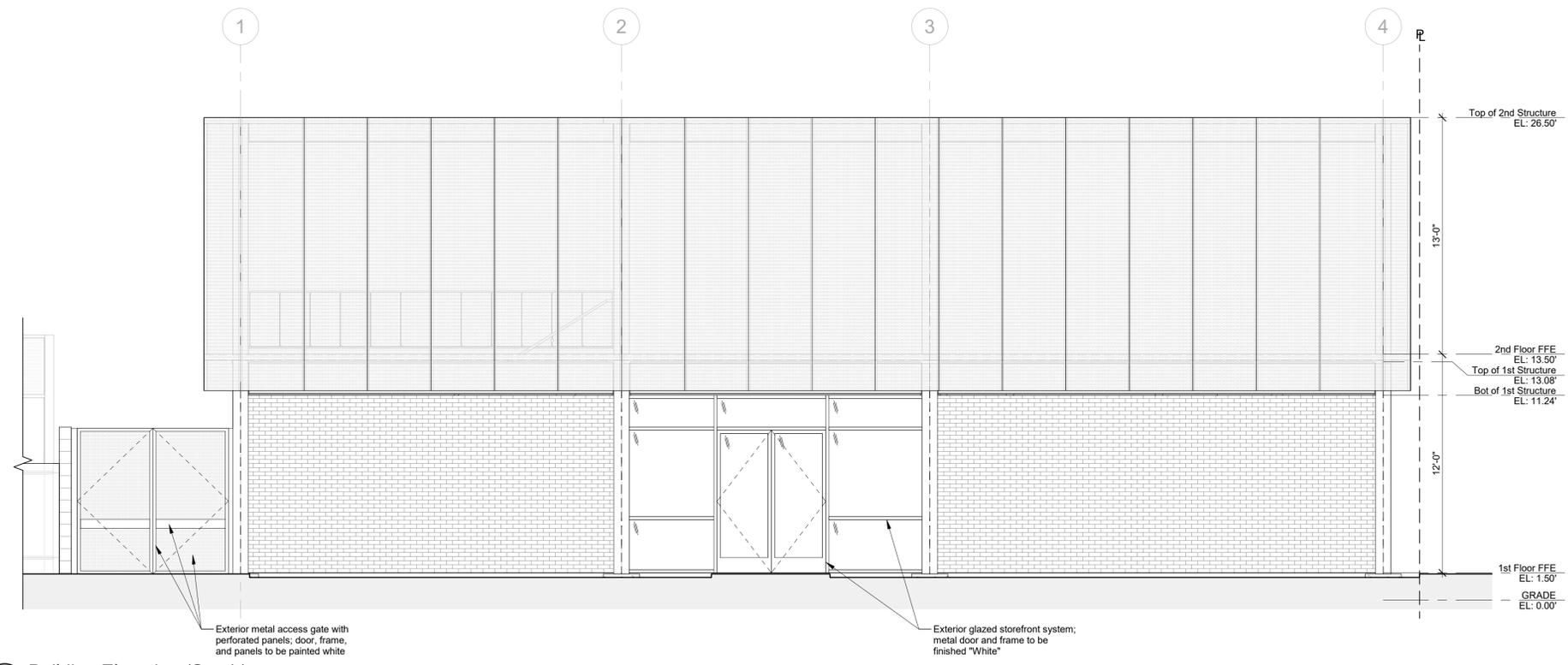
drawn by:
CDB

drawing date:
June 2023

revision	date	notes



1 Building Elevation (North)
1/4" = 1'-0"



2 Building Elevation (South)
1/4" = 1'-0"

Padel Center
21 W 7th Street, National City, California 91950

christian rice architects, inc.
1127 Loma Ave., Coronado, CA 92118 p 619.522.9040



drawn by:
CDB
drawing date:
June 2023

revisions:

revision	date	notes

Building Elevations

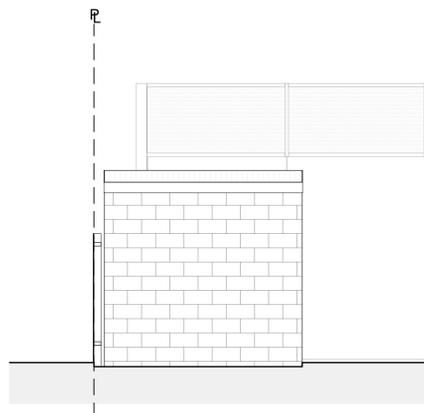
A5

project:

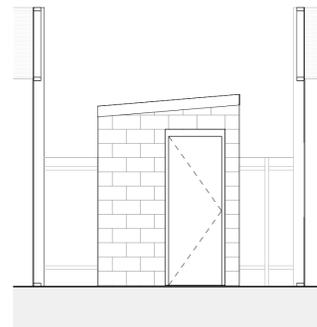
architect:

sheet title:

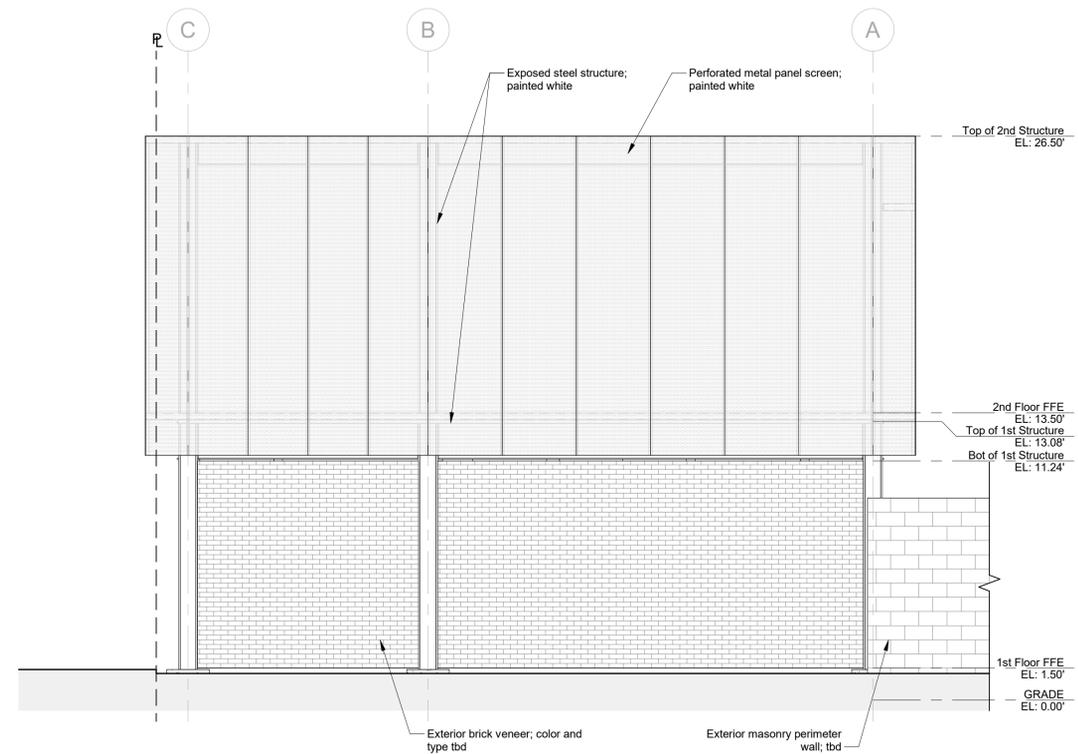
drawing number:



