



Planning Commission Agenda

Meeting of November 4, 2019 – 6:00 p.m.
Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950



The Planning Commission requests that all cellphones, pagers, and/or smart devices be turned off during the meeting.

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

Welcome to the Planning Commission meeting. The National City Planning Commission conducts its meeting in the interest of community benefit. Your participation is helpful. These proceedings are video recorded.

Roll Call

Pledge of Allegiance by Commissioner Sendt

Approval of Minutes

1. Approval of Minutes from the Meeting of October 21, 2019

Approval of Agenda

2. Approval of the Agenda for the Meeting on November 4, 2019

ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).

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

PRESENTATIONS

CONTINUED PUBLIC HEARINGS

PUBLIC HEARINGS

3. Resolution Taking Action on a Conditional Use Permit for the on-site sale of Beer and Wine at a New Restaurant (Funky Fries and Burgers) located at 3030 Plaza Bonita Road, Suite 1108.
(Case File No. 2019-25 CUP)

OTHER BUSINESS

4. Adoption of 2020 Planning Commission Meeting Dates
5. Election of Officers for 2020

STAFF REPORTS

Senior Assistant City Attorney

Director of Community Development

Principal Planner

Commissioners

Chairperson

ADJOURNMENT

Adjournment to the next regularly scheduled meeting on December 2, 2019 at 6:00 p.m.



Planning Commission Minutes

Planning Commission
Meeting of October 21, 2019
Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950

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

Agenda Items

The meeting was called to order by Chair Sendt at 6:02 p.m.

Roll Call

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

Commissioners Absent: Baca

Staff Also Present: Senior Assistant City Attorney Nicole Pedone, Principal Planner Martin Reeder, Principal Planner Ray Pe

Pledge of Allegiance Presented by Commissioner Dela Paz

1. Approval of Minutes from the Meeting of October 7, 2019.

Motion by Garcia, second by Yamane to approve the Minutes for the Meeting of October 7, 2019.

Motion carried by the following vote:

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

Abstain: None.

Noes: None.

Absent: Baca

2. Approval of the Agenda for the Meeting of October 21, 2019.

Motion by Natividad, second by Yamane to approve the Agenda for the Meeting of October 21, 2019.

Motion carried by the following vote:

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

Abstain: None.

Noes: None.

Absent: Baca

ORAL COMMUNICATION: Public Speaker Joan Rincon spoke about the tax increase to expand mass transit and the decline of its usage.

PRESENTATIONS: None.

CONTINUED PUBLIC HEARINGS:

3. Resolution Taking Action on a Code Amendment amending Section 18.12.160 (Historic Properties) of Title 18 (Zoning) of the National City Municipal Code. (Case File No. 2019-23 A)

Presented by Principal Planner Martin Reeder.

Public Speakers in support with an amendment:

Lori Peoples

Public Speakers in opposition:

Fred Puhn

Janice Martinelli representing the National City Historic Society

Nancy Estolano representing the National City Historic Society

Motion by Dela Paz, second by Sendt to close the Public Hearing and deny the Resolution Taking Action on a Code Amendment amending Section 18.12.160 (Historic Properties) of Title 18 (Zoning) of the National City Municipal Code. (Case File No. 2019-23 A)

Motion carried by the following vote:

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

Abstain: None.

Noes: Garcia

Absent: Baca

PUBLIC HEARINGS:

4. Resolution Taking Action on a Code Amendment amending Sections 18.21.020 (Allowed Uses - Residential Zones) and 18.30.080 (Family Day Care Homes) of Title 18 (Zoning) of the National City Municipal Code. (Case File No. 2019-27 A)

Presented by Principal Planner Martin Reeder.

Motion by Dela Paz, second by Natividad to close the Public Hearing and approve the Resolution Taking Action on a Code Amendment amending Sections 18.21.020 (Allowed Uses - Residential Zones) and 18.30.080 (Family Day Care Homes) of Title 18 (Zoning) of the National City Municipal Code. (Case File No. 2019-27 A)

Motion carried by the following vote:

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

Abstain: None.

Noes: None.

Absent: Baca

OTHER BUSINESS: None.

STAFF REPORTS:

Senior Assistant City Attorney: None.

Armando Vergara, Director of Community Development: Absent.

Principal Planners: None.

COMMISSIONER REPORTS:

Commissioner Garcia stated that there were free training opportunities and tours hosted by the Water Authority and encouraged the Commissioners to take part.

There were no other comments from the Commissioners.

ADJOURNMENT by Chair Sendt at 7:07 p.m. to the meeting of November 4, 2019.

CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of November 4, 2019.



Item no. **3**
November 4, 2019

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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR
THE ON-SITE SALE OF BEER AND WINE AT A NEW
RESTAURANT (FUNKY FRIES AND BURGERS) LOCATED
AT 3030 PLAZA BONITA RD. STE. 1108

Case File No.: 2019-25 CUP

Location: Westfield Plaza Bonita Mall

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

Staff report by: Chris Stanley, Assistant Planner

Applicant: Sebastian Hallak

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

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

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of the on-site sale of beer and wine at a new restaurant, "Funky Fries and Burgers", subject to the attached recommended conditions. The sale of alcohol is conditionally-allowed in the Major Mixed-Use District zone and would be accessory to the restaurant.

Executive Summary

The business has applied for a Conditional Use Permit (CUP) to sell beer and wine at a new restaurant (Funky Fries and Burgers). The hours for the sale of beer and wine, as proposed by the applicant, are 10 a.m. to 10 p.m. Sunday through Thursday and 10 a.m. to 12 a.m. Friday and Saturday. A Type 41 (On-Site Sale of Beer and Wine) license is concurrently being processed with the California Department of Alcoholic Beverage Control (ABC).

Site Characteristics

The project location is an existing 1,739 square-foot retail space with a 1,766 square-foot covered patio located at 3030 Plaza Bonita Road Suite 1108, otherwise known as the Westfield Plaza Bonita Mall. The restaurant is located on the east side of the lower level of the mall across from The Broken Yolk restaurant. The suite has entrances from the exterior and interior of the mall. The mall continues north, west, and south of the restaurant; further west is the Interstate 805 Freeway, further south is Sweetwater River Park, further east is multifamily residential, and further north is single-family residential across Sweetwater Road.