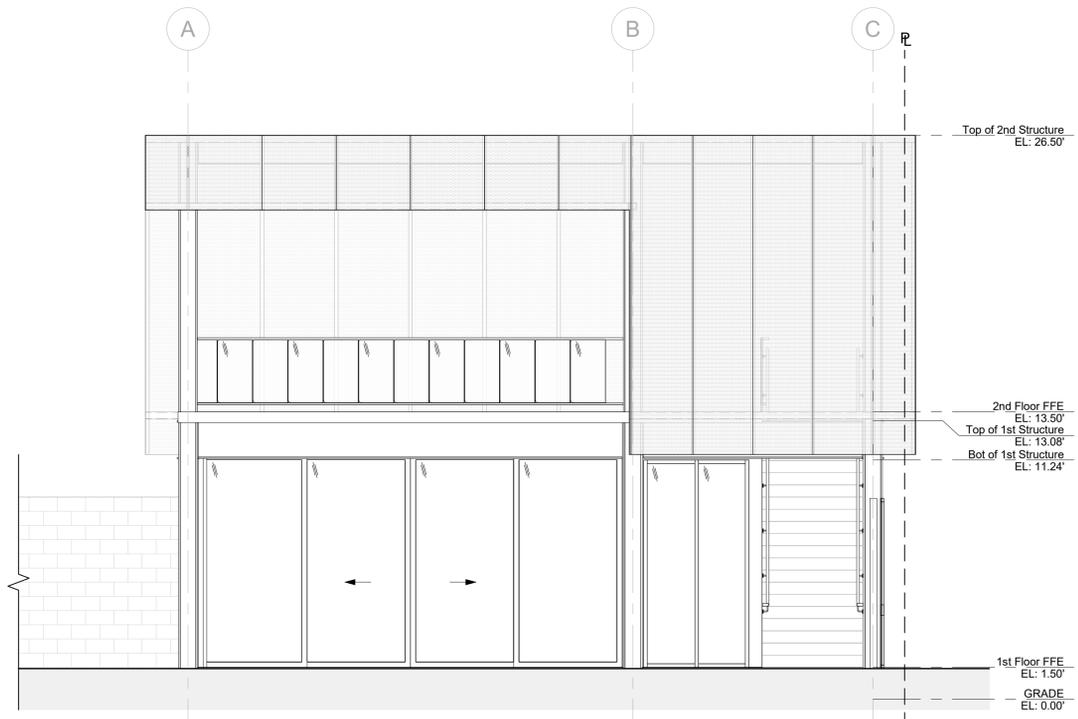
4 Utility Building Elevation (South, North sim.)
1/4" = 1'-0"



3 Utility Building Elevation (East, West sim.)
1/4" = 1'-0"



1 Building Elevation (East)
1/4" = 1'-0"



2 Building Elevation (West)
1/4" = 1'-0"

Padel Center
21 W 7th Street, National City, California 91950

project:

christian rice architects, inc.
1127 loma ave, coronado, ca 92118 p 619.522.9040

architect:



drawn by:
CDB

drawing date:
June 2023

revisions:

revision	date	notes

Building Elevations

sheet title:

A6

drawing number:



NOTICE OF PUBLIC HEARING

DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 32 OF THE CEQA GUIDELINES SECTION 15332 (IN-FILL DEVELOPMENT PROJECTS) AND CONDITIONAL USE PERMIT FOR AN OUTDOOR COMMERCIAL RECREATION FACILITY TO BE LOCATED AT 21 W. 7TH STREET.

CASE FILE NO.: 2023-10 CUP

APN: 555-052-15

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, September 18, 2023**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Christopher Bernhardt)

The applicant intends to construct an athletic facility with courts dedicated to padel tennis and pickleball. The outdoor courts will be accompanied by a 1,968 square-foot clubhouse that serves members of the private club and occasional events open to the public. The proposed hours of operation for the facility are 7:00 a.m. to 10:00 p.m. daily. The Planning Commission will also consider the staff determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Class 32, Section 15332 (In-fill Development Projects).

Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 4:00 p.m., **September 18, 2023** 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 DEPARTMENT



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

Lead Agency: City of National City

Project Title: 2023-10 CUP

Project Location: 21 W. 7th Street, National City, CA.

Contact Person: David Welch

Telephone Number: (619) 336-4224

Description of Nature, Purpose and Beneficiaries of Project:

Conditional Use Permit for an outdoor commercial recreation facility on a 24,106 square-foot lot. The facility will provide outdoor courts for racquet sports and a 1,968 square-foot clubhouse.

Applicant:

Christopher Bernhardt
[REDACTED]

Telephone Number:

[REDACTED]
[REDACTED]

Exempt Status:

Categorical Exemption – Section 15332 (In-Fill Development)

Reasons why project is exempt:

It can be seen with certainty that the project will not have a significant effect on the environment. The 24,106 square-foot property is surrounded by urban uses and can be found consistent with the General Plan and the regulations applicable to Development Zone 1B of the Downtown Specific Plan. The project has no habitat for endangered, rare or threatened species. There is no potential for significant impacts related to traffic, noise, air quality, or water quality and the site is adequately served by required utilities and public services. Furthermore, the proposed use is conditioned to ensure that it will operate in harmony with adjacent uses.

Date:

DAVID WELCH
Associate Planner



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 OF THE CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND CONDITIONAL USE PERMIT FOR ON-SALE ALCOHOL (TYPE-47) AND LIVE ENTERTAINMENT AT A NEW ENTERTAINMENT CENTER AND EATING PLACE (ROUND1 BOWLING & ARCADE) TO BE LOCATED AT 3030 PLAZA BONITA ROAD, SUITE 1025.

Case File No.: 2023-11 CUP

Location: Westfield Plaza Bonita Mall

Assessor's Parcel Nos.: 564-471-07, 564-471-08

Staff report by: David Welch, Associate Planner

Approved by: Ben Martinez, Acting Community Development Director

Applicant: Shintaro Kaji

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

Adjacent use and zoning:

North: Single-Family Residential across Sweetwater Rd. / RS-2 (Small Lot Res.)

East: Bonita Creek development / RS-3 (Medium-Low Den. Multi-Unit Res.)

South: Sweetwater River Park / OS (Open Space)

West: Interstate 805 Freeway / OS

Environmental review: The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and staff is recommending that the project be determined 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 sale of on-site beer, wine, and distilled spirits with live entertainment, subject to the recommended conditions in the attached resolution and a determination that the project is exempt from CEQA. The sale of alcohol is a conditionally-allowed use in the MXD-2 zone and would be accessory to food sales at the proposed entertainment center.

Executive Summary

Round1 Bowling & Arcade has applied for a California Department of Alcoholic Beverage Control (ABC) Type 47 license to offer beer, wine, and distilled spirits sales for on-site consumption at a new entertainment center in a 58,213 square-foot suite at Westfield Plaza Bonita Mall. Live entertainment in the form of karaoke is proposed, which will be limited to private party rooms. The hours of operation as proposed by the applicant are from 10:00 a.m. to 2:00 a.m. daily.

Site Characteristics

The new entertainment center is to be located in a 58,213 square-foot suite in Westfield Plaza Bonita Mall. This suite occupies the former location of John's Incredible Pizza, a similar business that previously maintained an alcohol license for on-site beer and wine, along with additional area that was previously retail suites in the interior of the mall. The previous Conditional Use Permit (CUP) for alcohol sales at this location was discontinued after operations ceased in 2021. The mall is located in the southeast corner of National City, south of Sweetwater Road on a 71-acre site in the MXD-2 zone, and it includes approximately 24 acres of building area and 4,400 parking spaces. There are currently seven restaurants with CUPs for on-site alcohol sales at the mall and Round1 Bowling & Arcade proposes to be the eighth licensed business. In addition, a denied request for a CUP for on-site alcohol sales at the proposed restaurant Manna Heaven BBQ is currently in the appeal process.

Proposed Use

The business is proposing to sell beer, wine, and distilled spirits on site (ABC Type 47) in conjunction with food sales at a new entertainment center. The proposed hours of operation are from 10:00 a.m. to 2:00 a.m. daily. Live entertainment in the form of karaoke within private party rooms is also proposed.

Analysis

Section 18.30.050 of the Land Use Code allows for on-site alcohol sales with an approved Conditional Use Permit (CUP). Additional requirements for alcohol

CUPs include expanded notification, a community meeting, and distance requirements. City Council Policy 707 also regulates alcohol sales in the city.

Hours of Operation

The applicant has requested to sell alcohol and conduct live entertainment during their proposed hours of operation (10:00 a.m. to 2:00 a.m. daily). The only previous CUP to be granted permission for alcohol sales as late as 2:00 a.m. was for Machete Beer House, an existing bar located on Highland Avenue. Gerry's Grill, a restaurant located in the mall, was granted permission by CUP to sell alcohol until 12:00 a.m. on Fridays and Saturdays and 11:00 p.m. on all other days. This restaurant is also permitted to have live entertainment.

The request by Round1 Bowling & Arcade to serve alcohol as late as 2:00 a.m. would be more consistent with an establishment for which the principal use is the sale of alcoholic beverages for on-site consumption, such as a bar or nightclub. While there are no current businesses in National City that offer alcohol with bowling and other amusements, the City of San Diego has two such locations located in their downtown area: Tavern+Bowl East Village and Punch Bowl Social. Both locations close at 12:00 a.m. For this reason, staff is recommending a condition of approval restricting alcohol sales to 12:00 a.m., which is consistent with those approved for Gerry's Grill on the weekends and other establishments in the region that are similar to the proposed use. Since the proposed live entertainment is limited to private party rooms, staff is not recommending modified hours for the live entertainment.

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 223 occupants and owners.

Community Meeting – Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held on Wednesday, May 31, 2023 from 11:00 a.m. to 12:00 p.m. at a community room located in the mall. The meeting advertisement is attached (Attachment 8). The applicant states there were no members of the public present at the meeting.

Distance Requirements – Commercial uses where alcohol is sold accessory to the primary use are required to be 660 feet from any Institutional-zoned public school within the boundaries of the City and not less than 500 feet from similar uses. No such uses are within 660 feet or 500 feet of the proposed entertainment

center. The only school in proximity to the proposed use is Sweetwater Secondary School, a charter school that primarily educates students through online instruction. This location is within the mall and has an on-site learning lab.

Alcohol Sales Concentration/Location

Per the California Department of Alcoholic Beverage Control (ABC), there are currently 10 on-site sale licenses in this census tract (32.04) where a maximum of four are recommended, meaning that the census tract is considered by ABC to be over-saturated with regard to alcohol sales outlets. ABC recommendations are based on the number of persons living within a tract and, therefore, it is not unusual for commercial areas to be at or near concentration. For reference, there are seven on-site alcohol outlets in the census tract within National City (the other three are in Chula Vista). The outlets are:

Name	Address	License Type*	CUP
Applebee's	3030 Plaza Bonita Road #1298	47	Y
Red Robin	3030 Plaza Bonita Road #2520	47	Y
Broken Yolk	3030 Plaza Bonita Road #1106	41	Y
Outback Steakhouse	2980 Plaza Bonita Road	47	Y
Gerry's Grill	3030 Plaza Bonita Road #2510	47	Y
Funky Burgers & Fries	3030 Plaza Bonita Road #1108	41	Y
Crab Pub	3030 Plaza Bonita Road #1430	41	Y

* Type 41 - On-Sale of Beer and Wine

* Type 47 - On-Sale of Beer, Wine, and Liquor

Census tract 32.04 includes the area south of the Interstate 54, north of Bonita Road, west of Sweetwater Road, and east of the Interstate 805. The attached census tract map shows the location of the subject tract (Attachment 5).

Concerns related to overconcentration usually revolve around areas close to residential or other sensitive uses. In this case, the multiple alcohol-licensed businesses are located in a self-contained area (shopping mall) that serves as a draw for multiple commercial uses. The concentration of commercial shopping, service, and restaurant outlets results in customers making several stops at the shopping center, rather than specialty visits to one type of business only (e.g. restaurant). As a result, concerns related to nuisance issues from alcohol-licensed businesses are lessened due to less time being spent in any one business.

Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 19 points, which places it in the High Risk category. High Risk is considered 19 to 24 points. The factors that led to this assessment included the type of business, hours of operation, inclusion of live entertainment with the proposed use, crime rate, and the concentration of alcohol-licensed businesses.

The applicant proposes several measures to reduce the risks related to alcohol use and crime:

- Responsible Beverage Sales and Service (RBSS) training is required for staff.
- There will be a dedicated on-duty manager for alcohol service at all hours of operation.
- Electronic identification scanners will be used for age verification.
- Wristbands identifying patrons that are permitted to order alcohol will be required.
- Third-party security personnel will patrol the premises daily.
- Minors will not be permitted within the bar area.
- Guests under the age of 18 will require a guardian at least 25 years of age with them after 10:00 p.m. as well as guests under 21 after 12:00 a.m.

Institute for Public Strategies (IPS)

Comments were received from IPS with the following considerations:

1. Staff should verify the age of all patrons ordering who appear to be under the age of thirty rather than twenty-one.
2. Alcohol sales should end by 12:00 a.m., consistent with other bowling alleys where alcohol is served.
3. The purchasing and identification system for alcohol should be tested by a third party at a minimum of four times a year.
4. An analysis of the maximum capacity for occupancy and the number of employees monitoring areas with alcohol consumption should be conducted.

Staff's recommendation for hours of operation for alcohol sales is consistent with IPS. The other three recommendations would be considered best management practices, but not necessarily enforceable by conditions of approval. The applicant will be made aware of the recommendations, which they may consider for their policies.

Findings for Approval

The following are the required findings in the attached draft resolution:

1. Allowable Use: Alcohol sales and live entertainment are allowable within the MXD-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. It is incidental to the proposed entertainment center and eating place use in a commercial area.
2. General Plan Consistency: Alcohol sales and live entertainment are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. In addition, an entertainment center and eating place with alcohol sales is consistent with the MXD-2 land use designation contained in the Land Use Code and Community Character element of the General Plan.
3. Compatibility, LUC, and Traffic: 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. 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 use would be incidental to the primary use of an entertainment center and eating place.
4. No Nuisance: The proposed use will be subject to conditions that limit the sale of alcohol as well as the hours that it will be available. Alcohol will only be available with the sale of food. In addition, all staff members serving alcohol are required to receive RBSS training. Live entertainment will be confined to private party rooms and will have no possibility of creating excessive noise or other concerns ordinarily associated with other types of live entertainment.

5. 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 the use is proposed within an existing commercial shopping center with only minor alterations to the exterior and interior of the building permitted by an approved building permit, and the use is similar to other commercial uses in the area, which are permitted in the MXD-2 zone.
6. Public Convenience and Necessity: Alcohol sales will contribute to the viability of the new entertainment center, a permitted use in the MXD-2 zone.

Findings for Denial

Due to the concentration of establishments with on-sale alcohol licenses, there are also three findings for denial as follows:

1. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the census tract in which the subject property is located is currently over-concentrated with regard to on-sale alcohol outlets – 10 on-sale outlets are permitted where four are recommended by the California Department of Alcoholic Beverage Control.
2. The proposed use is not deemed essential to the public necessity, as there are already seven establishments in the same location that serve alcohol.
3. Based on the above findings, public convenience and necessity will not be served by a proposed use of the property for the 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 (hours of operation, employee training, and accessory sales, etc.).

Summary

The proposed use is consistent with the General Plan due to alcohol sales for on-site consumption being a conditionally-allowed use in the MXD-2 zone. The alcohol sales use would be accessory to the entertainment center and eating place use in an established commercial area. The inclusion of conditions consistent with policy 707 is intended to alleviate concerns related to area impacts.

Options

1. Find the project exempt from CEQA under Class 1 of the CEQA Guidelines Section 15301 or other exemption and approve 2023-11 CUP subject to the conditions included in the Resolution, or other conditions, and based on the findings included in the Resolution, or other findings to be determined by the Planning Commission; or,
2. Find the project not exempt from CEQA and/or deny 2023-11 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. Draft Resolutions
2. Overhead
3. Applicant's Plans (Exhibit A, Case File No. 2023-11 CUP, dated 7/11/2023)
4. Public Hearing Notice (Sent to 223 property owners & occupants)
5. Census Tract & Police Beat Maps
6. Police Department Comments
7. IPS Comments
8. Community Meeting Advertisement

RESOLUTION NO. 2023-23

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA, DETERMINING THAT THE
PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 OF THE CEQA
GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND
APPROVING A CONDITIONAL USE PERMIT FOR ON-SALE ALCOHOL (TYPE-47)
AT A NEW ENTERTAINMENT CENTER AND EATING PLACE (ROUND1 BOWLING &
ARCADE) LOCATED AT 3030 PLAZA BONITA ROAD, SUITE 1025
CASE FILE NO. 2023-11 CUP
APNS: 564-471-07, 564-471-08

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for on-site alcohol sales at a new entertainment center and eating place (Round1 Bowling & Arcade) located at 3030 Plaza Bonita Road, Suite 1025 at a duly advertised public hearing held on September 18, 2023, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearing, the Planning Commission considered the staff report contained in Case File No. 2023-11 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 September 18, 2023, 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 MXD-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. It is incidental to the proposed entertainment center and eating place use in a commercial area.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because alcohol sales and live entertainment are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. In

addition, an entertainment center and eating place with alcohol sales is consistent with the MXD-2 land use designation contained in the Land Use Code and Community Character element of the General Plan.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because no expansion of the building is proposed. The proposal involves an existing commercial space, which was previously analyzed for traffic impacts when it was constructed. The proposed use would be incidental to the primary use of an entertainment center and eating place.
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 uses would be incidental to the primary use of an entertainment center with food sales. The building is existing and alterations to the interior and exterior of the proposed suite will have to be built in compliance with all applicable building and fire codes.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be subject to conditions that limit the sale of alcohol as well as the hours that it will be available. Alcohol will only be available with the sale of food. In addition, all staff members serving alcohol are required to receive RBSS training. Live entertainment will be confined to private party rooms and will have no possibility of creating excessive noise or other concerns ordinarily associated with other types of live entertainment.
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 the use is proposed within an existing shopping center with only minor alterations to the exterior and interior of the building permitted by an approved building permit, and the use is similar to other commercial uses in the area, which are permitted in the MXD-2 zone.
7. The proposed use is deemed essential and desirable to the public convenience or necessity, because alcohol sale will contribute to the viability of the new entertainment center, a permitted 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 in accordance with applicable law and the recommended conditions. The use, as proposed and conditioned, will operate in harmony with surrounding uses, will not cause a nuisance, and will benefit the community looking for entertainment and dining.