Proposed Use

The applicant is proposing to sell beer and wine at the new restaurant. The floor plan provided with this application shows eight tables with 32 chairs as well as a covered patio with 34 tables and 128 chairs. Beer and wine would be delivered to the table upon request and would only be available with the sale of food. Proposed alcohol sales hours are from 10 a.m. to 10 p.m. Sunday through Thursday and 10 a.m. to 12 a.m. Friday and Saturday. No live entertainment is proposed.

Analysis

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

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 225 occupants and owners.

Community Meeting - Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held Tuesday, October 8, 2019 at 9:00 a.m. at the subject restaurant. The meeting advertisement is attached (Attachment 7). There were nine attendees, all of who were affiliated with either the business (employees) or the mall. According to the applicant, there were no inquiries in regards to the plans or the business. The applicant also stated that the same 225 occupants and owners that were notified of the Planning Commission were notified of the community meeting.

Distance Requirements - Chapter 18.030.050 (D) of the National City Zoning Code requires a 660-foot distance from any public school; there are no schools within 660 of the site, in addition, restaurants with greater than 30% of their area devoted to seating are exempt from this distance requirement. The property in question has over 65% of its floor area devoted to seating.

Alcohol Sales Concentration/Location

Per ABC, there are currently nine on-site sale licenses in this census tract (32.04) where a maximum of four are recommended. Therefore, this census tract is considered by ABC to be over-saturated with regard to alcohol sales outlets. For reference, the on-site alcohol outlets in the census tract are:

Name	Address	License Type*	CUP	Closing Hours
Outback Steakhouse	2980 Plaza Bonita Rd.	47	Y	12:00 a.m.
Applebee's	3030 Plaza Bonita Rd. #1298	47	Y	12:00 a.m.
Red Robin	3030 Plaza Bonita Rd. #2520	47	Y	11:00 p.m.
John's Incredible Pizza	3030 Plaza Bonita Rd. #1025	41	Y	10:30 p.m.
Hooters	3030 Plaza Bonita Rd. #1430	47	Y	1:00 a.m.
Broken Yolk	3030 Plaza Bonita Rd. #1106	41	Y	10:00 p.m.
Gerry's Grill	3030 Plaza Bonita Rd. #2510	47	Y	11:00 p.m.
El Pollo Grill	3041 Bonita Rd. #105	41	-	-
N.Y. Pizzeria	3041 Bonita Rd. #107	41	-	-

* 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 6).

Hours of Operation

The hours of operation for the existing license holders range from 6:00 a.m. to 1:00 a.m. for the varying properties. The Institute for Public Strategies (IPS) recommends that the serving of alcohol not be permitted after 10:00 p.m. The Police Department rates the sale of alcohol after 11:00 p.m. as a “three” on their rating system, which usually indicates a high risk.

Institute for Public Strategies

IPS provided comments recommending that owners, management, and staff be required to attend Responsible Beverage Sales and Service (RBSS) training as well as the sale of beer and wine ceasing by 10 p.m. The RBSS training is a standard condition of City Council Policy 707 and is included as a condition of approval.

Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 14 points, which places it in the Medium Risk category. Medium risk is considered 13 to 18 points (see Attachment 9).

Findings for Approval

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

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

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

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

Alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. A restaurant use is consistent with the Major

Mixed-Use District land use designation contained in the Land Use and Community Character element of the General Plan. In addition, the property is not within a specific plan area.

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

The building is existing and not proposed to be expanded. The proposal involves an accessory use for an existing suite. Potential development in this zone (MXD-2) was analyzed for traffic impacts during the most recent Land Use Update. Because the sale of alcohol would be accessory to the sale of food, no measurable increase in traffic is expected.

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

The proposed alcohol sales would be accessory to an existing restaurant use where no expansion of the premises is proposed. The addition of alcohol sales is not expected to increase the demand for parking on the property.

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

The proposed use will be subject to conditions that limit the sale of beer and wine as well as the hours that it will be available; no beer or wine will be sold after 12 a.m. and will only be available with the sale of food. In addition, all business staff is required to receive RBSS training.

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

Per Section 15378, the project is not considered a project under CEQA, as no development is proposed. In addition, the proposed use is similar to other commercial uses in the area, which are permitted by right in the mixed-use zones. Given that there is no calculable increase in traffic and no other impacts

are anticipated, staff is of the opinion that the project would not result in any physical changes to the environment.

The following two conditions are also included with alcohol CUPs:

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

In this case, alcohol sales would contribute to the viability of the restaurant, an allowed use in the Major Mixed-Use District 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 retail sales of alcoholic beverages pursuant to law.

Findings for Denial

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

1. The census tract is currently over-concentrated with seven on-sale licenses, where a maximum of four are recommended.
2. The proposed use is not deemed essential to the public necessity, as there are seven restaurants in census tract 32.04 that already serve alcohol.
3. Based on the above findings 1 and 2 above, public convenience and necessity will not be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

Conditions of Approval

Standard Conditions of Approval have been included with this permit, as well as conditions specific to on-sale alcohol sales per City Council Policy 707 (alcohol incidental to food, hours of operation, RBSS training, 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 Major Mixed-Use District zone. The proposed use would be accessory to the existing restaurant use in a commercial area. The addition of alcohol sales is not expected to increase the

demand for parking, other services on the property, or have any significant effects on the area. Although the census tract in which the restaurant is located is over-concentrated with regard to on-sale alcohol licenses, alcohol will only be available with the sale of food. The proposed use may not be considered essential and desirable to the public convenience and necessity because seven other on-sale alcohol outlets are located at Westfield Plaza Bonita.

Options

1. Approve 2019-25 CUP subject to the conditions listed within, based on the attached findings, or findings to be determined by the Planning Commission; or
2. Deny 2019-25 CUP based on the attached finding or findings to be determined by the Planning Commission; or,
3. Continue the item to a specific date in order to obtain additional information.