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

General

1. This Conditional Use Permit authorizes the sale of beer, wine, and distilled spirits for on-site consumption and live entertainment at a new entertainment center and eating place (Round1 Bowling & Arcade) located at 3030 Plaza Bonita Road, Suite 1025. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2023-11 CUP, dated 7/11/2023.
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 or owner 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 or owner 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 at such time as there is no longer a Type 47 California Department of Alcoholic Beverage Control license associated with the property.

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 alcohol sales and consumption practices shall be permitted until the applicant has been issued a Type 47 license from the California Department of Alcoholic Beverage Control.
9. 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.
10. The sale of alcoholic beverages shall only be permitted between the hours of 10:00 a.m. and 12:00 a.m. daily.
11. Live entertainment in the form of karaoke is authorized within private party rooms. No other forms of live entertainment are permitted without modification of this Conditional Use Permit.
12. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by the Planning Manager or designee or other employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
13. Alcohol shall be available only in conjunction with the purchase of food.
14. The sale of alcoholic beverages for off-site consumption is not permitted at this location.
15. Permittee shall post signs indicating that alcoholic beverages must be consumed inside the business and may not be taken off-premises. No outdoor consumption is permitted.

- 16. A fully operational, digitally recorded CCTV security system that covers all points of entry/exit, sales of alcoholic beverages, karaoke/party rooms, and overall locations where alcoholic beverages may be consumed within the property shall be required while the use authorized by this permit is maintained.
- 17. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.
- 18. Prior to the approval of a business license for this location, the applicant shall submit an operations plan to the Planning Division providing details on their policies related to alcohol sales and service and security. The operations plan shall substantially conform to the procedures provided in the project description submitted with the application for 2023-11 CUP dated 6/28/2023, save and except, polices adopted in conformance with the recommendations provided by the Institute for Public Strategies.
- 19. Building plans associated with the proposed entertainment center shall comply with the current editions of the California Building Code and California Fire Code.

Police

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

Indemnification Agreement

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

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

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission

resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of September 18, 2023, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2023-23

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA,
DENYING A CONDITIONAL USE PERMIT FOR ON-SALE ALCOHOL
(TYPE-47) AND LIVE ENTERTAINMENT AT A NEW ENTERTAINMENT CENTER
AND EATING PLACE (ROUND1 BOWLING & ARCADE)
LOCATED AT 3030 PLAZA BONITA ROAD, SUITE 1025
CASE FILE NO. 2023-11 CUP
APNS: 564-471-07, 564-471-08

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for on-site alcohol sales at a new entertainment center and eating place (Round1 Bowling & Arcade) located at 3030 Plaza Bonita Road, Suite 1025 at a duly advertised public hearing held on September 18, 2023, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearing, the Planning Commission considered the staff report contained in Case File No. 2023-11 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 September 18, 2023, support the following finding:

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 on-sale alcohol outlets – 10 on-sale outlets are permitted where four are recommended by the California Department of Alcoholic Beverage Control.
2. The proposed use is not deemed essential to the public necessity, as there are already seven establishments in the same location that serve alcohol.

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

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

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of September 18, 2023, by the following vote:

AYES:

NAYS:

ABSENT:

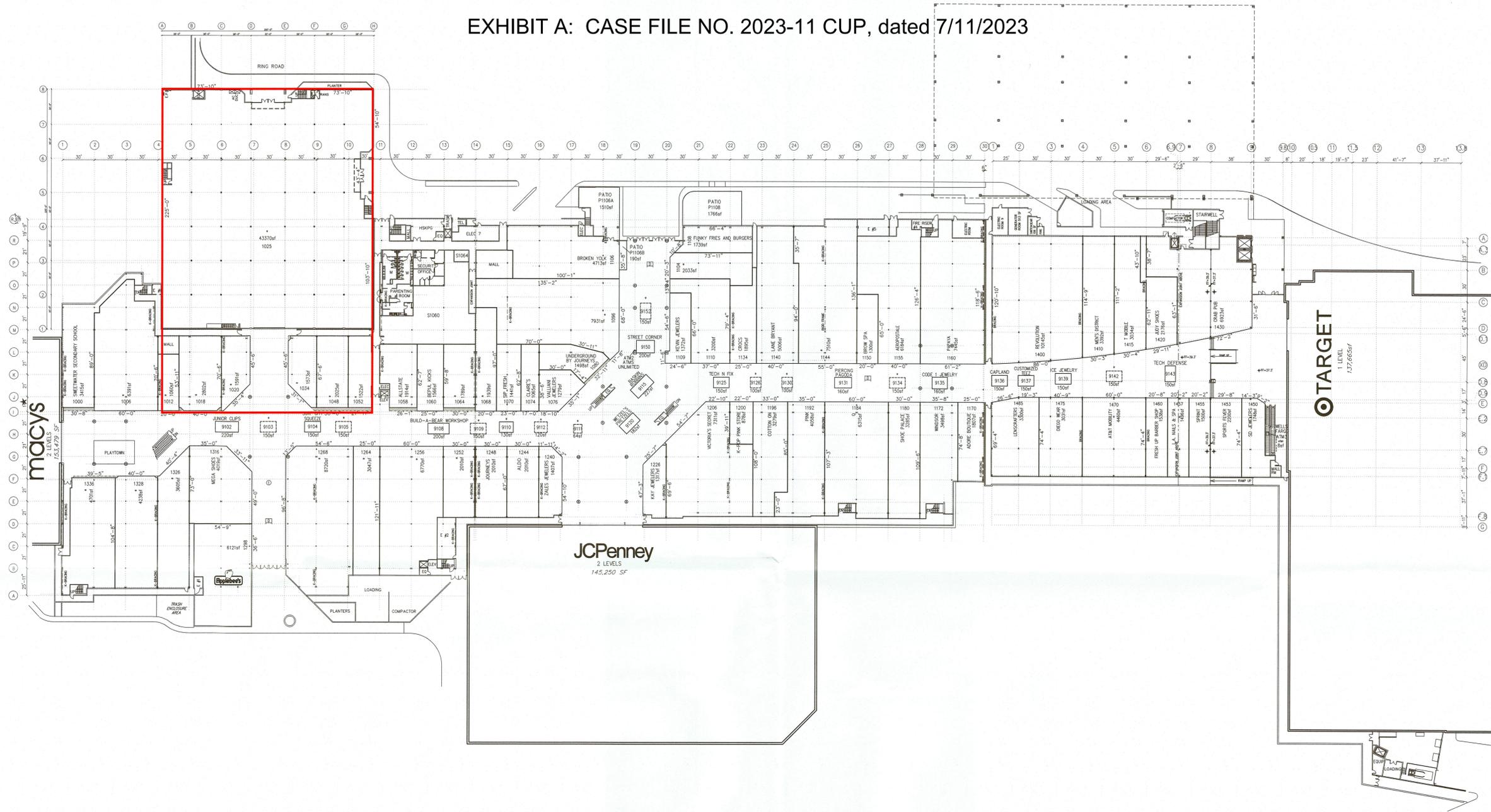
ABSTAIN:

CHAIRPERSON

2023-11 CUP – 3030 Plaza Bonita Road, Suite 1025 – Overhead



EXHIBIT A: CASE FILE NO. 2023-11 CUP, dated 7/11/2023



STORAGE LEGEND

- S1060 4558sf
- S1064 153sf

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ATTACHMENT 3

Westfield, LLC

11601 WILSHIRE BLVD. 12TH FLOOR LOS ANGELES CA. 90025 (310) 478-4456

AS-IS LEASE PLAN

This drawing is diagrammatic and shows only approximate conditions, locations, quantities and proposed elements. The size, location, existence or identity of any element or specific occupant may be added, eliminated or modified at the sole and absolute discretion of the Landlord. Failure to verify actual conditions shall be at the sole risk and responsibility of the tenant.