Attachments

1. Recommended Findings
2. Recommended Conditions of Approval
3. Overhead
4. Applicant's Plans (Exhibit A, Case File No. 2019-25 CUP, dated 9/23/2019)
5. Public Hearing Notice (Sent to 225 property owners & occupants)
6. Census Tract & Police Beat Maps
7. Community Meeting Minutes
8. City Council Policy 707
9. Police Department Comments
10. Resolutions



CHRIS STANLEY
Assistant Planner



ARMANDO VERGARA
Director of Community Development

RECOMMENDED FINDINGS FOR APPROVAL

2019-25 CUP – 3030 Plaza Bonita Rd. Ste. 1108

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the use is allowable within the Major Mixed-Use District zone pursuant to a CUP, and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan because alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. A restaurant use is consistent with the Major Mixed-Use District land use designation contained in the Land Use and Community Character element of the General Plan. In addition, the property is not within a specific plan area.
3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the building is existing and not proposed to be expanded. The proposal involves an accessory use for an existing suite. Potential development in this zone (MXD-2) was analyzed for traffic impacts during the most recent Land Use Update. Because the sale of alcohol would be accessory to the sale of food, no measurable increase in traffic is expected.
4. The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints because the proposed alcohol sales would be accessory to an existing restaurant use where no expansion of the premises is proposed. The addition of alcohol sales is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance, be injurious, or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located because the proposed use will be subject to conditions that limit the sale of beer and wine as well as the hours that it will be available; no beer or wine will be sold after 12 1.m. and will only be available with the sale of food. In addition, all business staff is required to receive RBSS training.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act because per Section 15378, the project is not

considered a project under CEQA, as no development is proposed. In addition, the proposed use is similar to other commercial uses in the area, which are permitted by right in the mixed-use zones. Given that there is no calculable increase in traffic and no other impacts are anticipated, staff is of the opinion that the project would not result in any physical changes to the environment.

7. The proposed use is deemed essential and desirable to the public convenience or necessity because alcohol sales would contribute to the viability of the restaurant, an allowed use in the Major mixed-Use District zone.
8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the on-site sales of alcoholic beverages pursuant to law.

RECOMMENDED FINDINGS FOR DENIAL

2019-25 CUP – 3030 Plaza Bonita Rd. Ste. 1108

1. The census tract is currently over-concentrated with seven on-sale licenses, where a maximum of four are recommended.
2. The proposed use is not deemed essential to the public necessity, as there are seven restaurants in census tract 32.04 that already serve alcohol.
3. Based on findings 1 and 2 above, public convenience and necessity will not be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED CONDITIONS OF APPROVAL

2019-25 CUP – 3030 Plaza Bonita Rd. Ste. 1108

General

1. This Conditional Use Permit authorizes the sale of beer and wine for on-site consumption at a new restaurant located at 3030 Plaza Bonita Rd. Ste. 1108. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2019-25 CUP, dated 9/23/2019.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Director of Community Development prior to recordation.
3. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

Planning

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

7. The sale of alcoholic beverages shall be permitted only between the hours of 10 a.m. to 10 p.m. Sunday through Thursday and 10 a.m. to 12 a.m. Friday and Saturday
8. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
9. Alcohol shall be available only in conjunction with the purchase of food.
10. Permittee shall post signs in the patio dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages shall be consumed inside the restaurant or patio area and shall not be taken off-premises.
11. No live entertainment is permitted without modification of this CUP or issuance of a Temporary Use Permit.

2019-25 CUP – 3030 Plaza Bonita Rd. Ste. #1108 – Overhead



STORM WATER BMP NOTES



City of National City
Engineering

completion of forms I-1 and I-2:

Construction Storm Water BMP Notes

1. All applicable construction BMP's and non-storm water discharge BMP's shall be implemented in accordance with the City of National City minimum BMP requirements included in the National City Municipal Code and the City of National City Jurisdictional Runoff Management Program (JRMIP). All storm water BMP's shall be maintained for the duration of the project.
2. Erosion control BMP's shall be implemented for all portions of the project area in which no work has been done or is planned to be done over a period of 14 or more days. All onsite drainage pathways that convey concentrated flows shall be stabilized to prevent erosion.
3. Run-on from areas outside the project area shall be diverted around work areas to the extent feasible. Run-on that cannot be diverted shall be managed using appropriate erosion and sediment control BMP's.
4. Sediment control BMP's shall be implemented, including providing fiber rolls, gravel bags, or other equally effective BMP's around the perimeter of the project to prevent transport of soil and sediment offsite. Any sediment tracked onto offsite paved areas shall be removed via sweeping at least daily. All BMP's shall be installed and maintained in accordance with the applicable CASQA best sheets.
5. Trash and other construction wastes shall be placed in a designated area at least daily and shall be disposed of in accordance with applicable requirements.
6. Materials shall be stored to avoid being transported in storm water runoff and non-storm water discharges. Concrete washout shall be directed to a washout area designed in accordance with CASQA standards; concrete shall not be washed out to the ground.
7. Stockpiles and other sources of pollutants shall be covered when the chance of rain within the next 48 hours is at least 50%.

The following post-construction (permanent) BMP notes listed shall be added to the site plan for all Standard Projects, except where not applicable and feasible as determined by the City of National City.

Permanent Storm Water BMP Notes

1. Landscaped areas shall be designed in accordance with Water Efficient Landscape Ordinance requirements.
2. Roof drainage shall be directed to landscaped areas or rain barrels.
3. Walkways shall be designed to drain to adjacent landscaped or natural areas or constructed using permeable materials.
4. Streets, sidewalks, and parking lot aides shall be constructed to the minimum width necessary, provided public safety is not compromised.
5. 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.

For additional information please visit:
<http://www.nationalcityca.gov/index.aspx?page=368>

2

February 2016



City of National City
Engineering

6. The impervious footprint, including roofed areas and paved areas, of the project shall be minimized to the extent applicable and feasible.
7. 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.
8. Onsite storm drains shall be stenciled or otherwise permanently labeled with "No Dumping, Drains to Ocean" or other equivalent language approved by the City.
9. Outdoor material storage areas and outdoor work areas shall be protected from rainfall, run-on, and wind dispersal.

For additional information please visit:
<http://www.nationalcityca.gov/index.aspx?page=368>

3

February 2016

CONDITIONAL USE PERMIT FOR:

FUNKY'S FRIES & BURGERS

WESTFIELD PLAZA BONITA SPACE #1108

PROJECT INFORMATION

EXISTING MALL BUILDING DATA:
CONSTRUCTION TYPE: TYPE V-B, FULLY SPRINKLERED
TWO STORIES
YEAR OF CONSTRUCTION: 1981

PROJECT ADDRESS:
WESTFIELD PLAZA BONITA
3030 PLAZA BONITA RD. SPACE #1108
NATIONAL CITY, CA 91950

PROJECT DATA:
EXISTING RESTAURANT LEASE SPACE
EXISTING OCCUPANCY GROUP: A-2, RESTAURANT
EXISTING LEASABLE FLOOR AREA: 1,739 S.F.
EXISTING NET INTERIOR FLOOR AREA: 1,613 S.F.
EXISTING COVERED DINING PATIO AREA: 1,766 S.F.

PROJECT DESCRIPTION:
CONDITIONAL USE PERMIT FOR ALCOHOLIC BEVERAGE SALES ON THE PREMISES.

OCCUPANT LOAD: 62 OCC. INTERIOR
129 OCC. EXTERIOR PATIO
(SEE SHEET "EX" FOR CALCULATION)

APPLICABLE CODES:

2016 CALIFORNIA BUILDING CODE
2016 CALIFORNIA MECHANICAL CODE
2016 CALIFORNIA PLUMBING CODE
2016 CALIFORNIA ELECTRICAL CODE
2016 CALIFORNIA ENERGY CODE
2016 CALIFORNIA FIRE CODE
2016 CALIFORNIA GREEN CODE

FIRE DEPARTMENT NOTES

1. EXIT SIGNS MUST BE INTERNALLY ILLUMINATED. (2016 CFC & CBC SEC. 1013.3)
2. PROVIDE TWO SEPARATE SOURCES OF POWER FOR EXIT SIGNS CONFORMING TO 2016 CFC & CBC 1013.6.3
3. THE MEANS OF EGRESS INCLUDING THE EXIT DISCHARGE SHALL BE ILLUMINATED AT ALL TIMES. THE EGRESS ILLUMINATION LEVEL SHALL BE 1 FOOTCANDLE (MIN.) & THE MEANS OF ILLUMINATION SHALL BE PROVIDED WITH A 90 MINUTE EMERGENCY BACK-UP POWER SUPPLY SOURCE. (CBC 1008)
4. EXIT DOORS SHALL BE OPENABLE FROM THE INSIDE WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. DOORS SHALL NOT BE PROVIDED WITH THUMB-TURN LOCKS OR DEADBOLTS THAT DO NOT UNLATCH IN TANDEM WITH THE NORMAL OPERATING LEVER. RATED DOORS SHALL BE SELF-CLOSING AND LATCHING; SUCH DOORS SHALL NOT BE EQUIPPED WITH DOOR STOPS OR OTHERWISE PROPPED OPEN.
5. HVAC UNITS EXCEEDING A 2,000 CFM CAPACITY SHALL BE PROVIDED WITH A DUCT SMOKE DETECTOR. THIS DETECTOR SHALL SHUT DOWN ONLY THE AFFECTED INDIVIDUAL HVAC UNIT UPON SMOKE DETECTION. THIS DETECTOR MUST ALSO BE INTERFACED TO AN EXISTING FIRE ALARM SYSTEM. THE DETECTOR SHALL ONLY PROVIDE A SUPERVISORY SIGNAL AT THE FIRE ALARM PANEL UPON SMOKE DETECTION.
6. PROVIDE A MINIMUM OF ONE 2A10BC CLASSIFICATION FIRE EXTINGUISHER WITHIN 75 FEET TRAVEL DISTANCE FOR EACH 3,000 SQUARE FEET, OR PORTION THEREOF, ON EACH FLOOR. (CFC 906)
7. COMPLETE PLANS & SPECIFICATIONS FOR FIRE EXTINGUISHING SYSTEMS, INCLUDING AUTOMATIC SPRINKLERS & WET & DRY STANDPIPES, HALON SYSTEMS & OTHER SPECIAL TYPES OF AUTOMATIC FIRE EXTINGUISHING SYSTEMS, BASEMENT PIP INLETS & OTHER FIRE PROTECTION SYSTEMS & APPURTENANCES THERETO SHALL BE SUBMITTED TO THE BUILDING DEPT. FOR REVIEW & APPROVAL PRIOR TO INSTALLATION. (CFC 901.2)
8. BUILDINGS UNDERGOING CONSTRUCTION, ALTERATION OR DEMOLITION SHALL BE IN ACCORDANCE WITH 2016 CFC CHAPTER 33 (FIRE SAFETY DURING CONSTRUCTION & DEMOLITION) & CHAPTER 35 (WELDING & OTHER HOT WORK)
6. DURING CONSTRUCTION, AT LEAST ONE FIRE EXTINGUISHER SHALL BE PROVIDED ON EACH FLOOR LEVEL AT EACH STAIRWAY, IN ALL STORAGE & CONSTRUCTION SHEDS, IN LOCATIONS WHERE FLAMMABLE OR COMBUSTIBLE LIQUIDS ARE STORED OR USED, AND WHERE OTHER SPECIAL HAZARDS ARE PRESENT PER CFC SECTION 3315.1
7. DECORATIVE MATERIALS SHALL BE MAINTAINED IN A FLAME RETARDANT CONDITION. (TITLE 19, SECTION 3.06, 3.21, CFC 804, 806, 807)
8. FIRE EXTINGUISHING SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH CFC 903 AND COMPLY WITH STANDARDS OF 903.3.
9. ALL VALVES CONTROLLING THE WATER SUPPLY FOR AUTOMATIC SPRINKLER SYSTEMS AND WATER FLOW SWITCHES ON ALL SPRINKLER SYSTEMS SHALL BE ELECTRICALLY MONITORED WHERE THE NUMBER OF SPRINKLER IS 20 OR MORE (CFC 903.4)
10. INSTALLATION OF FIRE ALARM SYSTEMS SHALL BE IN ACCORDANCE WITH CFC 907.
11. COMPLETE PLANS & SPECIFICATIONS FOR FIRE ALARM SYSTEMS SHALL BE SUBMITTED TO THE BUILDING DEPT. FOR REVIEW & APPROVAL PRIOR TO INSTALLATION. (CFC 907.1)

CONTACTS

TENANT:
FUNKY'S FRIES & BURGERS
101 W. WASHINGTON AVE
EL CAJON, CA 92020
CONTACT: SEBASTIAN HALLAK
PHONE: (619) 727-0496
sebastianhallak@gmail.com