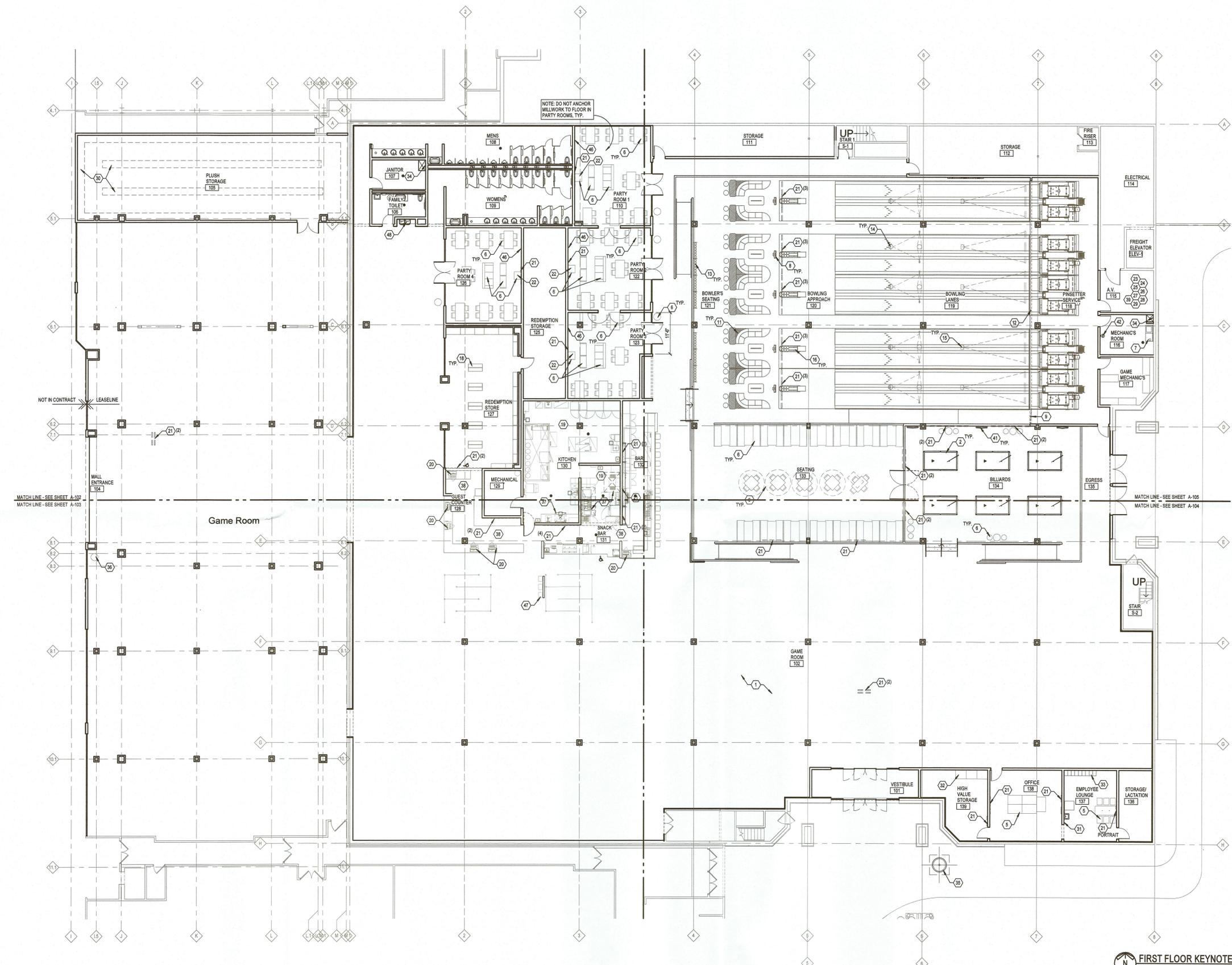
3030 PLAZA BONITA RD. #2075 NATIONAL CITY, CA 91960 (619) 287-2860



PLAZA BONITA
May 12, 2023

LEVEL 1 OF 2

FLOOR PLAN KEYNOTES	
①	NOTE
NOTE: OMITTED NUMBERS ARE INTENTIONALLY SKIPPED TO REMOVE NOTES NOT APPLICABLE TO THIS PROJECT.	
REFER TO SHEETS G-402 FOR RESPONSIBILITY OF WHO IS FURNISHING AND INSTALLING EACH ITEM.	
1	GAMES SUPPLIED AND INSTALLED BY VENDOR, G.C. TO COORDINATE INSTALLATION & PROVIDE POWER DROPS PER ELECTRICAL PLANS - COORDINATE WITH FINAL GAME LAYOUT.
2	BILIARD TABLES BY BILIARDS VENDOR
3	EQUIPMENT BY TENANT
4	FURNITURE BY MILLWORK VENDOR
5	WASHER & DRYER PURCHASED AND INSTALLED BY G.C.
6	BOWLING SCORING CONSOLE / PEDESTAL BY BOWLING VENDOR
7	BI-PARTING BLACK CURTAINS TO THE FLOOR AND CURTAIN TRACKS BY G.C. (FIELD VERIFY WIDTHS)
8	FURNITURE BY BOWLING VENDOR
9	CUSTOM MASKING UNIT AND FILLER PANELS BY BOWLING VENDOR
10	BOWLING BALL RACKS SUPPLIED BY BOWLING VENDOR
11	COSMIC FIXTURE BY AV VENDOR, FINAL LOCATION TO BE DETERMINED BY TENANT
12	VIDEO PROJECTOR AND MOUNTING HARDWARE BY VENDOR - G.C. TO PROVIDE AND INSTALL 14 GA. (MIN.) UNISTRUT SUPPORT TO STRUCTURE - REFER TO
13	OVERHEAD SCORING MONITORS (TRIPLE LED CONFIGURATION BY BOWLING VENDOR, STRUCTURAL SUPPORT BY G.C. REFER TO
14	REDEMPTION STORE DISPLAY GONDOLA UNIT BY TENANT VENDOR
15	FOOD SERVICE EQUIPMENT, WALK-IN COOLERS AND CONDENSING UNITS BY FOOD SERVICE VENDOR
16	POINT OF SALE EQUIPMENT BY VENDOR, SEE ELEC.
17	WALL OR CEILING MOUNT TV AND MOUNTING BRACKET BY AV VENDOR - REFER TO INTERIOR ELEVATIONS AT 2A-302. PROVIDE BLOCKING OR STRUCTURAL SUPPORT AS REQUIRED. COORDINATE CONDUIT, DATA AND POWER WITH E.C.
18	PARTY ROOM AUDIO / VIDEO EQUIPMENT BY AV VENDOR
19	BOWLING SERVER BY BOWLING VENDOR, COORDINATE POWER
20	KARAOKE SERVER BY VENDOR, COORDINATE POWER
21	SECURITY/SURVEILLANCE SYSTEM BY VENDOR
22	AV EQUIPMENT, RACK BY VENDOR, COORDINATE CONDUIT AND POWER
23	GAME NETWORKING SERVER / SYSTEM LOCATION BY VENDOR
24	SATELLITE OR CABLE SYSTEM EQUIPMENT BY TENANT
25	TELEPHONE BOARD AND PHONE SYSTEM LOCATION
26	STORAGE RACKS AND WORK TABLES BY TENANT
27	TIME CLOCK BY TENANT, COORDINATE POWER AND DATA
28	SAFE EQUIPMENT BY TENANT
29	METAL LOCKERS - 12"W x 18"D x 72"H - 6 TIER (66) LOCKERS TOTAL, REFER TO SPECIFICATIONS
30	UTILITY SHELF WITH MOP RACK
31	EXTERIOR BOWLING PIN SCULPTURE BY TENANT
32	MOVEABLE BOWLING PIN SCULPTURE BY TENANT
33	EXHAUST HOOD BY FOOD SERVICE EQUIPMENT VENDOR. SEE MECHANICAL
34	MILLWORK, COUNTER, AND FINISHES BY MILLWORK VENDOR
35	EMERGENCY TERMINAL SERVER BY VENDOR, COORDINATE POWER
36	CUE RACK PROVIDED BY BILIARDS VENDOR
37	EYE WASH STATION - REFER TO PLUMBING
38	MIRROR
39	KIOSK BY TENANT
40	DRINKING FOUNTAIN - REFER TO SPECIFICATIONS, REFER TO SHEET A-401 FOR MOUNTING HEIGHTS, TYP.
NOTES:	
1. GENERAL CONTRACTOR TO COORDINATE REQUIREMENTS AND INSTALLATION WITH ALL VENDOR AND TENANT ITEMS - REFER TO SHEET G-002.	