ARCHITECT & MEP:
BAKER ARCHITECTURE
4080 CENTRE STREET #203
SAN DIEGO, CA 92103
CONTACT: TONY KERLESHI
PHONE: (619) 358-9225
tony@bakerarchitecture.com

LANDLORD:
WESTFIELD PLAZA BONITA MALL
3030 PLAZA BONITA ROAD
NATIONAL CITY, CA 91950
CONTACT:
PHONE: (619) 544-8100

DRAWING INDEX

ARCHITECTURAL
T1 COVER SHEET
A0 SITE PLAN
A1 FLOOR PLAN,
A2 EXTERIOR PATIO ELEVATIONS

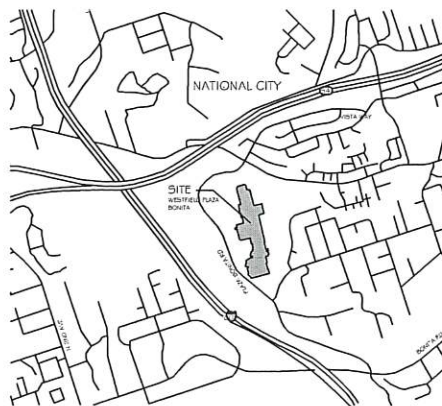


EXHIBIT: A
CASE FILE NO.: 2019-25 CUP
DATE: 9-23-19



BAKER [B] [a]
architecture

4080 CENTRE ST, STE #203
SAN DIEGO, CA 92103
TEL: (619) 281-9937
www.bakerarchitecture.com

REVISION SCHEDULE
REV DATE BY DESCRIPTION

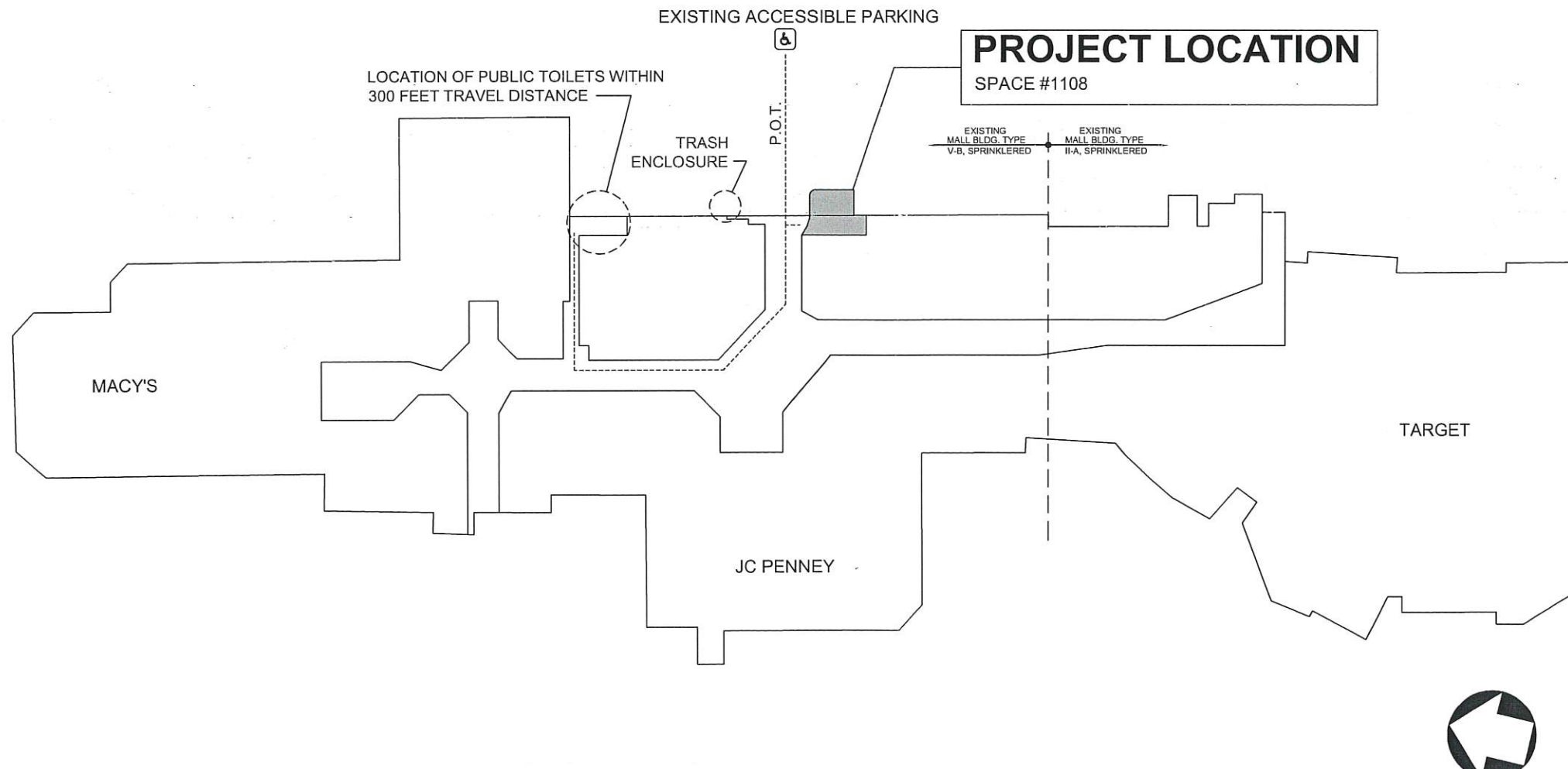
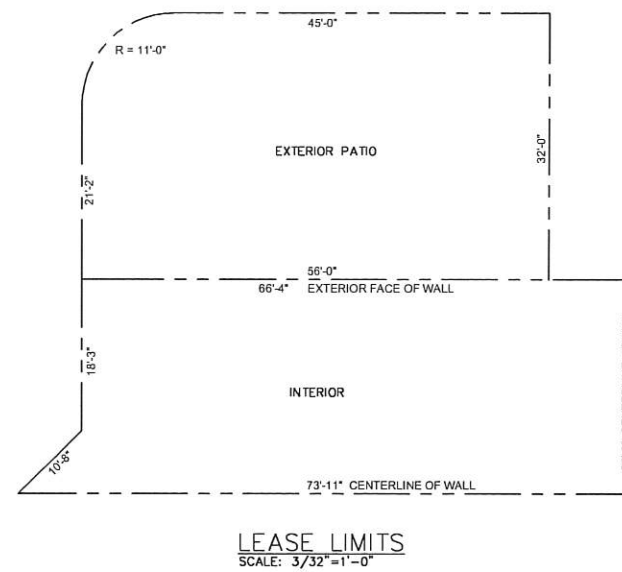
PROJECT # 19068

CONDITIONAL USE PERMIT
FUNKY'S FRIES & BURGERS
WESTFIELD PLAZA BONITA
3030 PLAZA BONITA RD. #1108- NATIONAL CITY, CA

DATE: 8/30/19

T1

ATTACHMENT 4





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

NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT FOR THE ON-SITE SALE OF BEER AND WINE AT
A NEW RESTAURANT (FUNKY FRIES AND BURGER) LOCATED AT
3030 PLAZA BONITA RD. STE. 1108
CASE FILE NO.: 2019-25 CUP
APN: 564-471-07

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, November 4, 2019**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Sebastian Hallak)

This application has been submitted for Planning Commission consideration. The project site is a new restaurant in the Major Mixed-Use District (MXD-2) zone. The applicant is proposing to sell beer and wine for on-site consumption (Type 41 License) in the 1,750 square-foot commercial space. The proposed alcohol sales hours are 10:00 a.m. to 10:00 p.m. Sunday through Thursday and 10:00 a.m. to 12:00 a.m. Friday and Saturday.

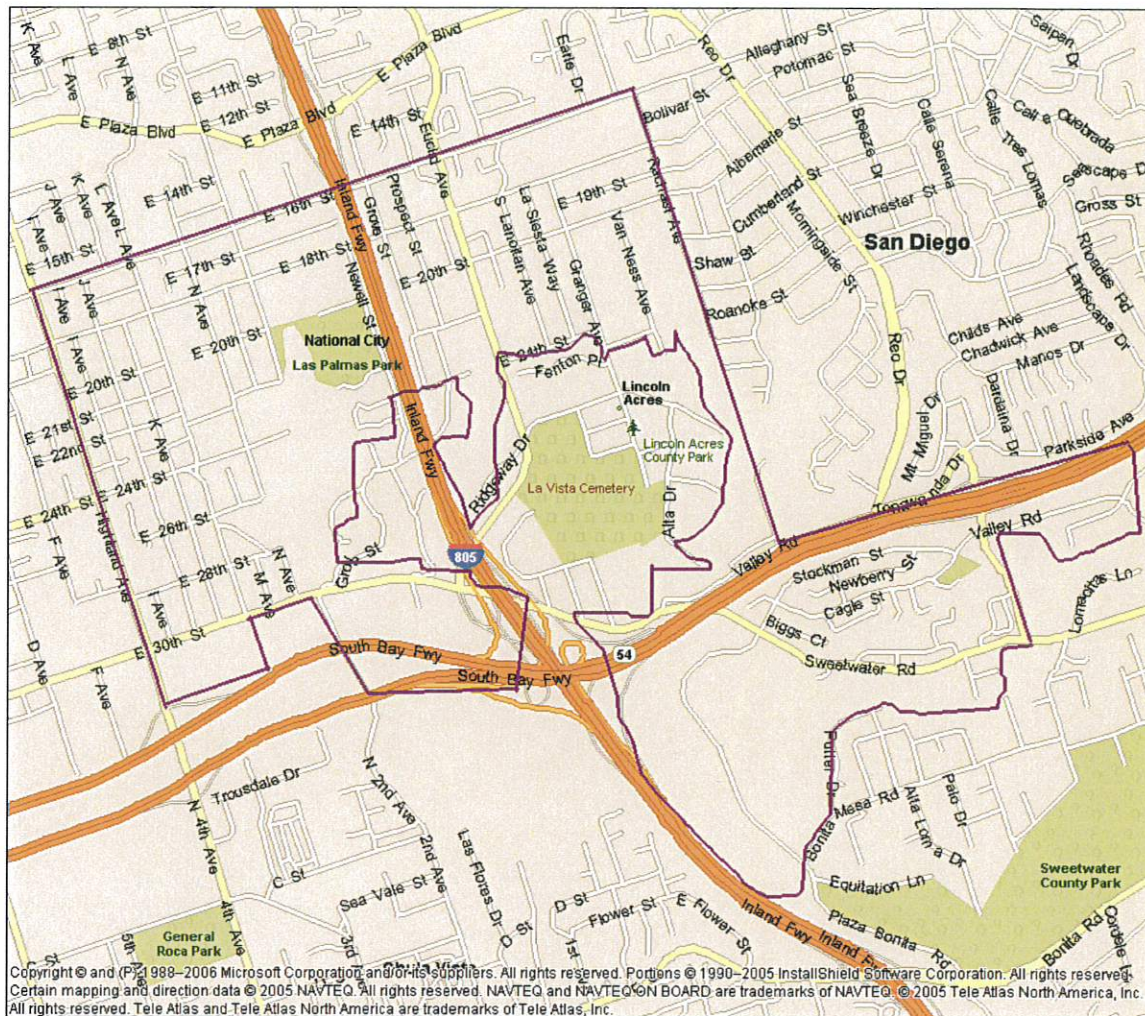
Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received on or before 12:00 p.m., **November 4, 2019** by the Planning Division, who can be contacted at 619-336-4310 or planning@nationalcityca.gov.

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

NATIONAL CITY PLANNING DIVISION

ARMANDO VERGARA
Director of Community Development

ATTACHMENT 5



City of National City Beat 23

FUNKY FRIES & BURGERS CUP APPLICATION FOR ALCOHOL USE

OCTOBER 8, 2019

COMMUNITY MEETING MINUTES

- The Community Meeting for Funky Fries & Burgers CUP Application was held on October 8, 2019.
- The meeting began at 9:00 am and ended at 10:30am. The CUP plans were available for viewing, and both the architect, Katherine Baker, and the business owner, Sebastian Hallak, were present.
- Family members showed up to support the CUP application. Employees and other mall employees were also there in support.
- There were no inquiries regarding the plans or the operations of the business.
- No one showed up to the meeting in opposition of the CUP application.
- The sign-in sheet has the names of all people who came to the meeting.