FIRST FLOOR KEYNOTE PLAN
SCALE: 3/32" = 1'-0"



PARADIGM DESIGN
ARCHITECTS | ENGINEERS

Grand Rapids | Phoenix | Traverse City
www.paradigm.com

PROJECT

ROUND 1 - PLAZA BONITA

TENANT IMPROVEMENT

3030 PLAZA BONITA RD, SUITE 1025
NATIONAL CITY, CA 91950

CLIENT

ROUND 1 ENTERTAINMENT

3070 SATURN ST. STE. 200
BREDA, CA 92821

RELEASE DATE	
DATE	DESCRIPTION
04-21-23	LANDLORD REVIEW
05-12-23	PERMITS

PROJECT

2112128GR

SHEET

ARCHITECTURAL KEYNOTE PLAN

A-101



NOTICE OF PUBLIC HEARING

DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 OF THE CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND CONDITIONAL USE PERMIT FOR ON-SALE ALCOHOL (TYPE-47) AND LIVE ENTERTAINMENT AT A NEW ENTERTAINMENT CENTER AND EATING PLACE (ROUND1 BOWLING & ARCADE) TO BE LOCATED AT 3030 PLAZA BONITA ROAD, SUITE 1025.

CASE FILE NO.: 2023-11 CUP

APNS: 564-471-07, 564-471-08

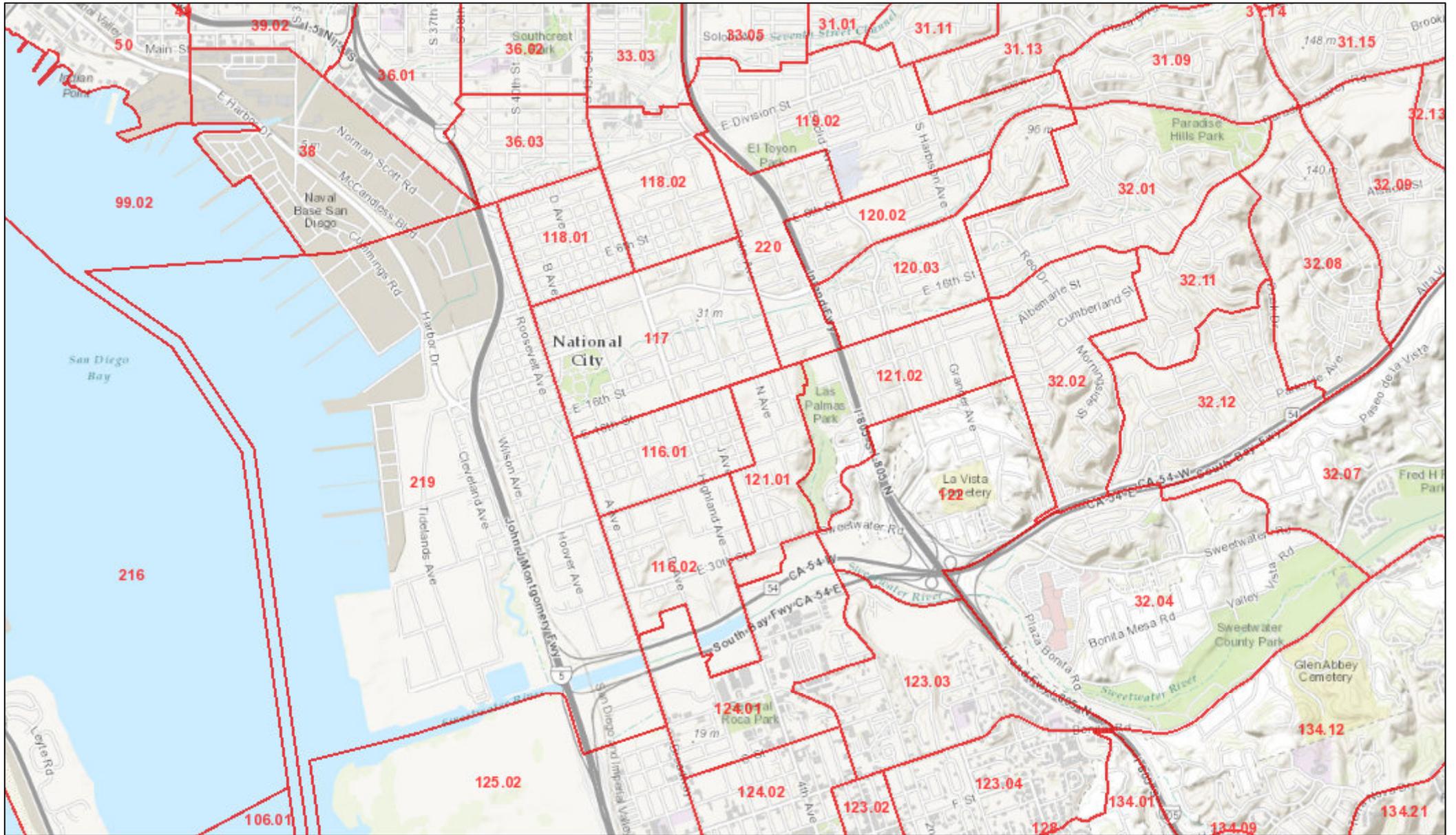
The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, September 18, 2023**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Shintaro Kaji)

The applicant proposes to offer beer, wine, and liquor for on-site consumption (ABC Type-47 license) and live entertainment in conjunction with a new entertainment center and eating place to be located in a 58,213 square-foot suite within Westfield Plaza Bonita Mall. The proposed hours of operation are 10:00 a.m. to 2:00 a.m. daily. The requested live entertainment is karaoke within private party rooms. The Planning Commission will also consider the staff determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Class 1, Section 15301 (Existing Facilities).

Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 4:00 p.m., **September 18, 2023** 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.