This concludes the meeting minutes.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katherine Baker', with a stylized flourish at the end.

Katherine Baker

Baker Architecture

CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process
and Alcohol Conditional Use Permit Standards

POLICY
NUMBER 707

ADOPTED: November 12, 1991

AMENDED OR
REVISED: July 17, 2018

Page 1 of 5

PURPOSE/BACKGROUND:

To streamline the process of alcohol license application review to ensure timely staff responses and/or protests to the Department of Alcoholic Beverage Control regarding these applications.

The City Municipal Code requires Conditional Use Permits for the sale of alcohol. Such land use regulation is designed to ensure that the health, safety and welfare of the community does not become negatively impacted. In order to minimize any potential adverse effects of alcohol sales for both on and off-site consumption, including public drunkenness, disorderly conduct, illegal sales or domestic violence, the City adopts conditions of approvals and enact policies designed to protect the public from such effects. The following sets forth the City Council's policy on the applicable alcohol standards for Conditional Use Permit applications for both on and off-sale alcohol sales, as well as the Department of Alcoholic Beverage Control application notification requirements.

POLICY:

The Department of Alcoholic Beverage Control (ABC) sends copies of all alcoholic beverage license applications to the Police Department. The City has thirty days from the date of the ABC mailing to provide comments to the ABC. If no protests are received within that time period, the ABC issues the license.

The Police Department is responsible for ensuring that an appropriate Conditional Use Permit (CUP) exists for the applicant business. If such a CUP exists, the copy of the application is simply filed by the Police Department in the existing file with the notation that there were no objections to the issuance of the license. If it is a new (in the case of an "original" license application) or expanding business or one seeking a license to effect a premises transfer, and no CUP exists, the Police Department is responsible for sending a letter to the ABC protesting the issuance of the license until a CUP is issued by the City.

Whenever such a protest letter is sent to the ABC, that agency notifies the applicant that they must begin the process of obtaining a CUP with the City's Planning Division and that the issuance of the alcoholic beverage license will be delayed until such time as the protest is withdrawn.

CITY COUNCIL POLICY

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Page 2 of 5

Once a CUP has been issued, the Planning Division notifies the Police Department of that issuance and it is then the responsibility of the Police Department to notify the ABC that the protest is withdrawn.

The CUP application, approval and issuance process is such that it provides all the checks, balances and controls necessary to ensure that businesses seeking alcoholic beverage licenses are in compliance with local standards.

These conditions of approval shall apply to all new Conditional Use Permits (CUPs) for the sale of alcohol for on and/or off-site consumption and modifications of existing CUPs for such sales as specified by the preceding parenthetical references with each condition. These references specify to which type of alcohol CUP being applied for the conditions would apply to – on-sale (restaurant, bar, etc) or off-sale (market, grocery store, etc). Regulation of these conditions and allowances shall be enforced through the Conditional Use Permit process, specifically conditions of approval to read as follows:

1. **(off-sale alcohol)** The sale of beer or malt beverages in quantities of quarts, 22 ounce, 32 ounce, 40 ounce, or similar size containers is prohibited.
2. **(off-sale alcohol)** No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
3. **(off-sale alcohol)** No sale of wine shall be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.
4. **(off-sale alcohol)** Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's pre-packaged multi-unit quantities.
5. **(off-sale alcohol)** The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the applicant.
6. **(off-sale alcohol)** All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.

CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process
and Alcohol Conditional Use Permit Standards

POLICY
NUMBER 707

ADOPTED: November 12, 1991

AMENDED OR
REVISED: July 17, 2018

Page 3 of 5

7. **(off-sale alcohol)** Ice may be sold only at or about prevailing prices in the area and in quantities of not less than three pounds per sale. Ice shall not be provided free of charge.
8. **(off-sale alcohol)** The display of alcoholic beverages shall be limited to an area in substantial conformance with Exhibit ____, Case File No. ____, dated ____.
9. **(off-sale alcohol)** Permittee shall post signs on the exterior building walls in compliance with Chapter 10.30.070 of the National City Municipal Code. Additionally, the permittee shall post signs, to be approved by the Planning Division, at each entrance to the applicant's premises and parking lot, prohibiting loitering and consumption of alcohol on the premises and adjacent property under his control. Said signs shall not be less than 17 by 22 inches in size, with lettering not less than one inch in height. The signs shall read as follows:
 - a. "No open alcoholic beverage containers are allowed on these premises."
 - b. "No loitering is allowed."
10. **(off-sale alcohol)** Containers of alcohol may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
11. **(off-sale alcohol)** Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
12. **(off-sale alcohol)** The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of all other commodities during the same period. The applicant shall at all times keep records which reflect separately the gross sales of alcoholic beverages and the gross sales of all other items. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the City Finance Department and any Peace Officer of the California Department of Alcoholic Beverage Control upon demand.
13. **(on and off-sale alcohol)** All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part -

CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process
and Alcohol Conditional Use Permit Standards

POLICY
NUMBER 707

ADOPTED: November 12, 1991

AMENDED OR
REVISED: July 17, 2018

Page 4 of 5

- of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.

14. **(on-sale alcohol)** The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
15. **(on-sale alcohol)** Alcohol shall be available only in conjunction with the purchase of food.
16. **(on-sale alcohol with patio)** Permittee shall post signs in the patio dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant or patio area and may not be taken off-premises.
17. **(tasting rooms)** The requirements that alcohol be available only with the purchase of food and that alcohol sales not exceed food sales shall not apply to tasting rooms.
18. **(tasting rooms)** Sales of sealed bottles or containers (commonly known as growlers) for off-site consumption of the product manufactured by the master licensee may be sold and/or consumed at this location.
19. **(tasting rooms)** Hours of operation of tasting rooms shall be limited to between 10:00 a.m. to 10:00 p.m. with last call being at 9:00 p.m.
20. **(tasting rooms)** With the submittal of a business license for a tasting room, the Police Department shall provide an ABC Risk Assessment for each business applicant that indicates whether the business is considered a low, medium, or high risk. In the event that a risk assessment for the business allocates or more than 15 points, no business license shall be issued without the issuance of a Conditional Use Permit.