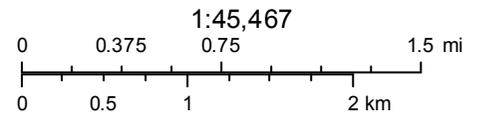
NATIONAL CITY PLANNING DEPARTMENT



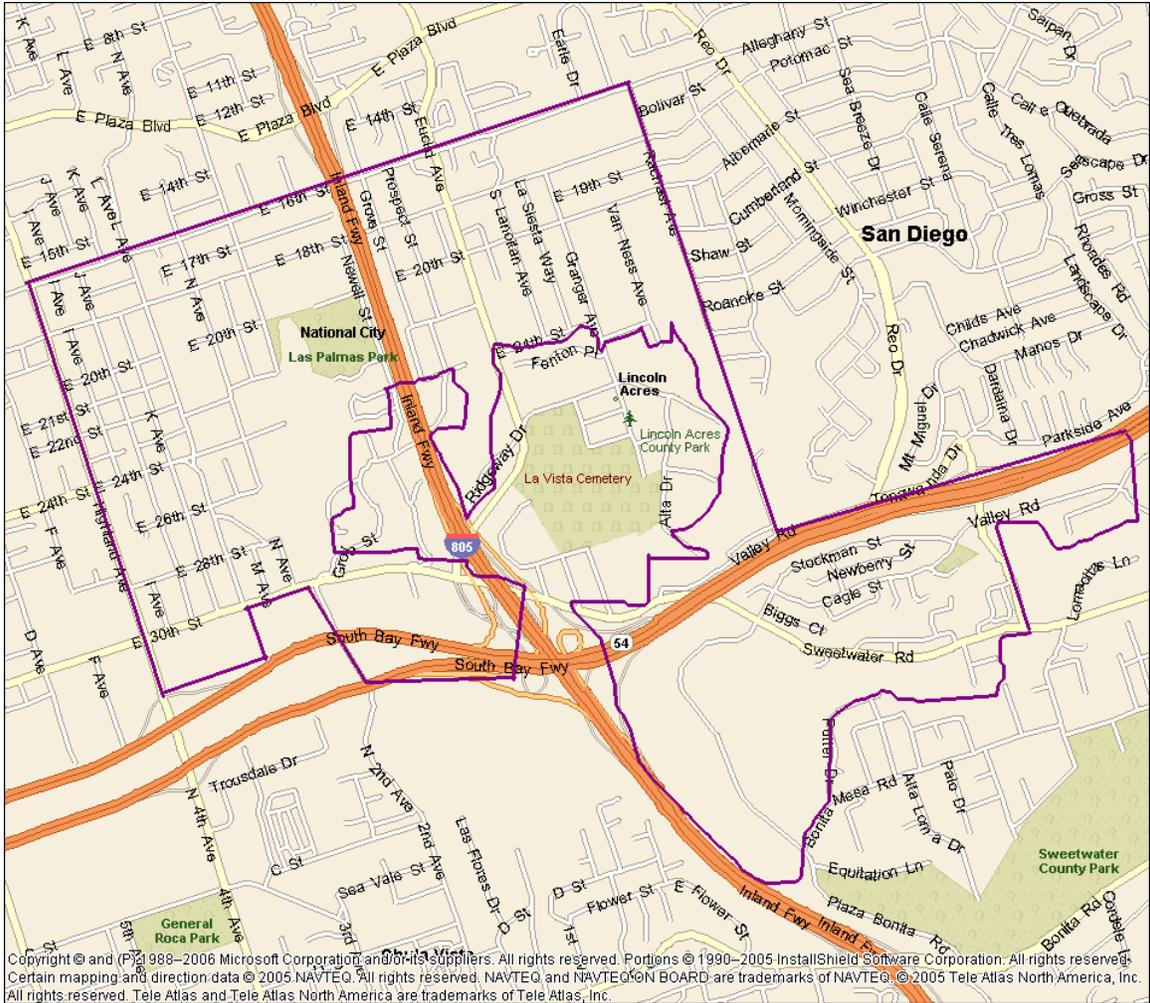
August 25, 2014

Census Tracts 2010

ATTACHMENT 5



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



City of National City Beat 23



NATIONAL CITY POLICE DEPARTMENT
ALCOHOL BEVERAGE CONTROL
RISK ASSESSMENT

DATE: 07/19/23

BUSINESS NAME: Round 1 Bowling and Arcade

ADDRESS: 3030 Plaza Bonita Road #1025, National City, CA 91950

OWNER NAME: Shintaro Kaji DOB: [REDACTED]

OWNER ADDRESS: [REDACTED]

(add additional owners on page 2)

I. Type of Business

- Restaurant (1 pt)
Market (2 pts)
Bar/Night Club (3 pts)
Tasting Room (1pt)

II. Hours of Operation

- Daytime hours (1 pt)
Close by 11pm (2 pts)
Close after 11pm (3 pts)

III. Entertainment

- Music (1 pt)
Live Music (2 pts)
Dancing/Live Music (3 pts)
No Entertainment (0 pts)

IV. Crime Rate

- Low (1 pt)
Medium (2 pts)
High (3 pts)

V. Alcohol Businesses per Census Tract

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

Notes:

- Currently, there are (5) on sale licenses authorized in tract 32.04
- Currently, there are (10) active on sale licenses in tract 32.04
- Currently, there are (2) off sale licenses authorized in tract 32.04
- Currently, there are (1) off sale licenses active in tract 32.04

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 <u>19</u>

VIII. Owner(s) records check

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

OWNER NAME: Shintaro Kaji DOB: [REDACTED]

OWNER ADDRESS: [REDACTED]

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

Recommendation:

This tract, specifically the Plaza Bonita Mall, is over populated with businesses that serve alcohol on site.

The (10) ten other active on sale retail licenses are restaurants and do not have an entertainment component to their business. All of the other on sale retail licensed businesses close prior to 2am except one.

Standards and minimums should to be set for security guards at the business especially during night time and weekend hours to prevent criminal activity, limit the need for emergency services and prevent the business from having similar problems to the violent crimes that are occurring at similar style business like Dave and Busters in Mission Valley.

Based on this form, this business is assessed at a high risk. I believe a "high risk" is an appropriate assessment.

Completed by: J. Camacho, Sergeant Badge ID: 449

Environmental Scan for
Proposed Type 47 Alcohol CUP

3030 Plaza Bonita Road, Suite 1025, National City, CA 91950

Conducted: July 24, 2023



An environmental scan was conducted on Monday, July 24, 2023 for a proposed Type 47 on-sale alcohol license at 3030 Plaza Bonita Road, Suite 1025. The proposed location is within the shopping mall Westfield Plaza Bonita.

ATTACHMENT 7

Funded by the San Diego County Health and Human Services Agency
8885 Rio San Diego Drive #117 • San Diego, California, 92108 • Phone: 619.476-9100 • Fax: 619.476-9104

During a scan of the business and premises, the following was noted:

- The business is located in a predominantly commercial area of a Mixed-Use District.
- The location has multiple transportation options including traditional car infrastructure, bus stops and a nearby bike path.
- There are multiple full-service restaurants in close proximity to the proposed location, including a food court on the second floor of the mall and an Applebee's directly across from the back side of the proposed site.

Youth Sensitive Areas

Sweetwater Secondary School (approximately 400 feet away; located within the same shopping mall in Suite 1000)

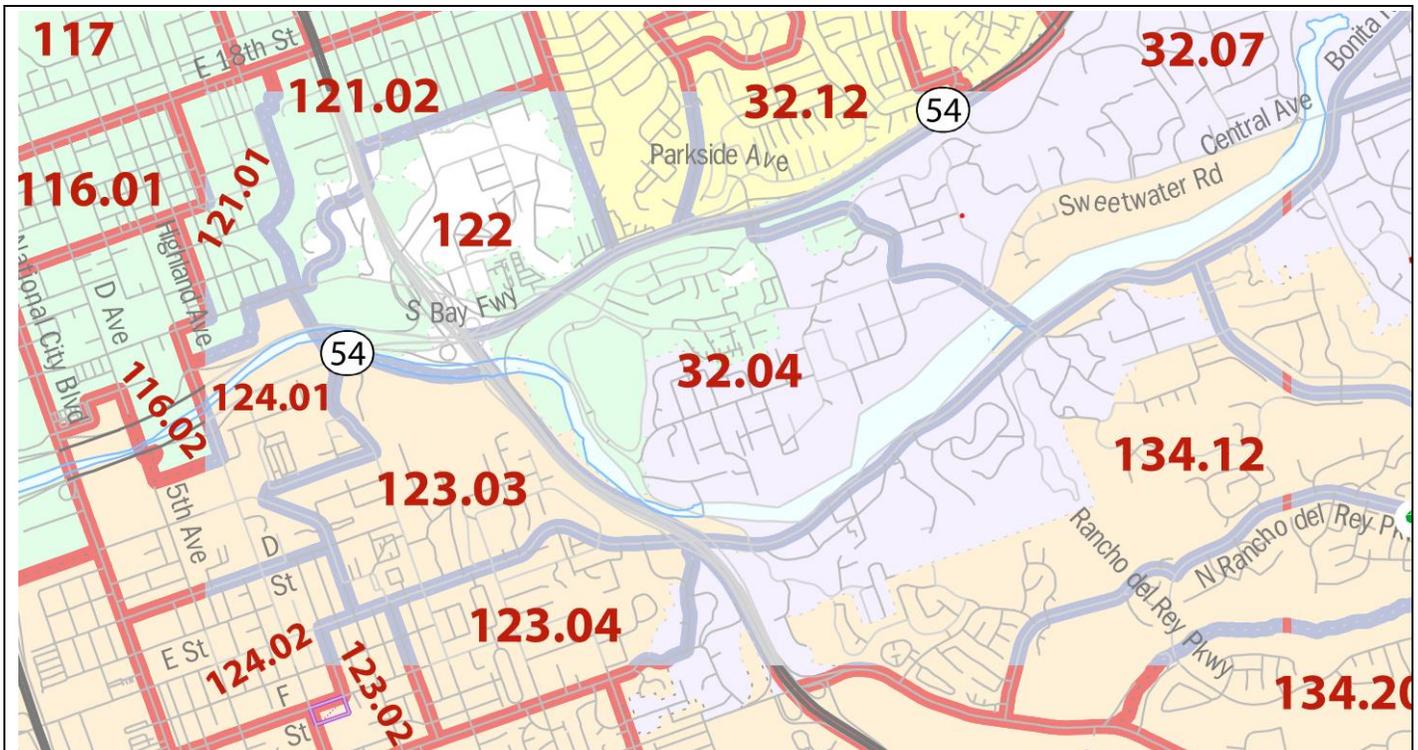
Sweetwater Heights Park (approximately 2,800 feet away)

Churches

Centro Victoria National City (approximately 2,630 feet away) is the closest one to this location.

Outlet Density

According to the ABC, five (5) on-sale licenses are authorized for Census Tract #32.04, which is the census tract where 3030 Plaza Bonita Road, National City, is located. **There are already 10 on-sale licenses for this census tract according to ABC records – exceeding ABC recommendations by 200%.**



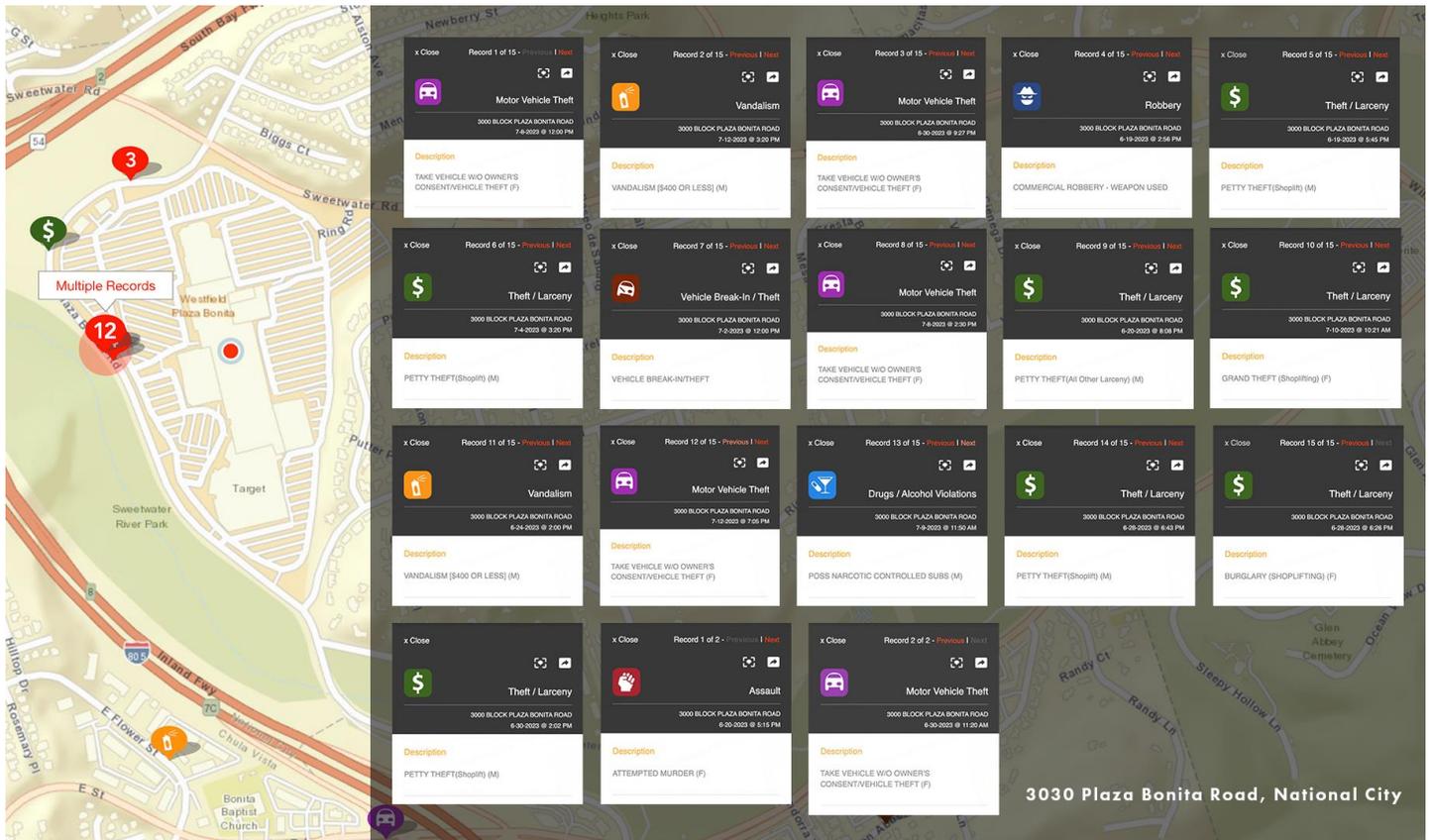
Map of Census Tract 32.04

Census Tracts

	Off-Sale	On-Sale
Census Tract 32.04 <i>Establishment is within this tract</i>	Allowed: 2 Currently there is: 1 The census tract is currently not overconcentrated for off-sale licenses	Allowed: 5 Currently there are: 10 This census tract is 200% overconcentrated per ABC guidelines

Crime Rate

Below is a crime map for this location from crimemapping.com for the month of July 2023. Plaza Bonita Road near the mall has been the site of a cluster of criminal activity. Several crimes including assault, car theft, vandalism and possession of narcotics have been reported in the area. A follow up request for crime-related information from personnel within the City of National City Police Department may result in obtaining a more detailed crime rate for this location.



Considerations

The following are considerations if a CUP is issued:

1. Require that servers/management check for valid identification for patrons appearing under the age of thirty (30), rather than twenty-one (21), when patrons order alcohol.
2. To prevent a potential increase in crime and nuisance problems, require that alcohol sales end by 12:00 am daily, which is consistent with bowling alleys in the area.
3. At a minimum of four times per year, an outside entity should test the purchasing and identification verification system of the licensee, under the direction of the National City Police Department or the California ABC.
4. An analysis of maximum capacity for occupancy and number of employees planned to monitor areas where alcohol consumption is occurring is recommended.



COMMUNITY MEETING INVITATION

Greetings from Round One Entertainment!

You are invited to join a community meeting to be held at Westfield Plaza Bonita, regarding an application for use permit modification to allow for the sale and service of alcoholic beverages.

Business Name: Round 1 Bowling & Amusement
Location: 3030 Plaza Bonita Road, National City, San Diego, CA 91950
Community Room next to Mall Management Office, Level 2
Date: Wednesday, May 31, 2023
Time: 11:00 a.m.– 12:00 p.m.

Round1 is an indoor family amusement center with amenities such as full-size bowling lanes, arcade games, billiards tables, karaoke and party rooms, and dining area. There will also be a bar area available for patrons 21 and over. The proposed hours of business operation are between Monday and Sunday, 10AM through 2AM.

Our representatives will be addressing any questions or concerns you may have about our proposal for the use permit modification. RSVP is not required. We hope to see you there!

Sincerely,

Round One Entertainment, Inc.

Business Development – Construction and Compliance Department
Licensing@Round1usa.com

This notice is being sent to you in fulfillment of National City requirements. This outreach effort to our neighbors is necessary because an application for development or use has been filed with the City of National City Planning Department. Please note, this business has not yet opened and a grand opening date is not available for release at this time.

ATTACHMENT 8



MEETING MINUTES

Location: 3030 Plaza Bonita Road, National City, San Diego, CA 91950
Community Room next to Mall Management Office, Level 2

Date: Wednesday, May 31, 2023

Time: 11:00 a.m. – 12:00 p.m.

Call to Order

A meeting of Round One Entertainment, Inc. was held on Wednesday, May 31, 2023. It began at 11:00 a.m. and was presided over by Development Director Steven Takeuchi, Compliance Manager Cindy Kinjo, and Representative Kieu Nguyen.

Attendance

1. N/A
- 2.
- 3.
- 4.
- 5.

Action Items

1. Company Profile
 - Origin of Round One Japan
 - Round One USA Growth and Expansion
 - Vision and Values
2. Discussion – Current Business Model & Goals in United States
3. Discussion – Business Proposal at Westfield Plaza Bonita
4. Discussion – Conditional Use Permit
5. Q&A

Adjournment

Steven Takeuchi moved that the meeting be adjourned, and this was agreed upon at 12:05 p.m.