CITY COUNCIL POLICY

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Page 5 of 5

The sale of three-packs of 24-oz cans of beer shall apply retroactively to all existing off-sale CUPs where a condition exists limiting sales to no less than six-pack quantities. However, business wishing to avail themselves of this modification must conform with all regulations of the Department of Alcoholic Beverage Control (ABC).

The Council may, at its sole discretion, choose to waive or modify any of the above conditions.



NATIONAL CITY POLICE DEPARTMENT
ALCOHOL BEVERAGE CONTROL
RISK ASSESSMENT

DATE: 10/01/2019

BUSINESS NAME: Funky Fries & Burgers

ADDRESS: 3030 Plaza Bonita Road, Suite 1108

OWNER NAME: Sebastian Hallak DOB: 05/20/1987

OWNER ADDRESS: 10476 Magical Waters Ct, Spring Valley

(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:

II. Applicant will close business after
11 on Friday and Saturday.

V. Tract 32.04 allows for 4 on sale licenses.
There are currently 9 active.

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 14

VIII. Owner(s) records check

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

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

Recommendation:

Completed by: W. Walters Badge ID: 398

RESOLUTION NO. 2019-22

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
APPROVING A CONDITIONAL USE PERMIT FOR ON-SITE ALCOHOL SALES AT
A NEW RESTAURANT LOCATED AT 3030 PLAZA BONITA ROAD SUITE 1108
CASE FILE NO. 2019-25 CUP
APN: 564-471-07

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the on-site sale of beer and wine at a new restaurant for a property located at 3030 Plaza Bonita Road Ste. 1108 at a duly advertised public hearing held on November 4, 2019, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2019-25 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 November 4, 2019, support the following findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the use is allowable within the Major Mixed-Use District zone pursuant to a CUP, and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan because alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. A restaurant use is consistent with the Major Mixed-Use District land use designation contained in the Land Use and Community Character element of the General Plan. In addition, the property is not within a specific plan area.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the building is existing and not proposed to be expanded. The proposal involves an accessory use for an existing suite. Potential development in this zone (MXD-2) was analyzed for traffic impacts during the most recent Land Use Update. Because the sale of alcohol would be accessory to the sale of food, no measurable increase in traffic is expected.
4. The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints because the proposed alcohol sales would be accessory to an existing restaurant use where no expansion of the premises is proposed. The addition of alcohol sales is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance, be injurious, or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located because the proposed use will be subject to conditions that limit the sale of beer and wine as well as the hours that it will be available; no beer or wine will be sold after 12 a.m. and will only be available with the sale of food. In addition, all business staff is required to receive RBSS training.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act because per Section 15378, the project is not considered a project under CEQA, as no development is proposed. In addition, the proposed use is similar to other commercial uses in the area, which are permitted by right in the mixed-use zones. Given that there is no calculable increase in traffic and no other impacts are anticipated, staff is of the opinion that the project would not result in any physical changes to the environment.
7. The proposed use is deemed essential and desirable to the public convenience or necessity because alcohol sales would contribute to the viability of the restaurant, an allowed use in the Major mixed-Use District zone.
8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the on-site sales of alcoholic beverages pursuant to law.

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

General

1. This Conditional Use Permit authorizes the sale of beer and wine for on-site consumption at a new restaurant located at 3030 Plaza Bonita Rd. Ste. 1108. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2019-25 CUP, dated 9/23/2019.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Director of Community Development prior to recordation.
3. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

Planning

6. All sellers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.
7. The sale of alcoholic beverages shall be permitted only between the hours of 10 a.m. to 10 p.m. Sunday through Thursday and 10 a.m. to 12 a.m. Friday and Saturday

8. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
9. Alcohol shall be available only in conjunction with the purchase of food.
10. Permittee shall post signs in the patio dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages shall be consumed inside the restaurant or patio area and shall not be taken off-premises.
11. No live entertainment is permitted without modification of this CUP or issuance of a Temporary Use Permit.

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 November 4, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2019-22

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
DENYING A CONDITIONAL USE PERMIT FOR ON-SITE ALCOHOL SALES AT
A NEW RESTAURANT LOCATED AT 3030 PLAZA BONITA ROAD SUITE 1108
CASE FILE NO. 2019-25 CUP
APN: 564-471-07

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the on-site sale of beer and wine at an existing restaurant for a property located at 3030 Plaza Bonita Road Ste. 1108 at a duly advertised public hearing held on November 4, 2019, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2019-25 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 November 4, 2019, support the following findings:

1. The census tract is currently over-concentrated with seven on-sale licenses, where a maximum of four are recommended.
2. The proposed use is not deemed essential to the public necessity, as there are seven restaurants in census tract 32.04 that already serve alcohol.
3. Based on findings 1 and 2 above, public convenience and necessity will not be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

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

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of November 4, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



Item no.

4

November 4, 2019

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

PLANNING COMMISSION STAFF REPORT

Title: ADOPTION OF 2020 PLANNING COMMISSION MEETING DATES

PROPOSED SCHEDULE

The dates listed below are proposed for regularly scheduled Planning Commission meetings.

January 6	July 20
February 3	August 3, 17
March 2, 16	September 21
April 6, 20	October 5, 19
May 4, 18	November 2, 16
June 1	December 7

Planning Commission meetings are typically held on the first and third Mondays of each month.

The meeting dates below coincide with the regular meeting schedule; however, will not occur due to the reasons listed below:

- January 20th (3rd Monday) – Martin Luther King Jr. Holiday
- February 17th (3rd Monday) – Washington's Birthday
- June 15th (3rd Monday) and July 6th (1st Monday) – expected City Council legislative recess. Any action that would have been taken at these meetings would not have gone forward to Council prior to August.
- September 7th (1st Monday) – Labor Day Holiday
- December 21st (3rd Monday) – Expected first day of City Hall closure for the furlough

If needed, additional meetings can be scheduled as caseload demands or meetings canceled if no agenda items are scheduled.

RECOMMENDATION

It is recommended that the Planning Commission adopt the proposed 2020 schedule.

ARMANDO VERGARA
Director of Community Development



Item no. **5**
November 4, 2019

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

PLANNING COMMISSION STAFF REPORT

TITLE: ELECTION OF OFFICERS FOR 2020

This is the appropriate meeting to elect new Planning Commission officers for the upcoming year 2020, to succeed Chair Sendt and Vice Chair Flores. It is suggested that nominations and elections occur as in previous years.